



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 11, 2024, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 464 9610

The Commission conducted this public meeting remotely utilizing collaboration technology. 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:

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

1. [Call to Order](#) (00:07)

Interim Chair Maynard called to order the 524th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Meeting Minutes](#) (00:31)

Interim Chair Maynard moved that the Commission approve the minutes for the December 14, 2022 public meeting that are included in the Commissioners' 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.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

3. [Administrative Update](#) (01:27)

a. [Discussion of Commissioner Involvement in Hiring Process for Staff Vacancies: I. Chief Enforcement Counsel/Assistant Director of the IEB and II. Division Chief, Sports Wagering](#) (01:45)

Executive Director Dean Serpa notified the Commissioners that the agency is currently working to fill two senior positions: (1) the Chief Enforcement Counsel/Assistant Director of the Investigations and Enforcement Bureau (IEB) and (2) the Division Director, Sports Wagering Division. He referred to Human Resources Policy 1.03.01, which states that “if there is a vacancy in a position that has been designated as a major policymaking position, or other reason why a need arises to fill such a position, the Commission shall determine its level of involvement in the hiring process,” and provided additional background. He stated that today’s discussion is to determine to what extent the Commission would “determine its level of involvement” as allowed by policy for these positions.

Commissioner O’Brien mentioned that this was a deliberate policy that was put in place in 2022 and expressed that she would like Commission involvement in the hiring for these two positions by having representation on the screening committees and the ability to interview the final candidates. Commissioner Hill agreed with Commissioner O’Brien and then asked Director of the IEB Caitlin Monahan where the IEB is in their hiring process. Director Monahan mentioned that she was not aware of the policy before posting for this role. She stated that an initial hiring committee is already in place and the IEB has established a preliminary list of candidates but have not yet reached out to those candidates. Commissioner Hill expressed an interest on serving on the hiring committee for the Division Director of the Sports Wagering Division position. Commissioner Skinner inquired about what Commissioner participation will look like for both committees. A discussion ensued about the previous hiring process for these two positions and whether that predated the policy currently being discussed. Commissioner O’Brien expressed interest in serving on the hiring committee for the Chief Enforcement Counsel/Assistant Director of the IEB role. Commissioner Skinner stated she is interested in having the final candidates coming before the Commission for consideration before an offer is made. Interim Chair Maynard stated he doesn’t need to sit on either committee. General Counsel Todd Grossman confirmed a vote did not need to be taken.

4. [Legislative Update](#) (15:39)

Commissioner Hill confirmed he did not have an update today.

5. [Succession of Officers and Positions](#) (16:04)

Commissioner O’Brien summarized that she is the presumptive nominee for Treasurer and Commissioner Skinner is the presumptive nominee for Secretary. Based on this information, Commissioner Hill moved that in accordance with M.G.L. c. 23K, §3(f), the Commission

appoint Commissioner O'Brien as Treasurer for a term of one year to start August 1, 2024 and further moved in accordance with M.G.L. c. 23K, §3(f), the Commission appoint Commissioner Skinner as Secretary for a term of one year. Interim Chair Maynard seconded the motion. Commissioner O'Brien added a friendly amendment to the motion that the Secretary's term would be effective July 15, 2024.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

6. [Community Affairs Division](#) (19:07)

a. [Community Mitigation Fund, Everett FY 2025 Public Safety Application](#) (19:17)

Chief of the Community Affairs Division Joseph Delaney introduced the Everett Community Mitigation Fund application for the ShotSpotter system and welcomed Chief Paul Strong and Captain Paul Landry as representatives from the Everett Police Department to answer any questions about the ShotSpotter system. Commissioner Hill asked to hear from Chief Strong about his view of the program. Chief Strong summarized the previous report that the Everett Police Department submitted to the Commission and explained the program that is currently implemented. He emphasized that their number one priority is the utmost safety of patrons. Commissioner Hill asked about whether the Everett Police Department received any complaints from the city or citizenry about the program. Chief Strong confirmed that they are quite happy, and no one refused to put the monitors on their homes. Interim Chair Maynard asked whether it is a 0.32 square mile expansion of the technology that already exists. Captain Landry confirmed that was correct and provided additional background information about how this technology helps to zoom into a specific location.

Commissioner Skinner expressed concern about using Community Mitigation Fund money towards the ShotSpotter system technology, citing concerns raised about over-policing, especially in communities of color. Chief Strong commented that they're not like other parts of the country, that Everett is one of the most diverse cities in Massachusetts, and that they have been doing community policing for 30+ years. Commissioner Skinner confirmed that it is not her role to comment on the broader impact questions. Commissioner O'Brien commented that she thinks this is an appropriate request and supports it based on the efficacy of the equipment for Everett. Interim Chair Maynard agreed. Chief Delaney added that the review team recommended approval of this request when it was first reviewed. Chief Delaney confirmed that the proposed amount to be granted to the City of Everett is for their entire application, including an additional \$55,000 in funds for the ShotSpotter technology.

