



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 15, 2025, 10:00 a.m.

Place: Massachusetts Gaming Commission

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

PARTICIPANT CODE: 111 534 0493

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:

Chair Jordan Maynard

Commissioner Eileen O'Brien

Commissioner Bradford Hill

Commissioner Nakisha Skinner

Commissioner Paul Brodeur

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

Chair Maynard called to order the 558th 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](#) (00:45)

a. [May 22, 2023](#) (01:08)

The May 22, 2023 public meeting minutes were included in the Commissioners' Packet on pages 5 through 12.

Commissioner Skinner moved that the Commission approve the May 22, 2023 public meeting minutes as included in the Commissioners' packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Abstain.

Chair Maynard: Aye.

The motion passed unanimously, 4-0, with one abstention.

b. [June 17, 2025](#) (01:39)

The June 17, 2025 public meeting minutes were included in the Commissioners' Packet on pages 13 through 35.

Commissioner Skinner moved that the Commission approve the June 17, 2025 public meeting minutes as included in the Commissioners' packet and discussed here today, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

3. [Administrative Update](#) (03:19)

Dean Serpa, Executive Director, stated that the Commission had received four Supplier Diversity Office ("SDO") awards at its annual awards ceremony in June. He stated that the Commission would have a small business support day to celebrate small and diverse Massachusetts businesses on July 16, 2025.

Executive Director Serpa noted that July 20, 2025 was the Spirit of Massachusetts Day at Plainridge Park Casino ("PPC"). He stated that it was an annual full day racing event with more than \$150,000 in purses throughout the day.

Executive Director Serpa announced that the Commission had concluded its search for the new Chief of the Human Resources ("HR") Division. He stated that the new HR Chief was Kathleen Buckley, and that she had a strong background in town, municipal, and state government HR. He stated that the HR Chief would begin working for the Commission on August 18, 2025. Chair Maynard thanked the HR Chief Search Committee for its work.

4. [Research and Responsible Gaming](#) (08:42)

a. [GameSense Quarterly Report](#) (08:42)

Director of Research and Responsible Gaming Mark Vander Linden introduced the Massachusetts Council on Gaming and Health's ("MACGH") CEO Marlene Warner; MACGH's COO of MACGH Michael Tuplin; MACGH's Director of Player Health Amy Gabrila; and MACGH's Director of Programs and Diversity, Equity, Inclusion, and Belonging ("DEIB") Shekinah Hoffman. The staff from MACGH presented the GameSense quarterly report with topics including funders; Q4 data highlights; voluntary self-exclusion ("VSE"); Champions Awards; outreach and engagement; diversity, DEIB training; reflections on 10 years of GameSense; and plans for fiscal year 2026. *The GameSense quarterly report presentation was included in the Commissioners' Packet on pages 36 through 58.*

Commissioner Skinner explained that she had attended a conference where a panel speaker made a comment that patrons are being deterred from enrolling in the VSE program in Massachusetts because of the length of time it takes for the enrollment process to be completed. She requested that GameSense return to the Commission at a future meeting to discuss the VSE enrollment process and what it entails. Mr. Tuplin stated that GameSense advisors focus on meeting people where they are. He stated that the enrollment process can vary in time depending on the client. He thanked Commissioner Skinner for raising this issue and stated that it would be reviewed.

Commissioner Skinner asked if GameSense Advisors provided referrals to resources or services related to mental health. Ms. Gabrila stated that GameSense was compiling a comprehensive support and resource package that could be distributed to patrons, and that GameSense intended to make that information available.

5. Sports Wagering Division (1:06:50)

a. Encore Boston Harbor Request for Permanent Waiver from Letter of Credit Required by 205 CMR 238.12 (1:07:06)

Chief of Sports Wagering Carrie Torrisi explained that Encore Boston Harbor ("EBH") had requested a permanent waiver from the requirement that they have a letter of credit in accordance with 205 CMR 238.12. *A memorandum and EBH's waiver request were included in the Commissioners' packet on pages 59 through 65.*

Chief Torrisi explained that the Commission discussed the letter of credit requirement at length and gave the operators an opportunity to provide input. She explained that EBH argued that its minimum cash on hand was sufficient to cover its sports wagering liabilities. She noted that this argument was previously raised and rejected by the Commission. She stated that cash on hand does not meet the intent of the requirement in 205 CMR 238.12. Commissioner Skinner expressed concern that the proposed cash-on-hand could be inaccessible.

