



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 24, 2023, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 978 3706

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 Jordan Maynard

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

Chair Judd-Stein called to order the 474th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and Chair Judd-Stein, Commissioner O'Brien, and Commissioner Hill were present.

Chair Judd-Stein noted that Commissioner Skinner would not be joining the meeting as she was on vacation and that Commissioner Maynard would be joining the meeting later after his flight landed.

Chair Judd-Stein stated that as Secretary of the Commission Commissioner Maynard typically introduced the minutes, and that the Commission would move that item until later in the meeting when he would be available.

2. [Administrative Update](#) (01:28)

Gaming Agents Division Chief Burke Cain provided a casino update. He stated that Plainridge Park Casino ("PPC") was in the final stages of the expansion of their sports bar and the casino floor. He stated that PPC also initiated the Penn Heroes program, which is a loyalty program for

servicemembers who serve the country. He stated that PPC also had initiatives through employment scholarships.

Chief Cain stated that MGM Springfield (“MGM”) was celebrating its five-year anniversary. He stated that MGM had a commemorative chip to celebrate the anniversary. He stated that MGM hosted celebrations for new inductees into the Nate Smith Basketball Hall of Fame.

Chief Cain stated that Encore Boston Harbor (“EBH”) was once again running the feed the funnel volunteer program which packs and distributes meals to local Boston communities.

Chair Judd-Stein noted that the Commission had sent congratulations to MGM for their five-year anniversary.

a. [Overview of FY23 Financial Gaming Obligations](#) (05:15)

Chief Cain presented an overview of the FY23 financial gaming obligations with topics including DOR intercepts, expired vouchers, expired unclaimed jackpots, VSE payments, and underage forfeited wagers. The *FY23 financial gaming obligations presentation* was included in the Commissioners’ Packet on pages 20 through 21.

Chair Judd-Stein sought a reminder regarding the DOR interceptions. Chief Cain stated that if a patron wins a jackpot of \$1,200 or larger or a table game progressive jackpot with a payout more than 300-1, then the patron’s information would be run through the DOR system to check for any tax arrears or outstanding child support obligations. He noted that the three casinos intercepted more than \$3,600,000 in FY23 and stated that the system is working.

Commissioner Hill noted that payments by those on the voluntary self-exclusion list had increased and asked how those who are on the self-exclusion list were able to make bets. Chief Cain stated that identification may not be requested from patrons who look over the age of thirty and that player cards were not required for slot machines. He stated that those on the voluntary self-exclusion list often were not identified until they hit a jackpot and were required to identify themselves. He stated that individuals on the voluntary self-exclusion list were less likely to play table games as the games often required player cards. Chair Judd-Stein suggested that the responsible gaming division could address how protections could be improved.

3. [Community Affairs Division](#) (10:55)

a. Encore Boston Harbor Quarterly Report (Q2)

Senior Vice President and General Counsel from EBH Jacqui Krum, Legal Executive Director from EBH Juliana Catanzariti, and Executive Director of Security from EBH Tom Coffey presented EBH’s Q2 quarterly report with topics including revenue, taxes, lottery sales, employment diversity, recruiting, operation spending, compliance, human resources initiatives, promotions, and special events. The *EBH Q2 quarterly report presentation* was included in the Commissioners’ Packet on pages 22 through 64.

Chair Judd-Stein noted that lottery sales for Q2 were significantly higher and asked if there was anything EBH could credit for that. Ms. Krum stated that EBH had done a major lottery giveaway. Commissioner Hill asked if there were more patrons than in 2022. Ms. Krum stated that the number of patrons fluctuates, but there did not seem to be an appreciable difference in the total number of patrons from the previous year. Chair Judd-Stein stated that women candidates emerged strongly qualified for sports wagering positions and commended EBH for their employment diversity data.

Mr. Coffey explained that one underage individual had accessed the gaming floor as part of a high-profile celebrity's entourage. He stated that a twenty-year old son of the celebrity went to a restaurant on the gaming floor. He noted that this underage individual did not drink or gamble, but that the underage person accessed the game floor. Commissioner O'Brien asked if it was the duty of the casino or the restaurant to request identification from the underage individual. Mr. Coffey stated that the underage individual should have been carded to access the floor and would have been carded had they tried to purchase alcohol.

Commissioner O'Brien asked how EBH became aware that some IDs passed Veridocs. Mr. Coffey stated that sometimes a Veridocs machine will glitch and not flag an identification as fake, but another Veridocs will be able to identify the identification as fake. He stated that fake identifications were mostly flagged by subsequent checks with another Veridocs machine.

b. [Plainridge Park Casino Quarterly Report \(Q2\)](#) (31:39)

General Manager of PPC North Grounsell, Vice President of Finance from PPC Heidi Yates-Akbaba, and Vice President of HR from PPC Kathy Lucas presented PPC's Q2 quarterly report with topics including revenue, workforce diversity, vendor diversity, compliance, responsible gaming, the lottery, and community outreach. The *PPC Q2 quarterly report* was included in the Commissioners' Packet on pages 65 through 78.

Commissioner O'Brien asked how PPC was able to determine that those escorted off the gaming floor were minors. Mr. Grounsell stated that the individuals attempted to access the floor through an unauthorized entrance and that PPC staff encountered them there.

Chair Judd-Stein asked if the younger demographic associated with the sportsbook introduced any new challenges. Mr. Grounsell stated that the casino patrons skewed more male during sporting events but that it did not present any challenges related to security and underage gaming. He stated that PPC was confident with the procedures in place.

