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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 18, 2023, 9:00 a.m.

**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 112 933 1271

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein

Commissioner Eileen O'Brien

Commissioner Bradford Hill

Commissioner Nakisha Skinner

Commissioner Jordan Maynard

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

Chair Judd-Stein called to order the 424<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted. All five commissioners were present for the meeting.

### 2. [Review of Meeting Minutes](#) (01:05)

#### a. October 6, 2022

Commissioner Hill moved that the Commission approve the minutes from the October 6, 2022, public meeting that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Maynard seconded the motion.

*Roll call vote:*

Commissioner O'Brien: Aye.  
Commissioner Hill: Aye.  
Commissioner Skinner: Aye.  
Commissioner Maynard: Aye.  
Chair Judd-Stein: Aye.

*The motion passed unanimously, 5-0.*

3. [Administrative Update](#) (03:54)

Executive Director Karen Wells announced that the Voluntary Self Exclusion program for sports wagering was scheduled to go live on January 23, 2023. Mark Vander Linden, Director of Research and Responsible Gaming stated that the patrons could enroll in the voluntary self-exclusion list in advance of the go-live date.

4. [Legal](#) (5:49)

a. Sports Wagering Regulations:

Associate General Counsel Judith Young provided an overview of the regulations comprising the sports wagering operator licensing framework. The regulations were being presented for final review by the Commission. She explained that the regulations first appeared before the Commission on November 10, 2022, and the Commission voted to promulgate the regulations by emergency. She stated that the regulations had undergone minor editing for formatting but were largely similar to the content of the previous drafts that the Commission saw on November 10, 2022. She stated that a public hearing was held on January 17, 2023, and that no comments were received.

- i. [205 CMR 212.00](#): Additional Information and Cooperation – Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (09:12)

Attorney Paul Kominers, outside counsel from the law firm Anderson and Krieger, presented 205 CMR 212 which required applicants, licensees, vendors, qualifiers, and registrants to cooperate fully with requests from the Investigations and Enforcement Bureau ("IEB"). *The draft 205 CMR 212, comments, and small business impact statement* were included in the Commissioner's Packet on pages 40 through 48.

Mr. Kominers stated that one written comment had been received by FanDuel. They requested language that clarified, in 205 CMR 215.01(5)(h), there was no duty to report exclusion in another jurisdiction based upon the position a qualifier holds in the licensee. Mr. Kominers stated that the language requested was reasonable.

Commissioner O'Brien asked if the same language was used within the gaming regulations. Mr. Kominers stated that a comparable section appears in 205 CMR 115. Chair Judd-Stein asked if

the language suggested was added to the draft being presented. Mr. Kominers replied that it was not, but that it could be if Commissioners expressed a consensus on the provision.

Director of the IEB Loretta Lillios stated that she had no concerns about this additional language. She stated that 205 CMR 115 was interpreted consistently in the way envisioned in the written comment. Commissioner O'Brien suggested clarifying the language in both regulations to be consistent. Chair Judd-Stein agreed, and requested the language be made uniform. Deputy General Counsel Carrie Torrisi stated that it was not something that could be taken up immediately, given the timing of the regulation, but confirmed it would be returned to.

Commissioner Skinner noted 205 CMR 212.01(5)(g) used the term 'reasonably known' while other provisions in the regulation used the term 'reasonably aware'. She asked if there was a difference in how the two phrases were interpreted. Attorney Mina Makarious from Anderson and Krieger stated that it was likely a syntax issue. Commissioner Skinner asked if the language could be changed to be more consistent. Mr. Makarious stated that he wouldn't change it due to the syntax of 'information known' because it would require the change of the sentence structure. He stated that the language was consistent with 205 CMR 115 and expressed he would be concerned about introducing differences in syntax.

With that, Commissioner O'Brien moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 212 as included in the Commissioner's Packet and as discussed here today; and specifically incorporating the recommended changes in 205 CMR 212.01(h). She further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth, and to finalize the regulation promulgation process.

