

## 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 public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Tuesday | July 26, 2022 | 2:30 p.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 048 6029**

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).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

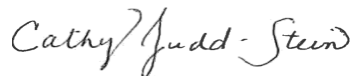
### **PUBLIC MEETING - #385**

- 1. Call to Order
- 2. Approval of Meeting Minutes **VOTE**
  - a. September 21, 2021
  - b. September 23, 2021
  - c. October 21, 2021
  - d. December 21, 2021
  - e. January 10, 2022
  - f. June 2, 2022
- 3. Racing Division – Dr. Alex Lightbown, Director of Racing and Chief Veterinarian
  - a. Request for Promotional Fund Consideration for Summer Handicapping Series- Chad Bourque, Financial Analyst; Steve O’Toole, Director of Racing at Plainridge Park Casino **VOTE**
- 4. Legal Division – Todd Grossman, General Counsel
  - a. 205 CMR 102: Definitions – and Small Business Impact Statement for approval to begin the promulgation process – Carrie Torrissi, Deputy General Counsel **VOTE**

- b. 205 CMR 115.04: Phase I and New Qualifier Proceedings by the Commission – and Small Business Impact Statement for approval to begin the promulgation process – Carrie Torrisi, Deputy General Counsel **VOTE**
  - c. Review of 205 CMR 115.01 (4): *Continuing Duty* for possible amendments — Todd Grossman, General Counsel **VOTE**
5. Research and Responsible Gaming –Long Banh, Program Manager
- a. Ad hoc Sports Wagering Report Update
6. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that 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). Posted to Website: July 21, 2022 | 2:30 p.m.

July 21, 2022



Cathy Judd-Stein, Chair

*This meeting is open to all interested individuals.  
If there are any questions pertaining to accessibility and/or further assistance is needed, please email  
[crystal.beauchemin@massgaming.gov](mailto:crystal.beauchemin@massgaming.gov).*



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** September 21, 2021, 10:30 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts 02110

The Commission conducted this public meeting in person at the Massachusetts Gaming Commission offices in Boston, Massachusetts. The meeting was not streamed or conducted virtually, as parties gathered to test potential technology for future open meetings to be conducted in a hybrid format.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Gayle Cameron  
Commissioner Eileen O'Brien  
Commissioner Brad Hill

#### 1. Call to Order (0:00)

Chair Judd-Stein called to order the 355<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted. Commissioners Cameron and O'Brien and Chair Judd-Stein were present.

#### 2. Mock Presentations for testing technological options – MGC Commissioners and team

Commissioners and MGC staff gathered to give mock presentations and test the technology necessary for conducting public meetings in a hybrid format, which provides meeting attendees the opportunity to attend meetings in person, or via remote collaboration technology. No material matters were discussed at this meeting, nor were any votes taken.

#### 3. Other business (00:00)

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

*Roll call vote:*  
*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated September 17, 2021




---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** September 23, 2021, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
 VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
 PARTICIPANT CODE: 111 713 1742

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 Gayle Cameron
- Commissioner Brad Hill
- Commissioner Eileen O’Brien

1. [Call to Order](#) (0:00)

Chair Judd-Stein called to order the 356<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Welcome Commissioner Brad Hill](#) (2:49)

Chair Judd-Stein introduced Commissioner Brad Hill as the newest member of the Commission and the Commissioners welcomed him to the role. Commissioner Hill thanked the Commission and staff for a smooth onboarding process and stated that he was looking forward to working with everyone.

3. [Administrative Update](#) (10:01)

a. On-Site Casino Updates

IEB Director Loretta Lillios provided a brief update on the properties. She noted that all three properties have continued to comply with all updates to Covid-related orders, provided updates related to venues at the properties, and informed the Commission of hiring events at MGM and

Plainridge Park Casino. Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band also provided an update related to slot machines and table games at the properties, as well as the status of poker at MGM Springfield.

Commissioner Cameron asked if reopening plans for any property venues were delayed due to staffing difficulty. Director Lillios stated that there is a general difficulty in staffing food and beverage positions.

The Commission thanked Director Lillios and Assistance Director Band for their updates.

b. [Internal Re-Opening Plan Update](#) (20:10)

Executive Director Karen Wells provided an update on the Boston office reopening plan, which is slated to reopen on November 1<sup>st</sup>. She provided some highlights from the working group, including a preparation of the policy for requested exemptions from the Covid vaccination requirements, creation of a hybrid work schedule request form, and discussions regarding technology for hybrid public meetings.

Chair Judd-Stein asked about equipment to optimize both home setups and office setups. Executive Director Wells stated that people may have to bring some equipment back to the office so that they have a full office setup, but there may also be discretion for providing equipment as resources permit. She noted that it is largely dependent on resource allocation and the amount of money that the Commission chooses to invest in equipment.

4. [Independent Monitor Report](#) (31:48)

a. Update from Independent Compliance Monitor (Wynn Resorts)

Chair Judd-Stein welcomed Alejandra Montenegro Alamonte and her team from Miller & Chevalier to provide their compliance monitor update on Wynn Resorts. Ms. Montenegro Alamonte introduced the other members of her team: Ann Sultan, Katherine Pappas, Nicole Gokcebay, Alexis Zhao, and Preston Pugh. The team presented their Phase Three interim report, with a PowerPoint included in the Commissioners' Packet, including how the company business has shifted in the last approximately six months, a summary of review and testing activities that the team has conducted, overall observations under each hallmark of the compliance program, and general observations and next steps.

Commissioner Cameron noted that Millier & Chevalier is giving the company a roadmap to mitigate risk and engage in productive culture and asked if there is a sense from the Board of senior leadership team that they recognize the value it will provide to the company. Ms. Montenegro Alamonte stated that the company appreciates what it means to develop a living and sustainable program and is starting to think outside the four corners of the report. Commissioner O'Brien asked if the company is beginning to move toward implementing programs beyond just ramping back up post-Covid. Ms. Montenegro Alamonte stated that while there are areas where they are seeing this change, it has not fully manifested across all areas of the company.

Commissioner O'Brien asked about implementation of the company's preventing harassment and discrimination training and if the monitor team had any concerns about the delta between the training completion level in Boston versus Las Vegas. Ms. Montenegro Alamonte stated that there were no existing concerns but that it is something they will continue to monitor.

Commissioner O'Brien asked if the monitor team has seen an improvement in the company's appreciation of conflict-of-interest issues and improvement in terms of investigations and policies. Mr. Pugh stated that conflict-of-interest issues were not as prevalent during this period of review but that it is something they will continue to monitor. Commissioner O'Brien noted that she looked forward to hearing more on this moving forward and Chair Judd-Stein echoed that sentiment.

Commissioner Hill sought confirmation that the monitor's report indicates that policies and procedures related to harassment are being implemented well at the staff and middle management level and with third parties but still need work at the upper management level. Ms. Montenegro Alamonte confirmed that the monitor team has not yet seen transformational change throughout all levels of the organization and is looking for executive management to find ways to concretely demonstrate its commitment.

The Commission thanked the monitor team for their extensive and valuable report.

5. [Legal Division](#) (2:08:16)

a. Table Game Rules – Ultimate Texas Hold ‘Em

Associate General Counsel Carrie Torrisi presented draft changes to the rules of the game for Ultimate Texas Hold ‘Em which will bring the game rules in line with current GLI standards related to dealing procedures from automated shufflers. Regulatory Compliance Manager Sterl Carpenter explained that game protection has evolved due to players cheating and those game protections have changed the ways in which the shuffler operates, resulting in the need for these changes.

Commissioner Cameron asked if it is more difficult for players to cheat with this new methodology in place. Mr. Carpenter confirmed that the new procedures make it more difficult to cheat and explained in detail how the new procedures work.

Commissioner Cameron moved that the Commission approve the amendments to the rules of the game of Ultimate Texas Hold ‘Em as included in the Commissioners' Packet and discussed here today. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

6. [Finance and Accounting Division](#) (2:17:38)

a. Financial Update – Gaming Position – First Quarter Spending

Chief Financial and Accounting Officer Derek Lennon, Finance and Budget Office Manager Agnes Beaulieu, and Revenue Manager Doug O’Donnell presented the closeout report for fiscal year 2021. Commissioner Hill noted that the Commission may want to look more closely at the IT budget given the need for new hybrid meeting technology which will be quite expensive. Chief Lennon and Executive Director Wells agreed and noted that this issue could come back to the Commission once there are specific estimates for the equipment.

Commissioner O’Brien moved that the Commission approved the request to take the surplus from FY 21 and credit it to the licensees FY 22 assessments. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

7. [Research and Responsible Gaming](#) (2:35:26)

a. Recognition of Responsible Gaming Education Week

Director of Research and Responsible Gaming Mark Vander Linden noted that it is Responsible Gaming Education Week, which is part of the Commission’s commitment to promoting positive play and reducing gambling-related harm. He noted further that the annual advocacy week provides an opportunity to strengthen employee training, promote gambling literacy among casino guests, and further advance responsible gaming programs; he provided various examples of ways in which the properties are getting involved in this advocacy week. The Commission thanked Director Vander Linden for this important update.

8. [Community Affairs Division](#) (3:16:06)

a. Community Mitigation Fund Reserve Application Review

Community Affairs Division Chief Joe Delaney presented three requests for the use of reserve fund from the Community Mitigation Fund from Hampden, North Attleboro, and Mansfield, the details of which are included in the Commissioners’ Packet.

Commissioner Cameron moved that the Commission approve the Town of Hampden’s request to use \$100,000 of its reserve funds to implement the pedestrian safety improvements to the area of Somers Road/Allen Street as described in the submitted application and materials included in the



Commissioners' Packet and as discussed here today, and further that the Commission staff shall be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioner Hill moved that the Commission approve the Town of North Attleboro's request to use \$100,000 of its reserve funds to hire a traffic consultant to study the Kelley Boulevard corridor as described in the submitted application and materials included in the Commissioners' Packet and discussed here today, and further that the Commission staff shall be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioner O'Brien moved that the Commission approve the town of Mansfield's request to use \$45,000 of its reserve fund to train every officer of the police department in the concepts of inclusion, diversity and sensitivity, as well as the fundamental concepts contained in the Massachusetts Reform Law, as described in the submitted letter and the materials included in the Commissioners' Packet and discussed here today, and further that the Commission staff shall be authorized to execute a grant instrument commemorating this award in accordance with 205 CMR 153.04. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

b. [Community Mitigation Fund Policy Questions Discussion](#) (3:32:56)

Chief Delaney presented various policy questions for discussion related to the 2022 Community Mitigation Fund guidelines, a memorandum of which is included in the Commissioners' Packet. Chief Delaney explained that development of the guidelines is a three-step process which

includes reviewing policy questions, drafting guidelines, and sending them out for public comment.

Chief Delaney presented the Commission with the following policy questions, which will be discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation: should the limitation on grant amounts be increased; should target spending caps be raised or eliminated; should the number of grants per community be limited; should the Commission pursue an expansion of Community Mitigation Fund eligibility via either a statute change or within the current framework; should the Commission authorize the use of funds for large transportation projects or economic development projects; should a separate category be added for public safety grants and should any new limits be placed on such; should local match provisions be reconsidered; should the Community Mitigation Fund use a fiscal year rather than a calendar year; should any reserves be allowed to carry over to FY 22.

There was discussion around the recommendation to increase the limits on grant amounts, and the Commission agreed with the recommendation given existing needs. Commissioner Hill and Chair Judd-Stein asked if larger awards would equate to fewer recipients. Chief Delaney stated that there is capacity for increases without reducing the number of grant awards. There was also discussion surrounding workforce development grants, which are awarded per region and benefit from collaboration.