Chair Judd-Stein inquired about the total number of sportsbook employees. Ms. Lucas stated that the sportsbook had eighteen total employees. Commissioner Hill asked when the restaurant would be opening. Mr. Grounsell stated that PPC would determine the opening date and share that with the Commission soon.

4. [Sports Wagering Division](#) (47:44)

[a. Penn Sports Interactive Quarterly Report \(Q2\)](#)

Senior Director of Compliance from Penn Sports Interactive (“PSI”) Adam Kates, Deputy Chief Compliance Officer from PSI Samantha Haggerty, and Vice President of Finance from PSI Greg Cordivari presented PSI’s Q2 quarterly report with topics including revenue, workforce diversity, vendor diversity, compliance, responsible gaming, the lottery, and community outreach. *PSI’s Q2 quarterly report* was included in the Commissioners’ Packet on pages 79 through 94.

Commissioner Hill asked what type of vendors were used for mobile sports wagering. Mr. Kates stated that he would consult with his team and get that information to the Commission. Commissioner Hill stated that he was curious as to the differences between mobile sports wagering and brick-and-mortar locations. Chair Judd-Stein stated that Sports Wagering Business Manager Crystal Beauchemin would develop a template of what the Commission wants to see during the quarterly reports.

Chair Judd-Stein commended PSI for introducing a loss limit to their platform. She stated that Director of Research and Responsible Gaming Mark Vander Linden would be interested in seeing how many patrons utilize this feature. Commissioner Hill commended PSI’s outreach and charity work and continuing conversation with the Massachusetts Lottery. He stated that he looks forward to the Q3 report to see how these areas develop.

[b. Caesars Sportsbook Quarterly Report \(Q2\) \(1:05:16\)](#)

Vice President of Compliance and Licensing from Caesars Sportsbook (“Caesars”) Lisa Rankin, Digital Compliance Manager from Caesars Curtis Lane, Senior Vice President of Corporate Social Responsibility from Caesars Heather Rapp, and Vice President of Procurement from Caesars Dave Schulte presented Caesars quarterly report with topics including revenue, workforce diversity, vendor diversity, compliance, responsible gaming, lottery engagement, and community outreach. *Caesars Q2 quarterly report* was included in the Commissioners’ Packet on pages 95 through 106.

Commissioner O’Brien stated that it was good to hear that the operator had initiated a conversation with the lottery. Commissioner Hill stated that the lottery is important to both the Commission and the Commonwealth, and expressed appreciation that Caesars had reached out to the lottery.

Chair Judd-Stein sought clarification regarding Caesars’ 21+ enhanced gaming policy. Mr. Lane explained that Caesars was requiring all patrons to be twenty-one years or older in all jurisdictions even in jurisdictions where eighteen is the minimum age allowed.

Commissioner Hill applauded Caesars for their community outreach with Meals on Wheels, Boys and Girls Club of America and the National Park Trust. He stated that he cares deeply about the Meals on Wheels organization. Ms. Rapp stated that it is a fantastic organization

c. [Caesars Sportsbook Request for Temporary Waiver from Reporting Requirement 205 CMR 255.04 \(5\)](#) (1:28:15)

Sports Wagering Business Manager Crystal Beauchemin explained that Caesars had requested a temporary waiver from the reporting requirement in 205 CMR 255.04(5) pertaining to play management. She stated that Caesars requested the waiver through October 15 so that they could design the report and data points. She stated that once the report is designed Caesars should submit the data from July, August, and September retroactively.

Mr. Lane stated that the data the Commission requires is not something that could be tracked manually. He stated that Caesars anticipated implementing the automated report and delivering the Commission the requested data on October 15.

Commissioner O'Brien asked how long this regulation was in effect. Deputy General Counsel Caitlin Monahan stated that 205 CMR 255 was voted for final promulgation on June 29 and went into effect a few weeks after that. Commissioner O'Brien asked if any other operator had requested this waiver. Ms. Beauchemin stated that she had received reports from all but one operator, but that the other operators were able to turn it around in August. Commissioner O'Brien asked if it could be implemented before October 15. Mr. Lane stated that if it could be delivered sooner it would be. He stated that Caesars understood the urgency of this report and would get it implemented as soon as possible, but that October 15 was the more realistic timeline.

Transcriber's Note: Commissioner Maynard joined the meeting.

Commissioner Hill moved that in accordance with 205 CMR 202.03(2) the Commission issue a waiver to Caesars Sportsbook from the reporting requirement outlined in 205 CMR 255.04(5) through October 15, 2023, as granting the waiver meets the requirements of 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

d. [Sports Wagering Operator Requests for Temporary Waivers from Certain Provisions of 205 CMR 257 and 205 CMR 238](#) (1:44:31)

Ms. Beauchemin explained that several operators had requested a waiver from requirements outlined in 205 CMR 257 and 205 CMR 238, which were finalized on August 8 and would be going into effect on September 1. She stated that the operators needed time to evaluate what

work needed to be performed to provide an accurate timeline for the implementation of 205 CMR 257. She stated that the majority of the requests were for sixty days, which would be on or around October 31, to do scoping and initial work to determine a timeline for their waiver extensions. The *waiver requests and a memorandum* were included in the Commissioners' Packet on pages 110 through 183.

Chair Judd-Stein asked if the Commission was still waiting for comments on 205 CMR 257. Deputy General Counsel Monahan stated that 205 CMR 257 had been finalized and would go into effect on September 1. Commissioner O'Brien asked if the requests were roughly the same or if there was nuance between the different requests. Ms. Beauchemin stated that the operators needed time to scope the issue, and that Betr's request was for December 30 as they had to develop a form for 205 CMR 257. She suggested granting a uniform waiver to all operators with the option of granting Betr's waiver until December 30.

