



NOTICE OF MEETING AND AGENDA

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

Wednesday | August 17, 2022 | 9:30 a.m.
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 934 1494

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.

PUBLIC MEETING #128

- 1) Call to Order – Cathy Judd Stein, Chair
- 2) Review of Meeting Minutes **VOTE**
 - (a) July 26, 2022 Public Meeting
 - (b) July 26, 2022 Public Meeting and Hearing
- 3) Agenda Planning for Upcoming Public Commission Meetings. (See following pages.)
- 4) Commissioner Updates
- 5) Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us. **Date Posted to Website:** August 12, 2022 | 3:30p.m. EST

August 11, 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.



Massachusetts Gaming Commission

MASSACHUSETTS GAMING COMMISSION AGENDA PLANNING

ALL MEETINGS

AGENDA ITEM TOPIC	MGC REPRESENTATIVE
1 Administrative Update	Wells, K.
2 Meeting Minutes	Grossman, T.
3 Regulations	Grossman, T.
4 Legislative Updates	Beauchemin, C. Hill, B. Grossman, T.

NEXT MEETING DATE:

August 17, 2022

AGENDA ITEM TOPIC	MGC REPRESENTATIVE
5 Review of Application for License to Hold or Conduct a Racing Meeting for Future Applicants	Lightbown, A. Grossman, T.

NEXT MEETING DATE:

September 8, 2022

AGENDA ITEM TOPIC	MGC REPRESENTATIVE
6 Ad Hoc Sports Wagering Paper	Vander Linden, M.
7 Quarterly Licensee Report- MGM Springfield	Delaney, J.
8 Standard Owners of Massachusetts (SOM) Recognition Request as Breeders' Representative Group	Lightbown, A.
9 Community Mitigation Fund 2022 Boston's Police Grant Reallocation	Delaney, J. Thurlow, M.
10 Sports Wagering Preparation Update	Wells, K.

NEXT MEETING DATE:
September 15, 2022

AGENDA ITEM TOPIC	MGC REPRESENTATIVE
11 Revisions to Renewal Racing Application	Lightbown, A. Grossman, T.

UNDER REVIEW

AGENDA ITEM TOPIC	MGC REPRESENTATIVE
12 CMF Draft Policy Questions	Delaney, J. Thurlow, M.
13 Succession of Officers and Positions	O'Brien, E.
14 Commissioner Research Priorities	Vander Linden, M.
15 Public Records Request Policy and IT	Torrise, C. Jagroop-Gomes, K.
16 ILEV Review Process	Delaney, J. Grossman, T Hill, B.
17 Revisions to Renewal Racing Application	Lightbown, A. Grossman, T.
18 Realty Income Trust	Hall, H. Grossman, T.
19 VICI REIT Suitability of Successor Trustee	Hall, H. Grossman, T.
20 CMF Subcommittee Renewal and Commission Rep	Delaney, J.
21 CMF Draft Guidelines	Delaney, J.

22 Compliance Committee	O'Brien, E.
23 Office Lease Expiry Update	Wells, K.

Assigned meeting dates are subject to change

FUTURE SCHEDULED MEETING DATES:

September 21 – Agenda Setting

September 29 – Public Meeting

October 5 – Agenda Setting

October 13 – Public Meeting

October 19 – Agenda Setting

October 27 - Public Meeting



Massachusetts Gaming Commission Public Hearing/ Public Meeting Minutes

Date/Time: July 26, 2022, 12:30 p.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 911 6202

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-Stein called the hearing to order and explained to the meeting attendees that the Commission had called a dual public meeting and public hearing about the drafted Application for License to Hold or Conduct a Racing Meeting. Chair Judd-Stein provided a brief overview of where the Commission was in the process of its discussion of the drafted racing application; explaining that the Commission held a public meeting on June 2nd, 2022 and posted the racing application publicly to elicit comments from members of the public. Chair Judd-Stein added that both Director of the Racing Division, Dr. Alexandra Lightbown, and General Counsel Todd Grossman were present as well for questions from the Commissioners.

2. [Public Input](#) (0:59)

Chair Judd-Stein then opened the meeting for the participants, who previously requested the opportunity to provide public comment to the Commission. As this was also a public meeting, Commissioners were also permitted to ask follow-up questions of the speakers and Commission staff members.

