



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 8, 2023, 10:00 a.m.

Place: Massachusetts Gaming Commission

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

PARTICIPANT CODE: 112 749 7655

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](#) (00:17)

Chair Judd-Stein called to order the 451st Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Administrative Update](#) (00:50)

Executive Director Karen Wells introduced Sports Wagering Division Chief Bruce Band. Chief Band announced that sports wagering operator BetR had recently launched their online platform after some software testing. He said that he also anticipated the launches of the Ballys, Betway, and Fanatics platforms within the next week. He noted that these operators had all met the Commission's licensure requirements and their certificates would be issued shortly. He stated that these sites would go live as soon as they were ready, pending approval and some other technical issues they needed to resolve. Director Wells then confirmed that she had no further updates.

3. [Independent Monitor Report](#) (02:30)

Chair Judd-Stein then introduced Alejandra Montenegro Almonte and her staff from Miller & Chevalier, who prepared the *Independent Compliance Monitor Phase IV Report on Wynn Resorts*, which was included in the Commissioner's Packet on pages 4 through 52. Ms. Almonte then gave a presentation and overview of the Report. The Report outlined the Human Resources Compliance Program ("HRCP") implemented by Wynn Resorts, per the Decision and Order handed down in 2019 following an investigation by the Investigations and Enforcement Bureau ("IEB"). This investigation had uncovered significant conflicts of interest within the Wynn organization, which had prevented it from appropriately addressing sexual harassment and other employee misconduct that had been reported.

Since then, however, Ms. Almonte noted that the company has made several significant organizational changes to improve its internal culture and foster an atmosphere of safety and trust for all employees. These improvements included separating the position of CEO from that of Chairman of the Board, bringing more diversity of gender and experience to the Board membership, and appointing a new independent compliance committee. The company has also significantly increased its community engagement and volunteerism efforts, as well as improving its anti-harassment and anti-discrimination training programs.

Ms. Almonte said that a remaining focus area for the company to improve its HRCP was to maintain an inclusive culture from upper management down through all levels of the organization. She also said it was important for the company's compliance roles to retain their independent initiative and authority. They must be able not only to implement policies and procedures, but also to raise issues of potential misconduct, ask questions, and provide guidance. In addition, the company has made a concerted effort to increase its compliance culture and values messaging through such events as town hall meetings and daily pre-shift meetings, as well as conducting its own HRCP focus groups in 2022.

She also reported that the company had increased the number and expertise of HR and compliance staff, allowing for increased harassment prevention efforts, and the assessment and monitoring of harassment risk factors. Despite significant turnover in HR positions at Encore Boston Harbor ("EBH"), she reported that the company has made great strides in filling its remaining HR vacancies. The company also has formed a cross-functional HRCP review committee, including top personnel in both Boston and in its Las Vegas home office, that meets periodically to discuss ongoing HRCP issues and suggest policy updates. For example, she noted that training programs had begun in both Boston and Las Vegas to mitigate harassment by guests and to identify and prevent human trafficking. The company tests training effectiveness through employee surveys, which also help to identify new training opportunities. The company's harassment and discrimination training also included knowledge tests to reinforce key points. The company also facilitated participation by providing employees with various incentives such as quizzes and prizes, and senior leaders also attended these training programs.

She also noted that the new Global Chief Compliance Officer, hired in 2021, had taken on a much more active and independent role in HRCP issues than his predecessor, and had personally begun helping to report on investigations to the Compliance Committee. She reported that new employees have been receiving in-person orientation and training, including an HRCP message from the Global Chief Compliance Officer. In addition, the company developed training on guest interactions that specifically targeted at-risk employees, such as those serving food and beverages.

Ms. Almonte introduced her colleague Preston Pugh, also of the law firm Miller & Chevalier, who summarized the internal reporting and investigation policies implemented by Wynn Resorts and EBH. Mr. Pugh said that he was impressed by the company's implementation of a collaborative approach to discrimination and misconduct investigations, in which many employees came together to develop procedures that encourage probing questions, reinforce the importance of witness credibility, and avoid over-reliance on corroborating evidence. He also stated that the compliance testing his firm has conducted, including attending investigative meetings, showed that the company's written policies are being adhered to on a day-to-day basis. The company also continued to identify opportunities to improve its investigation procedures, including the rollout of a new reporting platform. Wynn Resorts continued its recruiting for investigative positions, and senior management also increased communications on "speak-up culture". Messages were distributed in multiple languages to highlight the availability of HRCP reporting options. Ms. Almonte reported that, in accordance with the 2019 Decision and Order, the company has removed any gag-order or non-disparagement provisions from its employment agreements, to encourage openness between employees and management.

In response to concerns raised by Commissioner O'Brien at a previous meeting, Ms. Almonte then highlighted some missteps the company made during two investigations involving senior executives. In one instance, she noted that employee misconduct reports were made known to the subject of those reports outside of the formal investigation process. This disclosure, she said, was not maliciously intended, but was nonetheless inappropriate and could have interfered with the integrity of the investigation.

The second instance of concern reported by Ms. Almonte involved the company's assignment of an investigator that could have been perceived as having a close relationship to the subject of the investigation. This assignment could have created the appearance of a conflict of interest, and possibly compromised the objectivity and impartiality of the internal investigation process, making it less likely that complainants and witnesses would come forward and give honest and complete testimony.

Ms. Almonte stated that the managers interviewed as part of her firm's compliance monitoring had said they referred to the company's investigations policy before making the assigning that investigator and found that the policy "did not prohibit" the assignment. This, Ms. Almonte said, reflected a very narrow interpretation of the policy by company executives, which was a missed opportunity to demonstrate values-based leadership.

Commissioner O'Brien then asked if there had been evidence of growth on the part of the company, and demonstration that they are learning from past experiences. Ms. Almonte replied that it was difficult to answer that question because there had been limited data points which were concentrated into a short period of time. She stated that she had seen further openness in her conversations with company executives, and a greater understanding of why things like the appearance of a conflict mattered. She said there is reason to hope that lessons would be applied if similar situations arose again in the future. Commissioner O'Brien voiced her disappointment at the company's slow progress in realizing why such things mattered; and added that she wanted to see a greater upward trajectory of advancement in this area. She opined that this was the greatest area of vulnerability shown by the monitoring review so far. Ms. Almonte stated that she shared Commissioner O'Brien's sense of urgency, and she said that she thought the company's executives could accomplish that greater level of awareness.

