



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 11, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 509 0803

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](#) (00:00)

Chair Judd-Stein called to order the 464th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Meeting Minutes](#) (01:48)

a. January 12, 2023

The January 12, 2023, Public Meeting Minutes were included in the Commissioner's Packet on pages 3 through 23. Commissioner Hill noted that the January 18, 2023, minutes were also supposed to be presented, but that they needed some additional editing.

Commissioner Hill moved that the Commission approved the minutes from the January 12, 2023, 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 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.

3. [Administrative Update](#) (02:50)

Executive Director Karen Wells congratulated General Counsel Todd Grossman who had been selected to begin as the Interim Executive Director starting the following week.

4. [Succession of Officers and Positions](#) (05:16)

Commissioner O'Brien stated that based upon the procedures adopted at the prior meeting, the presumptive nominee for the Treasurer position was Commissioner Hill, and the presumptive nominee for the Secretary position was Commissioner Maynard.

Commissioner Hill expressed that he was always excited to learn more about the agency and that he would be happy to accept the Treasurer position. Commissioner Maynard echoed Commissioner Hill's sentiments and stated that he would be happy to fill the Secretary position. Commissioner Maynard stated that he was confident Commissioner Hill would be able to provide valuable advice about the Secretary Position.

Commissioner Skinner moved that the Commission, in accordance with Massachusetts General Law Chapter 23K § 3(f), appoint Commissioner Hill as Treasurer for a term of one year. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission, in accordance with Massachusetts General Law Chapter 23K § 3(f), appoint Commissioner Maynard as Secretary for a term of one year. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.
Commissioner Skinner: Aye.
Commissioner Maynard: Abstain.
Chair Judd-Stein: Aye.
The motion passed, 4-0, with one abstention.

5. [Sports Wagering Division](#) (09:21)

a. Event Catalog Addition Request – LIV Golf

Sports Wagering Operations Manager Sterl Carpenter stated that under 205 CMR 247.03, the Commission was required to review all requests for additional events to be placed into the sports wagering catalog. He stated that category three sports wagering operator DraftKings had submitted a request on June 12, 2023, for the approval of the LIV Golf Tour to be added to the golf section of the sports wagering catalog. The *Request from DraftKings* was included in the Commissioner’s Packet on pages 24 through 28.

Mr. Carpenter stated that LIV Golf Tour, the PGA World Tour, and DP World Tour agreed to unify and move forward as a large commercial business. He stated that the request from DraftKings was for the LIV Golf Tour as it was currently constituted and would cover events prior to the merger.

Mr. Carpenter stated that the Sports Wagering Division confirmed that all requirements of 205 CMR 247.03 had been met. He stated that DraftKings had not informed the LIV Golf Tour that they had made this request. He stated that DraftKings had indicated that they offer wagering for this category of events in other states, and that DraftKings had expressed that the expansion of this offering into the Commonwealth did not require them to inform the governing body.

Commissioner O’Brien noted that the U.S. Justice Department was investigating the LIV Golf merger and that concerns were raised in the press regarding the financial backing of the LIV Golf Tour. She stated that she did not feel comfortable offering the LIV Golf Tour in the sports wagering catalog without considering the merger.

Commissioner Hill agreed with Commissioner O’Brien and stated that he was not comfortable putting LIV Golf Tour in the sports wagering catalog with the current controversy surrounding it.

Mr. Carpenter clarified that the vote would be on whether to approve wagering on the LIV Golf Tour events as it stands now, prior to the merger. He stated that if the merger was permitted, the Commission could then direct the Sports Wagering Division to review the terms and present the proposal again to the Commission regarding the LIV Golf Tour. Commissioner Hill stated that after clarification, he was even more opposed to voting to approve the LIV Golf Tour.

Chair Judd-Stein asked if the Commission had already voted to keep the LIV Golf Tour out of the events catalog. Mr. Carpenter stated that while this event was brought up in conversations, it was never formally requested to be put in the sports wagering catalog.

Commissioner Skinner stated that she was of like mind with Commissioner O'Brien and Commissioner Hill. Commissioner Skinner noted that the golf league season started on February 23, 2023, and questioned why the request did not come forward sooner. She stated that with the public discussions related to LIV Golf Tour, she would prefer to hold off on making decisions.