The following individuals offered public comment:

- a. Barbara Kellogg

Ms. Kellogg expressed the sentiment that the new application process was inconsistent with the existing application process for current licensees, specifically G.L. c. 128A, §2, which requires that an application be filed in one year for holding racing in the following calendar year. Ms. Kellogg expressed her understanding that the Commission had proposed legislation that would permit the ability to award multiple year licenses but reiterated to the Commission that the legislature has not yet acted on that proposition. Additionally, Ms. Kellogg shared her concern that the Commission could license an applicant for racing, and that a racing establishment could take years to build, without much progress. She then suggested that the Commission alter its application to have more specific requirements of its applicants, and have the application contain specific enumerated questions that require an answer at the time of submission, as opposed to the Commission expressly allowing later supplemental offerings.

Ms. Kellogg directed the Commissioners to section 4.1 of the application, which requires local approval under G.L. c. 128A, §13A, and stated that the Commission should require submission of an attested copy of the municipality's actual approval of the racing applicant's plans to construct and operate a racetrack. Ms. Kellogg added that applicants should be required to list all promises and agreements they made to the local municipality to receive their approval. Those promises should be incorporated into the conditions of the license that the Commission ultimately awards. Ms. Kellogg added that any time where an applicant's promises to a municipality run afoul or contrary to federal, state, or local laws, that the application should be denied, and the license should be revoked. Additionally, applicants should be required to submit specific plans for the facilities and tracks; including the amenities and grading shape and size of the proposed rack to ensure they are consistent with local zoning requirements. Ms. Kellogg highlighted that manure management systems were absent from the current draft of the application, and that the Commission should require a submission ensuring that the horses are cared for while onsite.

Ms. Kellogg then highlighted the construction portions of the application in section 2. She requested that the Commission have applicants submit: a traffic study, construction timeline, plans for parking that including horse trailers, RVs and transport vehicles, and economic studies that examine how purses will be paid if the Racehorse Development fund is ever terminated at the start of the process, not as a supplement to the application. Ms. Kellogg also asked that Section 3 of the application be a requirement from the outset; and that the number of race days and hours be mandatory for applicants to list. Ms. Kellogg closed her comments by thanking the Commissioners for their time but added that the Commission still had much to consider in this process and needs more time to finalize the application.

Chair Judd-Stein thanked Ms. Kellogg for her comments and asked if she would consider submitting her comments to General Counsel Grossman. Ms. Kellogg agreed to submit her comments in written form.

b. Lynn Holdsworth

Ms. Holdsworth stated that she wished to echo Ms. Kellogg's statements but wanted to save time and not repeat them. She also shared her sentiments that the application process appeared to be an end run around the requirements of G.L. c. 128A, §3. She highlighted that the sports wagering

legislation may or may not pass this year, which could also make the opportunity to pursue a racetrack license more valuable to external parties. She shared concern that an applicant could be awarded a license and allowed to permit sports betting without any construction commencing on the actual track. She asked the Commission to consider if a license was awarded, a licensee could begin construction on a grandstand, for the sole purpose of sports wagering. She expressed her concern over a type of wagering device that was prominent in horse racing facilities in Kentucky, where live horse racing occurred very infrequently, or not at all. She suggested that Commission, hold the applicant, and eventual licensee to a solid timeframe between licensure and construction to ensure that there is accountability in the process and suspension of a license in the event that there is not compliance.

Ms. Holdsworth also suggested that the licensee should have to publicly state the promises they made to receive local and community support, and that the licensee should be accountable for them, and required to deliver what they promised to the community as a condition of the license. She stressed the importance of transparency and stated that she would like to see more of it - especially in the areas of community transparency and community approval. Ms. Holdsworth thanked the Commission. Commissioners thanked Ms. Holdsworth for her time and participation in the hearing.

Having no other members of the public that wished to offer comment after Ms. Holdsworth, the Commissioners left the virtual hearing and meeting room open for comments for an additional hour. Participants were welcomed to email the Commission or call to offer comment.

