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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 27, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 281 9432

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure 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 468<sup>th</sup> 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. January 18, 2023

The January 18, 2023 public meeting minutes were included in the Commissioner's Packet on pages 4 through 16.

Commissioner Maynard moved that the Commission approve the minutes from the January 18, 2023 meeting that was included in the Commissioner's 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### 3. [Administrative Update](#) (01:55)

Interim Executive Director and General Counsel Todd Grossman thanked the Commission for selecting him for the Interim Executive Director position. He stated that he had visited each casino and spent considerable time meeting with staff since being appointed. He stated that communication from all levels of the organization was essential.

#### a. [Status of Office Space due to Recent Pipe Break](#) (4:42)

Interim Executive Director Grossman stated that the Commission's Boston office had experienced extreme flooding. He stated that the scope of the damage was limited in comparison to the extent of the water flow that occurred. He stated that the source of the flood was a burst twelve-inch joint on the 17<sup>th</sup> floor that was part of the condenser water loop, and that the water reached as far down as the 10<sup>th</sup> floor. He stated that building management was responsive in addressing this issue and recommended that Commission staff who work in the Boston office work from home until it was remediated.

Interim Executive Director Grossman stated that repair efforts were well underway with thirty pieces of equipment including fans and dehumidifiers being used. He stated that a consulting team performed a moisture assessment and developed a remediation plan. He added that the remediation was expected to continue through the following week and that the situation would continue to be assessed on a weekly basis.

Chief Information Officer Katrina Jagroop-Gomes stated that the servers, switches, and main distribution frame on the 12<sup>th</sup> floor were not impacted. She stated that water damage affected smaller physical user-end equipment. She stated that the affected equipment was drying in the lab and that it was undetermined whether they were functional. She noted that a subsequent leak had impacted the lab and the hallway in its vicinity. She noted that the live-stream equipment in the public meeting room was not affected, but construction would be occurring in that area.

Chief People and Diversity Officer David Muldrew stated that there would be opportunities to meet with the building management throughout the remediation process. Commissioner Skinner noted that she was at the office and that the noise level of the remediation equipment was manageable.

### 4. [Sports Wagering Division](#) (12:09)

Director of Sports Wagering Bruce Band announced that Sports Wagering Operations Manager Sterl Carpenter was departing the Commission to work for the state of North Carolina. Director Band commended Mr. Carpenter for being a hard-working asset for the Commission.

The Commission thanked Mr. Carpenter for his work in standing up the Sports Wagering Division, his invaluable knowledge of gaming and sports wagering, and excellent communication with the Commissioners. Mr. Carpenter thanked the Commission and stated that his position allowed him the opportunity to learn and grow in the regulatory side of the industry.

a. [Update to Fanatics' House Rules](#) (19:54)

Mr. Carpenter explained that in accordance with 205 CMR 247.02(4) the Commission reviews all proposed changes to a licensee's house rules. He stated that 90% of the changes to Fanatics' house rules were purely grammatical or phrasing changes for clarifications. The *changes to Fanatics' House Rules* were included in the Commissioner's Packet on pages 17 through 22. Mr. Carpenter stated that the Sports Wagering Division had no reservations about the changes requested by Fanatics.

b. [Update to DraftKings' House Rules](#) (23:24)

Mr. Carpenter explained that the changes to DraftKings' house rules were similar in that 90% of the changes were related to phrasing and grammatical corrections. The *changes to DraftKings' House Rules* were included in the Commissioner's Packet on pages 23 through 27. Mr. Carpenter stated that the Sports Wagering Division had no reservations about approving the requested changes.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by category three sports wagering operator Fanatics as included in the Commissioner's Packet and discussed here today; and further that the Commission approve the amendments to the house rules submitted by category three sports wagering operator DraftKings as included in the Commissioner's Packet and discussed here today. 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.*

5. [Community Affairs Division](#) (27:27)

a. Review of Potential Modifications to the Community Mitigation Fund

Chief of the Community Affairs Division Joe Delaney stated that the Community Affairs Division recommended that changes be made to the Community Mitigation Fund to make the process better in the future. A *memorandum detailing potential changes to the Community Mitigation Fund* was included in the Commissioner's Packet on pages 28 through 33.