Chair Judd-Stein offered an amendment to change the regulation cited to 205 CMR 212.01(5)(h). Commissioner O'Brien accepted the amendment. The motion was seconded by Commissioner Maynard.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- ii. [205 CMR 214.00](#): Sports Wagering Application Fees - Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (28:54)

Mr. Makarious presented 205 CMR 214 related to the application fees and additional fees for investigations conducted by the IEB. He noted that this regulation received no public comment

during the comment period. The *draft 205 CMR 214 and amended small business impact statement* were included in the Commissioner's Packet on pages 49 through 52.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 214 as included in the Commissioner's Packet and discussed here today. He further moved that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth, and to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- iii. [205 CMR 215.00](#): Applicant and Qualifier Suitability Determination, Standards, and Procedures – Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (31:45)

Mr. Kominers presented 205 CMR 215 related to the suitability procedures, with the additional process for the Commission to make a preliminary finding of suitability for temporary licensing purposes. He stated that the regulation also incorporated standards on whom was required to be qualified by the Commission. The *draft 205 CMR 215 and amended small business impact statement* were included in the Commissioner's Packet on pages 53 through 63.

Mr. Kominers stated that there was one comment that called for the Commission's discussion. He stated that attorney Walter Sullivan had suggested that rather than requiring the Commission to disqualify an applicant who met the grounds for potential disqualification, the Commission could be given discretion to disqualify that applicant.

Commissioner O'Brien expressed she wanted to treat all licensees equally and stated that the existing language mirrored General Law Chapter 23K. She stated that if the regulation was changed, it would give leniency to sports wagering licensees that was not available to casino licensees. She stated she was not in favor of changing the language.

Chair Judd-Stein expressed concern that the regulation may not be consistent with the statute and that she did not want the regulation to be subject to challenge. Commissioner Skinner stated she shared this concern. Director Lillios stated that an exercise of discretion could be challenging and that she had operational concerns. She stated that it would be easier to challenge exercises of discretion.

Mr. Makarious explained that General Law Chapter 23K used the word 'shall' while G.L. Chapter 23N used the word 'may'. He stated that the Commission had the authority to use either

word but that the language provided in the draft would avoid potential challenge from some applicants.

Chair Judd-Stein inquired whether the legislature wanted it to be reviewed on a case-by-case basis. Mr. Makarious stated that the legislature gave the Commission discretion as a regulator to review on a case-by-case basis or to have them all be treated categorically. Director Lillios noted that the requirement that the statement be knowingly false and materially significant already created significant findings that must be met, before it qualifies as an issue.

Commissioner Skinner stated that she was willing to keep the language as it was to be consistent with G.L. 23K. Commissioner Maynard stated that he would not turn the may into a shall. He stated that the legislature provided discretion in their language and that he respectfully disagreed with the language as presented. He stated he wanted to stay consistent with G.L. Chapter 23N. Commissioner Hill stated he was in support with keeping the language as is.

Continuing with his presentation, Mr. Kominers stated that the legal team did not recommend adopting the suggestions from the remaining comments. He stated that BetMGM had suggested the limitation of the Commission's discretion to determine anyone with a business association of any kind with the applicant as a qualifier. He stated that this was contrary to how the Commission operates, and it would give the operators too much opportunity to fight over qualification decisions. He noted a right to appeal already existed and that qualifiers could avail themselves of the right to appeal.

Mr. Kominers stated that FanDuel has suggested an increase to the maximum share an institutional investor could hold without having to go through the qualification process to be consistent with other jurisdictions. He stated that the 15% conforms with the casino gaming regulations and that the legal team recommended no change.

With that, Commissioner O'Brien moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 215 as included in the Commissioner's Packet and discussed here today. She further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and to finalize the regulation promulgation process. Commissioner Skinner seconded the motion.

Chair Judd-Stein inquired whether the motion would exclude the amendment suggested in the public written comment by Mr. Sullivan. Commissioner O'Brien stated that it would.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Nay.*

*Chair Judd-Stein: Nay.*

*The motion passed, 3-2.*

- iv. [205 CMR 219.00](#): Temporary Licensing Procedures – Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (54:43)

Mr. Kominers presented 205 CMR 219 which set out process for operator to request a temporary license and the process for temporary licenses to be extended if necessary. The *draft of 205 CMR 219 and amended small business impact statement* were included in the Commissioner’s Packet on pages 64 through 69.