Commissioner Hill moved that the Commission approve the City of Everett's application for funding from the Community Mitigation Fund in the amount of \$2,403,400 for the purposes described in the submitted application and materials included in the Commissioners' Packet on

June 6, 2024 and July 11, 2024, and for the reasons described therein and discussed here on June 6, 2024 and July 11, 2024 and further that the Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Nay.

Interim Chair Maynard: Aye.

The motion passed with a majority of the vote, 3-1.

7. [Sports Wagering Division](#) (37:20)

a. [Request for Amendment to House Rules](#) (37:32)

I. [Fanatics](#) (37:40)

Sports Wagering Operations Manager Andrew Steffen introduced the topic of house rule updates for the Commission. He started with a general overview of the request from Fanatics Sportsbook on June 25, 2024 to update sections on a variety of sporting events to reflect clarification and additional product offerings. Manager Steffen then stated that the Sports Wagering Division confirmed that all requirements had been met under 205 CMR 247.02 and had no reservations about approving these changes.

Commissioner Hill moved for the Commission to approve the updates to Fanatics house rules as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Interim Chair Maynard: Aye.

The motion passed unanimously, 4-0.

II. [Penn Sports Interactive](#) (44:24)

Manager Steffen then moved onto house rule updates from Penn Sports Interactive (PSI) sent on June 12, 2024. He reviewed the specific changes requested, the biggest change of which was an update to the format of the house rules to be clearer and more user friendly and reduce the number of patron complaints. He further noted that changes included a reduction in the overall max bet amount and additional language on Olympic events and markets. Manager Steffen then stated that the Sports Wagering Division confirmed that all requirements have been met under 205 CMR 247.02 and had no reservations about approving these changes. Commissioner

O'Brien recalled a previous discussion on what was going to be allowed in terms of events that were awarded based on judge assessment (i.e. boxing, gymnastics) and asked where our catalog stands in terms of the Olympics. Manager Steffen confirmed those events are not allowed. Commissioner Hill asked for examples of judged events, which Manager Steffen then provided.

Commissioner O'Brien moved that the Commission approve the revised Penn Sports Interactive house rules as included in the Commissioners' Packet and discussed here today. Commissioner Hill 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. [Extension of Waiver issued to DraftKings and BetMGM from 205 CMR 257.03\(4\)](#) (50:02)

Sports Wagering Business Manager Crystal Beauchemin introduced 205 CMR 257.03(4) and reviewed the background of the regulation. She summarized that the Sports Wagering Division recommended extending the waiver issued to DraftKings and BetMGM on March 28, 2024 under 205 CMR 257.03(4) until November 15, 2024. Commissioner O'Brien asked whether the Division was confident these protections exist. Manager Beauchemin affirmed that security measures are in place.

Commissioner Skinner moved that the Commission extend the waivers that it issued on March 14, 2024 to DraftKings and BetMGM in accordance with 205 CMR 202.03(2) and with the requirements outlined in 205 CMR 257.03(4) until November 15, 2024, as granting the waiver meets the requirements specified in 205 CMR 102.03(4) and is consistent with the purposes of G.L. c. 23N. 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

8. [Research and Responsible Gaming](#) (54:39)

a. [Debrief and Discussion of Next Steps from MGC Sponsored Conference](#) (55:03)

Director of the Research and Responsible Gaming Division Mark Vander Linden discussed the MGC's Responsible Gaming Conference. He described the conference, including its theme,

which was “Using Research to Rewrite the Playbook: Examining Social Impacts of Sports Betting and the Changing Gambling Landscape.” He then summarized the evaluation of the conference sessions and key takeaways. Director Vander Linden asked the Commissioners what their thoughts were on next steps. Commissioner O’Brien stated this conference was a step forward in regard to looking at the impacts of advertising, particularly on youth, which she noted that Interim Chair Maynard and Commissioner Hill were working on with the Massachusetts Attorney General’s Office. Commissioner Hill added that it is a continuing partnership between the Commission and the Massachusetts Attorney General’s Office. Interim Chair Maynard commented that he found the conference really enlightening and that he was impressed with the number of different regulators in the room.