Chief Delaney stated that in 2023 the Community Mitigation Fund had \$28,000,000 available and awarded only \$10,200,000. He stated that the funds available were not being fully utilized and that the goal was to improve the use of the fund. He stated that a number of challenges in the program had been identified.

Chief Delaney stated that the first issue was that applicants struggled to identify and quantify casino-related impacts. He stated that he advised applicants to use the Commission's research agenda and other available information such as traffic studies to identify impacts. He noted that despite this, applicants were continually having difficulty in identifying and quantifying those impacts. He stated that failure to identify and quantify an impact was the largest reason for denial of grants.

Chief Delaney stated that the second issue was that many communities did not have dedicated staff for writing grant applications. He noted that this was especially true in Region B where there were smaller communities. He stated that larger communities were also having challenges related to maintaining staff to write and administer grants. He expressed concern about the ability of the communities to do good grant applications.

Chief Delaney noted that the Community Mitigation Fund program structure was also different than other grant programs. He noted that the Community Affairs Division staff would ask follow-up questions and request supplemental information. He stated that this process created extra work for the review team and the applicants. He stated that the Community Mitigation Fund is different from other grants as it is reviewed on a consensus basis and there was no formal scoring system due to the differences between grant categories.

Chief Delaney noted that all applications were required to be presented to the Commission for a vote. He noted that it was time consuming to meet with the Commissioners in two-by-two sessions, prepare a memo, and present the recommendations in the meeting. He stated that this was not typical of all grant programs, and that grant recommendations did not always rise to a commission or board.

Chief Delaney explained that another issue was that a lot of applications were received for routine municipal expenditures. He stated that the Community Mitigation Fund was designed to provide resources over and above what the commute is regularly doing. He stated that it should be clear in the guidelines that these requests are not eligible.

Chief Delaney stated that one potential way to improve the plan would be a legislative change to increase eligibility. He stated that the process could be open to more communities. He stated that it would be beneficial to explicitly state what types of projects are eligible for funding to help guide applications. He stated that revisiting the legislation could increase applications and

spending. He noted that the Commission and advisory subcommittee were hesitant to reopen G.L. Chapter 23K, but that it would take a while to implement legislative changes.

Chief Delaney stated that another option would be to change the Community Mitigation Fund Guidelines to be more prescriptive. He stated that the Community Affairs Division could review the Commission's research and include information identifying particular impacts in the guidelines. He stated that providing this information would give communities information to rely on related to identifying and quantifying impacts. He noted that the last study from Crime Analysis Consultant Christopher Bruce identified that casinos contribute to charges of driving under the influence. Chief Delaney stated that if a police department had a program focused on driving under the influence it would be eligible for funding. He stated that the Community Affairs Division should be able to pre-identify some impacts of the casinos.

Chief Delaney stated that the Local Community Mitigation Advisory Committees had discussed converting the program into a block grant program. He stated that each community would get a certain percentage of funds based on a formula and that the communities would be required to put together a work plan within the framework of the guidelines. He stated that it would give the communities certainty regarding receiving funds and incentive to apply.

Chief Delaney stated that the block grant structure would ease the administrative burden on the grantees and Commission staff. He stated that a formula would have to be developed for distributing funds that would be equitable and easy to implement. He stated that criteria for the formula would include distance from casinos, traffic studies, casino employee residency. He stated that certain programs such as the workforce program and money that goes to district attorneys' offices would be carved out before the formula is applied.

Chief Delaney stated that the Commission defines what communities are eligible to apply and stated that the Commission may want to revisit that. He proposed that the Community Affairs Division further investigate the block grant approach as it addresses more of the identified issues. He stated that the block grant structure would increase utilization of the program, improve the quality of applications, and better address and identify casino-related impacts. He stated that the Community Affairs Division could develop a proposed framework to present to the Commission at the end of August.