Commissioner Maynard noted that the governing body for the Boston Marathon had previously objected to being included in the sports wagering catalog, and asked if there might be a reason why the LIV Golf Tour would want to be excluded from inclusion in the sports wagering catalog. Mr. Carpenter explained that DraftKings offered wagering on LIV Golf in other jurisdictions and that they did not feel the need to contact the organization, as DraftKings believed it to already be approved.

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

Commissioner Skinner noted that by regulation, if a request was not acted on by the Commission within sixty days it was automatically denied. She asked if there was any implication to denying the request outright in comparison to staying silent on the request. General Counsel Grossman stated that requests required express approval, and that there was no practical distinction between the processes. Commissioner O'Brien added that any denial of a request was without prejudice.

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. [Update to House Rules – Barstool Sportsbook and Casino](#) (21:03)

Mr. Carpenter stated that Barstool had submitted a change to their house rules due to change in their service provider. He noted that Barstool Sports was now renamed to 'Barstool Sportsbook and Casino'. He stated that their platform was currently under maintenance transferring to an in-house provider, The Score. He stated that Barstool had purchased The Score approximately eighteen months prior. *Barstool Sportsbook and Casino's Updated House Rules* were included in the Commissioner's Packet on pages 29 through 35.

Executive Director Wells stated that Penn National notified the Commission that they changed the name on their license. Commissioner Skinner inquired whether the name change by the operator required Commission's approval. Chair Judd-Stein sought clarification if the Commission had approval rights, or whether the notification was simply a courtesy to inform the Commission. Commissioner O'Brien asked if the change was to the corporate name, or the name Penn Sports Interactive was doing business as ("D/B/A"). Executive Director Wells stated that changing a name was not something particularly substantive that would trigger regulatory authority.

General Counsel Grossman stated that the Commission did not have a standard to apply or a process in place as to whether to allow a name change to an entity's existing D/B/A. He clarified that a change to the licensee's business entity name would require administrative adjustments.

Commissioner Skinner requested further clarification that the name change was for the D/B/A and not the licensed entity changing its name. Mr. Carpenter stated that Barstool implemented this change in all jurisdictions where they were licensed, and that the language "and casino" was added because some jurisdictions allowed iGaming. Chair Judd-Stein stated that once General Counsel Grossman checked for clarification regarding Commissioner Skinner's inquiry, the Commission would return to this agenda item.

c. [Request for Temporary Waivers](#) (29:00)

I. [205 CMR 238.45 \(2\)\(e\) – Personally Identifiable Information Security](#)

Sports Wagering Business Manager Crystal Beauchemin explained that four operators had requested a waiver from the requirements of 205 CMR 238.45(2)(e). She noted that the requests had unique dates for each operator. She stated that the waiver requests for this provision were received from FanDuel, DraftKings, Fanatics, and Penn Sports Interactive. The *Waiver Requests for 205 CMR 238.45(2)(e)* were included in the Commissioner's Packet on pages 39 through 49.

Ms. Beauchemin stated that DraftKings had requested the waiver through September 6, 2023; Fanatics had requested the waiver through September 30, 2023; Penn Sports Interactive requested the waiver through August 1, 2023; and that FanDuel had requested the waiver through the effective date of the final regulation language, as published. She noted that the Sports Wagering Division had reviewed the requests, and had no concerns regarding granting the requested waivers.

II. [205 CMR 248.16 – Responsible Gaming Limits](#) (30:52)

Ms. Beauchemin stated that operators had also requested temporary waivers through the dates listed within the packet to implement technological changes required for responsible gaming limits. She stated that the Sports Wagering Division had reviewed the requests, and had no

concerns regarding granting the requested waivers. The *Waiver Requests for 205 CMR 248.16* were included in the Commissioner's Packet on pages 50 through 59.

Commissioner O'Brien asked what the date associated with FanDuel's request related to 205 CMR 238.45 would be. Ms. Beauchemin stated that it would be the date the Legal Team submits the final regulation language to the Massachusetts Register. She stated that the waiver request was to allow FanDuel time to evaluate how the regulation affected their technology. Deputy General Counsel Carrie Torrisi noted that the Commission had yet to schedule which meeting the regulations would come for final approval.

Commissioner O'Brien noted that Fanatics' request for a waiver until December 30, 2023, was months beyond the August 1, 2023, and September 6, 2023, requests submitted by other operators. Ms. Beauchemin stated that Fanatics was still implementing technology as they were not in as many jurisdictions in comparison to other operators. She stated that the December 30, 2023, date was speculated; based on Fanatics' smaller tech team.