Mr. Kominers stated that one written comment was received requesting clarification on the language of when an operator may apply for an extension of their temporary license. He recommended changing the term ‘two years’ to ‘twenty-four months’ as a consistent unit of measurement.

Commissioner Skinner and Chair Judd-Stein expressed that they shared confusion regarding the language of this provision. Commissioner Skinner suggested that the language read “until between twenty-one and twenty-four months after the date of issuance of the temporary license”. Mr. Makarious stated that the issue was developing a window of when the operator can submit a request. He suggested the language “an operator may submit a renewal request pursuant to this regulation between twenty-one months and twenty-four months after the day the temporary license was issued”.

Chair Judd-Stein questioned whether the consensus was that language should be ‘shall’ or ‘may’. Commissioner O’Brien noted that an operator could choose not to seek renewal of their temporary license, so use of the word ‘may’ seemed most appropriate. The Commission reached a consensus to adopt the language presented by Mr. Makarious.

Commissioner O’Brien moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 219 as included in the Commissioner’s Packet and discussed here today; specifically, the amendment as discussed as to 205 CMR 219.04(1). She further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien:*       *Aye.*

*Commissioner Hill:*       *Aye.*

*Commissioner Skinner:*       *Aye.*

*Commissioner Maynard:*       *Aye.*

*Chair Judd-Stein:*       *Aye.*

*The motion passed unanimously, 5-0.*

- v. [205 CMR 220.00](#): License Conditions– Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (1:06:16)

The *amended small business impact statement and draft 205 CMR 220* was included in the Commissioner’s Packet on pages 70 through 73.

Mr. Kominers recommended adding two paragraphs that required licenses be issued subject to the condition that their license was displayed to the public in a manner that was obvious. He stated that the language was based on 205 CMR 251 and that two provisions should be added to the relevant sections for both the category one and two licenses, and for category three licenses.

Chair Judd-Stein asked if mobile applications in other jurisdictions required the operator to prominently display their license. Mr. Kominers stated that he was not sure, but that the requirement was consistent with the posting requirement for the operations certificate in 205 CMR 251. Chair Judd-Stein stated that it might be technologically challenging to require this and noted that posting in a physical space was less of a challenge. Commissioner Skinner stated that she had the same concerns regarding the technological challenges relative to the play management regulations.

Deputy General Counsel Torrisi stated that this issue did not need to be addressed in this meeting, and that the changes were for consistency with the gaming regulations. She noted that the changes hadn’t had a public comment period, and that the changes could return as an amendment in the future.

Commissioner Maynard noted that Pennsylvania required their operators to post their certificate on their website. Chair Judd-Stein sought clarification whether the certificate needed to be posted on the operators’ application or the operators’ website. Commissioner Maynard explained that the website was referenced, but it also referred to the licensees’ online sportsbook. He stated that he would read that broadly to include the application.

Commissioner Hill stated that his preference would be to return to those provisions later and expressed an interest in receiving public input. Commissioner Skinner agreed. Commissioner O’Brien stated that the issue could be returned to prior to the mobile launch and expressed that she also wanted to hear public comment.

Deputy General Counsel Torrisi asked if the provision for retail locations would be included. Commissioner Hill replied that it was fair to do neither until public comment was received.

Mr. Kominers stated that there was a comment from FanDuel requesting the Commission allow temporary licenses to be extended past the five-year period, if there was not a durable finding of suitability made in that time. He noted that the traditional timespan of an ordinary license was

five years, and that the Commission found that a temporary license should not persist past that point in previous discussions. He recommended that the Commission not accept this comment.

Commissioner Skinner asked if the regulatory language regarding the expiration of the temporary license was consistent with General Law Chapter 23N. Mr. Kominers stated that the short answer was yes, and that ending the temporary license at five years was a reasonable exercise of the Commission's discretion to make a decision on an application.

Chair Judd-Stein inquired whether the temporary license would lapse if the IEB had not made a determination of suitability within that five-year timeframe. Commissioner Skinner expressed her concerns that this interpretation may not be consistent with G.L. Chapter 23N.

