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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** April 6, 2023, 11:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 020 7240

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 Jordan Maynard

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

Chair Judd-Stein called to order the 447<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. Chair Judd-Stein, Commissioner O'Brien, Commissioner Hill, and Commissioner Maynard were present. Commissioner Skinner was not present at this meeting.

#### 2. [Minutes from Commission Agenda Setting Meetings](#) (00:48)

##### a. November 10, 2022

Commissioner Hill moved that the Commission approve the minutes from the November 10, 2022, public meeting that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or any other non-material matters. Commissioner O'Brien seconded the motion.

Chair Judd-Stein noted that she was not present for a large portion of the November 10, 2022, public meeting and asked if she should abstain. Commissioner O'Brien stated that she could vote

yes, for so much of the meeting as she was present, and noted alternatively that the Commission did have a quorum without her vote.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye, to the extent she was present.*

*The motion passed unanimously, 4-0.*

### 3. [Licensing](#) (02:34)

#### a. Encore Boston Harbor Beverage License Amendment Request

Chief of the Licensing Division Karalyn O'Brien stated that there was a request from Encore Boston Harbor ("EBH") to amend their beverage license. She introduced Licensing Supervisor David MacKay to present on the matter. The *Request from EBH* was included in the Commissioner's Packet on pages 3 through 8.

Mr. MacKay stated that EBH wanted to add a new license area for their venue, Medium Rare. He stated that the request had been reviewed by the Licensing Division and an onsite inspection was performed by Casino Regulatory Manager, Luis Lozano.

Commissioner Hill asked for a brief overview of the venue space. Juliana Catanzariti, Executive Director of Legal at EBH, explained that Medium Rare was adjacent to the steakhouse Rare. She stated that Medium Rare would complement Rare and would act as a bar with small bites, a raw bar, and a cocktail lounge. Commissioner O'Brien asked if there were concerns about securing the liquor onsite. Mr. Lozano confirmed that there were no concerns.

Chair Judd-Stein asked if this new venue would require a new alcohol and beverage certificate or if EBH's existing certificate listing all the licenses would be amended. Chief O'Brien stated that Medium Rare would have its own license within EBH's existing license. Chair Judd-Stein stated that she wanted to ensure the certificate would be processed prior to the opening date. Ms. Catanzariti stated that the soft opening was on April 11, 2023. Chair Judd-Stein asked if there were any issues raised by the Alcoholic Beverages Control Commission. Mr. Lozano stated that there were no concerns.

Commissioner Hill moved that the Commission approve Encore Boston Harbor's gaming beverage license amendment request to add Medium Rare as a new licensed area in accordance with G.L. Chapter 23K, § 26, and 205 CMR 136.03 and 136.04. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

4. [Sports Wagering](#) (9:42)

a. Approval of House Rules for WynnBet

Director of Sports Wagering Bruce Band introduced Sports Wagering Operations Manager Sterl Carpenter. Mr. Carpenter stated that WynnBet had requested to change their minimum wager from a dollar to a penny. Chair Judd-Stein asked if there was insight as to what motivated this change. Mr. Carpenter stated that it could create more enjoyment for the patron, with less risk.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by WynnBet as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

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

*The motion passed unanimously, 4-0.*

b. [Approval of House Rules for Caesars Sportsbook](#) (12:43)

Mr. Carpenter stated that Caesars Sportsbook ("Caesars") had updated their language regarding rounding in their house rules so that there would not be rounding. He explained that Caesars had clarified their language regarding the team race for record language in baseball. He added that the licensee had added cycling, volleyball, and softball to their events offered; and added the rules of softball to their house rules. He noted that Caesars had changed the language of "bet credit" to "bonus bet" and had removed the term "bonus cash".

Executive Director Wells sought clarification as to whether cycling, volleyball, and softball had been approved by the Commission as part of the events catalog. Mr. Carpenter confirmed that they were approved events. Commissioner Maynard stated that he appreciated the change to the rounding language, and asked if there were concerns related to the changes to the promotions' language. Mr. Carpenter stated that operators frequently changed how they referred to promotions.

Commissioner O'Brien noted that she had seen another licensee use the language "win or lose" in a promotion. She expressed concern that the implication of that language was similar to "risk free." She noted that this observation was not relevant to Caesars, but she wanted to raise the

issue in this meeting. Chair Judd-Stein stated that she would have the Sports Wagering Division and Legal Division look into this issue.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by Caesars Sportsbook as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

c. [Approval of House Rules for BetMGM](#) (20:38)

Mr. Carpenter stated that BetMGM proposed language to help clarify the section of their house rule regarding teaser payouts. He stated that they added language about baseball and softball mercy rules to the house rules but noted that he was unaware of any mercy rule in the leagues approved in the event catalog. He stated that BetMGM had removed references to e-sports that had not been approved for wagering in Massachusetts. He stated that BetMGM clarified their language regarding wagering on football futures.