Commissioner O'Brien stated that she understood the request but was not certain about the structure of block grants or taking the Commission substantially out of the process for allocating the grant. She expressed support for defining potential impacts connected to the casino in the Community Mitigation Fund Guidelines. She noted that she had received an email from the grant coordinator with the Attorney General's Office offering to help on the public safety and human trafficking concerns. She stated that while things needed to be changed, she was not a fan of the block grants and would rather look into ways to expedite the Community Mitigation Fund process.

Commissioner Hill stated that he supported block grants. He suggested that the Community Affairs Division develop a proposal for the implementation of block grants to present at the end

of August and that the Commission meet with the communities to receive feedback on the proposed changes. He stated that he would like to see the proposal and comments from community leaders in a public meeting.

Commissioner Skinner expressed support for Commissioner Hill's proposal. She stated that she would like to be more informed regarding how the block grant structure works. She stated that she would like to see what the proposal looks like.

Commissioner Maynard stated that he was a proponent of making it easier to apply for grants and that anything the Commission could do to streamline the process would be helpful. He stated he would like to know more information about whether the proposed structure could be implemented quickly.

Chair Judd-Stein stated that she supported Commissioner Hill's proposal, and that she would like to hear more about block grants. She stated that she did not want to remove the Commission from the process, but that it could be a memo for the Commission to weigh in on. She stated that streamlining the process was important.

Chief Delaney stated that the Community Affairs Division would begin to develop a framework and get feedback from the grantees. He stated that if the framework was presented in late August, it would need to either be approved to begin the block grant process or denied so that the Community Affairs Division could begin revising the Community Mitigation Fund Guidelines to be more prescriptive. He stated that feedback at that meeting was critical for timely implementation before the next grant cycle.

Commissioner O'Brien clarified that she was not wholly against block grants but that she would like more information before moving forward. She stated that the Community Affairs Division put in a lot of effort trying to remedy holes in the applications they received. She stated that it would be beneficial to streamline the grant process.

Chair Judd-Stein noted that Chief Delaney had stated the Commission was hesitant to reopen G.L. Chapter 23K. She stated that she was not certain that there was a concern held by the Commission. Chief Delaney stated that this concern was expressed by the Local Community Mitigation Advisory Committees. Chair Judd-Stein noted that there were other options before legislative change, but that she would not eliminate the option of legislative change if it would be helpful in the implementation of the grant program.

## 6. [Racing](#) (1:01:40)

### a. Review of Racing License Application for Opening a New Racetrack

Chief Veterinarian and Director of Racing Dr. Alexandra Lightbown stated that the application for opening a new racetrack asked for more detail than the application to renew a racing license. She stated that it requested details regarding the track surface, a traffic study, approval required pursuant to G.L. Chapter 128A § 13(a) and § 14, liability coverage for horses, information

regarding the leasing of property, information related to the handling of dormant advanced deposit wagering accounts, and allowed for the waiver of qualifier status.

Associate General Counsel Judith Young presented the application form for a licensee's request to open a new racetrack. The *new racetrack application* was included in the Commissioner's Packet on pages 34 through 57. Associate General Counsel Young stated that the Commission last reviewed the new racetrack application in 2022, and that this form was modified with changes put forward by Director Lightbown. Associate General Counsel Young stated that this form was intended for the 2024 racing season.

Commissioner O'Brien asked if question four should be further clarified that the applicant received final local approval. Associate General Counsel Young stated that the language could be changed to clarify that the final approval occurred, and any post-petition process or referendum was confirmed. She stated that this would also be clarified in the horseracing regulation framework that would be presented to the Commission in a few weeks.

Deputy General Counsel Caitlin Monahan noted that the statute did not include a timeframe for the override process, but that the language could be changed to require local approval be granted thirty or sixty days prior to the application deadline. She noted that an override process could still occur after final approval. Commissioner O'Brien recommended that the term "final" be included, and that Deputy General Counsel Monahan's suggestion of a timeframe be included.