Chair Judd-Stein noted that Wynn Resorts submitted a *Letter in Response to the Monitor's Report*, which was included on pages 53 and 54 of the Commissioner's Packet. She also praised the thoroughness of the Monitor's Report and acknowledged some of the staff from Miller & Chevalier who contributed to the Report. She also recognized the cooperation of Wynn Resorts and its Compliance Committee with the monitoring process, even throughout the difficult period of the COVID pandemic. She stated that Wynn Resorts made great progress in addressing the Commission's concerns that were reflected in the 2019 Decision and Order. She said that she shared some of Commissioner O'Brien's concerns about the company's attitude toward conflicts of interest. She acknowledged that Massachusetts and Nevada were very different jurisdictions regarding how conflicts are addressed but agreed that the company must show further improvement in managing conflicts, perhaps taking an approach that leans more towards Massachusetts than Nevada, for the Commission to be truly satisfied that the risks identified in the 2019 Decision and Order were resolved.

Chair Judd-Stein then asked Ms. Almonte if she could give a grade, on a scale from zero to 100, to assess the company's overall progress against the goals of the HRCF, and to label the top three risks that remain for the company to address. Ms. Almonte replied that she was hesitant to give a precise grade, because compliance was not a check the box endeavor. However, she pointed out some critical but less tangible issues that the company still needed to address. Primarily, it needed to show that it understands the broader intent behind the compliance program, and to demonstrate that it understood why and how each incident really matters. The biggest risks, she said, were related to whether the company, from executives down, could demonstrate that it no longer had a culture of exceptionalism, and that rules and processes applied to everyone, regardless of rank or role. She also pointed to the need for the company to remain vigilant, and to distance itself from its past culture where personal relationships created permissiveness. She said this meant instilling expectations, from the senior management down to all levels of the organization, that compliance must be intentional, and the principles internalized and not taken for granted.

Chair Judd-Stein asked how the company's employees might be best incentivized to comply with the HRCP principles. Ms. Almonte answered that consistent communication from senior management to employees organically, as well as more formally through incentives and discipline built into the performance management system. She said this could be by way of incentive compensation and bonus payments, as well as withholding bonuses in instances where employees have not acted consistently with compliance expectations. She also mentioned that compliance should be part of the evaluation of whether an employee was suitable for promotion or advancement within the company.

Commissioner Skinner stated that she shared Commissioner O'Brien's concerns about the company's understanding of the underlying principles of the compliance policies across all aspects of its operations. She noted that the letter from the company that was included in the packet showed a blanket disagreement with many of the independent monitor's observations and findings. She stated that she would like to hear a more substantive response from the company about their specific disagreements with the monitor's report. Commissioner Skinner also wondered whether there was an opportunity to hear from the company on a regular basis, or whether the Commissioners could hear directly from the company about what they find objectionable about the monitor's conclusions or methods. She thought they should be given a chance to explain the steps that they were taking to demonstrate understanding of the underlying principles of the HRCP.

Ms. Almonte replied that her firm had very candid conversations with the company about their positions and the company's objections. She said that she would defer to the Commission about what would be the most appropriate way to provide a forum for the company to communicate their opinions. She inferred that the company's objections stemmed from the outsized weight being given in the report to a small number of negative instances. She noted, however, that these instances were close enough to the types of issues they had seen in the past to support the report's conclusion that the company was still not being vigilant enough, and that some of the cultural issues and attitudes that led to the 2019 Decision and Order remained. She reiterated that she would like to see more concrete reflections of the company internalizing the lessons from prior discussions of compliance issues. She stated that what was often more concerning was not that certain questionable decisions were made, but the company's seeming lack of understanding of why those decisions were questionable. She also noted the company's entrenchment in defending certain positions, rather than being open to a more genuine change in organizational attitude.

Commissioner Skinner responded that this concern was exactly what was driving her desire to hear from the company directly, so the Commission could ascertain what their attitude was. Chair Judd-Stein suggested that General Counsel Grossman try to plan a fitting time for the company to weigh in, and for them to give their perspectives.

Commissioner Maynard noted that the company appeared to have made great strides toward their compliance goals. He said that perfection was an impossible standard, but that striving towards

perfection was admirable, and could lead to continuous improvement. Ms. Almonte replied that was why she made the distinction between the incidents themselves and the company's engagement on those incidents, because it was helpful for them to assess lessons learned and how they were going to get better next time. She added that the key focus should be on the response to the incident and the company's openness to opportunities for improvement.

Commissioner O'Brien stated that she was troubled by the company's broad stroke rejection of the report's conclusions, and the allegation in their letter that there were mischaracterizations on the part of the monitor in connection with the report. She recalled that she was at the hearing in 2019 that resulted in the imposition of the monitoring requirement, and that there have been other instances along the way that were non-public and did not reach the Commission meetings.

She therefore took issue with the company's public disagreement with the report, and had hoped that in less public settings, they had embraced the "why" behind the areas that have been highlighted by the monitor. Commissioner O'Brien expressed hope that the licensee could come to appreciate that, while historically they may have functioned in Nevada, they are now doing business in Massachusetts, which is an aggressive and forward-looking environment that has a different set of standards regarding compliance. She added that the company's compliance attitude was an area of critical importance in 2019, and she was disappointed that, as reflected in their letter, this was still an area where they seem to have a long way to go. She therefore stood by the comments she made earlier in the monitor's presentation.

Mr. Pugh then commented that, although standards have greatly improved at the company with respect to the attitudes of lower-ranking employees and maybe even mid-level managers, what has led to some confusion was that the recent examples that Ms. Almonte alluded to had involved senior leadership. He stated the monitorship process should not be stopped while those issues with executives continue to arise, and it cannot be said that the monitorship really did what was needed, when those at the top still have those problems. He therefore expressed his view that the report was very fair, and he hoped it would lead to more progress by the company.