Commissioner O'Brien expressed the preference that protection of the regulation be made available, regardless of the size of the operator. She added that she did not feel comfortable extending a waiver past September 6, 2023.

Commissioner Skinner asked if any operator had submitted concerns regarding technological difficulty during the public comment period, or why a universal date was not considered when filing by emergency. Deputy General Counsel Torrisi stated that no comments were received regarding the provision of 205 CMR 248.16 that the operators requested be waived.

Deputy General Counsel Caitlin Monahan noted that the data privacy regulation was going through a normal promulgation process. Chair Judd-Stein asked when the data privacy regulation would go into effect. Deputy General Counsel Monahan stated that it would be effective by the end of August. Chair Judd-Stein noted that Penn Sports Interactive's request for a waiver until August 1, 2023, would not apply. Commissioner Skinner commented that the waiver requests might be premature. She suggested having further discussion on August 1, and stated that the Commission needed to get a better understanding of the wide range of dates being requested.

Commissioner Skinner stated that a waiver could be done for 205 CMR 248, but that the wide variation in requested dates should be looked into. Commissioner Maynard stated that he supported a universal waiver. Commissioner O'Brien stated that a universal waiver was acceptable, as long as it was only through September 6. She stated that Fanatics could return with a more realistic assessment if they needed additional time.

Chair Judd-Stein noted that Fanatics was in a different development stage than other licensees, but that she expected they still had some security measures with respect to personally identifiable information. She stated that she did not support a universal waiver, as there was a regulatory

standard of how waivers should be issued. She suggested that Fanatics inform the Commission of what personally identifiable information protections they had in place.

Ms. Beauchemin stated that Fanatics had some protections, but that they were trying to discern what the “clearly and conspicuously” language entailed and what changes would need to be made to implement that component. Commissioner O’Brien stated that the December 30, 2023 date was still troublesome. She stated that she wanted this protection in place before the NFL season started. She noted that several operators had not requested a waiver, indicating that they had already addressed this issue.

Commissioner Maynard stated that September 6 seemed like the last reasonable date before the NFL season began. Chair Judd-Stein stated that the Commission should consider waivers on an individual basis unless the regulation is a universal challenge. Commissioner O’Brien suggested a September 6, 2023, waiver for the licensees who had submitted requests for waiver. She stated that if other licensees required a waiver, they could request it at a later meeting.

Ms. Beauchemin noted that communications were sent to the operators that the issue of waivers for these provisions was scheduled for discussion. She noted that if the operators had not yet requested a waiver, they were made aware the subject was being discussed in this meeting.

Chair Judd-Stein asked if the challenges with implementing the regulation were narrow or broad. Ms. Beauchemin stated that some protections were in place, but the operators were evaluating how to comply with the language. Deputy General Counsel Torrisi offered a correction that both 205 CMR 238 and 205 CMR 248 were in effect by emergency, and that there was confusion due to a mention of the data privacy regulation, a term which the legal team used to refer to 205 CMR 257. Chair Judd-Stein noted that the requests for waivers were therefore timely for both regulations.

Commissioner Hill stated that with that clarification he was willing to grant temporary waivers until September 6, 2023, for DraftKings, FanDuel, Fanatics, and Penn Sports Interactive. He stated that further discussion could take place if Fanatics did not meet the September 6, 2023, deadline. Commissioner O’Brien agreed.

Commissioner O’Brien moved that in accordance with 205 CMR 202.03(3) the Commission issue the following waivers from the requirements outlined in 205 CMR 238.45(2)e as granting such waivers meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, as to all of the licensees who requested today namely DraftKings, Fanatics, FanDuel and Penn Sports Interactive that the waiver go through September 6, 2023. 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.

Commissioner Maynard moved that in accordance with 205 CMR 202.03(3), the Commission issue the following waivers from the requirements outlined in 205 CMR 248.16(1), specifically, the requirement that the limits must be clearly and conspicuously displayed prior to allowing registration of a new account; the first time the patron makes a deposit into an account; and the first time a patron places a wager from an account, as granting such waivers meet the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, specifically as to BetMGM, Fanatics, FanDuel, and Penn Sports Interactive for a date ending September 6, 2023.