Commissioner Hill asked if the term "all approvals" in section four was sufficient for the inclusion of local approvals such as the planning board and infrastructure. Associate General Counsel Young stated that section four, subsection four asked the applicant to submit a schedule of all other hospitality, federal, and land use permits, licenses, and approvals. She stated that she could specifically add the term "local" to that section to make it explicitly clear, if desired.

Chair Judd-Stein stated that it might be helpful to include more examples in each category. Associate General Counsel Young explained that section 4.1 was related to approval in accordance with G.L. Chapter 128A § 13(a) regarding local approval, and that section 4.3 was related to approval in accordance with G.L. Chapter 128A § 14 regarding county approval, and that section 4.4 set out the other state, local, and federal requirements to operate a racing facility.

Commissioner Maynard questioned why the word "may" was struck in section 4.4 with no word replacing it. Associate General Counsel Young stated that it appeared to be an accidental deletion and confirmed it would be re-inserted. Commissioner Maynard expressed support for adding language related to a timeframe to prevent possible issues related to post-petition processes. Commissioner Hill noted that the language in section 4.4 addressed his concern regarding local approvals.

Chair Judd-Stein stated that she wanted to ensure that the definition in the application of final approval would be consistent with the language regarding local referendums and the appeals process. Commissioner O'Brien stated that it would be helpful to wordsmith and capture the correct terms of art regarding the referendum. Deputy General Counsel Monahan noted that if a

town had a select board, the town had the ability to have a referendum and a vote. She expressed uncertainty as to whether there was a process past that step.

Associate General Counsel Young moved to the next edit within the application and stated that the application required an association carry animal insurance. Director Lightbown stated that typically it was the individual owner of the horses that had insurance for the animals, and that she was unsure if racetrack liability insurance covered animals. She stated that she had asked Plainridge Park Casino to look into the industry standard regarding insurance as they were the only track offering live racing.

Associate General Counsel Young stated that the application would be posted online seeking comments and brought back to the Commission after the public comment period for a final vote. Chair Judd-Stein asked if the version posted would reflect the edits made during this meeting's discussions. Associate General Counsel Young stated that she would edit the application to include the edits proposed in today's meeting, and research what final approval meant in relation to the statute. She confirmed that a redline version and clean copy would be posted so the public could clearly see all the changes made to the application.

b. [Report to the Commission on Track Matters Approved by the Director of Racing using Delegation of Authority](#) (1:41:09)

Director Lightbown explained that she had used the delegation of authority granted to the Racing Division from 2013 to approve a new starter patrol judge and two veterinarians at Plainridge Park Casino.

7. [Review of Open Meeting Law complaint filed by Patrick Higgins and Associates on July 10, 2023, regarding the Commission's July 10, 2023, meeting agenda](#) (2:09:27)

Outside Counsel from the Law Firm Anderson & Krieger, Attorney David Mackey explained that an open meeting law complaint was filed on July 10, 2023. He stated that the complaint was related to the notice of meeting and agenda, which did not list the names of the applicants interviewing. The *open meeting law complaint* was included in the Commissioner's Packet on pages 58 through 62.

Mr. Mackey stated that the complaint reflected the position that the names of the two final candidates should have been identified in the meeting notice. He noted that Commission staff had sought his input regarding the posting, and that he did not have concerns about not disclosing the candidates on the agenda as they would be fully vetted in the public meeting.

Mr. Mackey stated that a response had been drafted to the complaint which reflected that the Commission staff sought advice from outside counsel regarding the posting for the meeting and that outside counsel had advised it was permissible to withhold names until the public meeting. He stated that to the extent there was any violation it was cured within two business days when the candidates were vetted publicly.



