



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 18, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 542 9895

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 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 472nd Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Legal Framework Relative to the Award of a Sports Wagering License](#) (00:37)

Chair Judd-Stein stated that this meeting was a continuation of the evaluation of the category two sports wagering application submitted by Massasoit Greyhound Association, Inc. d/b/a Raynham Park ("Raynham"). She noted that this application was previously discussed on June 12, 2023, June 20, 2023, and August 1, 2023.

Interim Executive Director and General Counsel Todd Grossman noted that at the August 1, 2023 meeting the Commission discussed Raynham's written requests for the withdrawal of

individual qualifier Christopher J. Carney and the entity qualifier Christopher J. Carney Subchapter S Trust.

Mr. Grossman stated the Commission had continued the discussion from August 1, 2023 until this meeting to allow the Investigations and Enforcement Bureau (“IEB”) to prepare a response to the two requests for withdrawal submitted by Raynham. He stated that the Commission anticipated that the review of the requests to withdraw and the evaluation of Raynham’s application would take place together at this meeting.

Mr. Grossman explained that American Wagering Inc. d/b/a Caesars Sportsbook (“Caesars”) had terminated their operating lease agreement with Raynham. He noted that as a result of the termination of the agreement, Raynham was without an entity to operate the sportsbook. He noted that Caesars filed a request to withdraw as a qualifier in connection with Raynham’s application. He stated that this was not set for discussion at this meeting due to the late receipt of the filing. He stated that it was difficult to envision granting a temporary license given this situation, but that the Commission could still evaluate preliminary suitability and Raynham’s requests for withdrawal. He stated that it would be prudent to have a finding on the request for withdrawals before coming to a decision on preliminary suitability, and that any finding must be supported by substantial evidence.

The Commission discussed the order in which the topics should be considered. Deputy General Counsel Monahan stated that the Commission could hear the presentations on both preliminary suitability and the requests for withdrawal before making a decision on either. The Commission agreed to move forward with the presentations as they were included in the agenda. Deputy General Counsel Monahan described the legal framework for establishing preliminary suitability in accordance with G.L. c. 23N, § 6 and 205 CMR 215.01(3). She explained that the description of who shall be a qualifier was in accordance with 205 CMR 215 and G.L. c. 23N, § 5(b).

a. [General Update from Massasoit Greyhound Association, Inc.](#) (27:55)

Attorney Jed Nosal, Counsel for Raynham from the law firm Womble Bond Dickinson LLP, explained that Raynham would be able to revive the agreement with Caesars should it be granted a preliminary finding of suitability. He reiterated his request that the Commission make a determination on the request for withdrawal before considering the suitability of Raynham. The Commission reiterated its position that the discussion would move forward as stated in the agenda.

Commissioner Skinner inquired about how preliminary suitability would be bifurcated from the Commission’s evaluation of Raynham’s application. Mr. Nosal stated that Raynham was requesting a finding of preliminary suitability under 205 CMR 215, which the Commission would later consider in regard to the application review under 205 CMR 218. Deputy General Counsel Monahan noted that the decision regarding preliminary suitability under 205 CMR 215 would be considered as one of the factors in the Commission’s review under 205 CMR 218.

Commissioner Hill explained that he viewed Raynham’s application as incomplete with the removal of Caesars. He asked why the Commission was moving forward on this application. Chair Judd-Stein stated that Raynham requested to be heard on the withdrawal and that the IEB wanted to move forward on preliminary suitability. She noted that new facts could arise at any time, and that the Commission should address what can be addressed.

Commissioner Skinner sought clarification regarding the intersection between 205 CMR 215 and 205 CMR 218. Mr. Nosal stated that Raynham was requesting a preliminary finding of suitability so that it could reenter the operating agreement with Caesars. He stated that the request was for a finding of preliminary suitability under 205 CMR 215, and not part of the application evaluation process under 205 CMR 218. Deputy General Counsel Monahan noted that a decision under 205 CMR 215 and 205 CMR 218 is functionally identical.

Commissioner Skinner asked if a determination could be made outside of the consideration of the total application. Commissioner Maynard expressed he was comfortable moving forward based upon the information presented, and that a final determination could be made if Raynham received a new operating agreement. Deputy General Counsel Monahan stated that the determination of suitability was holistic, and that the Commission would have to consider Caesars’ withdrawal and its implications regarding suitability. Chair Judd-Stein suggested the Commission impose conditions. Deputy General Counsel Monahan noted that without Caesars, there was a large hole in Raynham’s application.