Chair Judd-Stein inquired why the September 6, 2023, date was used for this waiver instead of the requested dates of August 1, 2023, and August 24, 2023. Commissioner Maynard moved to amend his motion to make the waivers effective through August 24. Commissioner O'Brien then seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.

Commissioner Skinner noted that the August 24, 2023, date would mean that FanDuel would have two separate dates to work with in complying with the regulation, and asked if it made sense to stick with the September 6, 2023, date. Commissioner Maynard stated that he supported not requiring two separate dates and offered to withdraw his motion. Chair Judd-Stein questioned whether it would be proper procedure to withdraw a motion in the middle of the voting process. She suggested the remaining commissioners abstain and that a new motion be made.

Commissioner Skinner: Abstain.
Commissioner Maynard: Abstain.
Chair Judd-Stein: Abstain.

The motion did not pass, 2-0, with three abstentions.

Commissioner Maynard moved that in accordance with 205 CMR 202.03(3), the Commission issue the following waivers from the requirements outlined in 205 CMR 248.16(1), specifically, the requirement that the limitations must be clearly and conspicuously displayed prior to allowing registration of a new account; the first time the patron makes a deposit into an account; and the first time a patron places a wager from an account; as granting such waivers meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of General Laws Chapter 23N, specifically as to BetMGM, Fanatics, FanDuel, and Penn Sports Interactive through September 6, 2023. 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.

General Counsel Grossman clarified that the category three tethered license was awarded to Penn Sports Interactive, LLC, and that Barstool Sportsbook and Casino was identified as a D/B/A brand. He stated that a name change to a D/B/A was not addressed by regulation, and there was no requirement that the Commission approve the name change. Commissioner Skinner stated that it would be helpful for operators to notify the Commission of such changes, regardless.

Commissioner O'Brien noted that the operations certificate referenced Barstool's previous D/B/A and would need to be amended. She stated that the process of requesting a change to the operations certificate might be an appropriate vehicle to notify the Commission of a D/B/A name change.

Commissioner Skinner moved that the Commission approve the amendments to the house rules submitted by the category three sports wagering operator Penn Sports Interactive, now doing business as Barstool Sportsbook and Casino, as included in the Commissioner's Packet, and discussed here today. The motion was seconded by Commissioner Maynard

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. [Community Affairs Division](#) (1:13:05)

a. Encore Boston Harbor East of Broadway Expansion Continued Discussion

Chief of the Community Affairs Division, Joe Delaney stated that public hearing had occurred regarding Encore Boston Harbor's ("EBH") East of Broadway development project. He stated that the next step in the process was to start a review of the project and see if the Commission wanted to move forward with it. He stated that this would include modifying the gaming license to include the East of Broadway development as part of the gaming establishment. He stated that a modification of the operations certificate was required when construction was proposed to be completed, and that Section 61 findings should be amended as part of the Massachusetts Environmental Policy Act process.

Chief Delaney stated that he had compiled a request for information to submit to EBH. The *EBH Information Request* was included in the Commissioner's Packet on pages 73 through 75.

Chair Judd-Stein asked if the conditions of the garage and bridge projects would be included as part of the development. Chief Delaney stated that this project would supersede the previous projects, and that the Commission could attach conditions upon approval. Chair Judd-Stein noted that the conditions could be added to this project to incorporate the Commission's concerns. Chief Delaney noted that EBH received its decision on the draft environmental impact report and that he would send the Commission a copy of that report.

Chief Delaney asked if the Commission had any additional areas they would like to receive information on. Commissioner Hill stated that the letter reflected what the Commission heard during public hearings. Commissioner O'Brien agreed and asked that the language regarding the re-opening of host and surrounding community agreements be more strongly worded. She noted that the community wanted to see the agreement re-opened and would like to see commitment from EBH. Chief Delaney suggested that the language be changed to 'update the Commission on the status of the host and surrounding community agreements within 45 days.'

Chair Judd-Stein stated that the Commission had received a letter from the Mayor of Medford and suggested attaching that letter as a reference. Chief Delaney stated that there was also an email from the City of Boston stating that they were interested in reopening the agreement. Commissioner O'Brien proposed copying the host and surrounding communities with this letter as well.

