

Maryland Lottery & Gaming Control Commission
STATEMENT FOR MEETING IN CLOSED SESSION

Location:
Maryland Lottery & Gaming Control Agency
1800 Washington Boulevard – Ste. 330
Baltimore, MD 21230

Date: 9/25/2025
Time: 11:13 a.m.

Motion By: James J. Stakem
Vote to Close Session:

Seconded By: Ade Adebisi

	AYE	NAY	ABSTAIN	ABSENT
Chair Everett Browning, Sr.	☒	☐	☐	☐
Commissioner Ade Adebisi	☒	☐	☐	☐
Commissioner Diane M. Croghan	☒	☐	☐	☐
Commissioner Harold Hodges	☒	☐	☐	☐
Vice Chair E. Randolph Marriner	☒	☐	☐	☐
Commissioner Nicholas J. Mosby	☒	☐	☐	☐
Commissioner James J. Stakem	☒	☐	☐	☐

REASON(S) FOR MEETING IN CLOSED SESSION

Pursuant to General Provisions Article §3-305(b), the Commission voted to meet in closed session or adjourn an open session to a closed session in order to:

- (1) ☐ Discuss:
 - (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or
 - (ii) Any other personnel matter that affects one or more specific individuals.
- (2) ☐ Protect the privacy or reputation of an individual with respect to a matter that is not related to public business;
- (3) ☐ Consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
- (4) ☐ Consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) ☐ Consider the investment of public funds;
- (6) ☐ Consider the marketing of public securities;
- (7) ☒ Consult with counsel to obtain legal advice;
- (8) ☒ Consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) ☐ Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) ☐ Discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) The deployment of fire and police services and staff; and
 - (ii) The development and implementation of emergency plans;

- (11) [] Prepare, administer or grade a scholastic, licensing, or qualifying examination;
- (12) [] Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) [] Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) [X] Discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process;
- (15) [] Discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
- (i) Security assessments or deployments relating to information resources technology;
 - (ii) Network security information, including information that is:
 - 1. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;
 - 2. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or
 - 3. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
 - (iii) Deployments or implementation of security personnel, critical infrastructure, or security devices.

TOPICS TO BE DISCUSSED AND REASON FOR CLOSED SESSION DISCUSSION:

Seek legal advice and discuss a pending procurement including contents of proposals, which would otherwise adversely impact the ability of the Commission to participate in the proposal process and impermissibly disclose confidential or pre-decisional and deliberative information. Also, in the course of the legal advice sought, and may discuss potential litigation arising out of the pending procurement.



Signature of Presiding Officer

Time closed session began: 11:23 am

Time closed session ended: 12:58

PERSONS PRESENT DURING CLOSED SESSION: Commission Members present. John A.

Martin, James Nielsen, Craig Lindsey, Seth Elkin, Holly K. Citko, Jennifer L. Tosky, James Butler

UPON RETURN TO OPEN SESSION, ANNOUNCE OUTCOME OF CLOSED SESSION (e.g., specific action taken, results of vote, no action taken):

See attached.

In closed session we discussed the pending Lottery Central Monitoring and Control System Contract, sought legal advice concerning the procurement and discussed potential litigation with counsel arising out of the pending procurement.

The Commission considered the Procurement Officer's Determination recommending award of the contract to the 1st ranked responsive offeror, Scientific Games, LLC. and its accompanying attachments. We acknowledge the Procurement Officer's Determination rejecting Intralot's proposal as non-responsive. The Commission is not voting on that determination, the Commission's July 15 recommended award of the contract has no legal effect now.

We considered:

- 1) The Procurement Officer's Determination recommending award to Scientific Games based on the process and the need for stability of the Lottery;
- 2) The Legal Advice provided to the Commission;
- 3) The Unfortunate facts that brought us here today;
- 4) General timing related to the process;
- 5) The fact that the prices were disclosed, which may affect any future process;
- 6) Inclusion of a non-responsive offeror through the entire process, which could have impacted the process and most specifically BAFOs;
- 7) Proper assessment of the process;
- 8) Importance of this contract to the State; and
- 9) Ensuring the full confidence of the public and the people who we serve.