Chair Judd-Stein stated that the timeframe would allow the Commission staff to engage with the operators to provide any clarity that is required. She stated that an option available to the Commission was to hold a roundtable on the topic of 205 CMR 257. Outside Counsel from the law firm Anderson and Krieger Attorney Mina Makarious stated that a roundtable could be beneficial to help operators identify what technical work needs to be performed to comply with the regulation.

Mr. Makarious noted that the regulation had language that had technical requirements and language that listed restricted and prohibited behaviors. He stated that while it would be useful to have a roundtable to discuss implementation of the regulation, the list of prohibited behavior should not be a topic.

Commissioner O'Brien asked if the operators could implement any of 205 CMR 257 in the immediate future, or whether they would need until October 15 to assess the entire regulation. Ms. Beauchemin stated that she did not think anything could be implemented prior to October 15. She recommended that the operators have some form of reporting component if the plan they develop is lengthy. She stated that there will not be a clear timeline until scoping is performed.

Commissioner O'Brien expressed that she wanted the roundtable to discuss the practicality and challenges of implementing 205 CMR 257 rather than relitigating the contents of 205 CMR 257. Chair Judd-Stein asked if the operators were having difficulty with technical implementation or if the issues were related to complying with the prohibited behaviors. Ms. Beauchemin noted that the operators were still identifying what their challenges were and seeking clarity regarding the Commission's interpretation of the regulation. She stated that the prohibitions did not seem to be as much of an issue. She stated that implementing the data privacy piece and developing the opt-in for their platform was the bigger issue.

Ms. Beauchemin stated that operators had expressed an interest in getting insight from data experts at the roundtable. Mr. Makarious stated that it would make sense to have data privacy experts alongside the stakeholders as it could help operators with implementation. He stated that

having the Attorney General’s Office, GLI, or another technical vendor at the roundtable would be beneficial. Chair Judd-Stein agreed.

Commissioner Hill expressed support for a roundtable regarding this regulation. Commissioner Maynard agreed with Mr. Makarios that the roundtable should focus on the implementation of the regulation. Commissioner Maynard stated that it would be helpful to have an independent technical expert explain how difficult implementation would be. He expressed concern that the memorandum listed the term “years.” Chair Judd-Stein asked if GLI would be sufficient as an independent technical expert. Commissioner Maynard stated that he wanted to ensure any technical expert was independent and not tied to an operator, but that he did not have a specific entity in mind.

Commissioner O’Brien reiterated that she wanted the roundtable to discuss implementation of the regulation without having to rehash policy arguments. She stated that she shared Commissioner Maynard’s concerns about the mention of extending the implementation until the end of 2024 in the memorandum. The Commission reached a consensus to hold a round table on 205 CMR 257.

Chair Judd-Stein noted that the Commission would have to grant a waiver on this regulation in the meantime. Mr. Makarios suggested a sixty-day waiver until November 1, with the understanding that operators are asked to provide further detail and implementation plans. Ms. Beauchemin noted that November 17 would better align with the Commission’s meeting schedule. Chair Judd-Stein noted that Betr was looking for a waiver until December 30, but that the possibility of another waiver, if necessary, could be revisited after the roundtable.

Commissioner Hill moved that in accordance with 205 CMR 202.03(2) the Commission issue a waiver to all licensed sports wagering operators from the requirements outlined in 205 CMR 257 and in the internal control requirements outline in 205 CMR 238.02(7)l and 205 CMR 238.02 (7)m through November 17, 2023, as granting the waiver meets the requirements of 205 CMR 102.03(4) and is consistent with the purposes of G.L. Chapter 23N. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

e. [Encore Boston Harbor – Update to House Rules](#) (2:10:28)

Interim Sports Wagering Operations Manager Andrew Steffen explained that EBH had requested a change to their general rules section fourteen so that winning wagers would be rounded up to the nearest penny. He stated that the sports wagering division confirms that all of the requirements of 205 CMR 247.02 had been met and that the sports wagering division had no

concerns about approving the change. *A memorandum detailing EBH's request to change their house rules* was included in the Commissioners' Packet on page 184.

Commissioner O'Brien moved that the Commission approve the amendments to the house rules submitted by the category one sports wagering operator Encore Boston Harbor as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

f. [Plainridge Park Casino – Update to House Rules](#) (2:13:51)

Mr. Steffen explained that PPC had requested to change section fourteen of their house rules so that any error, including computer, algorithm, software malfunctions, mechanical, typing, technical, or human errors which lead to erroneous odds or obvious price errors would be deemed void with Commission approval or paid out at the correct price at the sole discretion of the sportsbook.

Mr. Steffen stated that PPC had also updated section sixteen with language taken directly from GLI 33 regarding standards by which the operator must make information available to the public. *A memorandum detailing PPC's request to change their house rules* was included in the Commissioners' Packet on page 185 through 186. He stated that the sports wagering division confirms that all of the requirements of 205 CMR 247.02 had been met and that the sports wagering division had no concerns about approving the changes.

Commissioner O'Brien expressed concern about giving the operator sole discretion. She stated that the Commission had a significant discussion regarding what was considered an obvious error. She stated that she agreed with requiring Commission approval to void a bet for this type of error, but the option to pay out the bet seemed to be in contravention to what the Commission previously decided. She stated that she did not believe there was a distinction in referring to it as a palpable error rather than an obvious error.