Commissioner Skinner stated that the letter was comprehensive and suggested information be requested regarding problem gambling mitigation measures. She stated that this could be the opportunity to discuss the possibility of a GameSense satellite office in the East of Broadway development, so that patrons would not need to cross the bridge to talk to GameSense staff. Chief Delaney stated that he would add this as a bullet point to the letter and agreed that it would be desirable to have a satellite office or kiosk for GameSense. Chair Judd-Stein suggested that Chief Delaney reach out to the Responsible Gaming Division to develop questions related to responsible gaming. Commissioner O'Brien noted that the first bullet-point requested information regarding planned space for the Gaming Enforcement Unit and suggested expanding the language to include Commission staff and GameSense staff.

Commissioner Skinner noted that the Commission's decision that the expansion would not constitute part of the gaming establishment had several conditions applied and stated that she wanted to ensure the conditions would be captured in the letter going to EBH. Chief Delaney stated that this would void the previous decision as a determination would be made that the proposed area was part of the gaming establishment. He noted that the Commission would be required to modify the gaming license. He stated that the Commission would have the opportunity to add conditions to any decision the Commission makes. Commissioner O'Brien noted that the conditions would have to be reviewed as some may be moot at this point.

Chair Judd-Stein suggested that the letter request information regarding EBH's plans in regard to their ILEV. Chief Delaney stated that the request could be added to the letter. Commissioner O'Brien stated that the ILEV required communication and that EBH had lagged with their communication.

Chief Delaney stated that Commissioner Hill had requested in a public meeting that a letter be drafted to the City of Everett outlining the public's concerns that the Commission hear at public hearings. The letter to the Mayor of Everett was included in the Commissioner's Packet on pages 76 through 77.

Commissioner Hill thanked Chief Delaney for drafting the letter. He expressed frustration that the citizens of Everett were unaware of the ways in which the Commission used the Community Mitigation fund to try to address issues in their community. He stated that he would like to invite Everett city officials to discuss these issues in a public meeting. Chair Judd-Stein echoed Commissioner Hill's interest in having the elected officials of Everett engage in open discussions with the Commission.

Commissioner O'Brien offered a correction to a typographical error within Chief Delaney's letter. Commissioner Maynard stated that he appreciated Chief Delaney for drafting this letter and appreciated Commissioner Hill's local government expertise. Commissioner Skinner asked if there was a final dollar amount to fill in the section regarding the Community Mitigation Fund. Chief Delaney stated that it was over \$6,200,000. Commissioner Skinner inquired as to who the signatory would be for this letter. Commissioner O'Brien suggested the letter use a signature block with all five commissioner's signatures.

The Commissioners reached unanimous consensus to send the letter, with the edits discussed in this meeting, to the Mayor of Everett and to copy the Everett City Council. Commissioner Skinner requested to review the letter after the edits were made.

7. [Search for Permanent Executive Director](#) (2:17:59)

a. Consideration of Executive Director Search Process

Attorney Mina Makarios, outside Counsel from the law firm Anderson & Krieger stated that the Commission had flexibility in how it conducts its search for the Executive Director position, but it was limited by the open meeting law. He stated that the Commissioners could delegate one individual to screen applications, and that if it chooses to use a larger group, a screening committee would be needed. He noted that the screening committee could not have more than two Commissioners due to the open meeting law. He stated that a screening committee must present two or more candidates for the Commission to interview in public.

Mr. Makarios stated that the practice followed by many public entities in the Commonwealth was to have a screening committee do the initial work of putting out a job description with or without the help of a search firm, vet the applications, and report updates to the Commission. He stated that the screening committee would then present a list of two or more finalists to the Commission.

Mr. Makarios stated that the other option would be to have a process with no screening committee where all five commissioners participate in the search process as part of their regular agenda. He warned that this would mean the Commission would have to publicly discuss all applications before the Commission.

Chair Judd-Stein stated that the Commissioners did not have to decide regarding the process yet, as the job description was not finalized. Commissioner O'Brien asked if there were screening committees that utilized non-employees, such as a former commissioner. Mr. Makarios stated that it was common to have screening committee members who were not part of the organization but have expertise related to the job position. He stated that it was also important to designate staff as liaison to the screening committee, as there would be the need for minutes and meeting postings.

Chair Judd-Stein stated that the screening committee could assess applications and that the Commission could determine the size of the final applicant group. Mr. Makarios stated that the decision regarding the finalist count could be made in the beginning or as applications came in.