Commissioner Hill stated that he had only seen the mercy rule in amateur sports, and that he did not think it applied to the Commission's approved events. Mr. Carpenter stated that he was unsure where the mercy rule language would apply. Commissioner Hill requested that the sports wagering division reach out to BetMGM to understand the inclusion of this language.

Chair Judd-Stein asked if the Commission could make recommendations to operators based upon what are perceived as best practices for house rules. She noted that while house rules were not uniform, the Commission did require some specific language and rules for them to adopt.

Commissioner Maynard requested that the operators provide more insight into the reasoning behind the changes they submit to the Commission. Commissioner O'Brien agreed. Chair Judd-Stein noted that there may be the opportunity to develop a standardized approach to house rules changes.

General Counsel Todd Grossman stated that there was a regulation detailing the topics that must be addressed in the house rules. He stated that the regulation could be changed to be more prescriptive. Commissioner Hill agreed with Commissioner Maynard that it would be helpful to understand the reasoning behind the changes. Commissioner O'Brien agreed and stated that the reasoning behind the changes could help with establishing a reporting baseline across all house rules.

Mr. Carpenter reported that BetMGM added the softball rules. He noted that the mercy rule was included for softball, and that he would reach out to bet MGM for clarification regarding that change.

Commissioner Maynard moved that the Commission approve the amendments to the house rules submitted by BetMGM as included in the Commissioner’s Packet and discussed here today. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

Commissioner Hill provided an update to the Chair and Commissioners that he researched the mercy rule and shared that it was used for NCAA softball. Commissioner O’Brien asked if there were tournaments with four or more teams for NCAA softball that would be eligible for wagering in Massachusetts. Commissioner Hill confirmed that there were tournaments of that size.

d. [Approval of House Rules for MGM Springfield](#) (40:10)

Mr. Carpenter stated that MGM Springfield (“MGM”) had adopted many of changes BetMGM had. He noted that MGM had added the changes to football futures, the softball rules, changed the language on all futures, and added the mercy rule for baseball and softball to their house rules. He stated that MGM had not mistakenly included e-sports in their catalog, as BetMGM had, so that change was not necessary.

Commissioner O’Brien moved that the Commission approve the amendments to the house rules submitted by MGM Springfield as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

e. [Approval of New Events for the sports wagering catalog](#) (43:05)

Chair Judd-Stein stated that several requests for new events in the sports wagering catalog were received by the Commission. She stated that the Commission was considering an expanded

process that would allow for public comments from interested members in the community. Executive Director Wells stated that she would work with the Sports Wagering Division to develop that process. Chair Judd-Stein stated that due to timeliness, the Commission would discuss the request relevant to the Boston Marathon, but would not discuss the other requests at this meeting.

Commissioner O'Brien agreed and stated that she wanted to review the regulation and criteria required to make changes to the event catalog. She noted that the Commission had received a comment from the Boston Athletics Association ("BAA"), the governing body for the Boston Marathon, the night before the meeting.

Commissioner Hill agreed, and noted his concern that the Commission did not yet have enough information to weigh in on discussing the other events. He stated that he wanted to ensure the Commission received as much information as was available to them. Commissioner Hill agreed to isolate the discussion to the Boston Marathon request. He stated that he wanted additional information about the other requested events prior to their discussion.

Mr. Carpenter stated that DraftKings had requested that the Boston Marathon be adopted into the sports events catalog. He stated that they had provided all the information required by 205 CMR 247.03. Commissioner O'Brien stated that a comment from the BAA and another member of the public were also received by the Commission. The *Public Comment from The BAA* was in the Commissioner's Packet on page 93.

Executive Director Wells stated that the BAA expressed concerns that they could not complete their due diligence to ensure protocols were in place to ensure event security and integrity with only twelve days until the event. She stated that the BAA noted that the Boston Marathon was a trademarked and protected name, and that the BAA did not grant their permission to use the trademark relative to DraftKings' request. She added that the BAA had requested that the marathon not be part of the events catalog.

Commissioner O'Brien stated that the Boston Marathon should not be included in the events catalog at this point, as there were concerns over integrity parameters. She cautioned against moving forward where the governing body had expressed a lack of communication with an Operator.