There was discussion surrounding inserting language into the guidelines affirmatively stating that there is an impact from the casinos on certain industries which would relieve the burden of communities having to prove said impact. The Commission agreed that this would be a practical addition to the guidelines.

There was also discussion surrounding creating a separate public safety category. Chief Delaney noted that if the Commission were to create a public safety category it would be in addition to the specific impact category. The Commission agreed with this recommendation.

Chief Delaney explained what would happen with the guidelines next and the Commission thanked him and his team for their work.

#### 9. [Commissioners Update](#) (4:30:37)

Chair Judd-Stein noted that the Commission had not had an opportunity to have a formal farewell to Commissioner Enrique Zuniga and that the Commission would be inviting him back at some point in the near future to do so.

Commissioner Cameron provided an update on the recent IAGR conference and thanked everyone who participated as a volunteer, attendee, or presenter.

#### 10. [Other Business](#) (4:34:45) - none

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

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated September 23, 2021
2. [Commissioners' Packet](#) from the September 23, 2021, meeting (posted on [massgaming.com](http://massgaming.com))




---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** October 21, 2021, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
 VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
 PARTICIPANT CODE: 111 620 8934

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 Gayle Cameron  
 Commissioner Brad Hill  
 Commissioner Eileen O’Brien

1. [Call to Order](#) (0:00)

Chair Judd-Stein called to order the 358<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Administrative Update](#) (1:04)

a. [On-Site Casino Updates](#)

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band provided a brief update on the properties noting that poker is scheduled to open at MGM Springfield on October 29<sup>th</sup> with 13 tables and that all of the dealers are rehires from pre-Covid. The Commission thanked Director Band for his update.

b. [Internal Re-Opening Plan Update](#) (3:26)

Executive Director Karen Wells provided an update on the anticipated November 1<sup>st</sup> Boston office reopening. She noted that staff is working on a process for the return of necessary office equipment and reminded everyone that the offices will still not be open to the public. She also

suggested that the office maintain “Casual Friday” attire throughout the work week. She further stated that the Human Resources Division would recirculate the Commission’s Covid-related policy to staff. Chair Judd-Stein asked if the policy applies to independent contractors. Executive Director Wells stated that the vaccination policy does apply to independent contractors. The Commission thanked Executive Director Wells for the update.

c. [Executive Director Hybrid Work Schedule Request](#) (7:56)

Executive Director Wells noted that the hybrid work option required staff to submit their requests for hybrid work consistent with the policy and given that the Executive Director reports directly to the Commission, she has submitted her request form for the Commission’s consideration.

Commissioner O’Brien moved that the Commission approve the hybrid work schedule requested and submitted by Director Karen Wells as included in the packet. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

The Commission also discussed their own hybrid work schedules, noting that they would remain flexible in terms of when they will be in the office and when they will be remote.

d. [Equity and Inclusion Update](#) (13:30)

Executive Director Wells provided the Commission with an update on the equity and inclusion working group. She noted that Commissioner Skinner and Crystal Howard have joined the working group and that there are five areas that the group is focusing on: culture, regulation review, customer service, hiring and retention, and procurement practices. She noted that the agency has joined the pacesetters program to intentionally increase diverse spending. Chair Judd-Stein stated that pacesetters is a highly regarded program and Finance Director Derek Lennon further explained its benefits. The Commission thanked the working group for its efforts.

3. [Hiring Process Policy Development](#) (21:48)

Executive Director Wells explained that G.L. c. 23K, §20 requires the Executive Director to appoint employees subject to the approval of the Commission and that historically the Commission has complied with this mandate through the budget process as the Commission approves the Executive Director hiring a certain number of full-time employees. Executive Director Wells sought guidance on what positions the Commission would like to be delegated and recommended that the Executive Director notify the Commission of any potential hire that would be designated as a major policymaking position under G.L. c. 268B and the Commission

could then waive its involvement on a case-by-case basis. She further noted that after a decision is made this can be memorialized in a written policy.

Chair Judd-Stein asked for clarification on the major policymaking position definition. General Counsel Todd Grossman explained that G.L. c. 268A oversees the major policymaking position process for the purposes of filing statements of financial interest, and that a major policymaking position is essentially defined as someone who is the head of an organization, or someone who reports directly to the head of an organization, or someone who is the head of a major division within the organization.

Commissioner O'Brien suggested that this process include a review of what exact positions are being included in the event the Commission wants to tighten or broaden the group. Commissioner Hill and Commissioner Cameron agreed with these suggestions and with implementing this policy related to Commission involvement with major policymaking position hiring.

#### 4. [Research and Responsible Gaming](#) (33:18)

Director Vander Linden introduced Long Banh, the Research and Responsible Gaming division's new Responsible Gaming Manager, and the Commission welcomed him to the team.

##### a. [Commercial Real Estate Report](#) (34:21)

Marie-Claire Flores-Pajot introduced a commercial real estate report presented by the economic side of the SEIGMA team, a copy of which is included in the Commissioners' Packet. She introduced speakers Thomas Peake, Senior Research Manager, and Dr. Mark Melnik, Director of the Economic and Public Policy Research Group at the UMass Donahue Institute. She noted that the Gaming Act recognizes the importance of tracking the changes that the new casinos and slot parlor could have in local economies and that part of that is looking at the commercial real estate market.

Mr. Peake and Dr. Melnik presented findings on a research study tracking how commercial real estate conditions have changed over time in the host and surrounding communities of the three casinos in Massachusetts, a report of which is included in the Commissioners' packet. There was discussion regarding the ways in which the specific regional and local locations of the gaming establishments may impact real estate conditions in a broader sense given the variable ecosystems of each community.

The Commission thanked the presenters for their report.

##### b. [GameSense Quarterly Report](#) (1:41:43)

Director Vander Linden introduced the Mass Council on Gaming and Health and a team of GameSense Advisors from each property to present the GameSense quarterly report. Chelsea Turner, the Mass Council's Director of Responsible Gaming, along with GameSense Advisors Linh Ho, Amy Gabriela, and Rhonda Martins, presented the report including quarterly numbers;

voluntary self-exclusion, reinstatement, and remote enrollment; property employee awards; responsible gaming education week; recovery month; and new live chat technology used to engage with patrons. A copy of the presentation is included in the Commissioners' Packet.

Commissioner Cameron asked if the team has data regarding the percentage of men versus women enrolled in the voluntary self-exclusion program. Director Vander Linden noted that while he did not have specific data on this it was a very interesting question. There was additional discussion regarding the report's indication that women tend to have more casual interactions with the advisors than signups. Director Vander Linden noted that the baseline general population survey indicated that the prevalence rate of problem gambling among males is 3.1% and among females is 1.1%.

The Commission thanked the presenters for their report.

5. [Racing Division](#) (3:32:24)

a. Quarterly Local Aid Update

Director of Racing Dr. Alexandra Lightbown presented the local aid for the quarter ending September 30<sup>th</sup>. Specifically, she noted that this quarter, using handles from January, February, and March of 2021, the City of Boston would receive \$118,265.85, the Town of Plainville would receive \$16,676.15, the Town of Raynham would receive \$18,688.49, and the City of Revere would receive \$59,131.53 for a grand total of local aid for the third quarter of \$212,761.02. She noted that there is a detailed breakdown and calculation of all amounts included in the Commissioners' Packet.

Commissioner O'Brien moved that the Commission authorize the local aid payments to the City of Boston, the Town of Plainville, the Town of Raynham, and the City of Revere in the amounts reflected in the memo included in the Commissioners' Packet and discussed here today. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

6. [Legal Division](#) (3:36:20)

a. Revisions to 205 CMR 134.01: Key Gaming Employee Licensees; 205 CMR 134.02: Gaming Employee Licensees; 205 CMR 134.03: Gaming Service Employees

General Counsel Grossman presented updates to 205 CMR 134.01, 134.02, and 134.03, which would allow the gaming establishments to bring employees from sister properties to work at the properties in Massachusetts for limited time periods for the purposes of training or similar needs.

General Counsel Grossman noted that the regulations currently allow this use only during emergency situations, and that the amendments remove the emergency requirement to allow for broader use. He further noted that the regulations allow an initial time period of 60 days for such use and require Commission authorization for extensions up to six months, with the exception of 205 CMR 134.03, which does not require Commission authorization for the six-month extension.

Commissioner O'Brien asked why the Commission authorization is not included in 205 CMR 134.03 and also raised the question as to whether the language allowing for a six-month time period in one twelve-month period is sufficient to ensure that permanent jobs are being filled by Commonwealth residents; she suggested updating to one six-month time period within an 18-month or 24-month time period. Chair Judd-Stein asked for reasoning related to the difference in 205 CMR 134.03. General Counsel Grossman noted that the gaming service employee jobs are unrelated to gaming, which perhaps could be the distinction. Chair Judd-Stein asked how often the IEB receives these types of requests. Chief Enforcement Counsel Heath Hall noted that the IEB does not receive these requests often, and that such requests have mainly been limited to staffing issues related to Covid and if a property is looking to expand the gaming area. Assistant Director Bruce Band also noted that if sports betting passes or if a new table game becomes available for use, the properties might want to bring someone with expertise in the area from a sister property to provide training.

Commissioner Cameron suggested that this type of situation might never apply to gaming service employees and perhaps this group should not be included in these regulation amendments.

There was further discussion regarding the appropriate time periods as raised by Commissioner O'Brien.

General Counsel Grossman summarized the Commission's discussion as follows: no amendments would be made to 205 CMR 134.03; the time period provisions in 205 CMR 134.01 and 205 CMR 134.02 would be amended to allow for one six-month extension in an 18-month period, as opposed to in a 12-month period, as authorized by the Commission.

Commissioner O'Brien moved that the Commission approve the small business impact statement and the amendments to 204 CMR 134.01 and 134.02 as included in the Commissioners' Packet subject to the further edit in sub paragraphs three in each section, changing the language "for more than one six-month period in a 12-month period" to "for more than one six-month period in an 18-month period" and that staff be authorized to take the steps necessary to fine the regulation with the Secretary of the Commonwealth and to proceed with the regulation promulgation process. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*



7. [Community Affairs](#) (4:01:01)

a. Community Mitigation Fund Guidelines

Community Affairs Division Chief Joe Delaney presented the draft Community Mitigation Fund Guidelines for the 2022 Community Mitigation Fund, a copy of which is included in the Commissioners’ Packet, and provided background on the process up until this point as well as moving forward. Chief Delaney walked through specific changes to the guidelines, including the addition of a public safety grant as a separate category; the reorganization of certain requirements related to community planning grants; a limitation on applications for specific impact grants; a highlight on the availability of Community Mitigation Fund assistance for police training, including implicit bias and de-escalation training; the addition of an affirmative statement that there is an impact to the communities from the casinos to streamline the process for community planning grant applications; the elimination of the cap on transportation planning grants; and increasing the cap for workforce development grants; and the addition of a projects of regional significance, for which the community affairs team will seek input from the communities.

The Commission thanked Chief Delaney for these updates to the Guidelines and noted in particular their interest in the addition of a public outreach component.

8. [Other Business](#) (4:35:41) - none

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner O’Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated October 21, 2021
2. [Commissioners’ Packet](#) from the October 21, 2021, meeting (posted on massgaming.com)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** December 21, 2021, 3:45 p.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 870 3691

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 Gayle Cameron  
Commissioner Brad Hill  
Commissioner Eileen O'Brien

### **1. [Call to Order](#) (0:00)**

Chair Judd-Stein called to order the 365th public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

### **2. [Licensing Division](#) (0:39)**

#### **a. Encore Boston Harbor Gaming Beverage License Amendment**

Nakisha Skinner, Chief of the Licensing Division presented the Application for an Amendment to the existing Gaming Beverage License held by Licensee, Wynn MA, LLC, who owns and operates the gaming establishment, Encore Boston Harbor. Licensee is seeking to add a new licensed area, the Black Tier Lounge to its existing license. The Black Tier Lounge will be operated by the Encore Boston Harbor and will not be a leased area. Chief Skinner and the Licensing Division provided Commissioners with a supplemental memorandum complete with their findings and recommendation, pursuant to 205 CMR 136.04. The memorandum and the Gaming Beverage License Amendment Application from the Licensee are included in the Commissioners' Packet on pages 2 through 6. Senior Supervising Gaming Agent, Luis Lozano, and IEB Director Loretta Lillios were present at the meeting to answer Commissioner's questions as well.