Deputy General Counsel Monahan stated that the Commission decided that if there was an issue deemed to be an obvious error the operator required Commission approval to cancel the wager. She stated that she was unsure if the Commission addressed whether approval was needed for the operator to pay out the error bet. Commissioner O'Brien suggested that the operator rewrite this section of their house rules to require the Commission approval to have the bet paid out at a different rate than what was offered in error. She stated that the Commission approval should

encompass both clauses. Chair Judd-Stein recommended that the Commission could approve the changes in section sixteen and request a rewrite of the changes in section fourteen.

Commissioner O'Brien moved that the Commission approve the amendment to the house rules submitted by the category one sports wagering operator Plainridge Park Casino as specified as Section A, Introduction, #16 and included in page 185 to 186 in the Commissioners' Packet and further discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

Mr. Steffen stated that he would contact PPC regarding rewriting section fourteen.

g. [MGM Springfield - Update to House Rules](#) (2:21:30)

Mr. Steffen stated that MGM had updated their house rules to change language regarding customer care, settlement rules and changes to the rules for baseball, boxing, mixed martial arts, American football, and golf. A memorandum detailing MGM's request to change their house rules was included in the Commissioners' Packet on page 187 through 191.

Mr. Steffen stated that the sports wagering division confirmed that all of the requirements of 205 CMR 247.02 had been met and that the sports wagering division had no concerns about approving the changes.

Commissioner Maynard noted that multiple operators had updated their baseball house rules and asked if anything had caused that change. Mr. Steffen stated that the changes were just additions to pre-match wagers, player prop bets, and clarifying changes to the language.

Commissioner Hill moved that the Commission approve the amendments to the house rules submitted by the category one sports wagering operator MGM Springfield as included in the Commissioners' Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

h. [BetMGM - Update to House Rules](#) (2:25:14)

Mr. Steffen explained that BetMGM had requested changes to their house rules to launch the same game parlay plus feature and include other changes regarding customer care, settlement rules, and changes to the rule of baseball, boxing, mixed martial arts, American football, and golf. He explained that same-game parlay plus was a parlay that includes at least one same-game parlay and additional straight-selections or same-game parlays from other events. He stated that this feature allowed patrons to add wagers from other events onto their parlay wager.

Mr. Steffen stated that the sports wagering division confirmed that all of the requirements of 205 CMR 247.02 had been met and that the sports wagering division had no concerns about approving the changes. *A memorandum detailing BetMGM's request to change their house rules* was included in the Commissioners' Packet on page 192 through 198.

Commissioner Maynard moved that the Commission approve the amendments to the house rules submitted by the category three sports wagering operator BetMGM as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

i. [Betfair Interactive US, LLC \(FanDuel\) – Update to House Rules](#) (2:28:52)

Mr. Steffen explained that FanDuel had requested a change to their house rules to change the rules regarding dead heats, American football, and ice hockey and apply technical corrections to their rules for Australian Baseball and motorsports. *A memorandum detailing FanDuel's request to change their house rules* was included in the Commissioners' Packet on page 199 through 228.

Mr. Steffen stated that the sports wagering division confirmed that all of the requirements of 205 CMR 247.02 had been met and that the sports wagering division had no concerns about approving the changes.

Commissioner O'Brien noted that a change referenced a start-time delayed more than two-hours past official start time, and asked if there were league caps on how late delays could occur. Mr. Steffen noted that the provision referenced was specifically for American football.

Commissioner O'Brien asked if that's the longest an NFL game had been delayed. Mr. Steffen stated that he would have to research the topic.

Chair Judd-Stein sought clarification regarding the all-in section of the NFL draft. Mr. Steffen stated that in an all-in bet, if one selection is out of order the entire bet loses. Commissioner O'Brien noted that several operators had changed their golf rules and inquired whether anything

caused that. Mr. Steffen stated that the sports wagering division was not aware of any specific reason for these changes.

Commissioner Maynard moved that the Commission approve the amendments to the house rules submitted by the category three sports wagering operator Betfair Interactive US, LLC d/b/a FanDuel as included in the Commissioners' Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

j. [Event Catalog Addition Request – Pickleball](#) (2:37:06)

Mr. Steffen explained that FanDuel had submitted a petition for the Professional Pickleball Association's Carvana PPA Tour to be added to the sports wagering event catalog. The *event catalog addition request* was included in the Commissioners' Packet on pages 229 through 237.

Mr. Steffen explained that the PPA tour was approved for wagering in Connecticut, Illinois, Wyoming, Michigan, Tennessee, Colorado, Maryland, and Washington, and had pending approval in New Jersey, Pennsylvania, and Arizona. He stated that FanDuel's submission answered every applicable question and provided supplemental info. He noted that no incidents were reported by U.S. Integrity regarding this event. He stated that the operator had received explicit approval by the PPA commissioner on behalf of the PPA Tour to submit wagering applications in all jurisdictions where the operator is licensed to operate.

Chair Judd-Stein stated that it seemed like FanDuel was working prospectively on integrity matters and stated that she wanted to ensure integrity policies were implemented. Mr. Steffen stated that U.S. Integrity did not flag any integrity issues. He stated that FanDuel and the PPA were working with Sportradar to implement integrity policies for training players and referees. Chair Judd-Stein expressed concern that the language regarding integrity in the application seemed to be prospective rather than in-place.

Commissioner O'Brien stated that while nothing implies there is an integrity issue, she was concerned that the language "currently working to implement" seemed like the integrity protections were not fully implemented. She asked why this event had not been approved in the three states in which it was pending. Mr. Steffen stated that he would follow up with FanDuel's compliance team regarding why the event is pending in those jurisdictions.