Mr. Makarious stated that the Commission could revisit and change the regulation at some point in the four years if any temporary licensees were without their suitability determination. He stated that the Commission had to balance not issuing temporary licenses that would last longer than durable licenses, while giving the IEB sufficient chance to complete their suitability review. He stated that the written comment referenced a provision that had been moved to 205 CMR 219 in a previous draft.

Chair Judd-Stein inquired whether a temporary licensee could lose the ability to operate if the Commission staff's work was delayed. Mr. Makarious stated that the temporary licensing scheme permitted five years, but that the regulation could be revised to address this issue. Chair Judd-Stein noted that the regulation could be changed now, instead of waiting for a future point.

Commissioner Maynard also suggested additional language be added, as he was uncomfortable leaving the regulation to be amended that far in the future when the makeup of the Commission may be different. Mr. Kominers stated that the applicant could reapply after their temporary license expires. Chair Judd-Stein recognized that the applicant would still be required to cease operations during that process, however.

Commissioner O'Brien suggested adopting language from the gaming regulations that allows the operator to continue to operate during their renewal process. She requested the language from the gaming side be presented to the Commission. Commissioner Maynard echoed Commissioner O'Brien's request to hear the language from the gaming regulations. Deputy General Counsel Monahan stated that the regulation could be voted on as is, and that an amendment could be brought when the Commission has had more time to think on the issue. Chair Judd-Stein suggested the Commission could adopt the changes now and revisit the amendment if it was wrong.

Chair Judd-Stein asked if it was fair that a temporary licensee would have to shut down if the investigation took five years. Commissioner O'Brien stated that it was not fair, and she was looking into other language as an option that would provide additional protections. Chair Judd-Stein suggested the language could simply be struck as a solution.



Mr. Makarious stated that temporary licensees were getting the ability to operate fully with a lower fee, and that a full license only had a term of five years. Chair Judd-Stein raised the issue that the temporary operators would need to reapply and cease operations during that process. Mr. Makarious stated that they could apply for another license earlier than the five years so that their temporary license would not lapse. He suggested adding language to ensure nothing lapses when the renewal is pending.

Chair Judd-Stein noted that this required more from the applicant due to an issue on the Commission's end. Commissioner O'Brien stated that the Commission had to balance the issue of applicants potentially not being as complete with their responses to the IEB. Chair Judd-Stein stated that if an operator is not cooperative there are other means of finding them unsuitable. Commissioner O'Brien stated that the Commission should also disincentivize using the temporary license to only pay the \$1 million licensing fee rather than the \$5 million required for the full license.

Chair Judd-Stein stated that she was operating under the assumption that the delay would be on the Commission's end and stated that an operator could be required to cease operations despite fully complying. Commissioner O'Brien noted that the outcome suggested by the Chair could be avoided by including language that mirrored the gaming regulations. Commissioner Skinner highlighted that the temporary licensee could apply for the renewal of the temporary license prior to five years.

Mr. Makarious explained that even if they had received a full license, the applicant would be required to undergo the renewal process. He stated that this regulation was intended to address the unique issue of awarding temporary licenses prior to a finding of durable suitability. He advised that the Commission develop a regulation about what happens towards the end of a temporary or regular license period that clarifies the renewal process.

Mr. Makarious stated that this issue was considered at length by the legal team and requested that the Commission accept the language as it was presented. Chair Judd-Stein asked what the next steps would be. Mr. Makarious stated that if this regulation were accepted, there would be a process that was fair to the licensees and that the Legal Division would draft a regulation regarding the renewal of licenses to more directly address the issues raised. He agreed that applicants shouldn't be forced to shut down.

Commissioner O'Brien reaffirmed her desire for the regulation to be consistent with how the renewal process works with casino gaming. Chair Judd-Stein stated that they should be as consistent as possible but noted that they were governed by two different statutes.

Commissioner Skinner stated that she was good moving forward as recommended by the legal team. Commissioner Hill agreed. Commissioner Maynard agreed, but requested that the Commission address the issue of license renewal soon.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 220 as included in the Commissioner's Packet and discussed here today. He further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- vi. [205 CMR 221.00](#): Sports Wagering License Fees - Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (1:42:16)

Mr. Makarios presented 205 CMR 221 related to the licensing fees. He noted that no public comments were received on this regulation. The *amended small business impact statement and draft 205 CMR 221* were included in the Commissioner's Packet on pages 74 through 78.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 221 as included in the Commissioner's Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- vii. [205 CMR 218.00](#): General Sports Wagering Application Requirements, Standards, and Procedures – Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (1:45:07)

Associate General Counsel Ying Wang presented 205 CMR 218 related to the general sports wagering application requirements. She stated that the regulation governed the standards and

procedures for determining an applicant or qualifier's suitability. The *amended small business impact statement and draft 205 CMR 218* were included in the Commissioner's Packet on pages 79 through 92.