Division Chief Skinner explained that the Black Tier Lounge will open tomorrow, December 22nd, 2021, and will be dedicated to Black Tier Rewards members of the Encore Boston Harbor. The lounge will occupy the existing space of the Garden Lounge, which is currently included in the licensed area within the Licensee's existing Gaming Beverage License. The Black Tier Lounge will provide free food and beverages to patrons and offer video poker machines they can play while seated at the bar area. Chief Skinner explained that in the time since her last presentation to the Commissioners on this issue, construction had concluded in the Lounge, and it had been given a full inspection by the Investigation and Enforcement Bureau ("IEB"). The IEB approved the space, its surveillance systems, and alcohol storage areas. Chief Skinner explained that the anticipated hours of operation for the lounge would be 2:00 PM and 12:00 AM, on Sunday through Thursday; and 2:00 PM and 2:00 AM on Friday and Saturday. Chief Skinner noted that as the Lounge is new, the Licensee would be testing the demand for the space and its amenities at different times of day, which may extend beyond the anticipated hours. To that end Licensee is seeking Commission approval through a formal vote to allow for flexible hours, which is why the hours for permitted alcoholic beverage service were listed between 8:00 AM and 4:00 AM on the Application.

Commissioner O'Brien highlighted her concern that the alcoholic beverage service may not be tied to gaming, as is required for service between 2:00 AM and 4:00 AM. She asked if there were mechanisms to ensure that only patrons engaging in gaming within the Lounge were able to receive alcoholic beverages, or measures Gaming Agents or the IEB could employ to assist these endeavors. Senior Agent Lozano explained that while the slot machines are not currently within the space, as they are on back order, only patrons seated and gaming at the machines would have the potential to be served alcoholic beverages. Patrons from other areas in the casino would not be able to walk into the lounge and receive alcohol service. IEB Director Lillios added that the space will also be monitored in real time by agents and staff as well as surveillance to ensure proper service protocols are followed.

Commissioner O'Brien inquired if the Commission would need to vote to also approve the extension of hours to serve alcohol between 2:00 AM and 4:00 AM, despite the anticipated service hours being stated on their application, or if it would be inherently authorized by the Commission's vote to approve the application outright. Director Lillios explained that the authorization to serve between 2:00 AM and 4:00AM would be inherent, as the hours outside of the anticipated operation were listed within the Licensee's amended application.

With that, Commissioner Cameron moved that the Commission approve the request submitted by Licensee Wynn MA, LLC, that owns and operates Encore Boston Harbor to amend its Gaming Beverage License to add a new licensed area referred to as the Black Tier Lounge in accordance with the terms outlined in the submission contained in the Commissioners' Packets and discussed at the meeting today.

*Roll Call Vote:*

*Commissioner Cameron: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner O'Brien Aye.*  
*Chair Judd-Stein: Aye.*

*Motion passed unanimously*

3. Commissioner Updates (14:45)

There were no Commissioner Updates presented.

4. [Other Business](#) (14:51)

Chair Judd-Stein explained that there was one other matter that had arisen that required discussion by the Commission. She introduced Executive Director Wells to explain that the matter pertained to the Governor's advisory issued with respect to the ongoing pandemic. Director Wells explained to the Commissioners that the Executive Office of Health and Human Services ("EOHHS") had issued an advisory in partnership with the Governor's office, with provisions she wished to review before the Commission. The Advisory recommended that all residents of the Commonwealth, regardless of vaccination status, wear a mask or face covering when indoors and not in their own homes. Given that this advisory will likely have implications for the gaming establishments, Executive Director Wells introduced IEB Director Lillios to provide an update on casino compliance.

Director Lillios stated that because the advisory was issued today, she had reached out to the three gaming establishments, Plainridge Park Casino, MGM Springfield and Encore Boston Harbor to remind them of their obligation to adjust their communications, signage, website and social media platforms to include the advisory. Director Lillios explained that she will keep the Commissioners abreast of the establishments' compliance, and has every expectation that they will make the necessary changes as promptly as possible.

Commissioner O'Brien asked if the current mandate from the EOHHS has changed or altered the existing municipal mandates for the cities in which the gaming establishments are located. Director Lillios stated that nothing had changed. She clarified that the city of Springfield had a mask mandate that was lifted sometime ago. She added that there were no mandates in the host communities of Plainville or Everett, where the other two gaming establishments are located.

Commissioner O'Brien then inquired about the employee masking requirements at the different gaming establishments. Director Lillios shared that Encore Boston Harbor employees are required to wear a mask and must prove proof of vaccination to be able to receive a different badge that indicates they are not required to wear a mask on the premises. Director Lillios clarified that employees who are vaccinated can continue to wear a mask if they feel more comfortable doing so. MGM Springfield employees also have a badging differential for employees who are vaccinated, but later clarified that all employees are in fact required to wear a mask. Plainridge Park Casino employees have a voluntary vaccination policy, but proof of vaccination is required for employees to not wear a mask as well. Director Lillios stated that given the advisory, she is anticipating all three properties will require employees to wear masks regardless of their vaccination status in the near future. Chair Judd-Stein thanked Director Lillios for her report.

Executive Director Wells then began discussing how the advisory would impact the Boston office. Director Wells suggested that it would be beneficial to urge or require masks for employees who are onsite at the casinos and then potentially vote to allow some discretion within the management

team over the next few weeks. Executive Director Wells added that the Boston office is not necessary a public place as listed within the advisory because the office is not open to the public in its current state. Director Wells suggested that the office could change its Hybrid Work policy to a voluntary policy on an interim basis until the next meeting on January 12th. Director Wells suggested that this could be beneficial as well given the approaching holiday season, and the anticipated rise in cases until they are able to get a deeper understanding of public health metrics. Commissioner Cameron agreed with this plan , and stated that a switch to a voluntary hybrid program where employees could work remotely or come to the office at their individual comfort levels would be extremely beneficial until the next meeting. Commissioners all voiced their support for this decision.

Next, Executive Director Wells inquired about mask wearing in the office. After much discussion on the matter, Commissioners reached a consensus that employees in the office would be required to wear masks when working, walking, or meeting in all common areas, but if employees were working alone in in their offices or conference rooms - and able to close the door, they could take their masks off. Executive Director Wells stated that she would keep the Commissioners and staff updated during the holidays if something arises at the offices or at any of the gaming establishments, and that she would provide a full update at the January 12th meeting.

5. [Executive Session](#) (39:34)

a. The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to continue its discussion from December 20th 2022 in executive session to discuss strategy with respect to litigation related to the confidentiality of certain documents and information, as discussion of the subject matter at an open meeting may have a detrimental effect on the litigating position of the Commission, and in accordance with G.L. c. 30A, § 21(a)(7) to evaluate a matter relative to the Nondisclosure Agreement between the Commission and Wynn MA, LLC pursuant to G.L. c. 23K, § 21(a)(7) and 205 CMR 139.02, as discussion of the matter in a public forum would frustrate the purpose of the statute, the regulation, and agreement.

Commissioner Hill moved that the Commission move into executive session. The motion was seconded by Commissioner O’Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

The Commission moved into executive session, and the meeting did not reconvene in a public format.

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated December 20, 2021.
2. [Commissioners’ Packet](#) from the December 21, 2021, meeting (posted on massgaming.com)



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** January 10, 2022, 9:30 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 342 7828

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 Gayle Cameron  
Commissioner Bradford Hill  
Commissioner Eileen O'Brien

#### 1. [Call to Order](#) (00:19)

Chair Judd-Stein called to order the 366th Public Meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

#### 2. [Consideration of Payment of Legal Costs Associated with subpoena issued to Ed Bedrosian in the matter of Schuster et al. v. Wynn Resorts Holdings, LLC, et al.](#) - (01:40)

General Counsel Grossman provided a summary of the litigation before the Commission. There were two separate lawsuits filed in August of 2019. The lawsuits concerned the application of the Commission's rules governing Blackjack that took place at both MGM Springfield and Encore Boston Harbor respectively. General Counsel Grossman added that both aspects of the cases concerning Blackjack had subsequently been resolved after the date of filing. However, the matter before the Commission today pertains to the case filed against Encore Boston Harbor, Wynn Resorts Holdings, LLC, and Wynn MA, LLC the company that owns and operates the Encore Boston Harbor. General Counsel Grossman explained that this matter relates to the kiosks that patrons can redeem the tickets they are provided upon cashing out from a slot machine within the gaming establishment. The plaintiffs allege that the kiosks in question failed to pay out a patron's change when a patron inserted a ticket to receive their cash.

General Counsel Grossman explained that the plaintiffs have recently served two subpoenas pertaining to this matter: the first upon the Commission seeking deposition testimony, and provision of documents; and the second upon former Executive Director of the Gaming Commission, Edward Bedrosian, for deposition testimony and provision of documents. The immediate issue before the Commission to determine is whether they support covering the costs of legal fees incurred by Mr. Bedrosian, relative to addressing and complying with the subpoena. General Grossman added that Anderson and Kreiger, the law firm representing the Commission in this matter, have agreed to represent Mr. Bedrosian as well; and there does not appear to be any conflict emanating from the firm’s dual representation, in this instance. General Counsel Grossman assured the Commission that if that if a conflict did arise, they would in fact need to secure separate counsel.

The Commission does not currently have a policy about covering legal expenses but has covered legal fees in the past for former employees engaged in litigation, relating to their work or duties at the Commission. General Counsel Grossman noted with significance that neither the Commission, nor Mr. Bedrosian had been accused of wrongdoing, nor were they a party to the litigation in its current form. He added that the question before the Commission pertains solely to the coverage of costs of Mr. Bedrosian’s response to the subpoena. With that, General Counsel Grossman accepted questions from the Commissioners.

Chair Judd- Stein sought clarification whether the subpoena was seeking information pertaining to Mr. Bedrosian’s formal capacity as Executive Director, or in a personal capacity. General Grossman confirmed that the subpoena is seeking materials and information pertaining to his role as Executive Director and he believed that Plaintiff was aware Mr. Bedrosian is no longer the acting Executive Director of the Commission. Chair Judd-Stein thanked General Grossman for the clarification.

Hearing no other questions from Commissioners, Commissioner O’Brien moved that the Commission authorize the payment of reasonable legal fees on behalf of former Executive Director Edward Bedrosian, related to the deposition subpoena issued in the matter of Schuster v. Wynn Resorts Holdings LLC.

*Roll Call Vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Cameron: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*Motion passed Unanimously.*

3. [Other Business](#) (6:40)  
There were no other matters presented.
4. [Executive Session](#) (6:50 )

Chair Judd-Stein read the following language into the record on behalf of the Commission, “ The Commission anticipates meeting in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Schuster et al. v. Wynn Resorts Holdings, LLC, et al., as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.”

With that Commissioner O’Brien moved to enter executive session for the reasons articulated on the record by Chair Judd-Stein. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioners entered executive session. The public session of the Commission meeting did not reconvene at the conclusion of the executive session.