Commissioner O'Brien asked if the open meeting law required the names to be listed. Mr. Mackey stated that there were two Attorney General's Office opinions regarding this issue. He stated that one concluded that it was not a violation, but a later opinion stated that the candidates' names should be included. Commissioner O'Brien stated that going forward, the Commission should include the name of all candidates. Mr. Mackey stated that once the finalists were identified for an interview in a public meeting, the notice of the meeting must contain the names of the finalists. Attorney Paul Kominers from Anderson and Krieger stated that there was an exception if the names of the final applicants were not known at the time the notice was posted, and the screening committee was still selecting the finalists after the meeting notice was posted.

Chair Judd-Stein asked if the response letter was needed as part of the open meeting law. Mr. Mackey replied that it was and that it would also be copied to the Attorney General's Office. Commissioner Maynard recommended including the two candidates' names in the response letter. Mr. Mackey stated that he would make that change.

Commissioner Skinner moved that the Commission approve the open meeting law complaint response as reviewed and discussed here today subject to any necessary corrections for typographical errors or other non-material matters. 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.*

## 8. [Permanent Executive Director Hiring Update](#) (2:19:16)

### a. Distribution of Draft Job Description for Executive Director

Commissioner O'Brien stated that this discussion was for further edits of the Executive Director job description and that the job description would be finalized and approved during the next Commission meeting. She noted that changes had been made based on the discussion during the July 11, 2023, meeting. She stated that the job description now incorporated all of the industries the Commission was tasked with regulating and a description that the Executive Director answers to a Commission of five full-time Commissioners. She stated that irrelevant and obsolete language was removed. She noted that the last section was split into the required skills and qualifications and preferred skills and qualifications.

Commissioner O'Brien stated that she changed "professional degree" to "professional degree or workplace equivalent". Commissioner Hill expressed support for this change. Commissioner O'Brien stated that she acknowledged that a candidate might have so much experience it was tantamount to an advanced degree. She stated that the screening committee would be in the position of determining what level of experience was tantamount to a degree.

Chair Judd-Stein supported this change and stated that some requirements could be barriers to diverse hiring. Commissioner Maynard noted that the language referred to Master of Business Administration and Juris Doctor degrees, but not Master of Public Administration. Chair Judd-Stein questioned whether an MPA would be equivalent to a JD or MBA. Commissioner Maynard stated that those with other professional degrees could be on par with other candidates.

Commissioner Maynard asked if the Commission wanted to use periods at the end of bullet points. Commissioner Skinner asked if the bullet points should be numbered to make the job description clearer. Commissioner Maynard asked if numbering items might suggest that certain items are more important. Commissioner Skinner stated that numbering the items would make it easier to go through the description. Commissioner O'Brien stated that numbers would make sense for editing but might serve as a distraction in the job posting. She stated that she wanted the description posted with bullet points.

Commissioner O'Brien noted that she had added knowledge and experience with Massachusetts open meeting laws, public records law, and conflicts of interest laws. Commissioner Hill stated that the job description looked satisfactory to him. Commissioner Maynard stated that he wanted to ensure management expectations for the team were sufficiently captured. Commissioner O'Brien noted that ten years of management of a large and varied staff were in the required skills and qualifications. Commissioner Maynard stated that language should capture his concerns. Commissioner Skinner stated that she appreciated the comment relative to diversity and that she supported the inclusion of workplace experience alongside the degree preferences.

Commissioner O'Brien moved that the Commission approve the job description for Executive Director as reviewed and discussed and edited here today subject to any necessary corrections for typographical errors or other non-material matters. 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. [Review of Selection Process for Permanent Executive Director](#) (2:35:45)

Mr. Mackey stated that there was a threshold issue of whether the Commission wanted to establish a preliminary screening committee for the permanent Executive Director, position. He noted that the open meeting law allowed for screening committees to meet in executive session for an initial review of applications. He stated that screening committees could review resumes, interview applicants and select the final applicants to be interviewed in a public meeting by the Commission. He stated that the purpose of the screening committee was so that each applicant would not have to be vetted in public, which might diminish the number of applicants.

Mr. Mackey explained that the screening committee could not have more than two Commissioners but could include staff members and members of the public not associated with the Commission. He stated that the screening committee's initial meeting would be in public and that the chair of the subcommittee could then declare that meetings in public would have a detrimental effect on attracting the widest number of qualified candidates.