9. [Legal](#) (1:10:39)

a. [Discussion of Amendments to Ohio Administrative Code Rule 3775-16-09: Promotions and Bonuses prohibiting promotions and bonuses unrelated to gaming transactions and Discussion of possible Amendments to 205 CMR 256 Related to Promotions and Bonuses](#) (1:10:52)

Deputy General Counsel Carrie Torrissi discussed regulatory amendments to Ohio’s Administrative Code regarding sports wagering promotions linked to non-gaming transactions and directed to individuals under 21 years old, which were introduced in June, and three similar proposed amendments to the Commission’s regulation at 205 CMR 256. Deputy General Counsel Torrissi clarified that the Legal Division was not asking the Commission to discuss the three possible regulations in detail today but was rather seeking input from the Commission about whether they would like to move forward with amendments or keep the regulation as is. She summarized key points from comments received from Operators and then discussed considerations for the Commission.

Interim Chair Maynard asked which of the three proposals is closest to Ohio’s regulations. Deputy General Counsel Torrissi confirmed it was the first proposal and further indicated that the three proposed regulations would all be more explicit regarding a prohibition on promotions linked to non-gaming transactions by those under 21 years old than what is currently in the regulations. Commissioner O’Brien asked about the timing of implementation of the Ohio regulation as, if Ohio’s regulation was in effect, the Commission would not be creating any new requirements for those Operators already complying with Ohio’s regulation. Deputy General Counsel Torrissi responded that implementation of regulations in Ohio takes about five months and would likely not be done until closer to the end of the year. Commissioner O’Brien stated her support for pursuing language on this. She noted there is a distinction between an affirmative obligation to confirm a patron is 21 years old rather than believing they are 21 years old and that this is not an unreasonable request. Commissioner Skinner noted that she believes this is worthy of further discussion. She referred to comments from one Operator who had discussions with OH that seemed to result in a more workable solution for them and was interested in hearing more information. Deputy General Counsel Torrissi responded that after discussions with that Operator, where they landed with Ohio related to how Ohio would interpret and apply the regulation and that there were no changes to the language.

Commissioner Skinner noted her concern about third-party marketing from Operators after an individual signs up for marketing materials from another establishment and that she wants to hear from the Operators on that. Commissioner O'Brien noted that there is an opt-in versus opt-out requirement that Operators must comply with in our data privacy regulations and asked whether that would be applicable also to third-party marketers. Anderson and Krieger Partner and Attorney Mina Makarious stated that it would under 205 CMR 257. He noted that the question now in considering adoption of a regulation similar to Ohio would be what has the Operator already done to comply with data privacy requirements. A discussion ensued about what information the Operator is actively monitoring related to data privacy. Interim Chair Maynard stated that he is interested in further discussion. Deputy General Counsel Torrisi clarified that there are two possible discussions the Commission could have: one is on third-party marketing, which she would like to work closely on with Director Vander Linden, and the other is on targeted post-transaction marketing and promotion. Commissioner O'Brien agreed with that breakdown. Commissioner Skinner asked for advertising examples and scenarios from the Operators. Deputy General Counsel Torrisi confirmed she will ask the Operators.

After a brief break, Interim Chair Maynard welcomed attendees back. Roll call attendance was taken with all Commissioners present.

10. [Investigations and Enforcement Bureau](#) (1:46:20)

a. [Encore Boston Harbor Request for Amendment to Beverage License](#) (1:46:34)

Chief of the Licensing Division Karalyn O'Brien introduced the topic of Encore Boston Harbor's request to amend their beverage license for a new restaurant, Giardino's. Licensing Manager David MacKay provided additional background about the request, including the update to the primary beverage manager. Manager MacKay confirmed that after reviewing the amendment application and performing the on-site inspection, the Licensing Division recommended that the Commission approve Encore Boston Harbor's amendment application to add Giardino's licensed area to the Encore Boston Harbor gaming beverage license and change the Beverage Area Manager to Brian Fountain. Commissioner O'Brien asked whether the change of the Beverage Area Manager was a change of position or person. Manager MacKay confirmed it was a change of person. Commissioner Skinner asked whether there was ever a time that there wasn't a beverage manager on the property. Manager MacKay confirmed that he believed that did occur. Chief O'Brien clarified that there are several managers responsible for beverage-related responsibilities. Commissioner Skinner asked whether their licenses are temporary. Chief O'Brien stated that the issuance of their licenses or registrations was in progress other than those exempt positions.