4. [Executive Session Regarding SEIU Local 888 Collective Bargaining Negotiations](#) (02:13:24)

Chair Judd-Stein then announced that, pending a vote, the Commission would be meeting in executive session in accordance with M.G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to collective bargaining with SEIU Local 888, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission. The Chair noted that this public meeting of the Commission would reconvene at the conclusion of the executive session.

Commissioner O'Brien then moved that the Commission go into executive session on the matters and for the reasons just stated by the Chair. 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

The Commission returned from the executive session, and the Chair confirmed the Commissioners were present by roll call. All five Commissioners were present.

5. [Sports Wagering](#) (03:15:37)

Chief Band introduced Mr. Sterl Carpenter, Regulatory Compliance Manager for the Sports Wagering Division, to present several petitions for events to be added to the Sports Wagering Event Catalogue.

- a. Review of Requests for Six (6) Events from U.S. Integrity to be added to the Sports Wagering Event Catalogue:
 - i. [Nitro Rally Cross Petition by U.S. Integrity](#) (03:16:11)

Mr. Carpenter began by reviewing the Commission's role under regulation 205 CMR 247.03 to review all petitions for a new sporting event or wagering category. He explained that U.S. Integrity, a firm offering suspicious activity monitoring and other services to event companies, had developed petitions for several events. The first of these was a *Petition for Nitro Rallycross* ("NRX"), which was included in the Commissioner's Packet on pages 55 through 63. He explained that NRX was an American rallycross auto racing series created by rallycross driver Travis Pastrana and the Nitro Circus production in 2018, according to the petition summary, and that several sports betting operators, including current licensee DraftKings, were interested in offering this event for wagering in Massachusetts.

Commissioner O'Brien observed that the language of the petition had been tweaked since it had been presented to the Commission at an earlier meeting. She then noted that NRX was founded in 2018, but their inaugural season wasn't until 2021. Mr. Carpenter confirmed that it took a few years for the NRX series to get up and running. Commissioner O'Brien then observed that DraftKings was the operator who wanted to offer NRX for wagering, but that U.S. Integrity was the petitioner. Mr. Carpenter stated that he had been in contact with DraftKings, and they seemed to want these six offerings, particularly Street League Skateboarding ("SLS"), for which they had already been taking bets in six other states for a recent major competition.

Chair Judd-Stein reminded the Commission that the current language of regulation 205 CMR 247.03 stated that “any person or entity” connected with an event could file a petition for that event to be added to the Sports Wagering Event Catalogue, regardless of their prior connection to Massachusetts. She then asked whether the outcomes in NRX races were determined by time alone, or by other discretionary factors that required judging. Mr. Carpenter replied that his understanding was that NRX was just a timed race, although it did have an element of strategy by the drivers as to which route they would take and when; he did not believe there was any judging of style involved.

Commissioner Hill then suggested that votes be taken on each of the six petitions individually, and Chair Judd-Stein agreed. With that, Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include Nitro Rallycross (“NRX”) as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O’Brien: Nay.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Nay.

The motion passed, 3-2.

Mr. Carpenter announced that with passage of that vote, the NRX event would be placed under the Motorsports tab in the Sports Wagering Event Catalogue, and the United States Auto Club (USAC) was the approved governing body in that section already so it would just follow through to the series being approved.

ii. [Magic City Jai-Alai Petition by U.S. Integrity](#) (03:25:12)

Mr. Carpenter then described the *Petition under 205 CMR 247.03 to add Magic City Jai-Alai to the Sports Wagering Event Catalogue*, which was included in the Commissioner’s Packet on pages 64 through 76. He noted that this petition was also provided by U.S. Integrity on behalf of Magic City Jai Alai. He explained that jai alai was a sport where players bounce a ball called a pelota off a three-walled space, at speeds up to 180 miles per hour, using a hand-held wicker bat called a cesta. The sport of jai-alai is played worldwide, especially in Spain, France, and various Latin American countries.

Mr. Carpenter further stated that the petitioner attested that their personnel had undergone FBI checks, and that their league play was overseen by the World Jai Alai League and licensed by the state of Florida. The petitioners had included their league rules in their petition, and as a governing body they had been informed of this request to the Commission. The petitioner also stated that several operators had expressed interest in offering this event if approved in the Commonwealth. Mr. Carpenter noted there was no Jai Alai Players Association, but each player signs a contract including strict code of conduct language. The Sports Wagering Division found

that the petitioner met the requirements of 205 CMR 247.03 and the Division had no concerns with this request.

Chair Judd-Stein asked whether any Massachusetts operators had expressed interest in this event. Mr. Carpenter replied that the petitioner had represented that several Massachusetts sports wagering licensees had indeed expressed interest, although he had not received any formal requests from licensees for this event to be offered for wagering in Massachusetts. He explained, however, that the petitioner had backed out of its exclusivity deal, so that it could be offered by many different sports wagering operators throughout the country.

Commissioner Hill noted that jai alai as a sport has had some longstanding integrity issues going back to the 1970s and 1980s, and that the sport in particular was highlighted during his training as a Commissioner. Commissioner Skinner echoed his concerns. Chair Judd-Stein recalled that the sport had come up as requested by some sports wagering operators during the first round of Sports Wagering Event Catalogue approvals, and the Commission had rejected it at that time, on recommendations from both Mr. Carpenter and Chief Band. Commissioner Skinner inquired what had changed since then. Commissioner Hill also commented that he was not ready to see this petitioner move forward.

iii. [U.S. Pro Mini Golf Petition by U.S. Integrity](#) (03:37:25)

Mr. Carpenter then discussed the *Petition under 205 CMR 247.03 to add U.S. Pro Mini Golf Association (“USPMGA”) to the Sports Wagering Event Catalogue*, which was included in the Commissioner’s Packet on pages 78 through 87. He noted that this petition was also provided by U.S. Integrity on behalf of USPMGA. He explained that miniature golf, also known as mini golf, was an offshoot of the sport of golf focusing solely on the putting aspect of the parent game. The aim of the game was to score the lowest number of points and it was played on a course consisting of a series of holes, usually nine or eighteen, like those of the parent game, but characterized by shorter distances.

