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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 26, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 025 1821

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 Jordan Maynard

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

Chair Judd-Stein called to order the 429<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and Chair Judd-Stein, Commissioner O'Brien, Commissioner Hill, and Commissioner Maynard were present. Commissioner Skinner was not present for this meeting.

#### 2. [Administrative Update](#) (00:58)

Executive Director Karen Wells reported that the operations certificate vote would take place at the January 30, 2023, public meeting. She stated that Commission staff and Gaming Laboratories International ("GLI") were performing final evaluations and checks that the category one operators were ready to launch. Chair Judd-Stein asked about the status of the operators' internal controls. Executive Director Wells stated that the internal controls had been submitted and were in the process of being evaluated by GLI.

#### 3. [Research and Responsible Gaming](#) (5:41)

a. Report: Community Perspectives of Encore Boston Harbor, NORC at the University of Chicago

Dr. Bonnie Andrews, Research Manager for the Research and Responsible Gaming Division stated that the Commission had adopted a strategic research plan, and that one area of focus was within the field of community-engaged research. She stated that the purpose of this research was to address the impact of casino gambling on Massachusetts communities. She explained that the Commission had contracted with NORC at the University of Chicago to engage with community members to design and conduct a study on how the introduction of Encore Boston Harbor (“EBH”) affected day to day life of those in the casino’s surrounding community.

Dr. Andrews stated that the study generated recommendations from participants, including, EBH reinvesting money in nearby communities; for EBH to provide support and resources for people who have experience problem gambling; and for EBH to actively engage with community members. She stated that the study’s findings were presented to the community during November. She noted that the Commission engaged the Gambling Research Exchange of Ontario (“GREO”) to create snapshots of the research findings in languages spoken by the communities that live near EBH.

Principal Research Scientist from NORC, Dr. Jenna T. Sirkin, Research and Evaluation Project Manager, Sofia Ladner, Research Scientist from the Institute for Community Health, Dr. Christina Drymon, Community Interviewer, Yanqing Huang, Senior Research Associate, Jared Sawyer, and Senior Research Scientist, Petry Ubri presented the research related to community perspectives on EBH with topics including research methods, key findings, a participant overview, and recommendations. The *Community Perspectives Presentation* was included in the Commissioners packet on pages 4 through 90.

Commissioner O’Brien stated that the Commission had a robust GameSense program in casinos and expressed concern with the lack of awareness of this program in the external community. Dr. Sirkin stated that a representative from GameSense was on the community advisor board to remedy that concern. She stated that she agreed with the assessment that there was a lack of awareness of resources available. Director of Research and Responsible Gaming Mark Vander Linden stated that this was good feedback as to how GameSense could expand its reach via communication and marketing.

Commissioner Hill sought clarification as to whether EBH was involved in the community engagement reports. Director Vander Linden stated that the priority in community driven research was to hear the perspectives of the community and that the casino was intentionally not part of the research. He noted that representatives from EBH attended the community event in November when the research was presented, and that they had received an advanced copy of the report.

Commissioner Hill asked if there were more exact numbers for the views on gambling. Dr. Sirkin stated that the research was qualitative and did not have exact percentages. She noted that the general views on gambling were nearly evenly split. Director Vander Linden clarified to the Commission that the follow-up general population survey that would be presented in the Spring of 2023 was a quantitative study that would have more percentages.

Commissioner Hill expressed worry that EBH was not being viewed as a community partner by survey participants, when their quarterly updates before the Commission demonstrated a different picture. He stated that he hoped to distribute more information to the public regarding the licensee's community engagement endeavors.

Chair Judd-Stein noted to her fellow Commissioners that while community engagement existed, it was possible that the engagement could have been in a form that the community did not recognize, interact with, or ultimately may have not desired. She stated that there could be an opportunity for the community to communicate with EBH on this issue. She the research team if the community had clarified what would be helpful to them in terms of community engagement. Ms. Ubri stated that the participants mentioned a desire for community meetings and forums to open a dialogue regarding their needs with the casinos. Chair Judd-Stein proposed that the Commission could assist in facilitating those conversations with the casinos.

Director Vander Linden noted that community engagement was a spectrum, and that a higher level of community engagement that was collaborative and empowering to the community takes longer to achieve. He stated that community engagement was also addressed in the responsible gaming framework.

Dr. Sirkin further reported to the Commissioners that more than half of the interviews were in languages other than English. She stated that part of the issue with community engagement may have been the translation required to reach all the communities interviewed. Commissioner Maynard stated that there was a lot of opportunity for additional communication, and that the Commission could be good facilitators of those interactions.