Commissioner Maynard asked if the Commission could establish boundaries and guidelines for the screening subcommittee. Mr. Makarios stated that the Commission could set guidelines, including but not limited to the job description, areas the Commission wants the job posted, and how long the posting would be up.

b. [Review of Executive Director Job Description](#) (2:30:02)

The *Job Description For The Executive Director Position* was included in the Commissioner's Packet on page 78 through 80. Mr. Makarios suggested that the job description should reference G.L. Chapter 23K, and G.L. Chapter 23N to alert candidates to review the statutory obligations of the Executive Director.

Chair Judd-Stein noted that G.L. Chapter 23K § 3, outlined the responsibilities and statutory requirements of the Executive Director. Commissioner O'Brien stated that the job description was outdated as it did not reference horseracing or sports wagering, which were also under the Commission's regulatory authority.

Executive Director Wells stated that the job description should use the exact statutory language from G.L. Chapter 23K. She noted that the job description in the packet was more geared towards the implementation of casino gaming and not its existing regulation. She suggested

adding language regarding casino gambling, horseracing, and sports wagering as overarching responsibilities of the agency. She also suggested the term ‘directors’ be changed to ‘senior staff.’

Chair Judd-Stein sought clarification about the term ‘senior staff.’ Executive Director Wells stated that there were only a few director titles, and that the term ‘division head’ or ‘senior staff’ would better encompass the staff’s roles.

Executive Director Wells noted that the job description referenced annual and individual business plans. She stated that she had never seen this document before or performed this duty. She stated that the description sounded similar to getting performance metrics. She suggested the language be changed to “establishes appropriate performance metrics for divisions and reports to the Commission”.

Executive Director Wells suggested the terminology regarding field agents be changed to ‘gaming agents’, and suggested that “oversight of consultants, advisors, and outside counsel” be added to the description. She noted that the “development of legal and regulatory policy” was more accurately the Commission’s duty, and that the Executive Director’s role was in implementation. She stated that overseeing and coordinating the development of a system of review and referral to the Massachusetts Attorney General’s Office Division of Gaming Enforcement fit better within the role of the director of the IEB than Executive Director.

Executive Director Wells noted that the language was casino-focused and recommended adding references to horseracing and sports wagering throughout the job description. Commissioner Hill asked if the language for sports wagering and horse racing would be helpful in the experience section. Executive Director Wells stated that any kind of experience in that area would be helpful, and that it was up to the Commissioners whether that experience would be required or preferred. She stated that requiring those qualifications could limit the number of candidates, and that HR had discussed wanting to attract a diverse candidate pool.

Executive Director Wells stated that previous startup experience was not as relevant now that the industries the Commission governed were established. Chair Judd-Stein stated that it should be clear that racing was part of the Executive Director’s role, as during the interim period the racing Division was reporting directly to Commissioner Hill.

Commissioner O’Brien proposed referencing G.L. Chapter 128A and 128C, in addition to the references to G.L. Chapter 23K and G.L. Chapter 23N. She suggested adding language about the structure of the Commission and a preference for candidates who had experience in responding to five bosses simultaneously. She noted that all three prior Executive Directors had some level of exposure to gaming before working for the Commission, and that she would prefer that experience to be a requirement.

Chair Judd-Stein recommended keeping the language as “preferred” if the term “required” would limit the pool of applicants. She stated that gaming can be learned. Commissioner O’Brien stated that she would be willing to compromise to “strongly preferred” experience with gaming, sports wagering, and horseracing. Commissioner Hill agreed with Commissioner O’Brien. He asked if there was a way to condense the language related to the industries that the Commission regulates. Commissioner O’Brien suggested the term ‘betting industries.’ Commissioner Hill stated that the gaming industry might be more sufficient.

Commissioner Maynard expressed his preference that gaming industry experience be preferred, but not required. He stated that there were other Commissions and boards in Massachusetts and that there could be competitive candidates without gaming experience. Chair Judd-Stein suggested adding language to clarify that this was a full-time Commission. She stated that it was important for the Executive Director to understand each Commissioners’ role and expectations. Commissioner O’Brien suggested the term Commission in the job description be changed to “full-time, five-member commission.”

Commissioner O’Brien suggested that the ‘experience and skills’ section add language prioritizing experience with organizational development and restructuring. She stated that experience in merging agencies and shifting structures would be beneficial. Commissioner Skinner suggested that the job description should also reference soft skills such as being able to address the personalities and preferences of each Commissioner. She stated that it was important to manage each of the Commissioners. She stressed the importance of an Executive Director allowing equal opportunities for the Commissioners to influence and develop policy, strategies, and timelines.