Mr. Carpenter further stated that the petitioner has attested that U.S. Pro Mini Golf Association was the governing body of the event and that the World Putting League or (“WPL”) was the league associated with this event. This league had been informed of this petition going before the Commission. U.S Integrity was asked if any current operators in the Commonwealth would be interested in offering this event, and they represented that licensee DraftKings currently takes wagers on this event in other markets and would be offering wagers in Massachusetts if the event was approved by the Commission. Mr. Carpenter reported that there was no Players Association, but the WPL had provided details of its integrity and scoring policies with the petition. The Sports Wagering Division found that the petitioner met the requirements of 205 CMR 247.03, and the Division had no concerns with this request.

Commissioner Maynard observed that the USPMGA was a relatively mature sport, beginning in 1997. Mr. Carpenter confirmed this observation. Commissioner Skinner then asked if Mr.

Carpenter had any insight into why U.S. Integrity was offering these Petitions rather than the petitioners themselves. Mr. Carpenter answered that U.S. Integrity was a paid service provider, and that offering petitions was one of the services they offered to sports leagues. Commissioner O'Brien then raised a procedural concern that the Massachusetts licensees were not coming forward at the same time as these petitioners.

Chair Judd-Stein stated that she would like to be more certain that there was interest from those licensees. She understood that the Massachusetts regulations were very open-ended about who could bring petitions, but she had expected that only Massachusetts stakeholders would come forward. Commissioner Skinner stated that she felt forced to vote on these petitions unless there was a red flag, given that the petitions met the requirements of Massachusetts regulations as written. She then asked General Counsel Todd Grossman if it was fair to delay voting on the remaining petitions until the Commission got further feedback from licensees.

General Counsel Grossman replied that, although he thought there should be a stated basis for denying a petition, he saw no harm in delaying a vote to get more information, if the Commission was uncomfortable moving forward. Commissioner O'Brien referred to the regulations and confirmed that 205 CMR 247.03(8) allowed the Commission to grant, limit, restrict, condition, or delay action on a petition without qualifiers. She also expressed concerns about voting to approve petitions without knowing for sure whether they reflected direct interest from Massachusetts licensees. Commissioner Maynard stated that he was comfortable with allowing events to be added to the Sports Wagering Event Catalogue if there are no other red flags about them, and if Massachusetts licensees aren't interested, then they just wouldn't offer the events. Commissioner Skinner remained more skeptical, stating that she regretted not raising her concerns about these third-party petitions before the first one was voted upon. She said she would be comfortable moving forward on the rest of them but would also consent to deferring them until a later discussion after getting more information.

General Counsel Grossman pointed out that there were questions on the petition form to indicate whether operators were inclined to offer the events. Chair Judd-Stein interjected that the word "operators" might present a problem, however, because it wasn't clear whether interest was coming from Massachusetts operators or not. Commissioner Hill suggested the possibility of reconsidering the initial vote on the NRX petition, and then deferring the entire package of U.S. Integrity petitions to a future date. General Counsel Grossman confirmed to the Commissioners that this was a viable option.

Commissioner Hill then opined that he was comfortable moving forward on these petitions immediately, since they were properly submitted under the current guidelines. Commissioner Maynard concurred with Commissioner Hill's position. Chair Judd-Stein then asked Commissioner Skinner if she wanted to pursue a motion to reconsider the vote on the first petitioner. Commissioner Skinner replied that she did not think this was necessary, and she was amenable to proceeding with the remainder of the U.S. Integrity petitions in their current form. She pointed to the fact that licensee DraftKings does offer NRX for wagering in other

jurisdictions, and she thought that may indicate their interest in having it available in Massachusetts.

Chair Judd-Stein expressed concern that a petitioner came forward with a jai-alai event after the Commission had so recently turned it down. She spoke about the need to be vigilant about the good of Massachusetts, and she relied on the Massachusetts licensees for guidance about the market within the Commonwealth. Commissioner O'Brien agreed, and said she was disturbed by the fact that U.S Integrity came forward before soliciting more direct feedback from licensees and operators about whether they wanted to offer these events specifically in Massachusetts. She said she was not swayed by the argument that an operator offers an event elsewhere. She voiced her disappointment in this as a procedural matter, but she was amenable to moving forward on these petitions today. She also stated, however, that she had substantive concerns with some of the specific events.

Commissioner Skinner asked for clarification on who had put forward the events for the initial Sports Wagering Event Catalogue when it was originally voted upon. Mr. Carpenter answered that those events had each been requested by the Category 1 casino operators. Chair Judd-Stein asked Executive Director Karen Wells to remind the Commission of the process for approval of events to be on the original Sports Wagering Event Catalogue. Director Wells explained that the retail operators first submitted all the events they were requesting, then that list was compiled and cross-referenced to come up with the original catalogue. The Sports Wagering Division then went through the list to see if there were any events that the Division recommended not to approve, and then the Commission voted on that full list of events. The regulations allowed a process for other operators, including mobile operators, to add events to that list if they wanted, and that was the process currently in place.

Director Wells said that the core issue developing was whether Commission just wanted operators to be able to request new events, or whether they wanted the regulations to remain as currently written, where any interested person or entity could request additions even if an operator was not currently backing them. She said the Commission's legal team could go back and draft a memo or put that on a future agenda if the Commission would like a policy discussion to edit the regulations. Currently, she said, there was a very open-ended petition process, but that could be changed going forward. She said it was helpful to the staff to have this discussion, so they could figure out the best way that petitions should be presented to the Commissioners in the future.

With that, Commissioner Skinner indicated that she had changed her position on the issue of revisiting the earlier vote on the first petition. She recalled that there was significant concern about earlier requests to allow wagering on the Boston Marathon being put to a vote by the Commission without having input from the Boston Athletic Association, which sponsors that event. She said there were similar concerns about these event petitions possibly not having direct backing from any Massachusetts licensees. She wanted to be sure that the Commission fully considered the implications of its earlier decision to adopt a regulation permitting "any person or

entity” to submit an event petition. She saw this as another opportunity for the Commission to fine-tune its positions, as they had done with other issues in the past.

