



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 20, 2024, 10:00 a.m.

Place: Massachusetts Gaming Commission

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

PARTICIPANT CODE: 112 733 5555

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.

Committee Members Present:

Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner

1. Call to Order ([0:07](#))

Interim Chair Maynard called to order the 522nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four Commission members were present for the meeting.

2. Meeting Minutes ([0:56](#))

- a. December 6, 2022
- b. December 7, 2022

Interim Chair Maynard moved to approve the minutes from the December 6, 2022 and December 7, 2022 public meetings that are included in the Commissioners' Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded the motion.

Roll call vote:

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>

*Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.*

3. Administrative Update ([2:05](#))

Executive Director Dean Serpa turned his time over to Director of Research and Responsible Gaming Mark Vander Linden to speak on the Jurisdictional Approach to Responsible Gaming presentation that he gave at the North American Gaming Regulators Association (“NAGRA”) conference. The purpose of NAGRA is to bring together agencies that regulate gambling activities and provide a forum for the mutual exchange of regulatory information and techniques. Some topics discussed at this conference were unregulated skill, peer-to-peer gaming, differences in state regulations, illegal gambling in online markets, artificial intelligence, regulatory benefits of DEI, and responsible gaming. Director Vander Linden stated that Ohio stands out as a leader. He then shared an infographic about applying a population health lens to gambling.

Commissioner Skinner shared that the National Indian Gaming Commission presented on human trafficking at NAGRA. She hoped the Commission can learn from their licensees on how they are addressing the human trafficking issue if present on their premises, along with staff training. She noted that GEU staff attended the conference. Interim Chair Maynard agreed that this could be discussed at a future agenda setting meeting.

Commissioner O’Brien added human trafficking is a topic addressed in the public safety subcommittee meetings. There are trainings available to the staff at the casinos which are open for attendance. Director Vander Linden added that they recently started a research project with the Safe Exit Initiative to look at the impact of the casinos on the human trafficking market in Massachusetts.

4. Legislative Update ([12:19](#))

Commissioner Hill noted that there was no legislative update.

5. Racing ([2:55:21](#))

a. Jockeys’ Guild Recognition

Transcriber’s note: Agenda Item 5 was discussed after Agenda Item 8 due to a presenter’s conflict.

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented for Commission review the Racing Division’s recommendation to approve the Jockeys’ Guild as the organization that represents the majority of jockeys. She stated that under the statute, the money paid to this organization would go to active, disabled, or retired jockeys. *A memo and other information on this topic was included in the Commissioners’ Packet from pages 37 to 40.*

Commissioner Skinner questioned whether the Jockeys' Guild was eligible for the funds since they don't represent any jockeys who are regularly riding in the Commonwealth. General Counsel Todd Grossman clarified that the Commission had historically applied a flexible read to this provision in the statute as the idea that there would be no thoroughbred racing in Massachusetts was unanticipated when the Gaming Act was enacted.

Commissioner Skinner asked if the qualifications for disabled and retired jockeys could be reviewed briefly. Director Lightbown noted where the qualifications could be found in the memo provided to Commissioners. On behalf of the Jockeys' Guild, Attorney Mindy Coleman reviewed the terminology behind active, disabled, and retired, and what qualifies a jockey for each category.

Commissioner Skinner moved to approve the Jockeys' Guild as the organization that represents the majority of jockeys for the purpose of G.L. c. 128A, § 5(h)(4). Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

6. Legal ([13:35](#))

a. FBT Everett Realty, LLC v. Massachusetts Gaming Commission

General Counsel Grossman requested the Commission go into an executive session to discuss the FBT Everett Realty, LLC matter and to consider acceptance of executive session minutes.

Chair Maynard stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to FBT Everett Realty, LLC v. Massachusetts Gaming Commission, as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission.

Commissioner Hill moved that the Commission go into executive session on the matter. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

b. Executive Session Minutes

- I. April 6, 2023
- II. February 15, 2024
- III. February 29, 2024

Chair Maynard stated that the Commission anticipated that it would meet in executive session to review minutes from previous executive sessions, as 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)(7) and c. 4, § 7(26)(f): April 6, 2023; G.L. c. 30A, § 21(a)(7) and G.L. c. 23K, § 21(a)(7): February 15, 2024 and February 29, 2024.

Commissioner Skinner moved to stay in executive session for the reasons stated by the Chair. Commissioner Hill seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

The Commission entered an executive session at [17:21](#) and returned to the public meeting at [1:10:37](#).

7. Research and Responsible Gaming ([1:11:01](#))

- a. Presentation of report “Impacts of Advertising on Gambling Behavior in Massachusetts”

Director Vander Linden introduced Dr. Rachel Volberg, a long-time researcher looking at the effects of gambling, to present her report, “Impacts of Advertising on Gambling Behavior in Massachusetts” which included discussion on the Disclosure of Potential Conflict of Interest, Sports Betting Advertising, Study Methods, Online Panel Surveys, Results: Literature Review, Results: Online Panels, Results: Online Panel 2023, and Recommendations. *Dr. Volberg’s presentation was included in the Commissioners’ Packet on pages 77 through 94.*

Interim Chair Maynard noted that he was struck by the fact that the Commission has already started integrating some of the recommendations into processes and regulations. Commissioner O’Brien asked if there was any analysis in terms of the increased availability of sports betting in surrounding jurisdictions of Massachusetts that would have resulted in the uptick between 2022 and 2023 even before the Commission’s launch in 2023. Dr. Volberg noted that she would have her team look back at the data.

