



Massachusetts Gaming Commission

Meeting Minutes

Date/Time: July 12, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 517 7379

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](#) (06:15)

Chair Judd-Stein called to order the 465th 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](#) (07:23)

Executive Director Karen Wells stated that in response to the prior meeting's discussion, she had confirmed with all Commissioners that there was never an issue where she was prohibitive regarding communication. She stated that she had reviewed all outstanding items with the Commission staff and that General Counsel Todd Grossman was in great shape to take over as Interim Executive Director.

3. [Legal](#) (10:50)

Deputy General Counsel Caitlin Monahan stated that three regulations were before the Commission for a final vote. She noted that these regulations were previously adopted by emergency and currently in effect.

a. [205 CMR 222: Capital Investment and Monitoring of Project Construction – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (12:02)

Attorney Paul Kominers, outside counsel from the law firm Anderson and Krieger, presented the draft of 205 CMR 222.00. The *draft of 205 CMR 222 and Amended Small Business Impact Statement* were included in the Commissioner’s Packet on pages 4 through 12. Mr. Kominers stated that the Commission received no further comments since the emergency adoption of the regulation and that the legal team recommended no further changes.

Commissioner O’Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 222 as included in the Commissioner’s Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. 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.

b. [205 CMR 239: Continuing Disclosure and Reporting Obligations of Sports Wagering Licenses – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (14:31)

Attorney Mina Makarious, outside counsel from Anderson and Krieger, presented the draft of 205 CMR 239. The *draft of 205 CMR 239 and Amended Small Business Impact Statement* were included in the Commissioner’s Packet on pages 13 through 21. The *public comments related to 205 CMR 239* were included in the Commissioner’s Packet on pages 25 through 31.

Mr. Makarious stated that one of the comments suggested that the twice-per-month reporting of disbursements was excessive. He noted that the legal team discussed this requirement with the Commission staff and that they had indicated that this level of reporting was helpful in the past. He recommended against implementing the change suggested by the Operator.

Mr. Makarious stated that some Operators had raised concerns that including complimentary services offered in the quarterly report may require the disclosure of commercially sensitive

information. He stated that while G.L. Chapter 23N did not protect the same type of information as G.L. 23K, it did not supersede other protections or exemptions within the public records act. He recommended against making changes to this provision.

Mr. Makarios noted that an Operator raised concerns about being required to provide federal and state tax returns to the Commission. He noted that this was a misconception, as the regulation only required Operators to compile and retain this data unless the Commission submits a specific request.

Mr. Makarios noted that one of the Operators had requested language be added to the provision requiring attestation that taxes were paid for an exclusion if the excise taxes were being contested. He explained that this language was not necessary and that entities could explain to the Commission that they were unable to make a certification, as taxes were being contested.

Chair Judd-Stein asked if Sports Wagering Operators would be able to reach out to the Sports Wagering Division or legal team if they had concerns about information that would put them at a competitive disadvantage during the quarterly reports. General Counsel Grossman stated that casinos had non-disclosure agreements that allowed the Commission to enter executive sessions to discuss sensitive information. He stated that these protections did not exist for sports wagering operators, and that the Commission would have to utilize existing exemptions to the public records law and executive session provision to protect that information. He added that the exemption for competitive disadvantage only applied during the licensees' application phase.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 239 as included in the Commissioner's Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. 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.

c. [205 CMR 256.01: Sports Wagering Advertising – Regulation and Amended Small Business Impact Statement for final review and possible adoption.](#) (26:38)

Mr. Makarios presented the draft of 205 CMR 256.01. The *draft of 205 CMR 256.01 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 22 through 24. He noted that no comments were received on this section of the regulation. He stated that a comment was received on another provision of 205 CMR 256, but that the

comment would be reviewed at another time, as it was not relevant to the provision scheduled for this meeting.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 256.01 as included in the Commissioner's Packet and discussed here today; and further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. 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.

4. [Commissioner Updates](#) (30:41)

Commissioner Hill noted that the Massachusetts House of Representatives had proposed a supplemental budget that contained language that would allow simulcasting to occur for the next five years. He noted that the budget would still have to go through the Senate, however.

Commissioner Skinner sought clarification regarding when the new Officer roles would take effect. She stated that she and Commissioner Hill had started to transition the responsibilities of the Treasurer role. Commissioner O'Brien stated that the procedure adopted by the Commission used a default date of July 15th as the annual turnover time.

a. [Farewell to Executive Director Karen Wells](#) (35:12)

Commissioner O'Brien stated that she had known Executive Director Wells for a long time, and that she could be counted on for candor and professionalism. Commissioner O'Brien commended Executive Director Wells for successfully handling Covid-19, the implementation of sports wagering, and the Wynn investigation. Commissioner O'Brien stated that Executive Director Wells' willingness and ability to actively listen was an important leadership quality.

Commissioner Skinner stated that Executive Director Wells was a valuable professional resource, a great colleague, and a friend. Commissioner Skinner thanked Executive Director Wells for always being available and being a fantastic manager of the Commission staff.

Commissioner Hill explained that Executive Director Wells was the first person to greet him at the office when he was appointed Commissioner. He stated that she was patient and understanding. He commended Executive Director Wells' dedication to employees' wellness and leadership through challenging moments. He stated that Commission staff strive to emulate

Executive Director Wells' leadership skills, and that he would miss her infectious energy and can-do attitude.

Commissioner Maynard stated that Executive Director Wells was the cornerstone of the Commission. He stated that anyone who enjoys responsible gaming in Massachusetts, sports wagering, or working at the licensees' properties could thank Executive Director Wells for her immense contributions to the Commission. He stated that Executive Director Wells portrayed excellent leadership and patience.

Chair Judd-Stein stated that she valued Executive Director Wells' leadership and role as a colleague. Chair Judd-Stein echoed each Commissioner's praise for Executive Director Wells. Chair Judd-Stein stated that Executive Director Wells was capable of pivoting and coming up with creative solutions when issues arose. Chair Judd-Stein stated that Executive Director Wells was an objective leader within the organization who was highly respected by the licensees and external stakeholders. Chair Judd-Stein stated that she would remember Executive Director Wells for her generosity, empathy, and kindness.

Executive Director Wells stated that her role was intellectually, professionally, and sometimes emotionally challenging, but the unwavering support of the Commission helped to address complex circumstances. She thanked the Commission staff and gave special thanks to the Director of the Investigations and Enforcement Bureau, Loretta Lillios.

Director Lillios thanked Executive Director Wells and stated that she was grateful for her leadership and friendship. General Counsel Grossman stated that Executive Director Wells was smart, conscientious, and an amazing person to work for. He stated that Executive Director Wells challenged him to do his best. Mr. Makarious thanked Executive Director Wells on behalf of the outside counsel from Anderson & Krieger. He stated that the legal team appreciated the professionalism, direct and careful feedback, and thoughtfulness of Executive Director Wells.

Director of Racing Dr. Alex Lightbown thanked Executive Director Wells for everything she had done for the Racing Division. Chief People and Diversity Officer David Muldrew thanked Executive Director Wells and stated that she gave him the opportunity to reach his goals. Office Operations Manager Maryann Dooley stated that it was an honor and privilege to work with Executive Director Wells.

5. [Other Business](#) (1:07:48)

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

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

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 July 10, 2023
2. [Commissioner's Packet](#) from the July 12, 2023, meeting (posted on massgaming.com)