Commissioner Skinner then moved that the Commission reconsider its earlier vote with respect to the petition by Nitro Rallycross (“NRX”) to be added to the official catalog of events and wagers as included in the Commissioner’s Packet, which had originally passed 3-2. Commissioner Hill seconded the motion.

Commissioner O’Brien then raised a procedural point of order to confirm that an “Aye” vote on this motion would mean a “Nay” vote to adding NRX to the Sports Wagering Event Catalogue. Chair Judd-Stein replied that there would first be a vote to reconsider, and then a separate re-vote on the substantive question of whether to add NRX to the Catalogue.

The procedural vote to reconsider the earlier vote was as follows:

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 Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

The motion passed unanimously, 5-0

Commissioner Hill then moved that the Commission amend the official catalog of events and wagers to include Nitro Rallycross (“NRX”) as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

Commissioner Skinner then clarified that she wasn’t necessarily suggesting that another vote be taken, but instead advocating to have the entire set of U.S. Integrity petitions put off altogether. Chair Judd-Stein replied that the Commission could vote later to put off these petitions, or even discuss modifying the regulation that gave rise to them, but she clarified to the Commissioners that the current motion before them was a re-vote on the addition of NRX:

The substantive re-vote on the question of whether to amend the official catalog of events and wagers to include NRX was as follows:

Roll call vote:

<i>Commissioner O’Brien:</i>	<i>Nay.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Abstain.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Nay.</i>

The motion failed, 2-2 with 1 abstention.

General Counsel Grossman then clarified that the NRX petition was thus effectively denied for the time being. He opined that this denial was essentially without prejudice, so someone could in

theory bring this issue back with further information that may satisfy the Commission that NRX should be included in the catalog, but the vote did not carry for now.

Commissioner Hill then moved that the Commission amend the official catalog of events and wagers to include U.S. Pro Mini Golf Association (“USPMGA”) as included in the Commissioner’s Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O’Brien: Nay.

Commissioner Hill: Aye.

Commissioner Skinner: Abstain.

Commissioner Maynard: Aye.

Chair Judd-Stein: Nay.

The motion failed, 2-2 with 1 abstention.

Chair Judd-Stein then asked the Commissioners if they wanted to move forward on the remaining petitions. Commissioner Hill replied frankly that there was only one of the three that he wished to see move forward, and that was Street League Skateboarding. For the others, he said he would need more discussion and education to be able to support.

iv. [Power Slap Petition by U.S. Integrity](#) (04:12:20)

Commissioner Hill then moved that the Commission not amend the official catalog of events and wagers to include Power Slap as included in the Commissioner’s Packet (on pages 88 through 95) and discussed here today. Commissioner O’Brien seconded the motion.

Commissioner Hill added that he found the slap fighting concept to be “quite disturbing” and thus could not support wagering on such an event. Chair Judd-Stein then asked Mr. Carpenter whether Power Slap had any set governing body. Mr. Carpenter replied that Power Slap was licensed by the Nevada State Athletic Commission, but they were not a governing body for the sport, although the petition states that they do judge the matches. Commissioner Skinner said that she agreed with Commissioner Hill that approving wagers on this sport seemed inappropriate, particularly in light of the issue of head injuries to athletes in general, and the particular risk this sport posed. Commissioners Maynard concurred with the opinions of Commissioners Skinner, Hill, and O’Brien.

After discussion concerning Power Slap concluded. A Roll Call vote was held on the motion previously offered by Commissioner Hill, and seconded by Commissioner O’Brien as follows:

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.

v. [SlapFight Championship Petition by U.S. Integrity](#) (04:15:55)

Chair Judd-Stein then addressed the fifth *Petition by U.S. Integrity, on behalf of SlapFight Championship*, as included in the Commissioner’s Packet on pages 96 through 104. She observed that Sport Slap USA appeared to be the governing body for this event. She further observed that the petition indicated some interest from licensees DraftKings and Betr, but neither of these licensees had directly asked for this event. Mr. Carpenter said that both observations were correct.

Commissioner Hill then moved that the Commission not amend the official catalog of events and wagers to include SlapFight Championship 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 Skinner: *Aye.*
Commissioner Maynard: *Aye.*
Chair Judd-Stein: *Aye.*
The motion passed unanimously, 5-0.

vi. [Street League Skateboarding \(“SLS”\) Petition by U.S. Integrity](#) (04:17:08)

Chair Judd-Stein then addressed the sixth and last *petition by U.S. Integrity, on behalf of Street League Skateboarding (“SLS”)*, as included in the Commissioner’s Packet on pages 105 through 113. She asked Mr. Carpenter who was the governing body for this event. Mr. Carpenter replied that Street League Skateboarding was an international skateboarding tournament, and that the governing body was Street League Skateboarding (“SLS”), which had stated that they were aware of this request to the Commission. He further stated that U.S. Integrity indicated that licensee DraftKings had directly indicated that they would offer wagering on this event, and they expected “more operators to come to the table soon.” Mr. Carpenter said that U.S. Integrity had also indicated this event was introduced in Chicago on April 29, 2023. He also said he spoke to DraftKings directly, and DraftKings confirmed that they had offered wagering in Colorado, Connecticut, Tennessee, and Wyoming for the SLS event on April 29th.

Mr. Carpenter pointed out that the petition stated that the winners of SLS events were determined by a panel of three judges, and the language in Section 12 of the Sports Wagering Event Catalogue prohibited events in which the final outcome was primarily based on the evaluation or assessment of a judge or panel of judges. He noted, however, that this rule was not stated for skateboarding since it was a new event. Chair Judd-Stein noted that when they originally

discussed the language of the Catalogue, the Commission indicated that they probably should revisit the issue of panel-judged events at a later time.

Commissioner O'Brien recalled that she was the one most troubled by the issue of subjective judging at that time. She then stated her opinion that the fundamental issue with events determined by judges was that the risk of outcomes being impacted by inside knowledge was too great when it came to events upon which wagers can be placed.

