



## NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 107 of the Session Acts of 2022, notice is hereby given of a meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Wednesday | May 10, 2023 | 10:00 a.m.**  
**VIA CONFERENCE CALL NUMBER: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 700 8954**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

### PUBLIC MEETING #144

- 1) Call to Order – Cathy Judd Stein, Chair
- 2) Minutes from Commission Agenda Setting Meetings
  - a) April 24, 2023 **VOTE**
- 3) Agenda Planning for Upcoming Public Commission Meetings. (See following pages.)
- 4) Commissioner Updates
- 5) Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). **Date Posted to Website:** May 8, 2023 | 10:00 a.m. EST

May 8, 2023

Cathy Judd-Stein, Chair

*If there are any questions pertaining to accessibility and/or further assistance is needed, please contact Grace Robinson at [grace.robinson@massgaming.gov](mailto:grace.robinson@massgaming.gov).*



Massachusetts Gaming Commission

**MASSACHUSETTS GAMING COMMISSION  
AGENDA PLANNING**

**UPCOMING MEETING SCHEDULE**

<b>Date</b>	<b>Type</b>	<b>Topic</b>
16-May	Public Meeting	General
22-May	Public Meeting	CMF Application Review
23-May	PSI Adjudicatory Hearing	To be confirmed
24-May	Agenda Setting	
30-May	Public Meeting	CMF Application Review
31-May	GPAC Public Safety Sub Committee Meeting	
31-May	All Staff Meeting	McHugh Award Presentation
1-Jun	Public Meeting	General
7-Jun	Agenda Setting	
15-Jun	Public Meeting	General
21-Jun	Agenda Setting	
29-Jun	Public Meeting	General

**MEETING DATE**  
MAY 16, 2023 | 10:00AM

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Wells, K.
2	Meeting Minutes	Young, J.
3	Legislative Update	Hill, B.; Grossman, T.; Robinson, G.; Maynard, J.
4	Regulations: 205 CMR 215 205 CMR 235 205 CMR 239 205 CMR 256	Grossman, T.
5	Delegation of Authority	Maynard, J.; Hill, B.; Lightbown, A.
6	Encore Broadway Expansion Initial Discussion	Delaney, J.
7	MGM and PPC Quarterly Report	Delaney, J.
8	3rd Quarter Budget Update	Skinner, N.; Lennon, D.
9	House Rules - Fanduel	Carpenter, S.
10	House Rules - Betr	Carpenter, S.
11	Certificate of Operations - Fanatics	Band, B.
12	Office Lease Update	Wells, K.; Dooley, M.

**MEETING DATE**  
**MAY 22, 2023 | 10:00AM**

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Wells, K.
2	Meeting Minutes	Young, J.
3	Community Mitigation Fund Application Review - Transportation	Delaney, J.; Wallace, L.
4	EBH Quarterly Report	Delaney, J.

**MEETING DATE**  
**MAY 30, 2023 | 10:00AM**

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Wells, K.
2	Meeting Minutes	Young, J.
3	Legislative Update	Hill, B.; Robinson, G.
4	Regulations	Grossman, T.
5	Community Mitigation Fund Application Review - Public Safety	Delaney, J.; Wallace, L.

**MEETING DATE**  
**JUNE 1, 2023 | 10:00AM**

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Wells, K.
2	Meeting Minutes	Young, J.
	Legislative Update	Robinson, G.; Hill, B.
3	<u>Regulations:</u> Racing Regulations	Grossman, T.
4	Racing Application Review	Grossman, T.; Lightbown, A.
5	Racing ADW Regulations	O'Brien, E.; Grossman, T.
6	Request to Escrow RHDF	Lightbown, A.
7	EBH Patron and License Plate Report	Vander Linden, M.
8	FY24 Initial Budget Review	Skinner, N.; Lennon, D.

**MEETING DATE**  
**JUNE 15, 2023 | 10:00AM**

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Wells, K.
2	Meeting Minutes	Young, J.
3	Legislative Update	Hill, B.; Robinson, G.
4	Regulations	Grossman, T.
5	FY24 Budget Final Review	Skinner, N.; Lennon, D.

## UNDER REVIEW

#	Agenda Item Topic	MCG Representative
1	ILEV Review Process	Delaney, J.; Grossman T.; Hill, B.
2	Encore Broadway Expansion	Delaney, J.
3	Compliance Committee	O'Brien, E.
4	Springfield Community Driven Research Project	Vander Linden, M.
5	HCA compliance update (All Properties)	Skinner, N.; Delaney, J.
6	Recognition of Jockey Guild	Lightbown, A.
7	Approval of Certificate of Operations	Band, B.
8	Event Catalog Additions	Band, B.
9	Standardize House Rules	Carpenter, S.; Grossman, T.
11	Review of regulation regarding "risk free" advertising phrasing	O'Brien, E.; Grossman, T.