After the hour and hearing no other requests or emails to give comment, Chair Judd-Stein thanked the public for the comments and submissions received and reviewed prior to the meeting. She also thanked Ms. Kellogg and Ms. Holdsworth for their contributions and comments given at today's hearing.

3. [Other Business](#) (1:24:25)

Having no other business, Commissioner Hill moved to adjourn. Commissioner O'Brien 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 Public Hearing and Public Meeting and Agenda, dated July 25, 2022
2. Application for License to Hold or Conduct a Racing Meeting, [posted online](#).

3. [Meeting Packet](#) from July 26, 2022, Public Meeting and Hearing



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 26, 2022, 2:30 p.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 048 6029

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 385th public meeting of the Massachusetts Gaming Commission, and all four commissioners were present.

2. Approval of Meeting Minutes

- a. September 21, 2021
- b. September 23, 2021
- c. October 21, 2021
- d. December 21, 2021
- e. January 10, 2022
- f. June 2, 2022

Commissioner Hill moved to approve the Public Meeting minutes from June 2, 2022, included in the meeting packet, subject to necessary changes for typographical errors or edits. Commissioner O'Brien seconded.

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously 4-0.

Commissioner O'Brien moved to approve the Public Meeting minutes from: September 21, 2021, September 23, 2021, October 21, 2021, December 21, 2021, and January 10, 2022, included in the meeting packet, subject to necessary changes for typographical errors or edits. Commissioner Hill seconded.

Roll Call Vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Abstain.
Chair Judd-Stein: Aye.
The motion passed 3-0, with one abstention.

3. [Racing Division](#) (1:20)

a. Request for Promotional Fund Consideration for Summer Handicapping Series

Director of the Racing and Chief Veterinarian, Dr. Lightbown, introduced Chad Bourque, Financial Analyst, to present his recommendation to the Commission. Mr. Bourque was joined by Steve O'Toole, Director of Racing at Plainridge Park Casino. Plainridge Park Casino, which operates and owns the racetrack adjacent to the gaming establishment, submitted a Request for Consideration for the Summer Handicapping Series, first presented at the July 12, 2022, public meeting.

Mr. Bourque explained that each month, funds are deposited into the Harness Horse Promotional Trust Fund, and that racing licensees can utilize funds to engage customers and increase attendance. Distributions from the Trust are made on the Commission's approval of the licensee's requests for consideration, followed by a request for reimbursement. Plainridge Park Casino's request is in the amount of \$15,000 will be used to promote the Summer Handicap Series that was approved on July 12. Mr. Bourque presented a memorandum detailing the request for consideration from Plainridge Park Casino and provided an overview of the materials. Mr. Bourque concluded his presentation by stating that his review of the materials submitted by Plainridge Park Casino and Mr. O'Toole were sufficient, and that he recommended that the request be approved by the Commission. Mr. O'Toole then provided an overview of the request for consideration, and the projects that would be funded by the \$15,000. Mr. Bourque's memorandum and Plainridge Park Casino's request for consideration were included on pages 60 through 64 of the meeting packet.

Commissioner O'Brien inquired about the social media strategy explained in Mr. O'Toole's presentation and what specifics they could offer about how they would incorporate responsible gaming and education within their programming and advertising campaigns. Mr. O'Toole explained that all materials from the ADW contests were branded with the GameSense logo and responsible gambling hotline, and that GameSense agents are at the racing area of the property as well. Chair

Judd-Stein thanked Plainridge Park Casino for their presentation and noted her appreciation of their incorporation of responsible gaming into their materials.

Commissioner O'Brien moved that the Commission approve the expenditure of \$15,000 from the Harness Horse Promotional Trust Fund in accordance with G.L. c. 128A, §5(g) for the purposes described in the materials in the Commissioners' Packet, and as discussed here today. Commissioner Hill seconded.

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 4-0.

4. [Legal Division](#) (25:00)

- a. [205 CMR 102: Definitions, and 205 CMR 115.04 – and Small Business Impact Statement for approval to begin the promulgation process](#) (25:05)

Carrie Torrisi, Deputy General Counsel presented two regulations for review and approval to begin the regulation promulgation process. Deputy General Torrisi explained that the changes in 205 CMR 102 and 205 CMR 115.04 respectively were made in association with 205 CMR 103, which had been approved for promulgation at a previous public meeting. Deputy General Torrisi noted that the cover sheet, draft regulations, and small business impact statement for each regulation, with the proposed changes in redline. All materials were included in the meeting packet on pages 40- 57.