Commissioner O’Brien was also interested in the statistic that people who self-identified as going to an illegal sportsbook had gone from 4% to 18%. She noted that she would want to have further discussion on recommendations regarding advertising given First Amendment and cross-jurisdictional issues that arise. She also raised consideration of consumer protections on bonus

bets due to the intensity of emotion related to them. Dr. Volberg assured Commissioner O'Brien that they are continuing their research with an online panel survey from 2024 that is currently being prepared and plan to launch a 2025 panel survey. Director Vander Linden added the Commission is continuing to monitor the impact of advertising on gambling behavior.

Commissioner Hill asked if any of the recommendations from the presentation have been put forth in other jurisdictions. Dr. Volberg confirmed that they have been implemented but not in the United States. Commissioner Hill then asked what the Commission can do to benefit the consumer but not push them into the illegal market in terms of restrictions placed on ads similar to those on alcohol and tobacco. Dr. Volberg explained that advertising restrictions on tobacco were part of class action settlements in cases brought by state Attorneys General. Commissioner O'Brien added that there were also federal statutes regarding tobacco and alcohol advertising. Interim Chair Maynard mentioned this could be a good opportunity to talk to the operators about how work on this front would go a long way. Commissioner Skinner added that she wanted the Commission to continue to work on this issue, including a review of how the intensity and frequency of advertisements may have an effect on problem gamblers. Director Vander Linden highlighted the feedback made by the Commissioners and stated they will continue to focus on this research.

b. Proposed FY25 Gaming Research Agenda ([1:51:44](#))

Director Vander Linden then presented the Proposed FY 2025 Gaming Research Agenda. Director Vander Linden indicated that he sought advice from the Gaming Research Advisory Committee and the Gaming Policy Advisory Committee.

Research Manager Dr. Bonnie Andrews reviewed what has transpired since the Commission's last review of the research agenda on March 28, 2024. She discussed that there were 15 projects underway for FY24. She highlighted the studies on Sex Trafficking, on the Impact of Paid Media on Awareness and Participation of Sports Betting Among College Students, and one titled "Gambling on Addiction Recovery: Community Perspectives on the Impact of Legalized Gambling in Massachusetts."

Director Vander Linden then reviewed the proposed FY25 research agenda, which he stated has an estimated cost of \$1,930,000. He reviewed the projects proposed in the research agenda. He also outlined recommendations from the Gaming Research Advisory Committee for FY25: a study of video gaming and Esports, an updated evaluation of the voluntary self-exclusion program, and a continued commitment to knowledge translation and exchange. The GPAC also shared feedback to Director Vander Linden about more research on the gambling impacts on veterans.

Commissioner Hill moved that the Commission approve the proposed Fiscal Year 2025 gaming research agenda 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.
Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.

The Commission entered a break at [2:20:36](#) and resumed at [2:43:42](#).

8. Finance ([2:44:01](#))

a. FY25 Budget Approval

Chief Finance and Accounting Officer Derek Lennon presented recommendations for the Commission's Fiscal Year 2025 operational budget. Chief Lennon recommended a total FY25 budget of \$59.5 million comprised of funding for the Gaming Control Fund, the Racing Oversight and Development Fund, the Community Mitigation Fund, the Sports Wagering Control Fund, and the Public Health Trust Fund. The Finance Division recommended a budget of \$39.87 million for the Gaming Control Fund, an increase in the Community Mitigation Fund from \$385,000 to \$483,000, a Sports Wagering Control Fund budget of \$11.1 million, and an increase of \$56,000 from the prior year for the Research and Responsible Gaming Fund. CFAO Lennon stated that the overall budget would fund 140.62 full time employees and eight contracted employees. *The Finance Division's memo on the Commissions' Fiscal Year 2025 operational budget was included in the Commissioners' Packet from pages 106 to 190.*

Commissioner Hill moved that the Commission approve the proposed Fiscal Year 2025 budget 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.
Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.

9. Legal ([3:14:44](#))

a. Update regarding the Mashpee Wampanoag Litigation

Deputy General Counsel Justin Stempeck reported on the Mashpee Wampanoag ("Tribe") litigation. He provided Commissioners with a brief history of the litigation, developments since November 2023, next steps, and the Commission's role in tribal operations. *The materials for the Tribal Litigation update were included in the Commissioners' Packet from pages 191 to 197.*

Commissioner Skinner asked what the first actions would be between the Tribe and the Commission should the Tribe wish to move forward with operations. Deputy General Counsel Stempeck clarified that the Tribe would have their own gaming commission that would open communications with the Commission.