*Assigned meeting dates are subject to change*





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## Massachusetts Gaming Commission Agenda Setting Meeting Minutes

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**Date/Time:** April 29, 2023 – 9:30 a.m. EST

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 111 533 1502

### Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #144 of the Massachusetts Gaming Commission (“Commission”).

***Quorum was confirmed for the meeting by roll call. The following Commissioners were present for the meeting:***

*Chair Cathy Judd-Stein  
Commissioner Eileen O’Brien  
Commissioner Bradford R. Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard*

Approval of Meeting Minutes  
(a) March 29th, 2023

Commissioner Hill moved to approve the minutes from the March 29, 2023 Agenda Setting meeting, included in the Commissioners’ Packet, subject to any necessary edits for typographical errors or other non-material matters. Commissioner O’Brien seconded.

<i>Roll Call Vote:</i>	
<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

*The motion passed unanimously 5-0.*

## **Agenda Planning for Upcoming Commission Meetings**

*The Commission discussed the anticipated agendas for the upcoming meetings scheduled for April 25, 2023, May 4, 2023, and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:*

### **Items For Public Meeting – April 25, 2023 – 10:00 AM**

Item #1 – Administrative Update – Executive Director Karen Wells confirmed no additional amendments are needed.

Item #2 - Minutes from Commission Agenda Setting Minutes – Commissioner Hill confirmed that meeting minutes from November 16, 2022 will be discussed.

Item #2 – Sports Wagering – Director of Sports Wagering Bruce Band and Operations Manager Sterl Carpenter confirmed no additional amendments are needed.

Item #3 – Commissioners – Executive Director Annual Review and Setting of Compensation – The Commissioners confirmed no additional amendments are needed.

Item #4 – Legal – Regulations – The Legal Division confirmed this item.

### **Items For Public Meeting – April 25, 2023 – 6:00 PM**

This date is reserved for a Public Hearing for the submission of comments on the proposed development across the street from Encore Boston Harbor on the east side of Broadway in Everett, MA.

### **Items For Public Meeting – May 4, 2023 – 10:00 AM**

Item #5 – Administrative Update – Director Wells confirmed this item.

Item #6 – Meeting Minutes (November 17, 2022) – Associate General Counsel Judith Young confirmed minutes from November 17, 2022.

Item #7 – EBH Public Safety Report – Director of Research and Responsible Gaming Mark Vander Linden confirmed this report will be ready to present at this meeting and that they will be joined by a guest speaker (Justice Research Associates).

Item #8 – FY24 Commissioners Budget Review – Chief Financial and Accounting Officer Derek Lennon confirmed the Division will be ready to present on this topic.

Item #9 – Certificate of Operations – Fanatics – Operations Manager Carpenter confirmed they have received several requests to bring forward proposals for the six new events that will be ready for that meeting.

Add-On Item – Regulation Discussion – Commissioner O’Brien requested another discussion about the underlying regulation for Item #9. Operations Manager Carpenter confirmed the Division crafted a form addressing concerns on this issue, which can be edited if the regulation were changed. Chair Judd-Stein confirmed this item could be discussed during the May 8, 2023 meeting.

Item #10 – Succession of Officers and Positions – Commissioner O’Brien confirmed this item.

Item #11 – Delegation of Authority Initial Review – Commissioner Maynard confirmed this item.

Item #12 – Request to Escrow RHDF – Director of Racing Dr. Alexandra Lightbown confirmed that Mr. Paul Umbrello requested this item be removed from this meeting date and postponed to the June 1, 2023 meeting date.

Item #13 – Regulations – The Legal Division confirmed no changes or updates to the regulations that were scheduled for May 4th.

Item #14 – Community Mitigation Fund Grants – Division Chief of Community Affairs Joe Delaney confirmed that workforce grants will be discussed.

Items For Public Meeting – May 8th, 2023 – 10:00AM

Add-On Item – FY24 Research Agenda – Director Vander Linden requested this item be added and voted on.

Item #15 - Administrative Update – Director Wells confirmed this item.

Item #16 – Independent Monitor Report – Chair Judd-Stein confirmed this item.

Items For Adjudicatory Meeting – May 9, 2023 – 10:00 AM

Director of the Investigation and Enforcement Bureau Loretta Lillios confirmed this hearing would be to review an MGM Qualifier. Enforcement Counsel Diandra Franks will cover this hearing.

Items For Public Meeting – May 16, 2023 – 10:00 AM

Item #17 – Administrative Update – Director Wells confirmed this item.

Item #18 – Meeting Minutes – Associate General Counsel Young confirmed there will be two sets of meeting minutes to review and discuss on this date (November 29, 2022 and December 1, 2022).

Item #19 – Legislative Update – Commissioner Hill confirmed there will be one legislative bill for discussion.

Item #20 – Regulations – The Legal Division confirmed this item.

Item #21 – Delegation of Authority – Commissioner Maynard confirmed this item will be presented to the Commission on May 4, 2023 and will require a vote on May 16, 2023 to approve the finalized document.