Commissioner Hill moved that in accordance with 205 CMR 202.03(2), the Commission deny the request from Encore Boston Harbor for a permanent waiver from the letter of credit requirement of 238.12, as detailed in the materials in the Commissioners' Packet and as discussed here today. Commissioner Brodeur seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

6. Investigations and Enforcement Bureau (1:25:55)

- a. 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 BetFair Interactive LLC d/b/a FanDuel

Enforcement Counsel Diandra Franks presented a proposed civil administrative penalty in the amount of \$15,000 for BetFair Interactive LLC d/b/a FanDuel ("FanDuel"). She explained that the Investigations and Enforcement Bureau ("IEB") briefed the Commission regarding this noncompliance incident on October 24, 2024. She stated that FanDuel had offered wagering on the PGA under the assumption that it was connected to the approved PGA league. She noted that these were two separate golf entities. She stated that 7,155 total wagers were accepted in the amount of \$78,254. She stated that the IEB recommended that the Commission assess a \$15,000 civil assessment on FanDuel.

Commissioner Skinner asked why the IEB did not increase the assessment based upon the prior \$20,000 penalty issued to FanDuel for allowing wagers on non-approved markets. Counsel Franks stated that each non-compliance matter is reviewed based upon factors including the type of violation, amount of wagers, and previous decisions. She stated that each recommendation is based upon a specific set of circumstances. She stated that the recommended \$15,000 civil administrative penalty on FanDuel would be larger than the assessment another operator received with a similar PGA violation.

Commissioner Skinner asked if there were any other operators who might have offered wagering on the PGA, or if it was just the two operators. Counsel Franks stated that the IEB was unaware of any other operators which offered wagering on the PGA prior to its approval by the Commission.

Commissioner O'Brien stated that she would like to see the length of time of the noncompliance, the level of money involved, and the specifics of an operator's past noncompliance used as mitigating or escalating factors when determining civil administrative penalties.

The Commission reached a consensus to accept the IEB's recommendation of a \$15,000 civil administrative penalty on FanDuel.

- b. Briefing on noncompliance matter related to Temporary Category 3 Sports Wagering Licensee FBG Enterprises Opco, LLC, d/b/a Fanatics Betting and Gaming and discussion regarding next steps. Alleged noncompliance relates to offering wagering on an

unapproved event in violation of 205 CMR 247.01(1), 205 CMR 247.01(2)(i), and the Massachusetts Sports Wagering Catalog. (1:34:26)

Counsel Franks explained that there was an alleged noncompliance event involving FBG Enterprises Opco, LLC d/b/a Fanatics Betting and Gaming (“Fanatics”). She stated that Fanatics had offered wagering on the MPBL, an unapproved basketball league, between July 1, 2024 and April 25, 2025. She stated that there were 14,035 wagers with a total handle of \$712,957. *A memorandum regarding this alleged noncompliance event was included in the Commissioners’ Packet on page 66.*

The Commission reached a consensus to refer this matter to the IEB for investigation and a recommended civil administrative penalty.

c. Briefing on noncompliance matter related to Category 3 Sports Wagering Licensee American Wagering, Inc. d/b/a Caesars Sportsbook and discussion regarding next steps. Alleged noncompliance relates to offering wagering on unauthorized event in violation of 205 CMR 247.01(2)(i) (1:36:57)

Enforcement Counsel Nathaniel Kennedy stated that multiple operators had an alleged noncompliance event related to the college basketball Crown Tournament. He stated that American Wagering, Inc. d/b/a Caesars Sportsbook (“Caesars”) accepted 1,039 wagers between March 23, 2025 and March 31, 2025 in the amount of \$56,665. He stated that Caesars inquired with Commission staff as to whether wagering was permitted on this event, at which time it was discovered that the NCAA did not govern this tournament; therefore, the tournament was not approved. *A memorandum regarding this alleged noncompliance event was included in the Commissioners’ Packet on page 67.*

Commissioner Hill asked how a tournament featuring NCAA teams was not sponsored by the NCAA. Counsel Kennedy stated that while the tournament featured NCAA teams and was included on the NCAA schedule, the tournament was not subject to NCAA approval and was therefore violative of the sports wagering catalog. Commissioner Hill asked what distinguished this tournament from similar NCAA events such as the Maui Tournament. Counsel Kennedy stated that he did not have an answer to that question. He noted that the Sports Wagering Division did a brief investigation before determining the tournament was not a sanctioned event.