Regarding 205 CMR 102, Deputy General Torrisi explained that the substantive changes to the section included eliminating definitions that would no longer be utilized in the entirety of 205 CMR, the section of the state register for the Massachusetts Gaming Commission. She then opened the discussion for questions from Commissioners.

Chair Judd-Stein inquired if the term “record” was utilized anywhere else in the regulations, and if the elimination of the word from the definitions section would create inconsistencies. Attorney Torrisi explained that it would not create inconsistencies, as the term would be defined under the existing statutory definition within the Massachusetts Public Records Law. See, G.L. c. 4, § 7(26).

While discussing the elimination of the term “Secretary of the Commission,” Commissioner Skinner also inquired if term “Clerk” should be added to the definitions within 205 CMR 102; as it is used within other sections of 205 CMR. General Counsel Grossman explained that while the term is used in 205 CMR 101, for adjudicatory proceedings, the Clerk makes no substantive decisions, and is more of an administrative role that one of the members of the legal department undertakes for certain proceedings. Commissioner Skinner asked that the definition be considered for addition to the definition section. General Counsel Grossman confirmed.

Deputy General Counsel Torrisi then moved on to 205 CMR 115.04 to present the proposed changes to the regulation. She explained that this change was to update the citation within the regulation so that it was consistent with the exemptions listed within Public Records Law, G.L. c. 4, § 7(26) as opposed to portions of 205 CMR 103, that were no longer relevant.

Commissioner Skinner moved that the Commission approve the Small Business Impact statement and the amendments to 205 CMR 102.02 and 205 CMR 115.04 as reflected in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and proceed with the regulation promulgation process. Commissioner O'Brien seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

Commissioner Skinner: Aye.

Motion passed unanimously 4-0.

- b. [Review of 205 CMR 115.01 \(4\): Continuing Duty - for Possible Amendments \(36:05\)](#)

General Counsel Grossman provided an introductory review of 205 CMR 115.01(4) to the Commissioners including an explanation of how the regulation currently functions. Counsel Grossman provided a copy of the regulation for the Commissioners to review, with relevant areas of discussion highlighted. The regulation is included in the meeting packet on pages 58 through 59.

Commissioner O'Brien inquired to her fellow Commissioners that given the length of the presentation, the level of discussion required of the Commissioners, and the time remaining in the scheduled meeting, if it was best to table this agenda item for a future meeting. She noted that there was still an additional item on the agenda. After some discussion, Chair Judd-Stein and the Commissioners agreed that it would be best to table this item, receive a supplemental memorandum from the legal division in advance of the next meeting, and then have this agenda item presented at a future public meeting. General Counsel Grossman agreed.

5. [Research and Responsible Gaming \(51:15\)](#)

- a. Ad Hoc Sports Wagering Report Update

Long Banh, Program Manger for the Division of Research and Responsible Gaming provided the Commission with an update on the Ad Hoc Sports Wagering Report authored by the SEIGMA team at UMass Amherst. Program Manager Banh informed the Commission that the report is in draft form as it continues through the Division of Research and Responsible Gaming's external review process, which includes multiple rounds of critical feedback and peer review. Program Manager Banh and Executive Director Wells clarified to the Commissioners, that given the pending sports wagering legislation, an advanced draft copy was provided to the Commissioners

and as well as the Conference Committee within the legislature. Their intention was that the report could be utilized as an informational resource as the committee members reconcile the house and senate sports wagering bills. Program Manager Banh anticipates that the final report will be ready for presentation and release in the early fall. A brief memorandum detailing the Sports Wagering Report was included in the Meeting packet on page 65. Chair Judd-Stein thanked Executive Director Wells and Program Manager Banh for the update.

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

Hearing no other business before the Commission, Commissioner Hill 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. Revised Notice of Meeting and Agenda, dated July 25, 2022
2. [Meeting Packet](#) from the July 26th Open Meeting.