Chair Judd-Stein stated that she would want more information whether it was normal for an integrity program to be ongoing. Commissioner Maynard suggested that it may be pending in the

other jurisdictions as the event was requested but not scheduled for a vote yet. He stated he wanted clarification and answers regarding the questions posed by Chair Judd-Stein and Commissioner O'Brien.

Chair Judd-Stein suggested that the Commission vote on the minutes while Mr. Steffen followed up with FanDuel regarding the status of the PPA's integrity system.

5. [Meeting Minutes](#) (2:47:12)

a. January 27, 2023

Commissioner Maynard noted that the vote on the last page of the January 27, 2023, minutes should have been listed as a 4-0 vote rather than a 5-0 vote. He stated that Associate General Counsel Judith Young had since made that correction. He requested that the Commission wait to vote on the February 2, 2023, minutes to allow Commissioner Skinner the opportunity to comment as she was present at that meeting.

The *January 27, 2023, public meeting minutes* were included in the Commissioners' Packet on pages 4 through 8. The *January 30, 2023, public meeting minutes* were included in the Commissioners' Packet on pages 9 through 12.

Commissioner Maynard moved that the Commission approve the minutes from the January 27, 2023, and January 30, 2023, public meetings that are included in the Commissioners' Packet 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 Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

Mr. Steffen stated that he was able to speak to a representative from FanDuel. He stated that the PPA was pending in New Jersey, Pennsylvania, and Arizona because some jurisdictions take longer to review and approve the request. He stated that the pending status was not due to integrity concerns or issues with the sport.

Mr. Steffen stated that the PPA had a press release stating that they had completed their integrity training with Sportradar. He stated that all members of the sports are trained or near completion of the training. Commissioner O'Brien asked if the language in the request could be changed to active present tense. Mr. Steffen replied that it could.

Commissioner Hill moved that the Commission amend the official catalog of events and wagers to include the Professional Pickleball Association Carvana PPA Tour as included in the Commissioners' Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

6. [Community Affairs Division](#) (3:21:56)

a. Continued Discussion of Potential Modifications to the Community Mitigation Fund

Chief of the Community Affairs Division Joe Delaney stated that the community affairs division had developed a framework of potential changes for the Community Mitigation Fund discussed on July 27. The *framework for potential changes to the Community Mitigation Fund* was included in the Commissioners' Packet on pages 238 through 245.

Chief Delaney stated that on August 10, a meeting was held with over forty grantees in attendance. He stated that general feedback was that the community affairs division had successfully identified the challenges to the program. He stated that the grantee communities expressed a preference that the guidelines be more prescriptive in describing the impacts from the casinos and more guidance as to possible solutions.

Chief Delaney stated that the comments received at the August 10 meeting were largely in support of the block grant structure as it would create a more level playing field between the eligible communities.

Chief Delaney stated that Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation had met, and comments were in support of more prescriptive guidelines and the block grant approach. He stated that the main concern raised was how the formula for the block grants would be calculated. He stated that a representative from the City of Springfield stated that host communities should get a larger share of funds as they take up a larger burden.

Chief Delaney stated that the block grant approach would not work for some of the Community Mitigation Fund programs like workforce development and the funding of district attorneys' offices. He stated that while there would be a municipal block grant program for eligible communities there would also be program set-asides to capture these other categories. Chief Delaney recommended that all funds generated by the casinos go into the block grant program. He noted that Region A had approximately \$12,000,000 in the fund and Region B had

\$4,000,000 in the fund. He noted that category two facility PPC was within the boundaries of Region A.

Chief Delaney stated that \$1,000,000 per year is spent on the workforce development grant program, but the Commission could consider increasing those amounts. He noted that only the Hampden district attorney's office had requested money. He stated that the community affairs division would meet with other district attorneys' offices to gauge their interest in participating as funds were available.

Chief Delaney stated that whether funding continues for the Hampden's sheriff office is a policy question for the Commission. He stated that funding could also be set aside for regional agencies such as the Pioneer Valley Planning Commission and Metropolitan Area Planning Council. He noted that the Community Mitigation Fund had unused balances which could be dedicated to funding the set-aside programs. He stated that the community affairs division would develop application forms for the district attorneys' offices and would continue the existing competitive process for the workforce grant.

Chair Judd-Stein inquired whether any district courts ever sought funding. Chief Delaney stated that the statute specifically includes the funding of district attorneys' offices, but did not include the courts.

Chief Delaney stated that the envisioned structure for the municipal block grant program would be to receive a single application from the community covering all projects the community intends to fund. He stated that the funds would be based on a formula that is yet to be developed. He stated that there would be five categories of projects: transportation, community planning, public safety, gambling harm reduction, and specific impacts. He proposed having a targeted minimum of 15% of the funding being spent in each of the first four categories and 40% of the funding that could be moved between categories. He expressed that the community affairs division wanted to see the funding spread out between the various categories.

Chief Delaney stated that the guidelines would list identified casino impacts, eligible projects, ineligible projects, and the 15% minimum target spending per category. He stated that in the example in the framework the Commission had reviewed traffic studies and determined there are a number of impacts from traffic. He stated that examples of ways to address the impacts would also be included in the guidelines.

Chief Delaney noted that the categories would still have restrictions, such as the cap on transportation construction grants requiring that the grant is capped at one-third of the project cost. He stated that a lot of the examples of how to address the impacts were based on projects the Commission had approved in the past.