Commissioner Hill moved that the Commission approve Encore Boston Harbor's gaming beverage license amendment request to add Giardino's as a new licensed area in accordance with G.L. c. 23K, §26 and 205 CMR 136.03 and 136.04 and further that the Commission approve Encore Boston Harbor's request to change the Beverage Area Manager to Brian Fountain. 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. [Review of the IEB's Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02\(2\) regarding noncompliance with permissible sports wagering offerings by Fanatics Betting and Gaming \(1:53:16\)](#)

Director Monahan then moved on to a review of the IEB's recommendation of assessment of a civil administrative penalty pursuant to 205 CMR 232.02(2) regarding non-compliance of permissible sports wagering offerings by Fanatics. Enforcement Counsel Zachary Mercer presented the IEB's recommendation and provided background on the facts and incident which involved a non-tournament collegiate basketball game featuring a Massachusetts-based team being made available for wagering. He summarized that the IEB recommendation was that the Commission assess a \$15,000 civil administrative penalty and at this stage is asking the Commission to vote on one of two available options pursuant to 205 CMR 232.02(3)(a) and (b): one is to adopt the IEB's recommendation as its final decision and the other is to reject the IEB's recommendation and issue a notice of intent to adopt a separate recommendation following an adjudicatory hearing.

Commissioner Skinner asked whether, when an Operator cancels a leg of a parlay wager, the bettor has the wager amount completely refunded or is it pro-rated. Counsel Mercer confirmed that it is his understanding pro-rating is not available because it is not possible to break down the bet into components as they are part of a whole package. Director Monahan added that pursuant to 205 CMR 247.03(11), the bettors don't get refunded in the event of a cancellation. Commissioners Skinner and Hill both stated that they are in favor of adopting the IEB's recommendation.

Commissioner Skinner moved that the Commission adopt the recommendation of the IEB as its final decision to assess a civil administrative penalty against FBG Enterprises Opco, LLC d/b/a Fanatics Betting and Gaming for the reasons outlined in the Commissioners' Packet and discussed here today. Commissioner Hill 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.

- c. [Update on IEB review of potential noncompliance of 205 CMR 248.04\(4\) by American Wagering Inc., d/b/a Caesars Sportsbook, a temporary Category 3 sports wagering licensee, as requested by the Commission](#) (1:59:49)

Director Monahan then moved on to the IEB's next agenda item, which was an update of the IEB's review of a potential non-compliance matter. Counsel Mercer provided background and context on the incident which stemmed from American Wagering Inc., d/b/a Caesars Sportsbook's request for a variance from regulatory requirements for having knowledge-based authentication questions under 205 CMR 248.04(4) and the IEB's concern regarding their failure to have such questions since launch. He confirmed that the IEB is seeking guidance on how the Commission would like to proceed: to move the matter to an adjudicatory hearing, refer the matter back to the IEB pursuant to 205 CMR 232 or, under G.L. c. 23N, §16, issue a civil administrative penalty and start that process.

Interim Chair Maynard asked whether this was a technical violation of the regulation. Counsel Mercer stated that Caesars requested no further waiver from the regulatory requirements after a blanket waiver issued to the Operators expired and was therefore out of compliance since September 1. Commissioner O'Brien stated that the Operator has a continuing obligation to be in compliance and asked whether there was some communication on our end that led them to believe they were in compliance when they in fact were not. A discussion ensued about which path would help clarify that question. Commissioner Skinner noted that she was leaning towards having an adjudicatory hearing on the matter and that she wanted the opportunity to hear from the Operator directly. Commissioner Hill stated that he would like the IEB to find out the answer to Commissioner O'Brien's question before deciding which path to take. Interim Chair Maynard noted that whether the Operator knew they were in violation of the regulation versus if they were led to believe that they were compliant would dictate his decision. A discussion ensued about the outstanding questions that the Commission would like to have answered. Director Monahan asked for another opportunity to provide an update in the future.

- d. [Executive Session – Security at the Casino Facilities](#) (2:20:08)

Director Monahan requested an executive session to discuss security at the casino facilities.

Interim Chair Maynard stated that the Commission anticipates it will meet in Executive Session in accordance with G.L. c.30A, §21(a)(4), c.30A, §21(a)(7), and G.L. c. 4, §7(26)(f) to discuss the use and deployment of security personnel or devices, or strategies with respect thereto at Encore Boston Harbor, MGM Springfield and Plainridge Park Casino, specifically with regard to firearms and parking garage security, and to discuss investigatory materials related to MGM parking garage security, necessarily compiled out of the public view by the IEB the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. The public session of the Commission meeting will not reconvene at the conclusion of the Executive Session.

Commissioner O'Brien moved to go into Executive Session on the matters and for the reasons stated by the Interim Chair. 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.

11. [Commissioner Updates](#) (2:21:05)

Upon request from the Interim Chair, no commissioner updates were noted.

12. [Other Business](#) (2:21:11)

Upon request from the Interim Chair Maynard, no other business was noted.

Transcriber's note: The Commission's vote to enter Executive Session occurred after Items #11 and 12. The Commission entered an Executive Session and did not reconvene the public meeting at the conclusion of the Executive Session.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda dated July 11, 2024](#)
2. [Commissioner's Packet from the July 11, 2024 Meeting](#) (posted on massgaming.com)