Chair Judd-Stein replied that there could be mitigating measures put in place, but that the Commission hasn't thoroughly examined the issue of how to preserve integrity with panel judging in events. Mr. Carpenter said he believed the Olympic Association tried to mitigate the prospect of manipulation by implementing a panel of five judges wherein the highest and lowest scores were thrown out. Chair Judd-Stein suggested that the Commissioners delay further discussion of panel judging until a later date when they could be better prepared and then asked for a motion on the SLS petition.

Commissioner Hill then moved that the Commission not amend the official catalog of events and wagers to include Street League Skateboarding ("SLS") as included in the Commissioner's Packet and discussed here today. Commissioner O'Brien seconded the motion.

Commissioner Maynard stated that he remembered the Commission having a very lengthy and detailed conversation about events that included judging, therefore he was going to respect the decision against approving such events today, but he was open to changing his mind in the future depending on how subsequent discussions went. Chair Judd-Stein concurred with Commissioner Maynard, and said she needed to learn more about the risks of panel-judged events.

Commissioners then voted on the motion previously presented by Commissioner Hill as follows:

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. [Review of Petition Form](#) for events to be added to the Sports Wagering Event Catalogue. (04:23:47)

Chair Judd-Stein then suggested that the *Petition Form*, as included in the Commissioner's Packet on pages 114 through 117, and the associated regulation 205 CMR 247.03 should be brought up together for consideration by the Commission at a future meeting. She noted that the Petition Form as written should match the regulation, and there had been multiple requests by Commissioners today to revisit the regulation. Commissioners O'Brien and Skinner agreed to the

postponement. Director Wells noted that there was an agenda-setting meeting soon, and that those items could be added to the agenda at that time.

- c. [Review of Compliance by Sports Wagering Operators with 205 CMR 243.01\(x\)](#) relative to technical security control audits by qualified independent technical experts. (04:24:42)

With that, Chair Judd-Stein addressed the *Memo from the Sports Wagering Division on the Security Controls Required by Regulation 205 CMR 243.01(x)*, which was included in the Commissioner's Packet on pages 118 and 119. Chief Band stated that there was a 90-day requirement for Category 1 operators to implement these security controls for their sports wagering platforms by May 1, 2023, and that they were also required to submit the technical details of those security controls, as specified in *Appendix B to Regulation 205 CMR 243.01(x)*, also included in the Commissioner's Packet on pages 120 through 124.

General Counsel Grossman then pointed out that this 90-day audit must have been performed by what the regulation described as a qualified independent technical expert. He stated that this expert may be an entity selected by the operator, subject to the approval of the Commission. In order to be deemed a qualified technical expert, the regulation stipulated that the selected entity must meet minimum qualifications as shown on the Commission website. General Counsel Grossman further stated that 205 CMR 243.01(x) outlined a series of prerequisites, included in sub-paragraph 2, which were required for such entity to demonstrate proficiency and expertise as a network penetration tester.

General Counsel Grossman then announced that information had been received from two entities who wanted to be deemed independent technical experts under the requirements of this regulation. He said he had been working with Mr. Christian Taveras, Gaming Technical Compliance Manager in the Information Technology Division, to determine whether those entities met the specified standards. He reported that they were still in the process of gathering some information, and that some of the information they had received was unclear. Therefore, they were not ready to present to the Commission today on this topic.

General Counsel Grossman noted that the May 1st due date for completion of the 90-day audit in the regulation for the Category 1 licensees had passed, and they were also unsure of whether they would be able to meet the 120-day due date for completion of a report on the audit. Therefore, they needed to bring these timing issues to the Commission's attention, since some kind of waiver or variance would be necessary. Neither General Counsel Grossman nor Mr. Taveras believed there was any inherent risk or immediate vulnerability for the operators, but General Counsel Grossman felt that he needed to raise these issues as a matter of technical compliance. He stated that he would probably have more clarity on the progress of these issues in another week or two after today's meeting. Chief Band stated that two licensees, MGM Springfield and EBH, had asked for extensions for this audit requirement, Chair Judd-Stein asked about the status of the third licensee, Plainridge Park Casino ("PPC"), and Chief Band replied that they had met the requirements so far.

Ms. Crystal Beauchemin, Sports Wagering Business Manager, who had written a memo on the requirements of this regulation, reiterated that her Division was going through the process of reviewing each component of the registration as it comes in, and clarifying the operators' progress towards compliance. Chief Karalyn O'Brien of the Licensing Division then provided an update on the status of the registration of the two entities that had submitted applications to conduct the required technical audits of the sports wagering platforms. Chief O'Brien said that both applicants were under review, and that the reviews would be completed shortly. Commissioner Skinner then asked if the requests for extensions had come in before the deadline. Chief Band confirmed that they did.

Chair Judd-Stein then asked for clarification of the deadline versus the upcoming 30-day timeframe. Chief Band replied that the initial deadline was May 1st for the first 90 days and the subsequent 30 days would be June 1st. Chair Judd-Stein observed that the Commission would be a bit late in granting the extension, and Chief Band confirmed this observation. Commissioner Skinner repeated that she would approve the extension as long as the requests were submitted on time. Chief Band then reiterated that PPC did not need an extension, but just needed clarification that the entity that conducted their audit was approved by the Commission. General Counsel Grossman confirmed that PPC's audit had already been performed, but clarified to Commissioners that the entity that performed that audit had not yet been deemed a qualified independent technical expert according to the regulation, since their registration process had not yet been completed.

Chair Judd-Stein suggested that the operators should be given some kind of waiver once the specifics of the registration process had been worked out with the Commission's Information Technology Division. Ms. Beauchemin added that the part of the regulation that gave them the 30 days to do the report on the audit was after the assessment component, which was supposed to be after the auditing entity had been deemed as a technical expert, so the operators would have 30 days from that point. That was how the June 1st date was originally arrived at because once the Licensing Division confirmed the registration of the auditor, then that entity would then have 30 days to do the report.

