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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 30, 2023, 12:00 p.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 584 2061

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

#### 2. [Administrative Update](#) (01:19)

Executive Director Karen Wells stated that the category one licensees were working towards the operations certificate for the launch of sports wagering the following day. Director of Research and Responsible Gaming Mark Vander Linden stated that the sports wagering specific voluntary self-exclusion list was live and had begun accepting enrollments. He noted that the GameSense team had received trainings specific to sports wagering. He stated that each licensee had submitted a problem gambling plan which was shared with the Department of Public Health. He stated that Division had found that each licensees' plan was sufficient for launch.

Commissioner Hill inquired about the significance of the 421 numbering on the GameSense jerseys. Director Vander Linden explained that it was associated with the numbers for lower risk

in the gambling guidelines. He stated that the '1' referred to the percent of gross annual income that should be considered as a form of entertainment for patrons who gamble; the '2' represented the types of gambling patrons should consider their maximum; and the '4' represented the number of days in a month patrons should consider gambling as entertainment.

### 3. [Sports Wagering Implementation](#) (07:57)

#### a. Certificate of Operations Approval

Bruce Band, Chief of the Sports Wagering Division presented the category one licensees' certificate of operations approval requests, pursuant to the requirements in 205 CMR 251. The *Sports Wagering Operations Certificate Checklists* were included in the Commissioner's Packet on pages 13 through 19.

Commissioner Maynard stated that he had inspected the sportsbook cage, the software, and the kiosks at Plainridge Park Casino ("PPC"). He expressed that he had no concerns with PPC commencing sports wagering. Director Band stated that PPC had complied with each of the required items on the checklist. He noted that the operations certificate was required to be posted in the sportsbook cage pending its issuance by the Commission. He added that each category one licensee's license would contain the condition that they must complete operational audits of wagering procedures and practices and technical security controls within 90 days of the commencement of sports wagering operations.

Executive Director Wells explained that Gaming Laboratories International ("GLI") had recommended the operational audits occur after operations commenced. Kevin Mullaly, Vice-President of Government Relations and General Counsel for GLI explained that this process was a standard best practice, and that testing should be in a non-theoretical environment. He noted that this requirement should be a condition on the operations certificate and that it was included in the regulations.

Chief Band reported that MGM Springfield ("MGM") had complied with all the required items on the checklist. He stated that the operations certificate was required to be posted in the sportsbook cage pending its issuance by the Commission. He noted that each category one licensee's license would contain the condition that they complete operational audits of wagering procedures and practices and technical security controls within 90 days of the commencement of sports wagering operations.

Commissioner Hill stated that he toured the area sports wagering would take place at in MGM and that the test of the kiosks went well. He expressed that he was content with the kiosk placement, and the responsible gaming messaging onsite at the property.

Executive Director Wells stated that work was still underway at Encore Boston Harbor ("EBH") and that a vote would not be held on their operation certificate until GLI finished their testing.

Chair Judd-Stein asked if the legal team was prepared to present on the memorandum of understanding (“MOU”) with the Department of Revenue (“DOR”).

General Counsel Todd Grossman stated that the MOU with the DOR had yet to be completed or circulated to the licensees. He stated that the MOU would likely be ready by the end of the day. Chair Judd-Stein stated that GLI had indicated that the kiosks were ready to recognize taxable events on the technical side. Deputy General Counsel Caitlin Monahan stated that the technical component appeared to be in place with all three properties. Chair Judd-Stein stated she wanted to make certain it was functional and in place from the Commission’s staff.

Chair Judd-Stein asked Commissioner O’Brien about the operations onsite at EBH. Commissioner O’Brien stated that she had seen where the kiosks would be placed in the facility, but that she had not placed a mock wager. She noted that EBH did not have issues with its earlier runs of mock wagers. She noted that an ATM in the parking garage may need to move based on the redefined edges of the gaming establishment. She stated that she was waiting for GLI to complete their evaluation.

The Commissioners reached a consensus to take a break until GLI completed work at EBH and the MOU was ready to present.

*Transcriber’s note: The meeting was held open, and [reconvened at 5:00 pm.](#)*

The public meeting was reconvened, and Chair Judd-Stein took a roll call to ensure all Commissioners were present. Commissioners O’Brien, Hill, and Maynard were present.

Executive Director Wells provided confirmation was received from GLI that EBH’s submissions to GLI had been approved.

With that, Commissioner Hill moved that the Commission find that the requirements outlined in 205 CMR 251 had been satisfied, and that an operational certificates be awarded to Encore Boston Harbor, Plainridge Park Casino, and MGM Springfield for the purposes of operating a category one sports wagering operation commencing January 31, 2023; conditioned upon Encore Boston Harbor, Plainridge Park Casino, and MGM Springfield completing operational audits of wagering procedures and practices and technical security controls as required by the Commission's technical standards governing sports wagering at 205 CMR 243.01(1)(s) and 205 CMR 243.01(1)(x) within 90 days of commencement of sports wagering operations. 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.*

4. [Legal](#) (08:08)

- a. Discussion regarding M.G.L. c. 23N, § 23: Determination of Whether Winner of Cash Prize Owes Past-due Child Support or Tax Liability to the Commonwealth; Duties of Operator.

Executive Director Wells stated that the DOR would submit the MOU to the Commission at some point the following morning. She explained that the category one licensees had a program in place under their existing gaming MOUs that maintained a log of potential payouts if the system went down. She reported that the licensees could follow that protocol until the MOU was received from DOR for the licensees to execute. General Counsel Grossman added that he anticipated this issue would be resolved early tomorrow morning.

Chair Judd-Stein noted that in the past, MOUs were executed by the Executive Director. She confirmed that the Commission did not need to vote to authorize Executive Director Wells to sign the MOUs in this matter.

5. [Other Business](#) (13:52)

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

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

*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 25, 2023
2. [Commissioner's Packet](#) from the January 30, 2023, meeting (posted on massgaming.com)