Commissioner O’Brien stated that it was previously suggested that the screening committee be given a table of contents of what the Commission expects the candidates to be vetted by. She suggested that a summary of qualities preferred in a candidate be provided to the screening committee. Commissioner Maynard agreed.

Chair Judd-Stein noted that Commissioner Skinner had opined that the Executive Director must manage the Commissioners and clarified that while the Executive Director managed other employees, the Executive Director would not be managing the Commissioners. Commissioner Skinner clarified that she was referring to the soft skill of managing a boss’ personalities, expectations, and needs. She stated that a strong candidate could ensure that there was a level playing field for each Commissioner.

Chair Judd-Stein stated that the Chair bore certain responsibilities and had additional statutory responsibilities. Commissioner Skinner stated that she respected that the Chair had additional responsibilities, but also understood that a lot of the Commission’s interpretation of statutory language relied on one interpretation. She reiterated her request to have a fulsome discussion regarding the interpretation of the statute.

Chair Judd-Stein stated that she consulted the legal team and outside counsel to assist in the interpretation of the statute. She expressed her opinion that it was important to reference the role of the Chair in the job description. Commissioner Maynard stated that he respected the work the Chair did, but that he wanted to ensure every Commissioner had an equal voice when it came to policies and votes. He expressed a preference that the whole Commission be active within discussions and not have the Commission's decisions structured before the conversation in the public meeting.

Chair Judd-Stein offered clarification that the decisions were not structured prior to discussion, and that the Commission was transparent with its process. She stated that each Commissioner was capable of choosing how they vote when it came to decisions, plans, and policies.

Commissioner Maynard stated that he wanted to integrate the review of the structure in which the Executive Director reports to the Commission into this process. Chair Judd-Stein stated that it was important for the Executive Director to know that there were five full-time commissioners and that the work was done in public.

Commissioner O'Brien offered clarification that Commissioner Skinner's use of the term "manage" seemed to be a more colloquial use of the term, such as "managing relationships." She noted that the Executive Director was in charge of managing staff, but would also be managing upwards, in how to equitably use their time with the members of the Commission. She stated that each Commissioner needed equal access to the Executive Director. She stated that while the Commission was considering restructuring, it would be important to evaluate how staff reported to the Executive Director and to the Commission. She expressed an interest in ensuring the candidates were aware of this expectation. Commissioner O'Brien reiterated that the dynamic between the executive directors and the Commissioners should be clear in the job description.

Commissioner O'Brien opined that the next step would be to wordsmith the job description. Chair Judd-Stein asked if Executive Director Wells thought that the Executive Director should limit access to the Commission. Executive Director Wells stated that she was working on her transition memo. She stated that the language could be as simple as "the Executive Director reports to the Commission of five and is responsible for keeping each Commissioner informed of ongoing issues and coordinating with the Chair regarding specific responsibilities under G.L. Chapter 23K § 3."

Chair Judd-Stein stated that perhaps it would be appropriate to have more fulsome administrative updates from the Executive Director in public meetings. Executive Director Wells stated that if there was an issue with one of the licensees, the Commission wants to be informed of that promptly, and that it may end up reported in the press before the Commission could convene a public meeting. She stated that a lot of communication was required for the Executive Director position.

Chair Judd-Stein noted that an administrative update ensured that all Commissioners receive information simultaneously. Executive Director Wells agreed but noted that some things could not wait for Commission meetings. She opined that the best quality in an Executive Director was good judgment, and the ability to trust that person to know when they need to check in. She highlighted that the Commission had to work within the parameters of the Open Meeting Law.

Chair Judd-Stein suggested that the job description be modified to reference the use of virtual meetings and stated that in-person meetings could begin again in the fall. She stated that additional editing was required, and that she was not ready to vote on the job description today. Commissioner O'Brien recommended that the job description should be redlined with Executive Director Wells' suggestions, so that it could be finalized at the next meeting. Commissioner Skinner and Commissioner O'Brien offered to make the edits to the job description in advance of the next meeting.

8. [Other Business](#) (3:27:44)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated July 10, 2023
2. [Commissioner's Packet](#) from the July 11, 2023, meeting (posted on massgaming.com)