Commissioner Skinner asked about what exactly was required for an entity to be deemed a technical expert. Chief Band reiterated that the Information Technology Division was reviewing the qualifications of the entities that applied to conduct the audits and matching their certifications against the requirements of the regulation. General Counsel Grossman added that when the entities were approved as vendors by the Licensing Division, there was no competency review to make sure they fit the specific stipulations of the regulation. That technical review was what was in the process of being conducted by the Information Technology Division. Commissioner Skinner observed that PPC's audit had been completed by an entity, but the Information Technology Division still had to confirm that the entity met the technical definition of an expert according to the regulation. Mr. Tavaras confirmed that was correct.

General Counsel Grossman pointed out the distinction between these auditing entities and vendors such as Gaming Labs International ("GLI"). He explained that the auditing entities were not known to the Commission, and thus had to be registered by the Licensing Division. He then added that EBH was using the same audit vendor that PPC had used. He stated that MGM

Springfield's audit hadn't yet begun because they were uncertain whether the entity they selected would be allowed under the regulation. Chair Judd-Stein asked whether the online sports wagering licensees, to which the audit requirement also applied, were clear about the compliance expectations and timing of the regulation. Director Wells replied that a notice had been sent to the Category 1 and 2 retail licensees to warn them of their responsibilities and deadline. She thought it made sense to send a similar notice from the Information Technology Division to the Category 3 online licensees, to keep them apprised of the audit requirements.

Chair Judd-Stein asked if there was a list of properly registered audit vendors that could be sent to the online licensees to get them started. Chief O'Brien responded that part of the reason she wanted to get these vendors registered was so they could also be included on the sports wagering vendors registration list, which was public and posted to the Commission's website. From there, the operators could be directed to this list to find an audit vendor. She added that if operators were to choose a vendor outside that list, they would know exactly what the process was in terms of both registration of that vendor with the Licensing Division, as well as the necessary qualifications under the regulation. Director Wells asked that an agenda item be added for a report to the Commission once all the issues were resolved with the Information Technology Division's technical reviews of the audit vendors, as well as with the status of the audits for the Category 1 and 2 licensees. Chief Band replied that the item had already been added for consideration by the next agenda-setting meeting.

General Counsel Grossman pointed out that the Commission may also need to approve the qualifications of the audit vendors once they had been reviewed by the Information Technology Division, if any of those qualifications were unclear, otherwise the operators could be at risk of being out of compliance with the regulation. Commissioner O'Brien asked if the timely submission of a request for extension would automatically grant a stay to the requirement for compliance with this regulation, similarly to a request to renew a gaming license. General Counsel Grossman said that he didn't believe that would be the case, so the Commission would need to approve the extensions for EBH and MGM Springfield.

Commissioner Skinner then moved that the Commission grant Encore Boston Harbor and MGM Springfield a 30-day extension from the requirements set out in 205 CMR 243.01(x) that operators must have a technical security control audit conducted within 90 days of commencing operations. 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.

6. [Research and Responsible Gaming – FY24 Research Agenda](#) (04:46:03)

Chair Judd-Stein then introduced Director Mark Vander Linden of the Research and Responsible Gaming Division. Director Vander Linden then discussed the *Proposed FY 2024 Gaming Research Agenda*, which was included in the Commissioner’s Packet on pages 125 through 132. He noted that the Expanded Gaming Act enshrined the role of the Gaming Research Agenda as a tool to further understand the social and economic effects of expanded gaming in the Commonwealth. He stated that there was an annual research agenda, allowing the Research and Responsible Gaming Division to build upon a body of research to better understand what the social and economic impacts of gambling were, but also to dive deeper into specific areas of interest, with an overall goal of mitigating the negative and unintended consequences of gambling. The Gaming Commission, he continued, had established a number of research categories following a strategic planning process, which were listed in the *Proposed FY 2024 Gaming Research Agenda Memorandum*. He further stated that the Sports Wagering Act also carried forward the requirement for a gaming research agenda. Specifically, since sports wagering was a relatively new area of regulation for the Commission, the Sports Wagering Act required that the research agenda shall include an assessment of whether problem sports wagering was co-morbid with problem gambling in general, as well as an assessment of whether individuals participating in sports wagering were different from those participating in other forms of gambling.

Those requirements, he continued, also called for reviewing the impact of sports wagering on youth under the age of 25, an assessment of the impacts of sports wagering on athletes in collegiate and professional sports, and research into the costs of implementing the Sports Wagering Act. He noted to Commissioners that sports wagering was not captured as a specific category in the original strategic research plan. Since it had become a priority for the Commission, however, a specific line of research has been added to the agenda, specifically dedicated to understanding the impact of sports wagering.

He reminded Commissioners that a draft research agenda was brought before the Commission on March 30, 2023, as a way to generate discussion and get early feedback. Also, on April 4th, he brought this research agenda to the Gaming Research Advisory Committee in order to seek advice on it. Finally, on May 4th, the draft agenda was brought before the Gaming Policy Advisory Committee, which was authorized by Section 71 of the Expanded Gaming Act to advise the Commission, to receive feedback from them. He stated that the Research and Responsible Gaming Division staff had summarized comments from those three meetings, which were reflected in the memo included in the Commissioner’s Packet, along with steps taken in response to those comments.

Chair Judd-Stein recalled that she had raised the issue of research into money laundering at the March meeting, and particularly how it may impact sports wagering, as it takes place at both retail casino kiosks as well as online. She pointed to the research on the topic of money laundering in sports wagering platforms that was being conducted at the University of Nevada

Las Vegas by Becky Harris, who was the former chair of the Nevada Gaming Control Board. She noted that this research was influencing decisions about gaming around the world, and wondered whether the Commission should be looking at this issue more carefully.

Commissioner Maynard was also very interested in this topic, and asked whether there was a public safety reason why more of this sort of research should not be conducted in Massachusetts. Director Vander Linden replied that he saw no reason why it couldn't be conducted in the Commonwealth. He recalled his consultation with Director Loretta Lillios of the Investigations and Enforcement Bureau ("IEB"), in which she said she just didn't feel that there was a specific avenue of research in that area was worth investing in at this point. He stated, however, that he would be happy to add it to a watch list of topics for future investigation, and perhaps reach out to the University of Nevada Las Vegas to get more specific information about what they were working on.