Interim Chair Maynard shared his recent conversation with the Louisiana Gaming Commission about their relationship with the Tunica Biloxi tribe. He emphasized how important mutual respect was between those two entities.

10. Investigation and Enforcement Bureau ([3:26:48](#))

- a. Continued discussion regarding noncompliance matter related to Temporary Category 3 Sports Wagering Licensee Penn Sports Interactive LLC, including next steps. Alleged noncompliance relates to misleading advertising in violation of 205 CMR 256.04(6)(c) and 205 CMR 256.04(6)(d)

Director of the Investigations and Enforcement Bureau Caitlin Monahan continued a discussion about a noncompliance matter involving Penn Sports Interactive, LLC from the public meeting on June 6, 2024. Commissioner O'Brien stated that she wanted to clarify an inconsistency with her recommendation in this matter. Her correct recommendation was for there to be an investigation with the IEB acting as a party, not a witness.

Commissioner Skinner asked for a recitation of the facts of the matter which was provided by Enforcement Counsel Zachary Mercer. Chair Maynard, Commissioner Skinner and Commissioner Hill were comfortable moving forward with the clarification.

11. Sports Wagering Division ([3:31:13](#))

- a. Approval of House Rules: Bally's

Director of Sports Wagering Bruce Band introduced Sports Wagering Operations Manager Andrew Steffen who presented on Bally's House Rules. *A copy of Bally's House Rules was included in the Commissioners' Packet from pages 198 to 284.*

Commissioner Hill asked if the Commission needs to know Bally's launch date before the vote to approve their house rules. Director Band gave a tentative launch date and affirmed that the vote can happen prior. Mr. Steffen added that the rules needed to be approved prior to launch.

Commissioner Skinner stated that she is comfortable with the language in the house rules. Interim Chair Maynard added that Bally's appeared at the Commission's most recent round table and that it was appreciated. Commissioner O'Brien asked a clarifying question about credit cards being used on sports wagering apps. Director Band stated that a certification was required from each licensee that their system will not allow credit cards.

Commissioner Hill moved that the Commission approve Bally'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.
Interim Chair Maynard: Aye.
The motion passed unanimously, 4-0.

b. Event catalog Addition Request: Tomorrow's Golf League (TGL) ([3:38:37](#))

Deputy General Counsel Stempeck gave a brief overview on Esports in connection with a request to add the Tomorrow's Golf League ("TGL") to the event catalog. The Legal Division was asked to review whether TGL should be considered Esports in the Commonwealth. He concluded that, based on research in other jurisdictions, TGL should not be considered Esports in Massachusetts.

Commissioner Hill agreed that TGL is not Esports and felt comfortable including it under allowable sports events in Massachusetts.

Commissioner Skinner stated that she was okay moving forward with approval but asked about the implications of putting TGL in as an "other event" as opposed to under golf. Deputy General Counsel Stempeck clarified that it could go in either category depending on the Commission's determination. Interim Chair Maynard asked whether testing is done to make sure the technology is consistent with its speed and trajectory calculations. Commissioner O'Brien added her concerns were about the protection of data and calibration of the machine. Mr. Steffen clarified that Toptracer Technology managed the data and calculated the trajectory of the ball. Commissioner O'Brien clarified that her questions were more about the integrity of the data and not on the employees who were implementing the system.

Interim Chair Maynard requested that the Commission wait for the information sought by Commissioner O'Brien before voting on this topic.

c. Wager Limitation by Operator Follow Up Discussion ([3:53:12](#))

Mr. Steffen provided an update on the ongoing wager limitation topic and confirmed that all Sports Wagering Operators will return to the next round table discussion.

Commissioner O'Brien raised the fact that the Commissioners had yet to come together to discuss the information obtained in the last round table which would help to reframe the conversation. Commissioner Skinner questioned what the substance of a second round table would be and expressed a need for parameters on what was expected of operators. Commissioner Hill recommended that at the next agenda setting meeting, the Commission discuss what questions they want answered during the round table. Commissioner Skinner agreed. Interim Chair Maynard stated that they could formulate questions together and discuss how to structure the round table in a meeting and noted he was aware of others who were interested in participating. Commissioner O'Brien clarified that she wanted to be sure that those who participated in the first round table were invited to attend in order to provide them the opportunity to further discuss the topic.

12. Communications Division ([4:09:21](#))

a. Review of Designs for MGC Seal of Approval

Chief of the Communications Division Thomas Mills presented the options for the new MGC seal of approval. *The options for the MGC seal were included in the Commissioners' Packet from pages 316 to 321.*

The Commissioners agreed on mockup 4 but with the correction of “Officially licensed” or “Licensed by” rather than “Licensed & Regulated”.

The Commission decided that the vote should be tabled until a final mockup is created.

13. Commissioner Updates ([4:17:10](#))

There are no commissioner updates.

14. Other Business ([4:17:31](#))

Hearing no other business, Interim Chair Maynard requested a motion to adjourn.

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated June 17, 2024
2. [Commissioners' Packet](#) from the June 20, 2024 meeting (posted on massgaming.com)