#### 4. [Sports Wagering Implementation](#) (53:30)

##### a. Approval of House Rules - Category 1 (Retail)

Director of Sports Wagering Bruce Band and Sports Wagering Operations Manager Sterl Carpenter presented the house rules submitted by the category one licensees. The *House Rules Submissions* were included in the Commissioner's Packet on pages 91 through 298. Director Band stated that the casinos had been requested to amend their house rules to remove sports events that had not yet been approved by the Commission.

Commissioner O'Brien noted that MGM's house rules had holdover language from the COVID-19 pandemic stating that vouchers were valid for 365 days; excluding any time that the sports

wagering operator or gaming establishment had to close. She expressed that it would be beneficial for all operators to be consistent with this provision and recommended that Plainridge Park Casino (“PPC”) and EBH adopt this language, as well.

Sports Wagering Operations Manager Carpenter continued his presentation and explained that the Commission’s policy was to not include events in the house rules until they had been approved by the Commission. He noted that other jurisdictions allowed events that had yet to be approved to be included in the house rules. Chair Judd-Stein noted that practice would prevent confusion in the Commonwealth.

Chair Judd-Stein asked if the submitted house rules satisfactorily met all the requirements within 205 CMR 147.02. Mr. Carpenter affirmed that the operators had fulfilled each requirement. Commissioner Maynard and Commissioner Hill both offered their gratitude to Director Band and Mr. Carpenter for walking them through the house rules.

Chair Judd-Stein inquired where the house rules would be posted at each property. Director Band replied that each of the category one operators would have the house rules posted on their website, with physical copies posted throughout the properties. He noted that the final decisions on placement were still being made by the Licensees.

Chair Judd-Stein asked if there would be hard-copies of the house rules available for patrons to take. Director Band noted that the house rules were lengthy and that they would be available to patrons electronically. Mr. Carpenter explained that each sports wagering kiosk had a tab that included the rules for reference.

Commissioner O’Brien moved that the Commission approve the house rules submitted by the category one sports wagering operators PPC, MGM, and EBH, as included in the Commissioner’s Packet and discussed here today, with the understanding that they would be further modified to reflect the Commission’s vote concerning the catalog that was approved for acceptable wagering in the Commonwealth. She further moved that PPC and EBH amend so much of their house rules to reflect that sports wagering tickets shall be honored for one year after the date of the event and add the language excluding any time the sports wagering or gaming establishment had to be closed. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

5. [Legal](#) (1:11:09)

a. Sports Wagering Regulations:

- i. [205 CMR 250](#): Protection of Minors and Underage Youth - Regulation and Amended Small Business Impact Statement for final review and possible adoption.

Associate General Counsel Ying Wang stated that 205 CMR 250 had appeared before the Commission on November 17, 2022, and that the Commission voted to promulgate the regulation by emergency. She stated that a public hearing was held on January 24, 2023, presided over by Commissioner Maynard. She stated that one public comment had been received. The *draft of 205 CMR 250 and the Amended Small Business Impact Statement* was included in the Commissioner’s Packet on pages 301 through 304.

Attorney Annie Lee, counsel from the law firm Anderson and Krieger, stated that the comment received was regarding 205 CMR 250.04. She explained that the comment suggested adding the phrase “as applicable to either in-person or mobile sports wagering operations”. She noted that Director Vander Linden and the legal team recommended that adoption of this language. Chair Judd-Stein sought clarification as to how this change would affect mobile operators.

Commissioner O’Brien explained that mobile operators would only have to answer questions relevant to their operations, and that they would not have to answer non-applicable questions related to physical spaces.

Commissioner O’Brien moved that the Commission approve the Amended Small Business Impact Statement and draft of 205 CMR 250 as included in the Commissioner’s Packet, and as further amended today, specifically inserting the language at 250.04 in the opening section after the comma, “as applicable to either in-person or mobile sports wagering operations:” and further, that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

- ii. [205 CMR 251](#): Sports Wagering Operations Certificate - Regulation and Amended Small Business Impact Statement for final review and possible adoption. (1:20:02)

Associate General Counsel Judith Young stated that 205 CMR 251 was promulgated by emergency on November 17, 2022. She stated that a hearing was held on January 24, 2023, presided over by Commissioner Maynard. She noted that no comments were received for this regulation, and no changes were made to the regulation before the Commission. The *draft 205 CMR 251 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 305 through 310.