Chief Delaney stated that examples of ineligible projects included repaving projects, unless the repaving project improves safety or traffic flow. He stated that aesthetic improvements are ineligible. He stated that projects that don't address an identified impact from the casino are ineligible.

Chief Delaney stated that speed-boards and traffic safety equipment should be in the public safety category and not the transportation category. He noted that Director Vander Linden and the responsible gaming division use a consultant company called Greo and stated that the community affairs division would use that consultant as well. He stated that the community affairs division would do literature reviews from other jurisdictions that are similar to Massachusetts to help identify more known casino impacts.

Chief Delaney stated that the block grant distribution formula would need to be developed. He stated that identified criteria for the formula included distance from the casino and traffic distribution. He stated that other potential criteria the Commission could consider included casino employee residency, payments made under the host and surrounding community agreements, whether the formula should be tailored for each region, and whether there should be a minimum payout. He stated that the Local Community Mitigation Advisory Committees were opposed to having money generated in one region going to the other region.

Chief Delaney stated that the block grant process could get plans submitted by the end of January. He stated that the applicants would have flexibility to amend their plan. He stated that once finalized the project plans would be brought to the Commission for final review and approval.

Chief Delaney noted that some communities requested the funds from the grant be allowed to cover administration costs. He stated that the Commission did this for the workforce grants and recommended allowing 7.5% of the funds to be used for administration costs. He stated that this might help get funds out to the communities. He stated that he could bring a rough draft of the amended Community Mitigation Fund guidelines and draft of potential distribution forms. He stated that any policy questions could be addressed at that point.

Commissioner O'Brien expressed concern about funding administration costs. She stated that if 7.5% administration costs were allowed for each category it would be 30% of the funds. Program Manager Lily Wallace noted that the 7.5% funding for administrative costs was for the entire grant and not per category. Commissioner Maynard noted that with a larger grant 7.5% could allow for a salary to be paid for an employee who writes grant applications. Commissioner O'Brien stated that she was not sold on using funds to cover administration costs here.

Chief Delaney stated that at one of the meetings he was told that the federal community development block grant allowed 20% of the funding to be used for administrative purposes. He stated that he would research and double check that information. Commissioner Hill noted that smaller towns had difficulty applying for grants as they did not have sufficient personnel. He stated that paying the administration costs was a good opportunity for smaller towns to get access to funding.

Ms. Wallace stated that if the Commission chose to allow the funding to be used for administration costs that a cap could be placed on larger grants. She noted that 7.5% of \$200,000 was very different than 7.5% of \$1,000,000. Chair Judd-Stein stated that 7.5% could be

impactful as a whole. Ms. Wallace stated that most state grants allowed for 5% to 10% for administrative costs.

Commissioner Hill expressed support for the block grant structure. He stated that over 90% of those who spoke at the committee meetings supported the block grant structure. He stated that it would be easier for the Commission to implement this program in comparison to the current structure. He stated that a block grant structure would benefit the municipalities and the Commission.

Chair Judd-Stein recommended the Commission develop a robust evaluative process for auditing these grants. She stated that follow-up steps were a best practice for grant programs. Chief Delaney stated that the community affairs division was already conducting meetings with communities regarding their closeout procedures and record keeping requirements.

Commissioner O'Brien stated that in her background she had seen allegations of misspending of grants that did not have specific reporting requirements. She questioned what reporting responsibilities the grantees would have for the administrative costs. Chief Delaney stated that quarterly reports were required from all grantees and that payment was tied to quarterly reports.

Ms. Wallace stated that she would look into what is done for the workforce grant program and the reporting requirements used in other grant programs. Chief Delaney stated that in the workforce grant if funds are used for administrative purposes, the grantee is required to report a tally of the hours spent working on the project. He stated that this is standard in most grant programs. Ms. Wallace noted that police patrols that were funded submitted their timesheets.

Commissioner O'Brien asked if any concerns were raised at the committee meetings. Chief Delaney stated that a representative from the department of revenue inquired as to why the Commission wants to push out more funds when the applications are not coming in. Chief Delaney stated that even the Commission's researchers had difficulty connecting certain impacts to the casinos. He stated that it was difficult for a community to identify and quantify the impacts clearly. He stated that the Commission should assist the communities define the impacts and solutions so that the grantees could focus on implementation.

Commissioner O'Brien asked if a municipality could identify an impact that was not included in the guidelines. Chief Delaney stated that there was a category for specific impacts. He stated that the municipality would have to provide justification for those projects and stated that Saugus's air pollution analysis from the prior year was a good example.

Chief Delaney stated that the work plans differed from applications and allowed the process to be more collaborative. Ms. Wallace stated that none of the grantees had raised concerns regarding the structure of the block grant, but that they had expressed an interest in seeing the formula for funding.

The Commission reached a consensus to have the community affairs division continue developing the formulas for block grants. Commissioner Maynard stated that he thought the new structure would get more projects funded.

b. [North Attleboro Community Mitigation Fund 2021 Reserve Grant Change in Scope](#)
(4:10:20)

Chief Delaney stated that North Attleboro received a Community Mitigation Fund reserve grant of \$100,000 in 2021 to do a traffic study of Kelley Boulevard. He said that a developer had since proposed an apartment complex and was required to do a study of Kelley Boulevard. He stated that it was discovered that significant improvements were required for the street in the amount of \$6,200,000. He stated that North Attleboro had requested that the reserve grant be used toward the construction on Kelley Boulevard. He noted that the \$100,000 was well under the Commission's limits on transportation construction grants. He stated that the community affairs division recommended allowing this change. A *memorandum regarding North Attleboro's request* was included in the Commissioners' Packet on pages 246 through 247.