Commissioner Brodeur stated that he would send this matter back to the IEB while also having the Sports Wagering Division research what events are included in the events catalog. He stated that it was difficult to distinguish this tournament from normally sanctioned NCAA events.

Chair Maynard inquired as to who sanctioned the Crown Tournament. Counsel Kennedy stated that the event was governed by an independent body.

Commissioner Hill stated that he would refer the matter back to the IEB and suggested that the regulation regarding the event catalog be reviewed. Chair Maynard stated that the matter could be referred back to the IEB and considered by the Commission again when the IEB returns with

its recommendation. Commissioner Skinner stated that the concerns raised by Commissioner Hill could be considered as mitigating factors when the IEB returns with its recommendation.

The Commission reached a consensus to refer this matter to the IEB for investigation and a recommended civil administrative penalty.

d. Briefing on noncompliance matter related to Category 1 Sports Wagering Licensee Wynn MA, LLC d/b/a Encore Boston Harbor and discussion regarding next steps. Alleged noncompliance relates to offering wagering on unauthorized event in violation of 205 CMR 247.01(2)(i) (1:46:33)

Counsel Kennedy explained that EBH similarly offered wagers on the Crown Tournament. He stated that EBH accepted 77 wagers between March 30, 2025 and March 31, 2025 in the amount of \$5,199. He stated that EBH ceased offering wagers on this event and inquired with the Sports Wagering Division as to whether the event was authorized. He stated that the Sports Wagering Division informed EBH that this event was not authorized. *A memorandum regarding this alleged noncompliance event was included in the Commissioners' Packet on page 67.*

Chair Maynard commended the operators for self-reporting this alleged noncompliance event. The Commission reached a consensus to refer this matter to the IEB for investigation and a recommended civil administrative penalty. Chair Maynard suggested adding language to the events catalog that would permit wagering on these types of tournaments.

7. Community Affairs Division (1:48:35)

a. FY 2026 Community Mitigation Fund Grant Application Review I. Municipal Block Grant Applications - Boston

Chief of the Community Affairs Division Joe Delaney presented the Municipal Block Grant Application submitted by the City of Boston. He stated that the Community Affairs Division recommended full funding in the amount of \$2,607,000 and a waiver to allow the City of Boston to have three years to administer certain portions of the grant. *A summary of the City of Boston's Grant Application was included in the Commissioners' Packet on pages 68 through 72.*

Commissioner Brodeur moved that the Commission approve the City of Boston's application for funding from the Community Mitigation Fund in the amount of \$2,607,000 with the condition that funding for the Public Safety Program Coordinator and Overtime initiatives be expended based on a 3-year term, set to expire on June 30, 2028, in accordance with their waiver request, for the reasons set forth in the submitted application and materials included in the Commissioners' Packet and as discussed here today, and further, that Commission staff be authorized to execute all necessary grant instruments commemorating this award in accordance with 205 CMR 153.04. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.
Commissioner Brodeur: Aye.
Chair Maynard: Aye.
The motion passed unanimously, 5-0.

8. Legal (1:58:54)

- a. 205 CMR 115.04: Phase 1 and New Qualifier Investigation and Recommendations by the Bureau – Discussion and Review of Regulation Amendment and Small Business Impact Statement for authorization to begin the promulgation process by Commission - 1205

Staff Attorney Autumn Birarelli presented proposed amendments to 205 CMR 115.04. *A memorandum, redline of the amended 205 CMR 115.04, and Small Business Impact Statement were included in the Commissioners' Packet on pages 73 through 79.*

Regarding the differences between adjudicatory hearings and public hearings and the Commission's ability to enter an executive vs. a closed session, Attorney Birarelli noted that the Commonwealth's recent budget bill amended G.L. c. 23N § 6(i) which expanded the reasons available to the Commission to enter an executive session for matters regarding a sports wagering licensees' trade secrets, competitively-sensitive information or other proprietary information. She stated that while this gave the Commission a new avenue to enter an executive session in a public hearing, the possibility of such would require proper notice. She stated that a novel issue arising during a qualifier suitability adjudicatory hearing that raised privacy or other sensitive issues could be reviewed in a closed session under 205 CMR 101 but may not be able to be reviewed in an executive session in a public hearing depending on the subject matter to be discussed. She stated that it was preferable for new qualifier suitability proceedings to be done by adjudicatory hearing.