General Counsel Grossman stated that General Law Chapter 23N, § 11(b) discussed comments from a sports governing body and that 205 CMR 247.04 detailed how the Commission should address such a request.

Chair Judd-Stein noted that any person could make a request for an event to be approved. She suggested developing a template to ensure the request meets all of the required regulatory standards. She questioned whether the Commission would be denying DraftKings request or approving the BAA's objection. General Counsel Grossman noted that the process in 205 CMR

247.04 for approving the sports governing body's objections required a comment period from the operators. He stated that based on the objection by the BAA, it would not be prudent to include the Boston Marathon in the events catalog.

Commissioner O'Brien stated that the Commission could deny DraftKings' request to add the event to the catalog independent of moving under 205 CMR 247.04. She stated that she would prefer more information prior to moving under 205 CMR 247.04.

The Commission reached unanimous consensus to not support the inclusion of the Boston Marathon in the events catalog.

General Counsel Grossman explained that the definition of sports governing body was set out in G.L. Chapter 23N, § 3, and that the BAA met the definition. He explained that DraftKings' request was submitted under 205 CMR 247.03, and that the Commission's considerations of the criteria for the request were in 205 CMR 247.03(4). He noted that 205 CMR 247.035 allowed the Commission to consider relevant information from the sport governing body during their consideration of the request.

General Counsel Grossman explained that a sports governing body may request in writing that the Commission restrict, limit, or exclude a type, form, or category of events that the sports governing body believed may undermine the perceived integrity of the sports governing body or integrity of the event. He stated the request from the BAA generally fits these criteria. He stated that the Commission could provisionally grant the BAA's request upon good cause shown, but that the operators would have the opportunity to comment under 205 CMR 247.04(1).

Commissioner O'Brien stated that the public comment from the BAA could be used for the denial of the request based upon 205 CMR 247.03(5), and that the approach under 205 CMR 247.04 was not necessary. Chair Judd-Stein stated that 205 CMR 247.04 would be more appropriate if the Commission did not agree with the BAA's request. Commissioner Maynard noted that the Commission seemed to be in agreement, and that 205 CMR 247.03 would be the better approach in this instance. Commissioner Hill agreed that 205 CMR 247.03 seemed more appropriate.

Commissioner Maynard stated that the Boston Marathon was a local event and that he would respect the concerns raised by the local governing body. He expressed that he did not believe the issues between DraftKings request and the BAA's objections could be resolved within twelve days. Commissioner O'Brien expressed her expectation that the operators requesting events would communicate with the governing body of the events. She stated that she was disappointed that a local operator did not do this. Chair Judd-Stein stated that she appreciated that the BAA submitted comments and suggested the Commission institutionalize a comment period for these matters.

Commissioner O'Brien moved that the Commission deny the request to amend the official catalog of events and wagers to include the Boston Marathon, as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 5. [Investigations and Enforcement Bureau](#) (1:50:29)

### a. Discussion Regarding Sports Wagering Related Suitability Investigation

Executive Director Wells stated that the Commission was going to review and discuss suitability and the standards for suitability within the purview of Sports Wagering licensing. She stated that there was some information that the Investigations and Enforcement Bureau considered to be detrimental to investigations, should the information be made public. She suggested the Commission hold an executive session to discuss this information.

#### I. [Executive Session](#) (1:51:54)

Chair Judd-Stein read the following statement into the record, "the Commission anticipates it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 4, §7(26)(f) to discuss investigatory materials related to the issuance of a sports wagering license necessarily compiled out of the public view by the IEB, the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." The Chair stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

Commissioner O'Brien moved that the Commission go into executive session for the reasons stated by the Chair. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

## 6. [Commissioner Updates](#) (1:53:27)



Chair Judd-Stein asked if there were any further updates before entering the executive session.

Commissioner Maynard noted that there was a hold for a meeting on the Commissioners' calendar on May 18, 2023. He noted that Chair Judd-Stein had stated she had an event she was attending that weekend, and asked if it would be possible to move the date of the meeting to accommodate Chair Judd-Stein. Chair Judd-Stein stated that she wanted to hear the quarterly reports and would appreciate moving the meeting if it did not compromise the Commission's schedule. She noted that the scheduling of the May 18 meeting could be discussed further at a future Commission meeting.

7. [Other Business](#) (1:59:11)

Hearing no other business, Chair Judd-Stein requested the Commission enter the executive session. The Commission meeting did not reconvene at the conclusion of the executive session.

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated April 4, 2023
2. [Commissioner's Packet](#) from the April 6, 2023, meeting (posted on massgaming.com)