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

1. Revised Notice of Meeting and Agenda dated January 7, 2022
2. Revised [Commissioners’ Packet](#) from the January 10, 2022 meeting






---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** February 10, 2022, 9:00 a.m.  
**Place:** Massachusetts Gaming Commission  
 VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
 PARTICIPANT CODE: 111 609 5417

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 Gayle Cameron  
 Commissioner Bradford Hill  
 Commissioner Eileen O’Brien

1. [Call to Order](#) (00:02)

Chair Judd-Stein called to order the 370<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Approval of Meeting Minutes](#) (1:37)

Commissioner O’Brien began by noting that moving forward the minutes would emphasize the Commissioners’ comments and questions rather than summarizing staff presentations. Commissioner O’Brien further commented that the current sets were sufficiently detailed to move forward to clear the backlog and then hearing no objection moved that the Commission approve the May 6, 2021 Public Meeting minutes included in the Commissioners’ Packet subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

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

*The motion passed unanimously.*

Commissioner O'Brien moved that the Commission approve the November 4, 2021, Public Meeting minutes included in the Commissioners' Packet subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

3. [Administrative Update](#) (4:02)

a. On-Site Casino Updates

Executive Director Karen Wells introduced Assistant Director of Investigations & Enforcement Bureau and Gaming Agents Division Chief Bruce Band to give a report about ongoing operations at the gaming establishments. Assistant Director Band reported on MGM's re-opening of Top Golf and Encore's opening of its poker tables. The Commission thanked Assistant Director Band for his updates.

b. [Covid-19 Updates](#) (5:40)

Executive Director Wells stated that the Commission had previously voted to reopen the Boston offices on Monday, February 14<sup>th</sup>. She provided an update to the Commission on current Covid positivity rates in Suffolk County and Massachusetts at large and noted that while there has been a precipitous drop, the numbers are not quite where they were when the Boston office initially reopened in November. She noted, as well, that the Governor has lifted the school mask mandate as of February 28<sup>th</sup>. Executive Director Wells suggested, as discussed by the working group, that the office reopening be delayed two weeks and that upon reopening masks be required in common areas but not in individual offices or workstations. She further suggested that during that two-week period, staff could go into the office as desired, but it would not be mandated.

The Commission agreed with these recommendations and deferred to Executive Director Wells to implement.

4. [Commissioner Updates](#) (19:55)

a. Legislative Update

Chief Administrative Officer to the Chair and Special Projects Manager Crystal Howard provided an update on pending legislation that would extend the provisions of the Open Meeting Law allowing for remote technology, as well as updates on existing sports wagering legislation. Commissioner

O'Brien asked if the sports wagering legislation addresses overview of slot machines at veterans' organizations; Ms. Howard said that this is not included as currently drafted. The Commission thanked Ms. Howard for these updates.

b. [Annual Report Progress](#) (27:00)

Ms. Howard updated the Commission on the status of the Commission's Annual Report, noting that it is now moving into the design phase. She noted that she anticipates wrapping up the design edits by the end of February and getting it back to the Commission by early March. The Commission thanked Ms. Howard for her update.

c. [Independent Monitor: Work Plan Update](#) (33:23)

Chair Judd-Stein and Commissioner O'Brien provided an update on the independent monitor's work plan. Commissioner O'Brien explained that the contract with the independent monitor included an overall estimated cost, the first six months cost, and an annual thereafter. She noted that the contract requires the independent monitor to come back to the Commission and alert them if they are going to be greater than 15% over in terms of billing, and that the finance team recently realized that once January and February have been paid it will trigger that requirement. Commissioner O'Brien noted that this would not require any contract amendments but would simply require the independent monitor to report to the Commission as to whether this would change their work plan moving forward.

Chair Judd-Stein noted that the independent monitor is meant to send a notice when they are close to the 15% threshold but that the Commission had not yet received notice. Chair Judd-Stein further noted that they would return to this item before the conclusion of the meeting.

5. [Racing Division](#) (41:25)

a. Suffolk Downs Request for Approval of BetMGM Racing as an Account Wagering Provider

Director of Racing Dr. Alexandra Lightbown introduced Suffolk Downs' request for approval of BetMGM as an account wagering provider and recommended that the request be approved. Bruce Barnett, attorney for Suffolk Downs, offered his comments in support of the request.

Commissioner Cameron moved that the Commission approve Suffolk Downs license use of BetMGM horse racing as an account wagering service provider as discussed today provided, however, that this approval shall be limited solely to provision of horse racing ADW activity and shall not be construed so as to have an effect on any future determinations or approvals that may be required from the Commission. The motion was seconded by Commissioner Hill.

*Roll call vote:*

<i>Commissioner Cameron:</i>	<i>Aye.</i>
<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously.*

6. [Administrative Updates](#) (1:02:06)

Executive Director Wells reported on the departures of Chris Kaczowski from the Gaming Agents team as well as Kate Muxie-Hartigan from the IEB. She also welcomed new additions to the Commission Tom Mills, Chief of Communications Division; John Scully, Finance and Budget Manager; Andrew DiManno, Gaming Agent; and Brittany Costello, IEB Paralegal.

7. [MA Cultural Council Report](#) (1:05:24)

a. Presentation by Director Michael Bobbitt

Chair Judd-Stein introduced Michael Bobbitt, Executive Director of the MA Cultural Council. Director Bobbitt presented an overview on the MA Cultural Council, which receives funding from gaming tax revenues, and presented the Commission with details as to how the funds it has received since January 2020 have been allocated to grantees.

Commissioner O'Brien asked if any grantees were shuttered or closed due to funds from the Council not being continued. Director Bobbitt explained that some organization did not survive the pandemic and closed, and other organizations did not produce and as the Council is a mitigation effort there was therefore nothing to mitigate. Commission O'Brien asked if the Commission could amplify the purpose and existence of the Council and Chief Joe Delaney of the Community Affairs Division agreed that they could collaborate in getting more word out about the Council's programing.

There was further discussion around the work of the Council and the communities that have benefited from its funding. The Commission thanked Director Bobbitt for the Council's excellent work.

8. [Community Affairs Division](#) (1:36:40)

a. Encore Boston Harbor Development Update

Chief of Community Affairs Joe Delaney noted that today's meeting begins the Commission's review of the proposed development across the street from Encore Boston Harbor and explained what the process will look like moving forward in terms of reviewing Encore's application. Notably, the next discussion on this topic would be at a public hearing on February 28, 2022 to ensure the opportunity for public comment on the proposed development. He then introduced Jacqui Krum, Senior Vice President and General Counsel; Chris Gordon, President of Wynn Development; Tony Starr, Attorney at Mintz Levin; and Katie Hill, Attorney at Mintz Levin to present Encore's application development update. A corresponding PowerPoint is included in the Commissioners' Packet.

Following the presentation, Chief Delaney provided a high-level overview of issues pertinent to the project, including determination as to whether the development is part of the "gaming establishment," the original host community ballot question, the size of the live entertainment venue,

the impact on ILEVs, MEPA status, and the proposed pedestrian bridge. A memorandum outlining these issues is included in the Commissioners' Packet.

Commissioner Hill sought clarification on where the point of egress would be for the pedestrian bridge on the Encore side because it appeared to enter directly onto the second floor of the gaming area. Ms. Krum noted that the bridge would exit into a non-gaming area on the Encore side at which there would be a check point to either show identification and enter the gaming floor or exit the property. The Encore team noted as well that they are continuing to work out the details of all egress options. There was lengthy discussion regarding this topic and the importance of check points between the new development and the gaming floor as well as the importance of ensuring means of egress from the pedestrian bridge before reaching the gaming floor. There was also further discussion regarding where the "gaming establishment" begins and ends.

Commissioner Hill sought further information on safety and security protocols related to the proposed parking garage, in particular ensuring that minors are not left unattended in vehicles. Ms. Krum confirmed that there will be security in the garage and that Encore will work closely with the Everett Police Department to ensure that the garage is a safe place.

Chair Judd-Stein asked which entity would be the lessor of the property. Mr. Starr confirmed that the owner and lessor would be East Broadway LLC. Chair Judd-Stein also inquired whether Encore had communicated with those entities connected to the ILEV agreement. Ms. Krum indicated that they had not yet had those communications but would do so. Chief Delaney confirmed the public hearing timeline was set to ensure that interested parties had sufficient time to respond to the proposal as the Commission continued its review of the project.

The Commission thanked the Encore team for their presentation.

9. [Investigations & Enforcement Bureau](#) (2:52:07)

a. Penn National Disclosure

IEB Director Loretta Lillios provided an update on recent disclosures from Penn National. Specifically, she noted that Penn National alerted the Commission to media articles about the founder of Barstool Sports, Mr. David Portnoy, containing assertions by several women about sexual activity and conduct involving them and Mr. Portnoy. She noted that this is relevant to Penn National as it has an ownership stake in, as well as a marketing arrangement with, Barstool Sports. Director Lillios noted that Barstool Sports is not a qualifier for the Plainridge Park Casino license nor are any of its owners or executives qualifiers. However, Barstool Sports is registered as a non-gaming vendor and the IEB did perform a background check according to its standard protocols for non-gaming vendors. Director Lillios explained that the background check did reveal some derogatory information pertaining to the company's founder, but nothing that would lead to the denial of the registration under the criteria established for non-gaming vendors by the Commission. Director Lillios stated that the IEB is monitoring and receiving appropriate information and updates from Penn National on this situation.

Commissioner O'Brien acknowledged the distinction regarding the background and qualifier process for non-gaming vendors and recognized that Barstool Sports is not an automatic qualifier under the Commission's statute. She noted, however, that this is an important issue to continue

discussing given that there is a suitability component that encompasses integrity, honesty, and good character, and that Penn National uses Barstool Sports in their quarterly reports and branding.

Chair Judd-Stein sought clarification on when the transaction in which Penn National made its purchase occurred. Director Lillios confirmed that it was January 2020 and that Barstool Sports has been a non-gaming vendor since the spring of 2020.

The Commission thanked Director Lillios for this update and agreed that continuing to monitor this issue is very important.

10. [Finance Division](#) (3:06:25)

a. MGC Mid-Term Finance Review

Chief Financial Officer Derek Lennon presented the FY22 second quarterly budget update, including details related to Gaming Control Fund, the Public Health Trust Fund, litigation costs, and adjustments and savings. A memorandum outlining the specific details is included in the Commissioners' Packet. In addition, Revenue Manager Doug O'Donnell provided an update on the change in assessments on the licensees based on revised gaming positions as of January 1<sup>st</sup>.

The Commission thanked the finance team for its thorough update.

b. [Encore Boston Harbor Expired Ticket Payment Request](#) (3:17:45)

Revenue Manager O'Donnell presented an expired ticket payment request from Encore Boston Harbor related to unclaimed patron winnings in the amount of \$9,347 from a poker tournament in March 2020. He noted that the patron was from the United Kingdom and left their winnings pending identification, but due to the pandemic's travel restrictions, was unable to return to the property within the required timeframe. Mr. O'Donnell stated that Encore is requesting permission to reduce a future expired gaming fund remittance by \$9,347 to disburse to the patron for his winnings.

Commissioner O'Brien asked if Encore could pay this amount themselves and if they have done so in the past without requiring the Commission's approval. Mr. O'Donnell confirmed that they can pay this amount out of their own funds and do not need Commission approval. John Stanton, Executive Director of Accounting at Encore, stated that Encore has paid out of its own funds in the past but in much smaller denominations. Commissioner O'Brien asked for more clarity on the past amounts and Mr. Stanton estimated \$200 at the most.

Commissioner Cameron stated that she believed the licensee could have done a better job of communicating with the patron and working towards alternative arrangements.

Chair Judd-Stein asked if there were any fiscal implications to this decision. Chief Lennon stated that there are no fiscal implications. There was additional discussion surrounding the specifics of the situation and the time period during which travel restrictions were in place.

