



**Massachusetts Gaming Commission
Agenda Setting
Meeting Minutes**

Date/Time: January 05, 2023 – 9:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 964 9959

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #137 of the Massachusetts Gaming Commission (“Commission”).

Quorum was confirmed for the meeting by roll call. The following Commissioners were present for the meeting:

*Chair Cathy Judd-Stein
Commissioner Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Prior Agenda Setting Meeting Minutes

a. December 14, 2022

Commissioner Hill moved that the Commission approve the agenda setting minutes included in the meeting packet from December 14, 2022, subject to any necessary corrections for typographical errors, or other non-material matters. Commissioner Skinner seconded the motion.

Roll Call Vote:

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

The motion passed unanimously, 5-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for January 12th, January 18th, January 24th, January 25th, January 26th, and additional meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – January 12, 2023 – 9:00 AM

Item #1 – Administrative Update – Executive Director Wells confirmed that an on-site casino update would be given by Assistant Director Band. She also confirmed that item #7, *Request for Additional Hires* from the IT Division would also take place under the Administrative Update on January 12th, with members from the IT Division providing presentation and discussion.

Item #2 – Meeting Minutes – This item was confirmed for the January 12th meeting with minutes from June 22, 2022, being included on the agenda.

Item #3 – Regulations for Sports Wagering – Deputy General Counsel Monahan confirmed to Commissioners that the regulations on for the January 12th meeting included amendments of existing regulations: 205 CMR 106.00, 205 CMR 107.00, and 205 CMR 109.00. She further clarified however that 205 CMR 232.00: *Discipline of Sports Wagering Operators* and 205 CMR 256.00: *Sports Wagering Advertising* – would be presented for discussion at the meeting but would not be presented for a vote of approval on January 12th.

While discussing this agenda item, Commissioner O'Brien requested that a review of the ADW and simulcasting regulations also occur in the near future; with an update incorporating the recommendations made by the Treasurer's office for the treatment of abandoned property. Additionally, she asked that the suitability of applicants for licensure be reviewed and updated as well. General Counsel Grossman agreed and stated he would review the timeline of regulations with Deputy General Counsel Monahan.

Item # 4 – East of Broadway Development – Chief Delaney confirmed he was waiting for materials from the EBH team as well as a legal memorandum on the relevant issues from outside counsel, but stated he was confident that materials could be provided to Commissioners in advance of the meeting. *Transcriber's note: After additional discussion regarding the length of the January 12th agenda, this item was removed from the January 12th agenda, and tentatively rescheduled for a future meeting.*

Item # 5 – Approval of Permitted Events Offered by SW Operators – Executive Director Wells confirmed this agenda item for the 12th and stated that Sterl Carpenter would provide a presentation for the Commission, and a submit a memo detailing a catalogue of different events.

Item # 6 – Discussion of Pre-Registration/Pre-launch Marketing – Executive Director Wells requested an agenda item for Commissioners to discuss a request by two licensees to set up accounts in advance of the launch of sports wagering, and Commissioners to engage in discussion regarding what is done across the industry; acceptance of funds in advance of rollout; and how

to best ensure that the marketing is done in compliance with the Commission's expectations surrounding advertising.

Item #7 – Request for Additional Hires – This item will go forward on the January 12th meeting, within the Administrative Update.

Item# 8 – Daily Fantasy Sports Taxation– The MGC Finance Division confirmed that this item was ready to go forward for discussion; with a model for taxation purposes as well as public comments for Commissioners to review at the January 12th meeting.

Item # 9 – Promo Play Discussion – Commissioners will have the opportunity to have additional questions answered and engage in a more fulsome discussion regarding the legal analysis and presentation previously reviewed by the Commissioners at the December 12, 2022 meeting.

Item #10 – Racing – Capital Improvements Planning Request– Director of Racing, Dr. Lightbown confirmed an agenda item for Plainridge Park Racing to present a request for renovation of their paddocks over the winter.

Add-on Item – Community Affairs Division – Chief Delaney requested an agenda item to provide an update on the Community Mitigation Fund Budget at the January 12th meeting.

Items For Public Meeting – January 18, 2023 – 9:00 AM

Item #11 – Administrative Update – Executive Director Wells confirmed an administrative update would be provided to Commissioners at the January 18th meeting.

Item #12 – Meeting Minutes – The Legal Division confirmed that minutes from October 6th would be included in the packed for the January 18th meeting.