Associate General Counsel Wang stated that 205 CMR 218 had appeared before the Commission on October 27, 2022, at which time it was promulgated by emergency. She stated that there was a public hearing on January 17, 2023, presided over by Commissioner Hill. She stated that no comments were received at the public hearing but that two written comments were received.

Mr. Kominers explained that both written comments were received by BetMGM regarding the Commission's treatment of confidential or private information. He stated that the first comment requested that the Commission notify the applicant before any confidential or private information was discussed during the meetings. Mr. Kominers stated that this was not clearly feasible and may create issues with the open meeting laws. He stated that the Commission would not want to create rights or opportunities for disputes with the applicants in this manner.

Mr. Kominers explained that BetMGM's second request was to require that any information given to those providing technical assistance that is confidential or proprietary should be stored securely or promptly destroyed. He stated that the legal team did not recommend adopting this amendment as it would create a right by regulation.

Chair Judd-Stein noted that the requests did not include personally protected information, just confidential and proprietary information. Mr. Kominers stated that was correct. Commissioner Maynard stated that there were existing laws to protect this information and it does not need to be addressed in regulations. General Counsel Todd Grossman noted that the Commission typically included language in all of its contracts with vendors and contracts that require information be stored.

Commissioner O'Brien moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 218 as included in the Commissioner's Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

- viii. [205 CMR 233.00](#): Sports Wagering Voluntary Self-Exclusion - Regulation and Amended Small Business Impact Statement for review and approval to finalize the promulgation process. (1:52:33)

Associate General Counsel Wang presented 205 CMR 233 related to the protocol for patrons to self-exclude themselves from sports wagering and setting responsibilities for operators regarding self-excluded patrons. The *amended small business impact statement and draft 205 CMR 233* were included in the Commissioner's Packet on pages 93 through 102.

Associate General Counsel Wang stated that 205 CMR 233 had appeared before the Commission on November 10, 2022, at which time it was promulgated by emergency. She stated that there was a public hearing on January 17, 2023, presided over by Commissioner Hill. She stated that no comments were received at the public hearing, but that one written comment was received.

Attorney Annie Lee from Anderson and Krieger explained that BetMGM had requested the removal of the reckless standard used in sanctions in 205 CMR 233.07. She stated that the drafted language was consistent with 205 CMR 133 regarding the voluntary self-exclusion list for casino gambling. She noted that the legal team did not recommend accepting the comment as reckless was already a high standard.

Ms. Lee flagged the issue that there had been a discussion that 205 CMR 232 might supplant the sanctions provisions. Mr. Makarious stated that there would likely be revisions to regulations that mention enforcement.

Chair Judd-Stein sought clarity on who would apply the conditions, suspension, or revocation of licenses. Mr. Makarious stated that the Commission would apply the penalties based on this regulation. He noted that the provisions were based on the enforcement provisions for the gaming side. He explained that under G.L. Chapter 23N § 16 the Commission is the group authorized to enact penalties, not the IEB.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 233 as included in the Commissioner's Packet and discussed here today. He further moved that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth, to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

5. [Commissioner Updates](#) (2:03:16)

Chair Judd-Stein requested that General Counsel Grossman walk the Commission through 205 CMR 215, as it was pertinent to the Commission's evaluation process that would occur in upcoming meetings. General Counsel Grossman provided Commissioners with an overview of 205 CMR 215.

Chair Judd-Stein asked if the finding of preliminary suitability was based on the standard of evidence of substantial evidence. General Counsel Grossman replied that she was correct.

6. [Other Business](#) (2:19:12)

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

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner Maynard.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated January 11, 2023
2. [Commissioner's Packet](#) from the January 18, 2023, meeting (posted on massgaming.com)