General Counsel Grossman questioned whether there was legal authority to approve this request. Chair Judd-Stein agreed that there did not appear to be such legal authority. In addition, Commissioner O'Brien asked if Encore had all of the documentation that it needs in order to proceed, and Mr. Stanton responded that it did not. Commissioner O'Brien noted that this request may be premature. Commissioner Cameron noted again that the licensees did not make meaningful efforts to accommodate this circumstance.

The Commission did not take any action on this item.

11. [Revisiting Item 4\(c\) - Independent Monitor: Work Plan Update](#) (4:19:51)

Chair Judd-Stein noted that the Commission had received from the independent monitor the notice that is required under contract as to when they are approaching a threshold of over \$775,000 plus 15% on billings for the fiscal year. She stated that the monitor is requesting an adjusted estimate of \$1.125 million for the fiscal year. Commissioner O'Brien described the six reasons for the overage presented by the independent monitor. General Counsel Grossman reviewed what is expected under the contract and confirmed that the purpose of this notification is so that the Commission can review the work plan and determine if it should be adjusted.

The Commission did not have any additional questions or concerns.

Executive Director Wells interjected with a brief update on the process regarding live stream equipment for the public meeting room. She noted that the team reviewed several proposals and is moving forward with their top selection.

12. [Community Affairs Division](#) (4:28:00)

a. Encore Boston Harbor Quarterly Report

Chief of Community Affairs Joe Delaney introduced Jacqui Krum, Senior Vice President and General Counsel at Encore Boston Harbor; and Juliana Catanzariti, Executive Director- Legal at Encore Boston Harbor to present Encore Boston Harbor's Quarterly Report. In addition, Ms. Krum introduced Glenda Swain, Vice President of Diversity and Inclusion at Encore Boston Harbor. The report included updates on gaming taxes, revenues, and lottery sales; workforce numbers; diversity operating spend; local operating spend; compliance issues related to minors on the gaming floor; promotions and marketing; and special events and volunteerism. A PowerPoint presentation is included in the Commissioners' Packet.

Commissioner Hill noted that the employment numbers for veterans continue to be low and asked what Encore is doing in terms of outreach. Ms. Krum noted that Encore works closely with veterans groups and reaches out to community partners each time jobs are available, and that it is an area on which they continue to focus.

There was discussion regarding minors on the gaming floor and Chair Judd-Stein noted that perhaps a refresher as to where minors are permitted to travel throughout the property would be beneficial.

The Commission thanked the team from Encore Boston Harbor for their update.

b. [Plainridge Park Casino Quarterly Report](#) (5:12:13)

Chief Delaney introduced North Grounsell, General Manager; Kathy Lucas, VP of Human Resources; and Lisa McKenney, Compliance Manager to present Plainridge Park Casino’s quarterly report. The report included updates on gaming revenue and taxes; lottery sales; spend by state and local spend; vendor diversity and diverse spend; compliance issues including minors on the gaming floor; employee diversity; and community. A PowerPoint presentation is included in the Commissioners’ Packet.

Commissioner Hill asked what the status is of functions being held at Plainridge Park Casino. Mr. Grounsell noted that hiring in functions has been challenging but is an area in which they are continuing to work.

Chair Judd-Stein asked for clarification on which food and beverage options were currently available; Mr. Grounsell provided details regarding which outlets are open at the property.

Commissioner O’Brien asked what the local spend numbers were in Massachusetts in 2019 and 2020. Mr. Grounsell stated that he would research those numbers and get back to the Commission.

The Commission thanked the team from Plainridge Park Casino for their update.

c. [Executive Session](#) (5:29:41)

Chair Judd-Stein read the following into the record: The Commission anticipates that it will meet in consecutive executive sessions in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan described in 205 CMR 139.09, and any corresponding materials, submitted relative to Encore Boston Harbor and Plainridge Park Casino, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue is covered by a nondisclosure agreement.

Commissioner O’Brien moved that the Commission go into consecutive executive sessions for the reasons and exemptions stated. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*



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

1. Notice of Meeting and Agenda dated February 10, 2022
2. [Commissioners' Packet](#) from the February 10, 2022, meeting (posted on massgaming.com)



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** June 2, 2022, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
 VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
 PARTICIPANT CODE: 112 760 4163

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 M. O'Brien  
 Commissioner Bradford R. Hill  
 Commissioner Nakisha L. Skinner

#### 1. [Call to Order](#) (0:10)

Chair Judd-Stein called to order the 381st public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present.

#### 2. [Review of Racing License Application for Opening a New Racetrack](#) (1:20)

General Counsel Grossman, joined by Director of Licensing, Dr. Lightbown, presented a draft of the new Application for a Racing License to Operate a Racetrack. Counsel Grossman clarified that this application would be utilized by new applicants who are seeking licenses from the Commission, not for use by existing licensees. The application is intended to gather all necessary information from applicants, but also address several issues the Commission identified in 2021 when it received an application for a new thoroughbred racetrack. This will ensure the Commission is prepared if any entities indicate an interest in applying for a license in the future. The application was included on pages 2 through 20 of the meeting packet and provided to Commissioners in advance of the meeting.

Before reviewing the application, Counsel Grossman provided Commissioners with a brief overview of the law relevant to horse racing in the Commonwealth; explaining that G.L. c. 128A and 128C predominately guide most of the processes involved in horse racing and licensure. Additionally, G.L. c. 23K, § 7(a) grants the Commission with authority to administer and enforce the racing statutes. Counsel Grossman highlighted that G.L. c. 128A, § 3(i), sets forth certain aspects the Commission should take into consideration when granting and evaluating licensure. Counsel Grossman added that

this provision was included within the application so that applicants would grasp from the outset exactly why the Commission was seeking the information within in the application, but also give the applicant an opportunity to provide supplemental information that would assist the Commission in its decision-making process. From there, Counsel Grossman and Dr. Lightbown moved through different sections of the application while also indicating to Commissioners whether certain questions within sections were newly formulated, or whether they were included in the existing versions of the license application utilized by the Commission in previous years.

#### A. Section 1 – Background Information

Counsel Grossman and Dr. Lightbown provided an overview of Section One of the application, commenting that the section was intended to seek the background information from the applicant, including: their organizational structure, mailing address, business address, as well as the proposed location of the racetrack and the county it is or will be located in. Dr. Lightbown clarified that the county where the track would be located is information the Commission has always requested from applicants, but that the question was simply moved to section one within this application. Counsel Grossman added that the application fee would be set at three-hundred dollars (\$300.00) in accordance with G.L. c. 128, §4. Additionally, applicants would be required to submit a surety bond in the amount of \$125,000, pursuant to G.L. c. 128, §3(o).

#### B. Section 2 – Project Summary and Financing

Counsel Grossman explained to Commissioners that G.L. c. 128, §3(i) sets out factors that the Commission may take into consideration when determining whether to grant a license, including: the financial ability of an applicant to operate a race track; the maximization of state revenues; the suitability of racing facilities for operation at the time of the year for which racing dates are assigned; the circumstance that large groups of spectators require safe and convenient facilities; and the interest of members of the public in racing competition honestly managed and of good quality.

Accordingly, Section Two of the application seeks information from the applicant regarding the broader project as well as the racetrack, clubhouse, grandstand, parimutuel kiosks, and parking areas. Applicants also have an opportunity to submit any blueprints or renderings that they have designed as a supplement to the application. General Counsel Grossman noted that the Commissioners may find this information helpful in their evaluation of applications; and that the Commission also has discretion to request updated information as an applicant's construction and development progresses. Within Section Two, applicants are also asked to provide information detailing the project's budget, the anticipated capital investment, as well as any feasibility studies they have conducted or will conduct pertaining to the project.

Commissioner Hill asked for clarification regarding whether a license issued by the Commission for horse racing would also allow for simulcasting or sports wagering in advance of racing taking place on the premises. Counsel Grossman agreed that the Commission would need to address simulcasting requirements, and when an entity would be allowed to simulcast if awarded a license, especially if they were applying before construction had concluded on a racetrack. Counsel Grossman added that it was hard to say with certainty how the Commission would handle sports wagering relative to current or potential horse racing entities, given the differences in the current house and senate bills.

#### C. Section 3 – Schedule of Proposed Races

Section Three of the application is intended for the applicant to inform the Commission when they expect to commence their racing program, by seeking the calendar year the applicant expects to conduct races onsite, and their proposed number of racing days. Counsel Grossman added that the ultimate question will be for the Commission to determine the essential purpose of the racing license they award, i.e.- to construct a new track versus authorizing the conduct of live horse racing and associated simulcasting. He clarified, that while the law does allow for the issuance of a new license, it is not necessarily the focus of the statute, so much as regulation and oversight of racing within the Commonwealth. Given the time necessary for construction and evaluation, Counsel Grossman recognized that a new applicant would not likely be able to construct a facility within the short time between submission of an application, and the following racing season. Accordingly, the Commission would likely have to award a license for racing in a future calendar year conditioned upon certain terms being met.

#### D. Section 4 – Non-Commission Approvals

Section Four of the racing application covers the approvals the applicant has to acquire by entities other than the Commission in advance of the Commission's decision relative to licensure. By law, an applicant's proposed facility and premises must be approved by local authorities pursuant to G.L. c. 128A, §13A. Additionally, the county where the applicant proposed to conduct racing must have also approved horse racing by vote in accordance with G.L. c. 128A, §14. Counsel Grossman added that county-wide votes of approval do not expire, which is why the Commission has not engaged in an annual review of this requirement in Norfolk County, where racing is currently taking place. Section 4.4 details additional approvals that are required of the licensee including, federal environmental standards, permits, and any other necessary approvals. The application also requests documentation of all approvals the applicant has received, as well as a timeframe for approvals they plan on acquiring in the future.

#### E. Section 5 – Qualifiers and Suitability

Section Five of the application asks for information pertaining to the suitability of an applicant, or eventual licensee. Counsel Grossman clarified to the Commissioners that unlike in G.L. c. 23K, §§12 and 16, which set out the standards the Commission applies when evaluating suitability, G.L. c. 128A does not have this same language or process. Nevertheless, Counsel Grossman pointed out to the Commissioners that various sections of the law and jurisprudence support and invite the Commission to evaluate suitability if it was so inclined. The Commission will need to establish what the standard of suitability is, what type of information they are seeking from applicants, and whom within the entity the Commission will be seeking information about.

With that, if the Commission were so inclined, Counsel Grossman suggested that the Commission would need to determine out who would be deemed a Qualifier on the racing side; similar to how a Qualifier is defined within 205 CMR 116.02 for gaming licensees. From there, the Commission's next consideration will be how the Commission goes about determining suitability, what considerations will be included, and which documents will be required upon submission of the application. Commissioners could also consider whether: a CORI or background check is required; if there are any automatic disqualifications; and whether there will be reciprocity for individuals who may already possess licenses elsewhere. Counsel Grossman noted that on the gaming side, Qualifiers are required to submit entity or individual forms to the Investigation and Enforcement Bureau ("IEB"). Alternatively, Counsel

Grossman pointed out, similar questions within the present draft application are included within the existing gaming qualifier applications, but they could be submitted by the applicant in a different manner separate from the application, if the Commission so desires.

Counsel Grossman highlighted to Commissioners that Section 5.13 asks for information that is not currently included in the Commission's existing suitability applications, but is likely information that the Commission would be interested in reviewing when determining whether to award a license, or would certainly wish to view prior to allowing an applicant to commence operations. Section 5.14 requests an applicant's audited financial statements, however, Counsel Grossman recognized that an applicant may be a new corporate entity that does not have previous financial statements. So, the Commission may need to identify whose finances it is interested in. In the same vein, sections 5.15 and 5.16 pertain to the funding of the project, and whether any of the qualifiers are funding the process, as well as the type of insurance the facility will carry in advance of commencing operations.