Item #13 – Sports Wagering Regulations for Final Approval– General Counsel Grossman confirmed that the following regulations were ready for final approval and discussion by Commissioners on January 18 : 205 CMR 212: *Additional Information and Cooperation*; 205 CMR 214: *Sports Wagering Application Fees*; 205 CMR 215: *Applicant and Qualifier Suitability Determination, Standards, and Procedures*; 205 CMR 218: *General Sports Wagering Application Requirements, Standards, and Procedures*; 205 CMR 219: *Temporary Licensing Procedures*; 205 CMR 220: *License Conditions*; 205 CMR 221: *Sports Wagering License Fees*; and 205 CMR 233: *Sports Wagering Voluntary Self-Exclusion*.

Items For Public Meeting – January 20, 2023 – 11:00 AM

Item #14 – Administrative Update – IEB Director Lillios confirmed on behalf of Executive Director Wells that an Administrative Update would be provided on January 12th.

Item #15 – Meeting Minutes – This item was tentatively confirmed but will be updated at the next agenda meeting.

Item #16 – Sports Wagering Regulations – This item was tentatively confirmed by General Counsel Monahan, who stated she would follow up with Ms. Beauchemin and provide a list of the regulation that will be presented in the coming days.

Item #17 – Approval of House Rules for Category 1 SW Operators – this item was confirmed by Executive Director Wells.

Add on Item – Review of Floor Plans– Director Lillios requested an agenda item for Commissioners to review and approve the floor plans submitted by the Category 1 sports wagering operators on January 20th.

Add-on Item – Approval of Temporary License – PPC – Executive Director Wells and General Counsel Grossman confirmed an agenda item to review the request made by PPC for a temporary license in advance of the planned launch date.

Items For Public Meeting – January 24, 2023 – 10:00 AM

Item #18 – Administrative Update – Executive Director Wells will confirm this item at the upcoming agenda setting meeting.

Item #19 – Meeting Minutes – This item will be updated at the next agenda setting meeting.

Item #20 – Sports Wagering Regulations – This item will be confirmed at the next agenda setting meeting.

Item #21 – Independent Monitor Petition and Report – This matter was tentatively rescheduled for a date in February after the initial launch of Category One Sports Wagering in the Commonwealth.

Items For Public Meeting – January 25, 2023 – 10:00 AM

Item #22 – Administrative Update – This item will not go forward on the 25th.

Item #23 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting.

Item #24 – Sports Wagering Regulations – This item was tentatively confirmed by the Legal Department and will be updated at the next agenda setting meeting.

Items For Public Meeting – January 26, 2023 – 10:00 AM

Item #25 – Administrative Update – This item will be updated at the January 19th agenda setting meeting.

Item #26 – Meeting Minutes – This item will be updated at the January 19th agenda setting meeting.

Item #27 – Sports Wagering Regulations – 205 CMR 250.00: Protection of Minors and Underage Youth, 205 CMR 251.00: Sports Wagering Operation Certificate; and 235.00 Occupational Licenses will be presented for a vote of final approval by the Commission on January 26th.

Item #28 – Responsible Gaming – Community Based Research – Director Vander Linden confirmed that this item was ready for presentation, and the accompanying Report had been finalized and posted on the MGC website for comment.

Items Under Review for Future Meetings:

Item #29 – Players Association and Professional Leagues Roundtable – Commissioner Hill provided an update that he received correspondence from the Players Association, and that he would share the letter with Ms. Beauchemin for distribution amongst all the Commissioners before finding a meeting date for discussion.

Item #30 – Request for Escrow RHDF – *This item will remain under review.*

Item #31 – ILEV Review Process – *This item will remain under review.*

Item #32 – Compliance Committee – *This item will remain under review.*

Item #33 – Succession of Officers and Positions – *This item will remain under review.*

Item #34 – Annual Report Update – *This item will remain under review.*

Item #35 – Executive Director Annual Review – *This item will remain under review.*

Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Hill seconded.

Roll Call Vote:

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

The motion passed unanimously. Meeting adjourned.

List of Documents and Other Items Used

1. MGC Notice of Meeting & Agenda, dated January 03, 2023

FUTURE SCHEDULED MEETING DATES:

- January 3-6 (SW Application Review)
- January 9-11 (SW Application Review)
- January 12 (9AM)
- January 13 (SW Application Review)
- January 17 (SW Application Review)
- January 18 (Regulations Only- 9-11AM)
- January 18 (SW Review 11:30-5)
- January 19 (Agenda Setting Meeting 9AM)
- January 19 (SW Application Review)
- January 20 (SW Application Review TBD)
- January 31 (10AM)
- February 1 (Agenda Setting)
- February 2 (10AM)
- February 9 (10AM)
- February 23 (10AM)