Item #22 – Encore Broadway Expansion Initial Discussion – Chief Delaney inquired about any items the Commissioners would like Encore Boston Harbor to submit for a final review and decision on their application. Chair Judd-Stein requested a further discussion about the process moving forward.

Item #23 – Quarterly Report for MGM, PPC, and EBH – Chief Delaney requested this item be moved to a further date and stated he will work with the operators on confirming a date that works for them.

Item #24 – Office Lease Update – Executive Director Wells confirmed this item.

Add-On Item – 3<sup>rd</sup> Quarterly Budget Update – Chief Lennon requested time to provide an update about the 3<sup>rd</sup> quarter budget during this meeting.

Add-On Item – Standardization of House Rules – Chair Judd-Stein requested the Commission revisit this topic. Operations Manager Carpenter mentioned that the Sports Wagering Division could create a procedure for further consideration.

Items For Public Meeting – June 1, 2023 – 10:00 AM

Item #21 – Administrative Update – Director Wells confirmed there would be no Administrative Update provided at the June 1, 2023 meeting.

Item #22 – Meeting Minutes – The Legal Division confirmed there will be minutes from December 5, 2022 for approval at this meeting.

Add-On Item – FanDuel House Rule Amendments – Operations Manager Carpenter requested time to discuss this topic. The Commission confirmed that May 16, 2023 is available to review this item.

Add-On Item – Category 2 SW Application for Raynham – Director Wells requested time to discuss a status report before or on May 12, 2023. The Commission confirmed that May 8, 2023 is available to review this item.

Item #23 – Regulations – The Legal Division confirmed this item.

Item #24 – Racing Application Review – The Legal Division confirmed that this item was in progress and that they intend to share this with the Commissioners prior to this meeting.

Item #25 – Racing ADW Regulations – The Legal Division confirmed this will be shared with the internal stakeholders prior to this meeting.

Add-On Item – Encore Boston Harbor Licensing Report – Director Vander Linden requested this item be added to the June 1, 2023 meeting agenda.

Add-On Item – FY24 Budget Initial Review – CFAO Lennon requested this item be added to the agenda, so there would be additional opportunities for the Commission to review the budget prior to its finalization.

#### Items Under Review for Future Meetings:

Item #26 – Racing License Renewal Application – General Counsel Todd Grossman requested this item remain under review.

Item #27 – ILEV Review Process – Chief Delaney confirmed this is still under review.

Item #28 – Encore Broadway Expansion – Chief Delaney confirmed that once the Division has this meeting on May 16, 2023, they will request certain materials from Encore Boston Harbor and anticipate starting the discussion no earlier than June 2023.

Item #29 – Compliance Committee – Commissioner O’Brien requested this item remain under review.

Item #30 – Patron License and Survey Report – Director Vander Linden requested this item remain under review.

Item #31 - Springfield Community Driven Research Project – Director Vander Linden confirmed they are nearing the end of the review of this project, but requested this item remain under review until its finalization. He confirmed that this topic was about the impact of gaming establishments on housing and involved two zip codes near MGM Springfield.

Item #32 – MGM HCA Compliance Update – Chief Delaney reported he was in the process of scheduling meetings with the licensees and that this could be a multi-step process. Chief Delaney requested to keep this item under review.

Item #33 – Recognition of Jockey Guild – Dr. Lightbown requested to keep this item under review.

Item #34 – Proposed Research Agenda – Director Vander Linden confirmed this item should be all set.

Item #35 – Approval of Certificate of Operations – Director Band confirmed the Division is looking for a new server group and to keep this item under review.

Item #36 – Event Catalog Additions – Chair Judd-Stein confirmed we will keep this item under review.

Add-On Item – Mission Statement – Chair Judd-Stein confirmed she is planning to put together a working group to re-examine the MGM mission statement given the expansion of sports wagering.

Add-On Item – Bonus Bet Language – Operations Manager Carpenter confirmed the updates the operators made to their bet language. He mentioned that the Commission could request new language to change it. Chair Judd-Stein asked the Division to confirm with Legal.

Add-On Item – Advertising Language – Commissioner O’Brien requested time to check and review the operators’ use of certain phrases (i.e. “risk-free,” “win or lose,” “guaranteed”) in their advertising. Chair Judd-Stein suggested adding this topic under the Legal Division’s regulation items.

*Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Hill seconded.*

*Roll Call Vote:*

<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

*The motion passed unanimously. Meeting adjourned.*

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

1. Notice of Meeting & Agenda, dated April 24, 2023
2. Agenda Setting Meeting Minutes, dated March 29, 2023

### **FUTURE SCHEDULED MEETING DATES:**

April 25 (Adjudicatory)  
May 4 (Public Meeting)  
May 8 (Public)  
May 9 (Adjudicatory)  
May 10 (Agenda)  
May 16 (Public)  
May 24 (Agenda)  
May 30 (Public)  
June 1 (Public)  
June 7 (Agenda)

June 15 (Public)  
June 21 (Agenda)  
June 29 (Public)