Commissioner Hill moved that the Commission approve a change in scope to the North Attleboro 2021 reserve grant of \$100,000 to use the funds for construction of proposed improvements rather than a traffic study of Kelley Boulevard as included in the Commissioners' Packet and discussed here today. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 4-0.

Transcriber's Note: Commissioner Hill left the meeting.

7. [Legal](#) (4:14:03)

Deputy General Counsel Monahan stated that 205 CMR 230 and 205 CMR 256.05 were coming to the Commission for final votes and that the amendments to 205 CMR 219 and 205 CMR 231 were appearing before the Commission for the first time.

a. [205 CMR 230: Review of a Proposed Agreement with a Category 3 Licensee – Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing](#) (4:14:56)

Mr. Makarious presented the changes to 205 CMR 230. The *draft of 205 CMR 230 and amended small business impact statement* were included in the Commissioners' Packet on pages 248 through 252. Mr. Makarious stated that no comments were received regarding this regulation.

Commissioner O'Brien moved that the Commission approve the amended small business impact statement and draft of 205 CMR 230 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 finalize the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 3-0.

b. 205 CMR 256.05: Advertising to Youth – Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing (4:16:47)

Mr. Makarios presented the changes to 205 CMR 256.05. The *draft of 205 CMR 256.05, public comments, and amended small business impact statement* were included in the Commissioner's Packet on pages 253 through 258.

Mr. Makarios stated that this regulation was subject to a ninety-day waiver which expires in September. He stated that one question was received seeking clarification as to whether the inclusion of "21+" language was required for branding in locations viewable by television broadcasts but not inside the venue, and whether the language was required for branding imposed on the venue during broadcast.

Mr. Makarios stated that the language in the statute was worded as "displayed on signage or fixed structure at a sports venue where it is likely to be viewed." He stated that based on that definition, if the branding could be viewed via broadcast the regulation applies. He stated that this regulation would not apply to superimposed logos shown on a broadcast as the operator might not have full control over the implementation in the broadcast.

Commissioner O'Brien moved that the Commission approve the amended small business impact statement and draft of 205 CMR 256.05 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 finalize the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 3-0.

c. 205 CMR 219: Temporary Licensing Procedures – Discussion and Review of Regulation and Small Business Impact Statement for possible emergency adoption, and/or authorization to begin the promulgation process (4:22:18)

Mr. Makarios presented the proposed changes 205 CMR 219. The *draft of 205 CMR 219 and amended small business impact statement* were included in the Commissioners' Packet on pages 259 through 274.

Commissioner O'Brien asked if the revision of 205 CMR 219 was a rework of the temporary license procedure based on the Commission's earlier conversations. Mr. Makarios stated that it was a rework going into the future now that the first phase of licensing had been completed. Mr. Makarios stated that the primary difference was the level of review going into the third year of temporary licensing. He stated that the third year required an update to preliminary suitability while the fourth and fifth years are pro forma reviews.

Chair Judd-Stein sought clarification regarding the process in the third year. Mr. Makarios stated that the operator would be required to submit an application for leave to obtain a new license. He stated that the Commission had raised concerns that five years for a temporary license was a long time for reviews to be ongoing. He stated that this change allowed the operator to request an extension with the rationale that suitability is not yet completed. Chair Judd-Stein stated that the full-suitability process should be completed sooner than five years absent extreme circumstances.

Commissioner O'Brien stated that this approach balanced the Investigation and Enforcement Bureau's ("IEB") sufficiency with cooperation on behalf of the applicant. She stated that the Commission did not want temporary operators operating for extended periods while only paying the \$1,000,000 temporary licensing fee.

Mr. Makarios stated that the regulation balanced ongoing integrity, efficiency, fairness to the full licensees, and fairness to the operator. He stated that year three would require a new preliminary suitability review while the other years would have a pro forma renewal.

Commissioner Maynard stated that this regulation solves a complicated problem that may never arise. He stated that this solution incentivizes cooperation and moving forward quickly. Chair Judd-Stein asked if there was a provision if an operator was not cooperative. Mr. Makarios stated that non-cooperative operators were addressed in 205 CMR 212. He stated that the Commission had sanctions and opportunities to intervene.

Commissioner Maynard moved that the Commission approve the small business impact statement and the draft of 205 CMR 219 as included in the Commissioners' Packet and discussed here today and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process, and further that the staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process.

Commissioner Maynard asked if this regulation had to be voted on by emergency. Mr. Makarious replied that it did. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 3-0.

d. [205 CMR 231: Renewal of a Sports Wagering License – Discussion and Review of Regulation and Small Business Impact Statement for possible emergency adoption, and/or authorization to begin the promulgation process](#) (4:41:49)

Mr. Makarious presented the proposed changes to 205 CMR 231. The *draft of 205 CMR 231 and amended small business impact statement* were included in the Commissioners' Packet on pages 275 through 279.

Outside Counsel from Anderson and Krieger Attorney Paul Kominers stated that G.L. Chapter 23N § 6(f) provided that full licenses may be renewed for a five-year period upon the payment of a \$5,000,000 renewal fee and that the operator continue to meet all requirements under G.L. Chapter 23N and the regulations of the Commission.

Chair Judd-Stein asked if the language in this regulation was based off of the renewal language for gaming licensees. Mr. Kominers stated that the legal team used 205 CMR 218 and did not review the G.L. Chapter 23K regulations. Mr. Makarious stated that 205 CMR 218 was based on the gaming regulation equivalent. He stated that the renewal is an easier process as the Commission knows the entity and what issues need to be addressed.