#### F. Section 6 – Public Interest

Section Six of the application details the Commission's consideration of "the interest of members of the public in racing competition honestly managed and of good quality." G.L. c. 128A, §3(i). Accordingly, Section 6.1 asks for a broad description by the applicant as to why they believe its proposal is beneficial to the public at large, the Commonwealth, and racing stakeholders. Section 6.2 requires submission of agreements with the horsemen's organizations, or a plan for executing the agreement if it has not yet been executed. So that the Commission has a clear understanding of the expected revenue, Section 6.3 requests that the applicant submit supporting documentation including analysis or studies performed relating to projected purses, handle, tax revenue to the Commonwealth, parimutuel revenue, attendance estimates and projections as to how many employees they anticipate having in the first three years of operation. Dr. Lightbown added that this information is similar that which the Commission asks of its current licensee in the existing application. Similar to the data collected in Section 4, Section 6.4 asks the applicant for information pertaining to the support and opposition the project has received from the local governing body or officials in the host and surrounding communities. Before moving onto Section 7, Counsel Grossman highlighted Section 6.5, a new provision similar to one within gaming, that seeks the applicant's plan to attract and retain a diverse workforce including women, minorities, and veterans throughout both the construction and operation phases of the project.

#### G. Section 7 – Facilities and Equipment

Section 7 of the application seeks information regarding the real property upon which the racing facility will be constructed including the ownership and control of the land, the equipment expected to be used at the facility or a plan for how they will procure the equipment the applicant does not currently possess. Additionally, the application solicits information as to the applicant's anticipated security measures for the care and protection of patrons, employees, licensees, horses, and roadways leading to and from the premises. Dr. Lightbown clarified that much of Section 7, aside from Section 7.2 are all questions that are contained in the existing license application. Counsel Grossman highlighted that the Commission, within its discretion and authority, may condition any license on an applicant providing sufficient security measures listed within Section 7 of the application.

#### H. Section 8 – Wagering and Simulcasting

Section 8 seeks two categories of information from the applicants. The first, is whether the applicant intends to offer ADW (account deposit wagering), and if so, the applicant is asked to provide a description of the system, and any service providers they anticipate using. Counsel Grossman recognized, that while an applicant may not have all of this information available at the outset of the application process, it will ultimately be required and pertinent to the Commission’s ultimate decision to license the applicant and allow for ADW operations on the premises. Next, Section 8.2 sets out the part of the statute that governs whether an entity may simulcast, pursuant to the requirements listed under G.L. c. 128C, §2. Counsel Grossman explained that simulcasting is directly tethered to the conduct of live horseracing within the statute, but clarified that Suffolk Downs and Raynham have the ability to simulcast, as those two entities are granted the ability to do so under separate special acts.

From there, Commissioners discussed the statutory requirements relative to simulcasting, and the consideration as to whether a new entity would need to first construct premises and conduct live racing prior to being permitted to simulcast. After much discussion, Commissioners agreed that they would revisit this section again at a future forum after the legal team could provide more information on the requirements, and the different interpretations of the statute.

I. Section 9 – General Conditions, Attestation and Signatures

Section Nine of the application contains conditions and provisions that would be automatically attached and must be acknowledged by the applicant before submitting their application. The attestations include the affirmative obligation by the applicant to abide by the statements made in their application to the Commission. Counsel Grossman explained that this is a similar condition imposed on the three gaming licensees, but that does not currently exist for current racing licensees. He clarified, however, the condition is an excellent way to ensure the statements in the application are adhered to by the applicants and are not simply aspirational.

With that, Counsel Grossman concluded his remarks on the application and welcomed comments and questions from the Commissioners. Chair Judd-Stein and suggested that given the legal and policy related issues before the Commission, it may be beneficial to invite public comment on the application and hold a public hearing to receive input from interested parties and the greater racing community. Commissioners agreed that this would be a beneficial step in the process. After discussing potential dates and providing opportunities for public participation, Commissioners agreed that a hearing date in July would be beneficial, as it would provide time for comments to be submitted relative to the draft application and allow the Commission to review the written comments in advance of the public hearing date.

3. [Other Business](#) (1:53:21)

Hearing no other business before the Commission, Commissioner O’Brien moved to adjourn. by Commissioner Skinner seconded.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*Commissioner Skinner: Aye.*

*The motion passed unanimously. Meeting Adjourned.*

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

1. Notice of Meeting and Agenda, dated May 25, 2022
2. [Meeting Packet](#) from the June 2nd Open Meeting

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
<b>CMR Number</b>	205 CMR 102	
<b>Regulation Title</b>	Definitions	
<input checked="" type="checkbox"/> <b>Draft Regulation</b>		<input type="checkbox"/> <b>Final Regulation</b>
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in the current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 9/6/19		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Remove definitions that will no longer be used in 205 CMR
Nature of and Reason for the Proposed Action
This change is a companion to the rescission of 205 CMR 103, which uses terms that are included in the Definitions section but nowhere else within 205 CMR

Additional Comments or Issues Not Earlier Addressed by this Review



<b>Required Attachments</b>	
<b>✓ Please check all that apply</b>	
<input checked="" type="checkbox"/> Redlined version of the proposed amendment to the regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as-is
<input type="checkbox"/> Text of statute or other legal bases for regulation	
<input checked="" type="checkbox"/> Small Business Impact Statement (SBIS)	<input type="checkbox"/> Amended SBIS

## 205 CMR 102: CONSTRUCTION AND APPLICATION

### 102.02: Definitions

As used in 205 CMR 101.00 through 131.00, the following words and phrases shall have the following meaning, unless the context clearly requires otherwise:

Affiliate ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Applicant ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Application ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Bureau ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Bureau Decision ~~is defined as described~~ in 205 CMR 115.03: *Phase 1 Investigation and Recommendations by the Bureau* and 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*.

Bureau Hearing ~~is defined as described~~ in 205 CMR 101.02: *Hearings Before the Bureau*.

Business ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Business Entity Disclosure Form (BED) ~~is defined as described~~ in 205 CMR 111.02: *Business Entity Disclosure Form Category 1 and Category 2 Entity Applicants and Holding/Intermediary Companies*.

Candidate means a person seeking nomination or election to any local, county, or state public office in Massachusetts, but shall not include a person seeking nomination or election to any ~~f~~ederal public office.

Capital Expenditure ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Cashless Wagering System ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Category 1 License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Category 2 License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Chair ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Change of Control means a transfer of interest which directly or indirectly results in a person obtaining greater than 50% ownership interest in a gaming licensee or which results in, or is likely to result in, significant change to the management or operation of a gaming licensee.

Cheat ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Cheating and Swindling Device or Cheating and Swindling Game ~~is as~~ defined in M.G.L. c. 23K, § 2.

Chief Executive Officer means:

(a) As to gaming licensees or applicants the natural person who is ultimately responsible for the daily conduct of the gaming establishment business of one or more affiliated gaming licensees or applicants, regardless of the form of business association of the gaming licensee or applicant or the particular title which that person or any other person holds; and

(b) As to gaming vendor licensees or applicants, the natural person who bears ultimate responsibility for the organization and business activities of the enterprise.

Chief Financial and Accounting Officer means the chief financial and accounting officer of the commission.

Close Associate ~~is as~~ defined in M.G.L. c. 23K, § 2.

Commission ~~is as~~ defined in M.G.L. c. 23K, § 2.

Commissioner ~~is as~~ defined in M.G.L. c. 23K, § 2.

Community Contribution means a political contribution or contribution in kind made by an applicant for a gaming license to a municipality or a municipal employee as allowed by M.G.L. c. 23K, § 47.

Competitively-sensitive Information means all records which are, and those portions of records which contain, confidential personal or business information which if made publicly available would have a reasonable likelihood of placing a person at a competitive disadvantage, or be detrimental to or otherwise cause substantial damage or irreparable harm, ~~to the person~~ such as identity theft, industrial espionage, unfair competition, or similar adverse consequences, ~~to the person~~. Competitively-sensitive information includes, without limitation, social security numbers, passport numbers and other unique identifying information, research and development information, financial records, banking or lending records, mortgage and credit history, lists of customers or business contacts, pricing information, marketing information, processes and methods, and any other unique information, methodology, technique, system, or feature which is restricted by appropriate security measures ~~in the ordinary course~~ to the individual or person or to top management, counsel, research and development staff, and expert consultants only ~~in the ordinary course~~.

Complimentary Service or Item ~~is as~~ defined in M.G.L. c. 23K, § 2.

~~Confidential Information means all records which are, and those portions of records which contain:~~

~~(a) trade secrets, competitively sensitive information and other proprietary information provided to the commission, the bureau, and their agents and employees in the course of an application or an investigation; and~~

~~(b) trade secrets and other information protected from public disclosure by a nondisclosure agreement between the gaming licensee and the commission pursuant to M.G.L. c. 23K, § 21(a)(7).~~

~~Confidentiality Claimant means any person who makes a claim that any records, material or information submitted to the commission, the bureau, or their agents and employees constitutes confidential information.~~

Conservator ~~is as~~ defined in M.G.L. c. 23K, § 2.

Contractor Investigator ~~is defined as described~~ in 205 CMR 105.10: *Authority to Retain and Utilize Contractor Investigators*.

Contribution means a payment, transfer or pledge of money or a thing of value to or for the benefit of a candidate or political organization.

Credit Card ~~is as~~ defined in M.G.L. c. 23K, § 2.

Credit Instrument ~~is as~~ defined in M.G.L. c. 23K, § 2.

Dependent Person means a person who is:

- (a) An employee or co-employee of a prohibited person;
- (b) An employee or co-employee of a person affiliated with a prohibited person;
- (c) An enterprise or firm, or an officer, director, partner, owner, or principal employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a prohibited person; or
- (d) A child residing with a prohibited person or who is claimed as a dependent by a prohibited person for Federal tax reporting purposes.

Deputy Director means the deputy director of the bureau.

Director of Gaming Enforcement means the assistant attorney general designated by the attorney general as the director of gaming enforcement pursuant to M.G.L. c. 12, § 11M(b).

Director of Security means an employee of a gaming establishment in charge of, and with overall supervisory responsibility for, security of the gaming establishment.

Director of Surveillance means an employee of a gaming establishment in charge of, and with overall supervisory responsibility for, surveillance at the gaming establishment.

Division **is as** defined in M.G.L. c. 23K, § 2.

Executive Director **is as** defined in M.G.L. c. 23K, § 2.

Financial Stability **is defined as described** in 205 CMR 117.00: *Phase I Determination of Financial Stability*.

Gambling **is as** defined in M.G.L. c. 23K, § 2.

Game **is as** defined in M.G.L. c. 23K, § 2.

Gaming **is as** defined in M.G.L. c. 23K, § 2.

Gaming Area **is as** defined in M.G.L. c. 23K, § 2.

Gaming Device or Gaming Equipment is defined in M.G.L. c. 23K, § 2.

Gaming Employee **is as** defined in M.G.L. c. 23K, § 2.

Gaming Enforcement Unit means the gaming enforcement unit established by the colonel of state police pursuant to M.G.L. c. 22C, § 70.

Gaming Establishment **is as** defined in M.G.L. c. 23K, § 2.

Gaming License **is as** defined in M.G.L. c. 23K, § 2.

Gaming Licensee **is as** defined in M.G.L. c. 23K, § 2.

Gaming Position **is as** defined in M.G.L. c. 23K, § 2.

Gaming Service Employee **is as** defined in M.G.L. c. 23K, § 2.

Gaming Vendor **is as** defined in M.G.L. c. 23K, § 2.

Gaming Vendor License **is as** defined in M.G.L. c. 23K, § 2.

General Counsel means the person designated by the commission as its general counsel or acting general counsel.

Governing Body **is as** defined in M.G.L. c. 23K, § 2.

Gross Revenue or Gross Gaming Revenue **is as** defined in M.G.L. c. 23K, § 2.