Mr. Grossman stated that the Commission was not obligated to move forward as it was not a traditional application review. He stated that the Commission could listen to presentations and reach a determination regarding preliminary suitability. Chair Judd-Stein stated that conditions could be attached. Commissioner O’Brien noted that the Commission could also choose to not provide a finding on suitability at the end of discussions. Commissioner Maynard noted that additional information could be requested, and that the Commission could also make a determination on withdrawal even without a decision on preliminary suitability.

3. Presentations and Analysis Relevant to Review and Evaluation of Application for Category 2 Sports Wagering Operator License: (1:31:01)

a. IEB Report Regarding Review for Preliminary Suitability of the Applicant (G.L. c. 23N, § 6: c. 23N, § 9: 205 CMR 218.06(5)(f): 205 CMR 215) (1:31:01)

Loretta Lillios, Director of the IEB, introduced Senior Enforcement Counsel Kathleen Kramer. Counsel Kramer discussed the IEB’s report on the preliminary suitability of category two sports wagering applicant Raynham. Counsel Kramer outlined a history of environmental infractions related to Patriot Recycling, a business connected to individual qualifier Christopher Carney. She explained that Patriot Recycling had reached multiple administrative consent orders with the Massachusetts Department of Environmental Protection. She noted that none of these matters were disclosed by the applicant or qualifiers in the application materials. She explained that there

was also an ongoing civil lawsuit against C. Carney Environmental due to allegations of contaminated drinking water. She noted that additional matters would be better reserved for executive session.

Chair Judd-Stein noted that Director of Racing Alex Lightbown worked with the Carney family since 1992, and asked if she could direct questions to Director Lightbown regarding Christopher Carney's role in the organization. Mr. Nosal stated that he did not want to introduce new information that was not previously reviewed by the parties. Chief Enforcement Counsel Heather Hall agreed.

Mr. Nosal and the Commission discussed the procedure for discussing the IEB's supplemental report and whether it could be addressed at this stage. Mr. Nosal noted that while the report was a response to Raynham's requests to withdraw, several of the documents were relevant to suitability. Director Lillios stated that the facts appropriate for the public should be reviewed, and that the Commission could enter executive session to discuss the summary of materials in the IEB's July report. She stated that it was not surprising that suitability was raised in the IEB's supplemental filing as it discussed suitability in the context of withdrawal.

Mr. Grossman stated that topics for executive session must be identified to see if the topic complies with G.L. c. 23N, § 6(i). He stated that financial information would be appropriate for executive session. Counsel Hall noted that ongoing investigation related matters referred to by Counsel Kramer would be appropriate for discussion in executive session. Mr. Grossman explained that certain investigatory materials could be reviewed in executive session pursuant to G.L. c. 4, §7(26)(f).

i. [Executive Session](#) (2:20:23)

Chair Judd-Stein stated that the Commission anticipated that it may meet in executive session in conjunction with its review of the application in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information submitted by the applicant in the course of its application for an operator license that is a trade secret, competitively-sensitive or proprietary and which if disclosed publicly would place the applicant at a competitive disadvantage and/or G.L. c. 4, §7(26)(f) to consider investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials, 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.

Commissioner O'Brien moved that the Commission go into executive session for the reasons specified by the Chair, specifically related to G.L. c. 23N, § 6(i) and G.L. c. 4, § 7(26)(f), and on the matters related thereto. 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.

Transcriber's Note: The Commission entered executive session and resumed the public meeting of the Commission at [4:26:07](#).

4. [Request for Withdrawal of Individual Qualifier and Entity Qualifier and IEB Response to Requests to Withdraw and Supplemental Submission on Suitability](#) (4:27:29)

Attorney Michael Morizio, Counsel from Morizio Law representing Christopher Carney, explained the rationale behind Raynham's request to withdraw Christopher Carney and the trustees of the Christopher J. Carney Subchapter S Trust from the qualifier process.

Mr. Morizio stated that Christopher Carney did not meet the definition of qualifier under G.L. c. 23N, § 5(b) and that Mr. Carney did not exhibit control of Raynham in accordance with G.L. c. 156D. He reiterated that Mr. Carney was not an officer of Raynham, and that Christopher Carney did not have any right of control. He requested that the Commission remove Christopher Carney and the trust as qualifiers.