Chair Judd-Stein noted that for PPC's gaming license renewal the Commission held a public hearing, and asked if that process was required. Commissioner O'Brien stated that the public hearing process is done yearly for racing licenses, and stated that it could be required for consistency. Deputy General Counsel Monahan stated that a public hearing was a statutory requirement for racing.

Mr. Kominers stated that 205 CMR 218 did not require a public hearing on renewing an application. He expressed that the Commission should not impose more public hearing requirements for renewals than were on the initial application. Commissioner O'Brien asked if the regulation could allow the Commission the option to hold a public hearing. Mr. Kominers stated that the option for a public hearing could be added to section seven. Commissioner Maynard expressed support for receiving public feedback at hearings and giving the Commission discretion to hold hearings during the renewal process.

Commissioner O'Brien moved that the Commission approve the small business impact statement and the draft of 205 CMR 231 as included in the Commissioners' Packet and discussed here

today and specifically as further amended today and 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, and further that the staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 3-0.

8. [Permanent Executive Director Hiring Process](#) (4:52:52)

Chair Judd-Stein suggested that this agenda item be rolled over to another meeting to allow for Commissioner Skinner and Commissioner Hill to have input in the process. Commissioner O'Brien agreed.

9. [Commissioner Updates](#) (4:54:21)

The Commissioners had no updates to share.

a. [Farewell to Director of the IEB Loretta Lillios](#) (4:55:07)

Chair Judd-Stein stated that Director of the IEB Loretta Lillios had made consistent and meaningful impacts during her tenure with the Commission. She stated that Director Lillios was a rigorous collaborator that set industry standards for legal investigative writing. She stated that Director Lillios was thorough and paid attention to detail in every facet of her position. She stated that Director Lillios should be proud of the team she inspired.

Commissioner O'Brien stated that when she considered joining the Commission, one of the factors that made the decision easier was that Director Lillios worked there. She stated that she never doubted Director Lillios' legal analysis and positions taken. She recalled Director Lillios' ability to have a news reporter voice during a cutting cross-examination.

Commissioner Maynard stated that Director Lillios was passionate and empathetic as a public servant. He stated that Director Lillios had a good grasp not only on statutes and regulations but with people and policy. He stated that he looked forward to a continued friendship with Director Lillios.

Chief Enforcement Counsel Heather Hall stated that Director Lillios was a shining example of leadership and an anchor when dealing with challenging times. Financial Investigations Division Chief Monica Chang stated that the financial investigations team thanked Director Lillios for her positive impact and leadership.

Chief Cain stated that Director Lillios was a first ballot hall-of-famer in his book and that it was fun to have her as a boss and friend. Director of Sports Wagering Bruce Band stated that it was a pleasure knowing Director Lillios for the past ten years and that he hoped she would keep in touch.

Chief of the Licensing Division Karalyn O'Brien stated that Director Lillios provided instrumental leadership, guidance, and tireless dedication. Deputy General Counsel Monahan stated that it was a pleasure to learn from Director Lillios.

Office Operations Manager Maryann Dooley thanked Director Lillios for her kindness over the years and her guidance. Chief Financial and Accounting Officer Derek Lennon stated that Director Lillios' wit and dry humor would be missed alongside her wealth of knowledge at the agency.

Senior Enforcement Counsel Kathleen Kramer echoed the sentiments shared and stated that Director Lillios was a steady presence when the IEB was addressing a crisis. Financial Investigator Stephanie Butler stated that she admired Director Lillios' leadership and that Director Lillios set the bar high for the team.

Mr. Steffen stated that he would miss the guidance and knowledge Director Lillios gave to the gaming agent division. Enforcement Counsel Zach Mercer stated that Director Lillios was always a welcoming presence and a calm in tough situations. Senior Equity Diversion and Inclusion Program Manager Boniswa Sundai stated that the leadership shown by Director Lillios was tremendous.

Chair Judd-Stein stated that while Commissioner Hill and Commissioner Skinner were not present, each of the Commissioners had signed a certificate to present to Director Lillios. She stated that the certificate read:

On this 25th day of August 2023, the Massachusetts Gaming Commission proudly presents the certificate of appreciation to Loretta Lillios in sincere appreciation for her distinguished service to the Massachusetts Gaming Commission and the Commonwealth of Massachusetts. Loretta Lillios as deputy general counsel, chief enforcement counsel, and director of the investigations and enforcement bureau led the agency in its historic implementation of casino gaming and sports wagering in the Commonwealth. A person equipped to address with ease the most complex of matters, Director Lillios has served with the utmost integrity to advance the interest of the Commonwealth effectively building a dedicated internal team while nurturing positive relationships with industry stakeholders. The Commission extends its profound gratitude for her extraordinary and impactful contributions, tireless professionalism, and exceptional tenure as a public servant from April 2014 to August 2023.

Director Lillios expressed appreciation and thanks for all of the comments and the certificate. She stated that the agency meant so much to her. She stated that she did not take for granted the people who worked together as a team at the Commission. She stated that she had worked with all divisions and was impressed by the professionalism and expertise of colleagues. She stated that the future of the agency is in good hands. She thanked the Commission and stated that it was a privilege to be part of the team.

10. [Other Business](#) (5:20:58)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 3-0.

List of Documents and Other Items Used

1. [Revised Notice of Meeting and Agenda](#) dated August 23, 2023
2. [Commissioner's Packet](#) from the August 24, 2023, meeting (posted on massgaming.com)