Chair Judd-Stein sought clarification as to whether the operators were required to post the operations certificate on either their website or within the sports wagering application. Attorney Mina Makarious from Anderson and Krieger stated that the operations certificate had to be prominently displayed on the operator's website or mobile application for category three sports wagering operators.

Commissioner Hill moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 251 as included in the Commissioner's Packet and discussed today. He further moved that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

iii. [205 CMR 235](#): Occupational Licenses - Regulation and Amended Small Business Impact Statement for final review and possible adoption. (1:24:15)

Next, Associate General Counsel Young explained that 205 CMR 235 was voted to be promulgated by emergency during the November 17, 2022, public meeting. She stated that a hearing was held on January 24, 2023, also presided over by Commissioner Maynard and that one written comment had been received. The *draft 205 CMR 235 and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 311 through 321.

Attorney Paul Kominers from Anderson and Krieger stated that an additional comment was received and included on page 330 of the Commissioner's Packet. He explained that the first comment from BetMGM requested the definition for pit boss be added. He stated that the licensing division did not receive comments or issues with the set of occupations subject to occupational licensing. Mr. Kominers stated that he did not recommend the adoption of this comment.

Mr. Kominers stated that the second comment was regarding the expiration of all licenses on March 1. He noted that there was a statutory requirement that all renewal applications be received by March 1 of the calendar year, however, he did not recommend the adoption of this comment.

Mr. Makarios noted to the Commissioners that a cross-reference in 205 CMR 235.10 which referred to 234.11 should be changed to reference the general enforcement regulation, 205 CMR 232. He stated that the second sentence within the provision should be struck, as the appeal would be covered by the same process outlined in 205 CMR 232. Commissioner O'Brien sought clarification as to which language would be struck. Mr. Makarios stated that the paragraph would end after the reference to 205 CMR 232, and all existing language would be deleted after the reference.

Commissioner Maynard moved that the Commission approve the Amended Small Business Impact Statement and the draft of 205 CMR 235 as included and amended in the Commissioner's Packet; specifically packet page 218 at 205 CMR 235.10 to strike the reference to 205 CMR 234.11 and add in its place '205 CMR 232', and to strike in its entirety the last sentence of that paragraph. He further moved that staff be authorized to take the steps as 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 Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

iv. [205 CMR 202](#): Authority and Definitions - Regulation and Small Business Impact Statement for initial review and approval to commence the promulgation process and/or adoption via emergency. (1:32:11)

Deputy General Counsel Caitlin Monahan noted to Commissioners that 205 CMR 202 had completed the promulgation process and was currently in effect. She stated that the proposed amendment for 205 CMR 202 before the Commission included new definitions, and the inclusion of a new section within 205 CMR 202.03. The *draft amendment to 205 CMR 202* and *Small Business Impact Statement* were included in the Commissioner's Packet on pages 322 through 328.

Chair Judd-Stein sought clarification as to why the term 'area' only applied to category one licensees and the term facility applied to category two licensees. Mr. Makarios explained that the sports wagering area was part of a gaming establishment rather than a gaming area, which was the more traditional gaming floor. He stated that wherever sports wagering may occur in a

category one property must be within the gaming establishment as approved by the Commission. He noted that the term ‘sports wagering facility’ was for licensees who did not have a gaming area and would be regulated under the Commission’s authority to regulate simulcasting.

Mr. Makarios stated that the added definitions captured third-party marketing entities. He explained that a new provision was added regarding construction amendments which provided specific detail into the waiver process gaming operators must follow. Commissioner O’Brien asked why this regulation was requested by emergency. Deputy General Counsel Monahan explained that this regulation affected the definitions required for the category one sports wagering operator launch.

Commissioner O’Brien moved that the Commission approve the Small Business Impact Statement and the draft of 205 CMR 202 as included in the Commissioner’s Packet, specifically the blue highlighted edits to the pre-approved version, and further discussed today; and that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process,. She further moved that staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

#### 6. [Commissioner Updates](#) (1:49:09)

Chair Judd-Stein asked if any of the Commissioners had updates, they’d like to share or discuss. Commissioners stated that they did not. Before closing, the Commissioners thanked the Commission staff and GLI for their hard work towards the launch of sports wagering.

#### 7. [Other Business](#) (1:51:53)

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

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

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Maynard: Aye.*



*Chair Judd-Stein: Aye.  
The motion passed unanimously, 4-0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated January 24, 2023
2. [Commissioner's Packet](#) from the January 26, 2023, meeting (posted on massgaming.com)