Commissioner Skinner stated that she was supportive of the amendment. She stated that the first sentence of 205 CMR 115.04(2) was superfluous as going forward, based on the proposed amendment, all qualifier suitability proceedings would be held in adjudicatory hearings. Commissioner O'Brien expressed concern that removing the "if" in 205 CMR 115.04(2) would turn the sentence into a "shall". Chair Maynard stated that he agreed with Commissioner O'Brien's interpretation of the regulation. Commissioner Skinner explained that if all new qualifier proceedings were handled via adjudicatory hearings, the first sentence of 205 CMR 115.04(2) would be unnecessary. She further noted that the "shall" already existed in the regulation.

Commissioner O'Brien stated that the Commission could move forward with the language as presented and request that the Legal Division review the language to see if the first sentence of 205 CMR 115.04(2) could be deleted without creating a requirement for the Commission. She noted that executive sessions also only allowed the Commission to protect the privacy interests of the applicant but not a third-party involved with the applicant.

Commissioner O'Brien moved that the Commission approve the Small Business Impact

Statement and the draft of 205 CMR 115.04 as included in the Commissioners' Packet and discussed here today, and further, that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

b. Litigation Update (2:13:58)

Chair Maynard stated that the Commission would discuss Commissioner updates and other business before taking a vote to enter executive session. He further noted that the Commission would not be returning to the public meeting following the executive session.

Transcriber's note: The Commission discussed agenda item nos. 10 and 11 before resuming agenda item nos. 8(b) and 9. Upon resuming said agenda items, the Commission read the executive session language to discuss both agenda items before entering the executive session.

Chair Maynard stated that the Commission anticipated that it would convene in an Executive Session pursuant to G.L. c. 30A, § 21(a)(3) in conjunction with its review of litigation strategy with respect to Public Health Advocacy Institute v. Massachusetts Gaming Commission, as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission.

Commissioner Brodeur moved that the Commission enter executive session on the matter and for the reasons just articulated by the Chair. Commissioner Skinner seconded the motion

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

9. Meeting Minutes (2:14:56)

a. Executive Session

Chair Maynard stated that the Commission anticipated that it would meet in an executive session to review minutes from previous executive sessions as their discussion at an open meeting may

frustrate the intended purpose for which the executive session was convened, pursuant to G.L. c. 30A, § 21(a)(7) and c. 23N, § 6(i): December 6, 2022; G.L. c. 30A, § 21(a)(7); c. 23N, § 6(i); and c. 4, § 7(26)(c) and (n): December 13, 2022 at 12:56PM and 3:15PM; G.L. c. 30A, § 21(a)(7) and c. 4, § 7(26)(n): May 22, 2025 at 1:34PM; and G.L. c. 30A, § 21(a)(3), (4), (6) and (7); c. 4, § 7(26)(f) and (n); c. 23K, § 21(a)(7); and c. 23N, § 6(i): May 22, 2025 at 1:50 PM.

Commissioner Skinner moved that the Commission enter executive session for the reasons just stated by the Chair. Commissioner Hill seconded the motion

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Brodeur: Aye.

Chair Maynard: Aye.

The motion passed unanimously, 5-0.

10. [Commissioner Updates](#) (2:10:16)

Commissioner Brodeur stated that the recently passed federal tax and spending bill included a change in tax treatment for gambling proceeds. He stated that the bill restricted the amount of losses that are deductible under federal taxes. He stated that this could disincentivize patrons from participating in the legal gaming market. He stated that this was a topic to keep an eye on and discuss with other regulators in order to protect consumers.

11. [Other Business](#) (2:13:45)

Upon inquiry by the Chair, no other business was noted.

Transcriber's note: The Commission entered executive session at 12:22 PM and did not reconvene the public meeting session.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated July 11, 2025
2. [Commissioner's Packet from the July 15, 2025 meeting](#) (posted on massgaming.com)