Holding Company ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Host Community ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Impacted Live Entertainment Venue is defined in M.G.L. c. 23K, § 2.

Institutional Investor ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Intermediary Company ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Investigatory Material means any document, record, transcript, complaint, evidentiary material of any nature, correspondence, memoranda, report, work product, or other information concerning any examination, any investigation (whether formal or informal), or any related litigation, which pertains to or may disclose:

(a) the possible violation by any person of any provision of any statute, rule, or regulation administered by the commission or the bureau, by any other ~~F~~ederal, state, local or foreign governmental authority, by any professional association, or by any securities industry self-regulatory organization as well as all written communications from, or to, any person complaining of or otherwise furnishing information ~~respecting~~ **with respect to** such possible violations;

(b) information relating to an ongoing ~~investigaton~~ **investigation** that could ~~potentially~~ **potentially alert** subjects to the activities of investigative officials;

(c) confidential investigative techniques, the disclosure of which would prejudice future law enforcement efforts;

(d) any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness; and

(e) the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.

Junket ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Junket Enterprise ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Junket Representative ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Key Gaming Employee ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

List of Excluded Persons ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Lottery ~~is as~~ defined in M.G.L. c. 23K § 2.

Major Policymaking Position ~~is as~~ defined in M.G.L. c. 23K, § 2.

Massachusetts Supplement Form (PHD-MA-SUPP) ~~is defined as described~~ in 205 CMR 111.04: *Massachusetts Supplemental Form*.

MEPA means the Massachusetts Environmental Policy Act.

Minority Business Enterprise (MBE) ~~A means~~ a minority-owned business that has been certified by either the Massachusetts Supplier Diversity Office within the Operational Services Division, the Greater New England Minority Supplier Development Council, or both.

Money means cash or instruments that are convertible to cash in any negotiable currency.

Multi-jurisdictional Personal History Disclosure Form (PHD-MA) ~~is defined as described~~ in 205 CMR 111.03: *Multi-jurisdictional Personal History Form*.

Non-gaming Vendor ~~is as~~ defined in M.G.L. c. 23K, § 2.

Operation Certificate ~~is as~~ defined in M.G.L. c. 23K, § 2.

Person ~~is as~~ defined in M.G.L. c. 23K, § 2.

Political Contribution means a contribution as defined in M.G.L. c. 55, § 1, except for a community contribution as defined in 205 CMR 102.02: Community Contribution.

Political Organization means any committee of any political party in the Commonwealth of Massachusetts, as structured and defined in accordance with M.G.L. c. 23K, §§ 46 and 47, or any group, committee, or association organized in support of such political party or any candidate. Political Organization shall not include a national party committee or the committee of a ~~F~~ federal candidate for the United States Senate or House of Representatives, unless such a committee contributes to a state candidate from its general receipts.

Prohibited Person means any officer, director, key gaming employee, qualifier, or principal employee of an applicant for a gaming license or of any holding, intermediary, or subsidiary company thereof.

Promotional Gaming Credit ~~is as~~ defined in M.G.L. c. 23K, § 2.

Proprietary Information means all records which are, and those portions of records which contain, personal or business information which, owing to its confidential nature, is in the ordinary course subjected to strict measures to preserve its confidentiality, including confidentiality agreements, non-competition agreements, encryption and password protection for electronic information, restriction of access to those with a need-to-know, and other policies,

procedures, security measures, or markings designed to protect the secrecy of information and to keep the information strictly confidential.

Publicly Traded Corporation means a person, other than an individual, which:

(a) has a class or series of securities registered under the Securities and Exchange Act of 1934 (48 Stat 881, 15 U.S.C. § 78a\_ et seq.);

(b) is a registered management company under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.); or

(c) is subject to the reporting obligations imposed by section 15(d) of the Securities and Exchange Act of 1934 by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a\_ et seq.) or by reason of an indenture entered into pursuant to an exemption from registration under the Securities Act of 1933.

Qualification or Qualified ~~is as~~ defined in M.G.L. c. 23K, § 2.

Qualifier ~~is as~~ defined as a person whose qualification must be established in evaluating the suitability of an applicant in accordance with the standards and criteria set forth in M.G.L. c. 23K, § 12(a), and 205 CMR 115.01: *Phase I Determination Standards* and 205 CMR 116.02: *Persons Required to be Qualified*.

~~Record means a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.~~

Restricted Area means a part of the gaming establishment that is not open to the public as determined by the commission.

Rewards Card ~~is as~~ defined in M.G.L. c. 23K, § 2.

RFA-P1 or RFA-1 Process ~~is defined as described~~ in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.

RFA-2 ~~is defined as described~~ in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.

~~Secretary means the secretary of the commission.~~

Secretary of EOEEA means the Secretary of the Executive Office of Energy and Environmental Affairs.

~~Security Protocols means the system for securing and preserving the confidentiality of records in accordance with 205 CMR 103.14: *Security Protocols; Restricted Access*.~~



Slot Machine ~~is~~ as defined in M.G.L. c. 23K, § 2.

Solicitation means a request, suggestion or recommendation made to a particular person, by any means of communication, that the person make a contribution; provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political organization, which is made without reference to a contribution or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political organization, is not a solicitation.

State Police ~~is~~ as defined in M.G.L. c. 23K, § 2.

Subsidiary ~~is~~ as defined in M.G.L. c. 23K, § 2.

Surrounding Communities ~~is~~ as defined in M.G.L. c. 23K, § 2.

Table Game ~~is~~ as defined in M.G.L. c. 23K, § 2.

Thing of Value means:

- (a) An item of real, personal or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds;
- (b) A loan of assets, property, personnel, or facilities for use by a candidate or political organization, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution;
- (c) A personal or professional service that is not incidental to the expression of a person's ideological beliefs or membership in a political organization, and that has a value to the candidate or political organization;
- (d) A non-reimbursed expense that is not incidental to the expression of a person's ideological beliefs or membership in a political organization, and is of the type normally incurred by the candidate or political organization; or
- (e) ~~Any~~ thing, service, expense, or other item of value similar to that identified in ~~205-CMR 102.02 this chapter, -Thing of Value(a) through (d)~~ which may be identified by the commission in an advisory ruling or other appropriate proceeding.

Trade Secret means all records which are, and those portions of records which contain, anything tangible or intangible or electronically kept or stored, which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing, or management information, design, process, procedure, formula, invention, method, or improvement which its owner considers to be and treats as confidential and which is not available to the public by any

other source. Trade Secret shall include anything which is a trade secret pursuant to M.G.L. c. 266, § 30(4).

Transfer ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Veteran Business Enterprise (VBE): ~~means a A Veteran Business Enterprise shall have the same meaning as~~ “Veteran-owned small business concern” as defined by 38 CFR 74.1, the status of which can be verified by Vendor Information Pages on the U.S. Department of Veterans Affairs Office of Small & Disadvantaged Business Utilization website or by the Licensing Division of the Massachusetts Gaming Commission. Veteran Business Enterprise is inclusive of the ~~S~~service-disabled veteran-owned business as defined in 15 USC § 632. Additionally, VBE shall include any entity certified as a VBE, as defined by M.G.L. c. 7, § 58, by the Massachusetts Supplier Diversity Office within the Operational Services Division pursuant to regulations promulgated in accordance with M.G.L. c. 7, §61(a).

Notwithstanding the foregoing, for purposes of 205 CMR 135.02(8) and 205 CMR 139.04(3), effective upon the issuance of an operation certificate to a gaming licensee, for vendors associated with that licensee, VBE shall only include those entities certified as such by the Supplier Diversity Office, or verified with the U.S. Department of Veterans Affairs. (Note: vendors previously verified by the Licensing Division will continue to be recognized until the end of their existing contract.)

Vulnerable Populations means groups of people that studies have shown to be more susceptible to gambling problems than others, including people with a history of alcohol or other drug abuse, people with a history of mental health issues, low income patrons of gaming establishments, and older adults.

Wager ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Women Business Enterprise (WBE): ~~means a A~~ women-owned business that has been certified by either the Massachusetts Supplier Diversity Office within the Operational Services Division, the Women's Business Enterprise National Council (or its local affiliate, Center for Women & Enterprise), or both.

**SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendments to 205 CMR 102: Definitions; notice of which was filed with the Secretary of the Commonwealth. Specifically, the Commission proposes amendments to **205 CMR 103.00: Definitions**.

This regulation was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth, and is primarily governed by G.L. c. 23K, §4(28), 5.

205 CMR 102.00 applies to definitions used throughout the Commission’s regulations. The amendments are unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

As a general matter, no small businesses are subject to this regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation or the proposed amendment therein.

3. State the appropriateness of performance standards versus design standards:

A specific design standard is required in this situation to ensure clarity of the calculation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting or duplicate regulations.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission  
By:

/s/ Carrie Torrasi  
Carrie Torrasi  
Associate General Counsel

Dated: July 19, 2022

DRAFT

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrissi		
Overview		
<b>CMR Number</b>	205 CMR 115.04	
<b>Regulation Title</b>	Phase I and New Qualifier Proceedings by the Commission	
<input checked="" type="checkbox"/> <b>Draft Regulation</b>		<input type="checkbox"/> <b>Final Regulation</b>
Type of Proposed Action		
✓ <b>Please check all that apply</b>		
<input type="checkbox"/> Retain the regulation in the current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised):		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Remove citation that will no longer exist
Nature of and Reason for the Proposed Action
This amendment is a companion to the rescission of 205 CMR 103. The only change is removing a citation to 205 CMR 103.

Additional Comments or Issues Not Earlier Addressed by this Review

<b>Required Attachments</b>	
<b>✓ Please check all that apply</b>	
<input checked="" type="checkbox"/> Redlined version of the proposed amendment to the regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as-is
<input type="checkbox"/> Text of statute or other legal bases for regulation	
<input checked="" type="checkbox"/> Small Business Impact Statement (SBIS)	<input type="checkbox"/> Amended SBIS

205 CMR 115: PHASE 1 AND NEW QUALIFIER SUITABILITY DETERMINATION, STANDARDS, AND PROCEDURES

115.04: Phase 1 and New Qualifier Proceedings by the Commission

(1) After the Commission has received the bureau's report under 205 CMR 115.03(2), it shall provide a copy to the applicant or qualifier and the Commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the Commission may only utilize the public hearing process with the qualifier's consent.

(2) Adjudicatory Proceeding. If the Commission determines that an adjudicatory proceeding shall be held, the Commission shall conduct an adjudicatory proceeding pursuant to 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings* on the report by the bureau concerning the applicant or qualifier pursuant to 205 CMR 115.03(2).

(3) Public Hearing. If the Commission determines that a public hearing should be held, the Commission shall review the bureau's suitability report in a public hearing, subject to redaction in accordance with G.L. c. 4, §7(26). The Commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing and the form (oral or written) and conditions pursuant to which the Commission will receive public comments.

**Deleted:** of confidential and exempt information described in 205 CMR 103.02(1) through (5)

## SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendments to 205 CMR 115.00: Phase I and New Qualifier Suitability Determination, Standards, and Procedures; notice of which was filed with the Secretary of the Commonwealth. Specifically, the Commission proposes amendments to **205 CMR 115.04: Phase I and New Qualifier Proceedings by the Commission.**

This regulation was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth, and is primarily governed by G.L. c. 23K, §4(28), 5.

205 CMR 115.04 applies to the gaming licensees and the Commission. Accordingly, amendments to this regulation are unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

As a general matter, no small businesses are subject to this regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation or the proposed amendment therein.

