



**Massachusetts Gaming Commission
Agenda Setting
Meeting Minutes**

Date/Time: October 19, 2022 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 823 0460

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #132 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 Bradford R. Hill
Commissioner Eileen O’Brien
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Prior Agenda Setting Meeting Minutes

- a. September 21, 2022
- b. October 5, 2022

Commissioner Hill moved to approve the minutes from the September 21, 2022, and the October 5, 2022, Agenda Setting meeting, subject to correction for typographical errors or other non-material matters. Commissioner O’Brien seconded, and then offered amendment to Commissioner Hill’s motion by striking the September 21, 2022, minutes from the motion; asking that Commissioners vote only on the October 5th minutes. Commissioner Hill accepted the amendment.

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>

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for October 20th, October 27th, November 10th, and additional hearings described in the attached agenda planning notice, as follows:

Items For Public Meeting – October 20, 2022

Item #1 – Administrative Update – Special Project Manager Beauchemin confirmed on behalf of Executive Director wells that an on-site casino update would be given at the meeting on October 20th by IEB Assistant Director Burke.

Item #2 – Meeting Minutes – Deputy General Counsel Grossman confirmed that the Legal Department would continue to provide minutes drafts to Secretary Hill for approval by the Commissioners. The next set coming forward for approval will be minutes from March 31, 2022.

Item # 3 – Regulations – General Counsel Grossman confirmed the Legal Division will then present a draft of 205 CMR 218: *Application Requirements, Standards and Procedures*, for review and discussion by Commissioners at the October 20th meeting.

Item #4 – Community Mitigation Fund Draft Guidelines– Chief Delaney confirmed this item was ready to go forward. The drafted guidelines by Senior Program Manager Mary Thurlow and Program Manager Lily Wallace were sent to Commissioners in advance of tomorrow’s meeting.

Item #5 – Community Affairs Division – GPAC Subcommittee B Reappointment– Chief Delaney Confirmed that this matter was ready to go forward at tomorrow’s meeting and would take place after the Guideline Discussion.

Item #6 – Sports Wagering Operator Licensing Regulations – General Counsel Grossman confirmed that this item would be merged into item number 7 at the October 20th public meeting.

Item #7 – Sports Wagering Vendor Regulation – General Counsel Grossman confirmed this agenda item was ready for tomorrow’s meeting, and that a memorandum from IEB Director Lillios would accompany the discussion.

Item #8 – Sports Wagering– Penalties Analysis– *General Counsel Grossman and IEB Chief Enforcement Counsel Hall requested that this matter be held over to the next meeting or placed under review.* Rather than amending the agenda for October 20th, General Counsel Grossman confirmed that the item could remain on the existing agenda with the Chair providing a brief announcement that the matter would be discussed at a later date.

Item #9 – Sports Wagering GLI Update – Chair Judd-Stein confirmed on behalf of Executive Director Wells that a representative from GLI would attend the October 20th meeting and provide an overview presentation detailing the services they intend to provide the Commission as a contractor.

Item #10 – Sports Wagering Divisional Update – Chair Judd-Stein confirmed this agenda item would include brief updates from the Commission’s Division Chiefs regarding sports wagering and their respective initiatives.

Items For Public Meeting – October 27, 2022

Item #11 – Administrative Update – Chair Judd-Stein confirmed on behalf of Executive Director Wells that the Administrative Update for the October 27th may or may not take place given the length of the existing agenda, but that she would confirm with Executive Director Wells shortly.

Item #12 – Meeting Minutes – General Counsel Grossman confirmed that the Legal Department would continue to provide minutes drafts to Secretary Hill for approval by the Commissioners. The next sets for approval will be minutes from the March 14, 2022, and April 28, 2022, public meetings.

Item # 13 – Sports Wagering Regulations – Deputy General Counsel Torrisi confirmed the Legal Division would bring forward drafts of the following regulations on October 27th: 205 CMR 212: *Additional Information and Cooperation*; 205 CMR 214: *Application Fees*, 205 CMR 215: *Applicant and Qualifier Suitability*, 205 CMR 219: *Temporary Licensing Procedures*, 205 CMR 220: *Licensee Conditions*, 205 CMR 221: *License Fees*.

Item # 14 – Legal Division- 205 CMR 103 & Commission Policies– Deputy General Counsel Torrisi confirmed that this item would go forward on October 27th. She confirmed that this discussion would include a vote of finalization and review of 205 CMR 103, an accompanying amended small business impact statement, public comments received, and the related Commission Policies that have been edited to remove citations to 205 CMR 103.

Item # 15 – MGM Springfield Quarterly Reports; Q2 and Q3 – Chief Delaney confirmed this item would be ready for review at the meeting on October 27th, with PowerPoint presentations from MGM Springfield representatives included in the meeting packet.

Item #16 – Responsible Gaming – New Employee Survey Report – Director Vander Linden confirmed the 2019 - 2021 EBH Employee Survey was ready for presentation on October 27th. Materials will be provided to the Commissioners in advance of the meeting.

Item # 17 – EBH Broadway Proposal – *Chief Delaney requested that this agenda item be moved to the November 10th public meeting.*

Item #18 – Succession of Officers and Positions – *Commissioner O’Brien requested that this matter be moved to the November 10th public meeting agenda.*

Item #19 – Sports Wagering Preparation Update– Special Project Manager Beauchemin confirmed on behalf of Executive Director Wells that brief updates from each division would be given at this meeting. She added that scheduling holds had been placed on November 3rd and 7th for additional public meetings, if necessary.

Item #20 – Sports Wagering Project Manager Update– Executive Assistant Knecht confirmed that the Finance Division would be prepared to give a brief presentation on this agenda item at the meeting on October 27th.