Mr. Mackey explained that the screening committee was limited to considering applications and interviewing. He stated that minutes must be prepared for the meetings and executive session. He asked if the Commission wanted to take advantage of the screening committee process. Chair Judd-Stein asked if the Commission could determine where the job would be posted if they choose to use the screening committee process. Mr. Mackey stated that the Commission could set guidelines for the screening committee but that they would have to be deliberated in public. Chair Judd-Stein noted that she would withdraw from consideration for the executive director screening committee.

Commissioner O'Brien stated that if a screening committee was used, the Commission should determine who will be on the committee aside from the Commissioners. She asked if there was a size limit for the screening subcommittee. Mr. Mackey stated that there was not a limit as long as there is not a quorum of the Commission.

Commissioner Hill asked if there was a way for Commissioners not on the screening committee to see who applied for the job. Mr. Mackey stated that if resumes were circulated widely, it would create concern that more members of the Commission than the sub-quorum members of the screening committee had input in the process. He stated that the Commission could at some point after the deliberation view the resumes of the applicants, but that this could be considered threatening the purpose of the screening committee.

Commissioner Hill stated that he had no objections to the screening committee, but he was disappointed that not every Commissioner would know which applicants applied. He stated that a screening committee would best streamline the hiring process.

Commissioner O'Brien noted that Chief Muldrew had previously stated that search firms can be used to cast wider nets in terms of diversity, but that Commissioner Hill had expressed dissatisfaction with search firms. She asked if there was a mechanism to use search firms to disseminate the job posting, but the Commission would receive the applications.

Chief Muldrew stated that engaging with a search firm would require a bidding process and contract. He stated that he envisioned a multi-tier approach to hiring this position including strategies to ensure the Commission is being inclusive and getting the best talent available. Commissioner Skinner suggested Commission staff review the statewide contracts with the Commonwealth to see if any search firms that prioritize diversity were included.

Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that there were some search firms under the management consultant contract, but the options were limited. He noted

that these types of firms are not paid until they are successful, and that it is typically 20 to 25% of the annual salary of the position hired. He stated that this payment would exceed the \$10,000 incidental threshold. He stated that the Commission also has authority for targeted procurements and that they could consider firms that handle senior executives. Commissioner O'Brien sought clarification whether the Commission could move forward with the screening committee and engage a search firm at the same time. CFAO Lennon stated that it was possible to do both simultaneously.

Chair Judd-Stein stated that a parallel approach could look at both paths. Chief Muldrew stated that the Commission had good internal infrastructure, but a search firm would be a benefit. He stated that due to the uniqueness of this position and talent required in the job description a search firm would have the widest net in finding candidates suited for the role.

Commissioner Maynard expressed support for the hybrid approach. He noted that the Treasurer's Office had a practice of reposting the listing if the initial candidate pool was not sufficient. Chair Judd-Stein asked if the Commission could make timeframe a part of the request for the search firm. CFAO Lennon stated the criteria for search firms could be developed including quickness to fill positions. Chief Muldrew stated that HR would work closely with the search firm vetting process.

Commissioner O'Brien stated that the Commission could be involved in choosing the search firm. She stated that she preferred the hybrid approach. Commissioner Skinner stated that she agreed with the parallel approach. The Commission reached a unanimous consensus to use a screening subcommittee and engage a search firm in parallel.

CFAO Lennon confirmed that he would work with Chief Muldrew to source diverse search firms with a proven track record. CFAO Lennon stated that they would return to the Commission with a recommendation of potential firms. Chief Muldrew stated that HR would provide an executive summary of each recruitment firm for the Commission to review.

Commissioner O'Brien stated that it would make sense to discuss the hiring for the Director of the Investigations and Enforcement Bureau ("IEB") as there would be screening committees for both that position and the Executive Director.