3. State the appropriateness of performance standards versus design standards:

A specific design standard is required in this situation to ensure clarity of the calculation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting or duplicate regulations.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission  
By:

/s/ Carrie Torrissi  
Carrie Torrissi  
Associate General Counsel

Dated: July 19, 2022

DRAFT

205 CMR 115.00: PHASE 1 AND NEW QUALIFIER SUITABILITY DETERMINATION, STANDARDS, AND PROCEDURES

115.01: Phase 1 and New Qualifier Determination Standards

.....

(4) Continuing Duty. Once issued a positive determination of suitability, the gaming licensee and all qualifiers shall have a continuing duty to maintain suitability in accordance with 205 CMR 115.01(1) and (2). The gaming licensee and each qualifier shall have a continuing duty to notify and update the IEB, in writing, within ten days of the occurrence, unless an alternative filing time is authorized by the executive director, or where applicable, gaining knowledge of the following:

(a) Any denial, suspension or revocation by a government agency in any jurisdiction of a gaming related license, registration, certification, permit or approval held by or applied for by the gaming licensee or qualifier;

(b) Any discipline, including a fine or warning, related to gaming operations imposed upon the gaming licensee or qualifier by any government agency in any jurisdiction;

(c) Any fine related to gaming operations assessed on any gaming entity owned or operated by the parent to the gaming licensee by any government agency in any jurisdiction.

(d) Any arrest, indictment, charge or criminal conviction of any qualifier in any jurisdiction;

(e) Any complaints, allegations, or notice of investigation thereof made or known to be contemplated by a gaming regulator or other governmental agency against the gaming licensee, qualifier, or any gaming entity owned or operated by the parent to the gaming licensee, of which the gaming licensee, or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential revocation or suspension of the license or approval held by the gaming licensee, qualifier, or gaming entity owned or operated by the parent to the gaming licensee, in that jurisdiction and/or imposition of a fine of \$50,000 or greater;

(f) Any reports, complaints, allegations, or material legal proceedings made, commenced, or known to be contemplated by a governmental agency against the gaming licensee or qualifier, of which the gaming licensee or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential criminal charges including, but not limited to, allegations of theft or embezzlement;

(g) Any information known or that should reasonably be known to the gaming licensee or qualifier, including by way of receipt of a subpoena, that the gaming licensee or qualifier is or may be the subject of a criminal investigation by a law enforcement or regulatory agency;

(h) Any exclusion or barring of a qualifier from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;

(i) The termination, suspension from employment, or other discipline of any key gaming employee licensed in accordance with 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations or qualifier;

(j) Any material pending legal proceedings required to be reported in accordance with 17 CFR 229.103 - (Item 103) Legal proceedings. For purposes of 205 CMR 115.01(4)(j) the registrant referred to in 17 CFR 229.103 - (Item 103) shall be both the gaming licensee and the parent company of the gaming licensee as determined by the IEB. Additionally, the gaming licensee and each qualifier shall provide notice of any pending legal proceeding which includes any allegation of fraudulent conduct by the gaming licensee or a qualifier, that may reasonably threaten the economic viability of the gaming licensee or a qualifier, or that alleges a pattern of improper conduct by the gaming licensee or a qualifier over a sustained period of time;

(k) Any significant financial event related to a gaming licensee or entity qualifier. For purposes of 205 CMR 115.01(4)(k), a significant financial event means a merger, acquisition, consolidation, debt restructuring, material change in debt rating by major credit rating agencies (US/International), legal entity change, material ownership change, the assessment of a fine or penalty of \$250,000 or greater by the SEC or international equivalent, restatement of previously issued financial statement(s), late filing of financial statement(s) with the SEC or international equivalent, US or international equivalent bankruptcy petition, default of financial debt covenants and receivership, disposal of a material business segment or asset, or adverse action(s) taken by the IRS;

(l) Issuance of an "Adverse" or "Qualified" audit opinion, or the international equivalent, by an independent accountant to the gaming licensee or qualifier;

(m) A change in accounting firm engaged to perform attestation and/or assurance services for the gaming licensee or qualifier; and

(n) Issuance of a delisting notice from a United States or international stock exchange relative to the gaming licensee or qualifier.



*Division of Racing*

**MEMORANDUM**

**TO:** Massachusetts Gaming Commission  
**FROM:** Chad Bourque, Financial Analyst  
**SUBJECT:** Request for Consideration | Harness Horse Promotional Trust  
**DATE:** July 21, 2022

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expend without appropriation all or any part of the promotional trust funds to the appropriate track licensee in proportion to the amount deposited in each fund for use in promotional marketing. All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the chief financial officer of the licensee setting forth the promotions completed with funds obtained under this section.

The following request was submitted by Plainridge Park Casino:

Harness Horse Promotional Trust request for consideration

- Media services to promote the Summer Handicapping Series - \$15,000

I've reviewed the request, supporting documents and recommend approval.

Encl. plainridge\_rfc\_hhpt\_2022\_02

Cdb



Massachusetts Gaming Commission



**Massachusetts Gaming Commission  
Harness Horse Capital Improvement Trust Fund  
Harness Horse Promotional Trust Fund**

1. Date: [7/20/2022](#)
2. Association: [Plainville Gaming & Redevelopment, LLC d/b/a/ Plainridge Park Casino](#)
3. Project #: [Plainridge HHPTF 2022-2](#)
4. Project Description: [Social Media for Racing and Summer Handicapping Series](#)
5. Type of Request: [RFC - HHPTF](#)
  - Request for Consideration / RFC
  - Request for Reimbursement / RFR
  - Harness Horse Capitol Improvement Fund / HHCIF
  - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: [\\$15,000](#)
  - Estimate / RFC - [\\$15,000](#)
  - Actual / RFR –
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:
 

[In an effort to engage the racing patrons at Plainridge, a series of Handicapping Contests will be offered. Seven \(7\) consecutive weekly handicapping contests will be held on Saturdays from July 23<sup>rd</sup> through September 3<sup>rd</sup>, 2022, with \\$2,000 total prizes awarded to the top 5 participants. A \\$10,000 Series Final for ten \(10\) qualifying participants from the weekly contests and a \\$2,000 consolation contest to be held on Labor Day, Monday, September 5, 2022.](#)

[To help promote Racing at Plainridge Park and the Summer Handicapping Series, 3805 Productions, a firm specializing in quality production services used for promoting certain business efforts in social media has explored the horse racing business and has provided feedback and a plan to help bring awareness to racing and the handicapping promotion at Plainridge Park. The cost of services and proposal from 3805 Productions is attached.](#)

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure:
8. For Capital Improvement Projects only, RFC’s and RFR’s must be submitted to the Commission’s architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. By Track Official: [Steve O’Toole](#) Title: [Director of Racing](#) Date: [7/20/2022](#)  
[Steve O’Toole](#)
10. Trustee Approval and Date:



## Marketing Video and Photography Services for Plainridge Park Harness Racing



Prepared by Derek Cameron  
Owner, 3805 Productions  
617-821-9250; derek@3805productions.com

## Proposal

3805 Productions is delighted to offer its services to support Plainridge Park Harness Racing marketing initiative by producing videos and photos for the 2022 racing season and the Handicapping Series from July 23-September 10. The videos of harness racing and outdoor venues at Plainridge Park will be edited and delivered to Plainridge Park Marketing Team for website and social media use, including drone, handheld video and GoPro camera footage.

## Proposed Dates

Handicap racing series, starting the week of July 23 through September 10.

## Production and On-Site Recording Information

Marketing videos and photos will be taken with Canon 90D(hand-held with stabilizer gimbal, tripod), DJI Mavic 2 Pro drone and GoPro Hero 10 Black

Audio will be captured on Zoom h1N field recorder, Canon 90D with lavalier mics and iPhone 13 Pro Max

## RACING

- Harness racing from racing apron & patio (hand held and drone)
- Harness racing from starter car (handheld with gimbal)
- Riders equipped with GoPro and chest harness (Go Pro camera)
- Trainer and farrier footage of training, warmups, cool downs, shoeing and outfitting
- Driver preparation

## FACILITY AND ENVIRONMENT

- Outdoor bar (handheld and drone, iPhone 13 max)
- Outdoor patio (crowd reactions/enjoying entertainment) (handheld and drone, iPhone 13 Pro Max)
- Indoor bar of racing facility & bartenders mixing drinks (handheld with gimbal, iPhone 13 Pro Max)
- Ticket attendants handing slips to guests
- Clips and images of guests reading race day information (18+)
- Footage of race announcer from the booth
- Aerial images of Plainridge Park(drone)
- "How to" videos delivered by Plainridge staff explaining the details of harness racing and gambling terms

**THERE WILL BE NO RECORDED OR PHOTOGRAPHED CONTENT ON CASINO GAMING FLOOR.**

Multiple shoot days will be required to capture race day footage, handicapping series, facility and crowd reactions and 3805 Productions will coordinate with Plainridge staff at least 24 hours prior to arrival.

## **Deliverables and Media Fee**

- Marketing video of Handicap series
- Harness Racing “How To” video series delivered for mobile device and YouTube
- Marketing video of Harness Racing
- Edited photos of Plainridge harness racing, facility exteriors & outdoor patio/bar

On-site video and photography capture; video and photo editing; FAA approval for drone; license application to Mass Gaming Commission: **\$15,000**

A 50% non-refundable deposit will be due upon contract agreement, with balance completed upon delivery

## **Additional Information**

3805 Productions is a Massachusetts-based media company, producing marketing videos for small business, construction and events. The owner, Derek Cameron is a FAA Part 107 certified drone pilot and carries a \$2,000,000 liability policy through CNA.

## **List of Services and Samples of Work**

3805 Productions Website: <https://www.3805productions.com/>

### **Marketing Videos**

- Foundry Corporate Overview Video: <https://youtu.be/lf6aFILDBdE>
- Construction Video for JNJ Corporation: <https://youtu.be/2w2ZuMzFTfo>
- Patio Branding Video for JC Caruso Corporation: <https://youtu.be/r4kDIB5bdGI>
- “Tiny Town” video for North Attleborough: <https://youtu.be/k8CXPMj9dVA>
- “Tiny Town” video for BeLocal Southeastern Massachusetts: <https://youtu.be/BtL0uS3kgaE>

### **Corporate Testimonials and Interviews:**

New England Flooring Interview for Foundry: <https://youtu.be/jgTQnudjlx4>





TO: Chair Judd-Stein, Commissioners O'Brien, Hill, and Skinner

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,  
Long Banh, Responsible Gaming Program Manager

CC: Karen Wells, Executive Director

DATE: July 26, 2022

RE: Update on ad hoc sports wagering report

---

The 2011 Expanded Gaming Act (MGL Chapter [23K, section 71](#)), directs the Massachusetts Gaming Commission (MGC), with advice from the Gaming Policy Advisory Committee (GPAC), to develop an annual research agenda to understand the social and economic effects of expanded gaming in the state. Included in the FY22 MGC annual research agenda is an ad hoc report to examine the potential impacts of sports wagering in Massachusetts. This report, being created by Dr. Rachel Volberg and SEIGMA team, is titled "*Legalized Sports Betting in the United States and Potential Impacts in Massachusetts.*" Specifically, this study examines the current status of legalized sports betting in the United States including an assessment of the various legislative and operational models adopted, revenues generated, economic and social outcomes identified to date, and sports betting behavior observed in states and international jurisdictions where this activity has been legalized.

The report is currently in draft form as it continues through MGC's rigorous external review process. This process typically includes multiple rounds of critical feedback to the research team by multi-disciplinary research peers. Given the length of time the review process can take, and the timeliness of the issue, leadership at the MGC felt it was important to provide an advance draft of the report as a resource to the legislative conference committee charged with reconciling the House and Senate Sports Wagering bills. An advance draft copy has also been provided to commissioners, though the commission has not taken any position with regard to the findings or recommendations. We anticipate the report will be publicly released when it is finalized in late August or early September.



Massachusetts Gaming Commission