Commissioner Skinner asked about Christopher Carney's former role within Raynham. Mr. Morizio explained that Christopher Carney was previously involved in construction aspects, including preparing the site, zoning functions, and other construction activities. He stated that Mr. Carney had never been involved in the operations of Raynham, and that Mr. Carney was not in a position of management or control. He noted that Raynham considered appointing Mr. Carney as the COO after Mr. Carney was identified as a qualifier by the IEB.

Commissioner O'Brien stated that the Commission's regulations set standards for who is considered a qualifier. She stated that Christopher Carney was intricately intertwined with Raynham, and that Mr. Carney himself spoke affirmatively that he was involved with Raynham.

Mr. Morizio stated that as a matter of law under G.L. c. 156D, Christopher Carney had no control over the organization. Commissioner O'Brien reiterated that Mr. Carney had provided statements that he was historically involved with Raynham. She stated that it was difficult to say he was not a qualifier under 205 CMR 215.02(1)(a)(4).

Mr. Morizio noted that the Commission's regulation had to be read consistently with legislative directive. Commissioner O'Brien noted that she was not arguing a point of law but the facts about whether Christopher Carney met the definition of qualifier under 215.02(1)(a)(4). Mr. Morizio stated that the regulation had to be read consistently with the statute. Commissioner O'Brien asked how Mr. Carney would not fall under the definition 205 CMR 215.02(1)(a)(4)

based upon the facts, not based on legal analysis. Commissioner O'Brien then withdrew her question.

Commissioner Hill stated he would like to hear an answer to the question previously posed by Commissioner O'Brien. Mr. Morizio stated that Christopher Carney was not involved with the business that was under the Commission's jurisdiction. He stated that Mr. Carney was only involved with construction, not the simulcasting business. Commissioner Hill noted that Mr. Carney's statements to the IEB said otherwise.

Mr. Morizio noted that Christopher Carney was proposed to become the COO of Raynham after he was designated a qualifier. He stated that Mr. Carney was only involved with construction requirements before sports wagering was legalized. Commissioner Maynard asked if Raynham's business relationship with Mr. Carney was severed. Mr. Morizio stated that Raynham had been controlled by George Carney for fifty-seven years. He stated that Raynham would accept any condition the Commission considered related to Christopher Carney.

Commissioner Skinner noted that Christopher Carney was perceived to be involved in the culture at Raynham in an informal capacity and asked what would stop him from continuing in that informal capacity. Mr. Morizio stated that the Commission would have onsite representatives and that Raynham's operating partner would have independent control. Commissioner Skinner noted that her concerns were regarding back of house actions, such as brokering transactions. Mr. Nosal stated that Mr. Carney's involvement in those processes would jeopardize Raynham's license. He noted that requirements for internal controls would require internal changes from the corporate perspective.

Chair Judd-Stein noted that Director Lightbown worked with the Carney family for years. She noted that asking questions to Director Lightbown was outside the scope of the IEB report but asked if it was permissible during this public meeting. Mr. Grossman stated that Director Lightbown could answer questions regarding her historical interactions with Raynham.

Director Lightbown detailed her history of working with Raynham since 1992. She stated that George Carney was historically in charge, and that she more recently worked with Sue Rogers and Joe Capucci. She stated that Raynham was not run by Christopher Carney.

Commissioner O'Brien noted that Christopher Carney stated in an interview with the IEB that he had a management role inside the facility for the last two years. She asked Mr. Carney to explain the scope of his management role. Mr. Carney stated that he performed outside services such as demolition, lot maintenance, and construction work.

Counsel Hall noted that the burden was on Raynham to demonstrate good cause to remove its two qualifiers. She stated that while Christopher Carney may not be an officer, director, or employee of Raynham, he had represented himself as having a more significant role. She explained that there were several media articles which referenced Mr. Carney as owning or

running Raynham. She stated that some articles referenced Mr. Carney as having a role in negotiations with Caesars.

Counsel Hall stated that the IEB had just received a filing from the Secretary of State listing Christopher Carney as a vice president for Raynham. She stated that the information was not listed in the IEB's report or supplemental report because they did not receive the information until the day of the meeting. She stated that the Commission must decide whether Mr. Carney and the trust were sufficiently extricated before removing him as a qualifier. She noted that Mr. Carney's role and the environmental matters were relevant to the suitability of Raynham.