## 9. [Commissioner Updates](#) (3:02:13)

### a. Interim Investigation and Enforcement Bureau Director Status Report

Chair Judd-Stein stated that Director of the IEB Loretta Lillios was retiring in August. She noted that Interim Executive Director Grossman suggested the nomination of Chief Enforcement Counsel Heather Hall as the Interim Director of the IEB. She stated that Chief Enforcement Counsel Hall's nomination would be brought forth at the next public meeting for a vote. She stated that the Commission's outside counsel would assist in assessing the process for hiring a permanent IEB Director. Chair Judd-Stein stated that Chief Enforcement Counsel Hall indicated that she was prepared to accept the interim position.

Commissioner O'Brien agreed with the nomination of Chief Enforcement Counsel Hall. Commissioner O'Brien noted that she had asked Director Lillios if she would recommend a replacement, and Director Lillios recommended Chief Enforcement Counsel Hall. Commissioner O'Brien stated that she supported voting on the nomination at the next meeting. Commissioner Hill agreed.

Chair Judd-Stein stated that it would be put on the agenda for the next meeting on August 17, 2023. Commissioner O'Brien stated that screening committees could not have more than two Commissioners. She asked how it would be decided who was on the screening committee for the Executive Director and who would be on the screening committee for the Director of the IEB.

Commissioner Hill asked that he be taken out of consideration for the screening committee for the Executive Director and stated that he would like to be considered for the screening committee for the Director of the IEB. Chair Judd-Stein stated that the selection process for the permanent IEB Director would be different. Commissioner Hill stated that he understood. Commissioner O'Brien suggested that the final decision on the screening process for the Executive Director be discussed at the August 17 meeting, so the Commission has more clarity regarding the IEB Director hiring process.

Commissioner Maynard stated that each Commissioner had unique strengths to bring to the screening committees. Chair Judd-Stein stated that the makeup of the screening committee would be discussed at the next public meeting. She stated that she did not believe a full public process was the correct way to hire these positions. Commissioner Hill agreed. Chair Judd-Stein asked if the Commission should also discuss the selection process for the permanent IEB Director the same way the Interim Director was appointed. Commissioner O'Brien stated that it might be smoother to discuss these processes at the August 17, 2023, meeting.

Next, Commissioner Hill provided a legislative update that the House and the Senate had developed different versions of the supplemental budget which included the language for the extension of simulcasting. He noted that the Senate budget only extended simulcasting for a year while the House budget extended it for five years. He stated that the bill would likely go forward to conference committee.

Chair Judd-Stein asked if the deadline for the bill to pass was July 31. Commissioner Hill confirmed that was correct. Chair Judd-Stein recommended writing a letter to the Legislature stating that if action wasn't taken, jobs related to horseracing and simulcasting would be at risk. Commissioner Hill stated that a letter would be appropriate but that it could also be appropriate for the Executive Director to call the Speaker and Senate president to remind them.

#### 10. [Legal](#) (3:19:23)

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

##### I. Executive Session

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

Commissioner O'Brien moved that the Commission go into executive session for the reasons and on the matter just stated by the Chair. 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. [Gattineri v. Wynn MA, LLC, et al.](#) (3:20:42)

I. Executive Session

Chair Judd-Stein stated that the Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Gattineri v. Wynn MA, LLC, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.

Commissioner Hill moved that the Commission meet in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Gattineri v. Wynn MA, LLC as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission. 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.*

c. [Ferris, et al. v. Wynn Resorts Limited, et al.](#) (3:21:46)

I. Executive Session

Chair Judd-Stein stated that the Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Ferris, et al. v. Wynn

Resorts Limited, et al., as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.

Commissioner Skinner moved that the Commission meet in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Ferris, et al. v. Wynn Resorts Limited, et al., as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. 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.*

Chair Judd-Stein stated that the Commission would not reconvene the public meeting at the end of the executive session.

#### **List of Documents and Other Items Used**

1. [Notice of Meeting and Agenda](#) dated July 25, 2023
2. [Commissioner's Packet](#) from July 27, 2023, meeting (posted on massgaming.com)