Add-on Item – Racing – Dr. Lightbown requested an agenda item for brief update regarding the Sire Stakes Finals, taking place the weekend prior to the October 27th meeting.

Add-on Item – Human Resources – COVID 19 Policy Review – Human Resources Manager Banda requested an agenda item for discussion of the Commission’s Covid Policy with Executive Director Wells.

Add-on Item – Human Resources – DEI Update – Chair Judd-Stein requested an update prior to the end of the year from the HR Division regarding the progress of the Commission’s DEI mission within the areas of hiring, spending and inclusion. After a brief discussion with Chief People Officer Muldrew, it was decided that this matter would go forward at a meeting in November with a short memorandum provided to the Commissioners in advance of the meeting.

Items For Public Hearing – October 28th, 2022

PGR LLC Application Hearing – General Counsel Grossman confirmed that the Hearing would be an adjudicatory proceeding conducted pursuant to 205 CMR 101.02, and G. L. c. 30A. He explained the hearing would include: an opening by the Chair, introduction of parties, and review of exhibits. He that Commissioners will deliberate and reach a determination pursuant to the licensing requirements presented in G.L. c. 128A and relevant jurisprudence. He added that a pre-hearing conference with PGR LLC would also take place in advance of the hearing to ensure that there were no outstanding issues in advance of the hearing, and that all matters and exhibits were agreed upon. General Counsel Grossman confirmed to the Commissioners that they would be provided with briefs and materials to guide in their review of the applications prior to the Hearing.

Items For Public Hearing – October 31, 2022

CEAC LLC Application Hearing – General Counsel Grossman confirmed that the Hearing would be an adjudicatory proceeding pursuant to 205 CMR 101.02, and G. L. c. 30A He explained that the hearing would include: an opening by the Chair, introduction of parties, and review of exhibits. The Commission will deliberate and reach a determination pursuant to the requirements presented in G.L. c. 128A and relevant jurisprudence. He added that a pre-hearing conference with CEAC LLC would also take place in advance of the hearing to ensure that there were no outstanding issues in advance of the hearing, and that all matters and exhibits were agreed upon. General

Counsel Grossman confirmed to the Commissioners that they would be provided with briefs and materials to guide in their review of the applications prior to the Hearing.

Items For Public Meeting – November 10, 2022

Item #21 – Administrative Update – This item will be confirmed at the next agenda setting meeting on November 2nd.

Item #22 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting on November 2nd.

Item # 23 – Regulations – Deputy General Counsel Torrisi confirmed the Legal Division would be bringing forward one sports wagering regulation, 205 CMR 244.06: *Certification for Independent Test Labs* for Sports Wagering for a vote of finalization, as the regulation was initially promulgated by emergency. Associate Counsel Young confirmed that a new regulation, 205 CMR 2.01: *Horse Racing Application for New Licensees* and an amended small business impact statement would be ready for a vote of finalization as well, with a public hearing taking place the morning prior to the public meeting.

Item # 24 – FY23 1st Quarter Budget Update– This matter will be confirmed by CFAO Lennon at the November 2nd Agenda Setting meeting.

Item # 25 – Final Community Mitigation Fund Guidelines– Chief Delaney confirmed this agenda item would be ready for presentation on November 10th with the Final guidelines being circulated for comment prior to the meeting.

Item #26 – Quarterly Report from Encore Boston Harbor– Chief Delaney confirmed that this report was ready to go forward on November 10th, with an accompanying PowerPoint presentation from representatives from EBH,

Item #27 – Quarterly Report for PPC – Chief Delaney confirmed that this report was ready to go forward on November 10th, with an accompanying PowerPoint presentation from representatives from PPC.

Item #28 – Sports Wagering Preparation Update – Executive Director Wells will confirm this item at the November 2nd Agenda Setting meeting.

Add-on Item – EBH Broadway Development – Revised Proposal – *This this matter was rescheduled from the October 27th public meeting at the request of Chief Delaney*

Add-on Item – Succession of Officers and Positions –*this matter was rescheduled for the November 10th public meeting agenda at the request of Commissioner O'Brien.*

Items Under Review for Future Meetings:

Item #29 – Request for Escrow RHDF – General counsel Grossman confirmed the legal team was reviewing letter received from the NEHBPA regarding the Racehorse Development Fund, researching the subject matter, and would provide Commissioners with information shortly.

Add-on Item – Sports Wagering Vendor Regulation – Penalties Analysis– *This item will be placed under review, as it was removed from the October 27th public meeting agenda..*

Item #30 – Responsible Gaming – Community Perspectives on Encore Boston Harbor – Director Vander Linden noted that a community event was scheduled for November 2nd, with an official release of the report scheduled during the event. He requested that this report be presented after the community event, sometime in November.

Item # 31 – Responsible Gaming – Commissioner Research Priorities – Director Vander Linden requested that this item remain under review until receiving more information from Commissioners.

Item # 32 – Public Records Request Policy and IT – Deputy General Counsel Torrisi requested that this matter remain under review.

Item # 33 – ILEV Review Process – Chief Delaney requested that this item remain under review until the fourth quarter.

Item #34 – Compliance Committee– Commissioner O’Brien requested that this item remain under review for the time being but confirmed that she would begin working with Executive Assistant Knecht to prepare this item for discussion at a future public meeting.

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

Roll Call Vote:

Commissioner Hill: Aye.

Commissioner O’Brien Aye.

Commissioner Skinner Aye.

Commissioner Maynard Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously. Meeting adjourned.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting & Agenda, dated September 30, 2022

FUTURE SCHEDULED MEETING DATES:

November 2 – Agenda Setting
November 3 – Held for Possible Meeting
November 7 – Held for Possible Meeting

November 16 – Agenda Setting
December 1 – Public Meeting
December 15 – Public Meeting