Commissioner O'Brien asked when the document from the Secretary of the Commonwealth was requested. Counsel Hall stated that the document was a Statement of Change under G.L. c. 156D. Mr. Nosal stated that he could not respond to a document which he had not seen. Mr. Morizio reiterated that Christopher Carney was only involved with construction, which was outside of the Commission's jurisdiction. He stated that there was nothing in the scoping survey that suggested Mr. Carney had to be listed. Mr. Nosal noted that Mr. Carney was identified in the scoping survey. Counsel Hall stated that Mr. Carney was not identified to be in a management role.

Commissioner Skinner inquired about when the news articles were written and how they related to the document received by the Secretary of the Commonwealth. Mr. Grossman stated that it was inequitable to consider information that the parties had yet to review. Commissioner Skinner withdrew her question. The Commission requested that the document from the Secretary of the Commonwealth be distributed.

Chair Judd-Stein requested guidance on the process for the request to withdraw. Commissioner Skinner stated that there were questions regarding whether Christopher Carney had sufficiently disentangled himself from the affairs of the applicant. Mr. Grossman noted that historically, the Commission considered whether an individual was a close associate of the applicant, a business association of the applicant, whether the individual was involved in day-to-day operations, and whether the individual had communications with the officers and directors.

Deputy General Counsel Monahan explained that G.L. c. 23N, § 5(b) set out which individuals were mandatory qualifiers, and that discretionary qualifiers were defined by 205 CMR 215. She noted that the legislature set up the minimum standards for qualifiers and that the Commission had the discretion to establish additional parameters. She stated that the Commission could designate any individual with a business association with the applicant as a qualifier. Chair Judd-Stein asked if business association was defined anywhere in the regulation. Deputy General Counsel Monahan stated that it was not defined in the regulation, but that the Commission could review how it was interpreted during previous withdrawal requests.

Chair Judd-Stein stated that she did not see where Christopher Carney had significant influence over Raynham's simulcasting or sports wagering business. Counsel Hall stated that Mr. Carney was in the center of negotiations with Caesars, and that he was authorized to represent Raynham

in other business dealings, evidenced by Mr. Carney's signature on a document related to Raynham dated July 14, 2023. Mr. Morizio stated that the document was a memorandum of understanding related to the sale of land in Brockton. He stated that this land was not related to simulcasting and outside of the Commission's jurisdiction. Counsel Hall noted that Mr. Carney was representing Raynham in that negotiation. Commissioner O'Brien stated that the Commission must look at the totality of evidence when making a decision, and that the Commission had authority over Raynham as a licensee.

Counsel Hall stated that the land deal in Brockton was connected to a promissory note that was included in Raynham's submission relative to its withdrawal. Mr. Morizio stated that the Brockton deal was irrelevant to the question before the Commission regarding Raynham's request for withdrawal. He reiterated that Christopher Carney was not in a position of influence and no longer had a connection to Raynham.

Director Lillios mentioned the document received from the Secretary of the Commonwealth. Chair Judd-Stein stated that she still did not have a chance to review the document, even though it had since been distributed to the Commission. Commissioner O'Brien stated that she believed the document was relevant, but that the parties should have a chance to respond to it. She suggested the discussion of these topics be continued on the scheduled rollover date, Monday August 21, 2023.

Chair Judd-Stein stated that she did not see entanglement between preliminary suitability and the requests for withdrawal. She asked Mr. Grossman to explain why the requests for withdrawal should be addressed before preliminary suitability. He stated that it was important to identify who the qualifiers are before determining preliminary suitability. He stated that to render a full decision, the Commission would have to know whether Christopher Carney and the trust were qualifiers.

Commissioner Skinner asked to hear from the IEB. Director Lillios stated that it was important to hear all relevant issues before making either decision. She stated that she did not want the Commission to consider the two questions in isolation. Mr. Nosal stated that there was a difference between presenting information and deliberation. He reiterated that Raynham wanted the requests to withdraw to be considered first.

Commissioner Maynard asked if there was a mechanism for the withdrawals to be granted with conditions. Mr. Nosal stated that conditions could be applied in accordance with 205 CMR 215.01(d)(1).

The Commission and representatives from Raynham reached an agreement to continue the discussions regarding preliminary suitability and Raynham's requests for withdrawal on Monday, August 21, 2023.

Chair Judd-Stein asked if the parties could agree not to introduce any additional information from this point forward. Commissioner Maynard stated that he did not want the Commission to hamstring itself by not considering relevant information. Commissioner Skinner noted that it was important for the Commission to hear all information presented before reaching a decision on the requests for withdrawal.

5. [Other Business](#) (7:24:35)

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

Commissioner Skinner 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 August 16, 2023](#)