Commissioner Maynard said that he would be interested in that, notwithstanding any information in their studies that would need to be kept anonymous. He expressed interest in a scaled-down version of such a study perhaps being conducted in Massachusetts. He noted that this was the first year of allowing sports wagering in Massachusetts, and he wanted to know more about whether money laundering on sports wagering platforms was likely to become a problem in the Commonwealth. Director Vander Linden replied that he needed additional direction on the scope of such a project, and the specific questions that the Commission wanted to investigate about money laundering on sports wagering platforms.

Commissioner O'Brien brought up the need for consultation with the Attorney General's Office ("AGO") with any possible study on money laundering since they may be doing wiretapping and interdictions in a criminal context and may be able to provide some information for a study. She asked if the Commission could provide guidance on research opportunities or benchmarks on this topic to add to the 2024 Research Agenda. Chair Judd-Stein observed that the Commission did have partnerships with the State Police, AGO and other law enforcement agencies that it could draw upon to set up research studies for the purposes of educating both the Commission and its partners about the risks of sports wagering being exploited for money laundering, as well as how those risks differed between physical casino kiosks and online portals.

Director Loretta Lillios then referred to some information-gathering initiatives that the IEB was undertaking. She said IEB was reaching out to several other jurisdictions to find out more about the anti-money-laundering implications of allowing sports wagering. She stated that the issue has been at the top of IEB's list, and they did have some possible research topic suggestions. She said that she could have a follow-up conversation with Director Vander Linden about these topics. Commissioner O'Brien asked if IEB had also been in touch with Tom Caldwell and the State Police, and Director Lillios confirmed that she had.

Chair Judd-Stein requested that IEB discuss with Director Vander Linden and then report back to the Commission. Commissioner O'Brien suggested that perhaps the Commission should have some basic training on money laundering issues, perhaps with the Massachusetts Continuing Legal Education center (MCLE), to that they could get a high-level understanding of the issues involved before the IEB reports back on specific details. Chair Judd-Stein agreed.

Director Vander Linder added said that the Research Division could scope out what a potential study would look like, perhaps in consultation with Director Lillios, the AGO, and the University of Nevada Las Vegas. Commissioner Skinner agreed with Commissioner O'Brien's earlier suggestion that the Commission needed to gain a broader understanding of how money laundering intersected with sports wagering and gaming in general, as well as its jurisdiction on these matters, and where it needed to defer to the State Police and other law enforcement agencies.

Director Vander Linder then turned to the question of primary catering data usage from mobile online sports wagering operators. He gave the example of capturing player behavior patterns for use in advertising models. He said that research was proposed to identify risk markers and study the effects of advertising on customer acquisition and player behavior. He said this was an area that the Commission should be pursuing, from both policy and regulatory perspectives. He stated that, unlike with Chapter 23K, there wasn't a specific carve-out for the Research Division to capture that player behavior, so he thought the Commission would need to grapple with that issue. He agreed that this was a worthwhile endeavor for the Commission to study, both in terms of advertising but also to understand player risk and developing effective responsible gaming tools.

Director Vander Linden then discussed the issue of continued funding for the community driven research category. He said there were questions about whether there was adequate funding for these types of community-based research projects, and if more funding was needed to provide more opportunities for deeper research, in particularly to focus on equity in all aspects of the work because people of color are disproportionately impacted by problem gambling. He thought the Commission should absolutely continue funding for this area, along with the community mitigation fund under Chief Delaney.

Director Vander Linden further stated that the Gaming Research Advisory Committee had questioned whether the current funding structure for this area was adequate, and whether it captured the right people, but the \$200,000 funding allocation commitment for this line of research, not including the community mitigation fund, currently remained unchanged in the agenda. Chair Judd-Stein pointed out that the community mitigation funds did not supplant public health trust funds being used to support problem gambling initiatives, and Director Vander Linden confirmed her understanding that these funds were in addition to the public health funds, contingent upon finding community partners for the research.

Chair Judd-Stein then asked how many proposed research studies would be covered by the \$200,000 allocation for the public safety area. Director Vander Linden replied that there were two such studies. One of these was a study of problem gambling in Plainville, and the other was a study looking at the impact of casinos on human trafficking in the Commonwealth. She asked whether the two would be funded equally, and what support participants were given for being in the studies. Director Vander Linden answered that the participants in those two studies were offered less than participants in the community-based studies.

Chair Judd-Stein responded that this lower funding might explain the trouble that the researchers have had with data collection. Director Vander Linden concurred and stated that this was a line of research that had been ongoing for five or six years and it had produced a number of interesting studies that really contributed to the body of knowledge in both Massachusetts and beyond. He thought the Commission should really identify additional dollars that could go towards studies like this across the research agenda. Chair Judd-Stein referred to a study discussed at the March meeting about the impact that the regulated sports wagering market had on the illegal sports wagering market, and asked whether the research agenda could be amended to include that item. Director Vander Linden confirmed that he would add it.

Commissioner Hill then moved that the Commission approve the proposed Fiscal Year 2024 Gaming Research Agenda 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 Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

7. [Commissioner Updates – Succession of Officers and Positions](#) (05:21:25)

Chair Judd-Stein noted that this item was going to be rolled over to the next public meeting of the Commission. It was placed on the agenda for Wednesday, May 10, 2023.

8. [Executive Session Regarding Sports Wagering License Suitability Investigation](#) (05:22:17)

Chair Judd-Stein then announced that, pending a vote, the Commission would be meeting in executive session in accordance with M.G.L. c. 30A, § 21,(a)(3) and M.G.L. c. 4, § 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 Chair noted that the disclosure of these materials would probably prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. The Chair stated for the record and all participants that the public meeting of the Commission would not reconvene at the conclusion of the executive session.

Commissioner O'Brien then moved that the Commission go into executive session on the matters and for the reasons just stated by the Chair. 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

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated May 8, 2023
2. [Commissioner's Packet from the May 8, 2023, meeting](#) (posted on massgaming.com)