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## Massachusetts Gaming Commission Agenda Setting Meeting Minutes

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**Date/Time:** October 5, 2022 – 10:00 a.m. EST

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 670 1084

### Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #131 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***

Commissioner Hill stated that there were no minutes to approve at today's meeting but confirmed that there would be two sets to approve at the October 19th Agenda Setting meeting.

### **Agenda Planning for Upcoming Commission Meetings**

*The Commission discussed the anticipated agendas for the upcoming meetings scheduled for October 13th, October 20th, October 27th, November 10th, and subsequent meetings described in the attached agenda planning notice, as follows:*

#### Items For Future Public Meetings – All Meetings

**Item #1 – Administrative Update** – Executive Director Wells confirmed that the Administrative Update for the October 13th meeting would not take place due to the size of the agenda. She confirmed that an on-site casino update would occur at the meeting on October 20th.

Item #2 – Meeting Minutes – Deputy General Counsel Grossman confirmed that the Legal Department will continue to provide minutes drafts to Secretary Hill for approval by the Commissioners.

Item # 3 – Regulations – General Counsel Grossman confirmed the Legal Division will provide an update of the regulatory timeline, but not present drafts of proposed sports wagering regulations at the October 13th public meeting. He added that the Legal Division will then present the drafted regulations for review and discussion at the October 20th meeting.

Item #4 – Legislative Updates – Commissioner Hill confirmed that if his fellow Commissioners were seeking information on matters before the legislature, he would be happy to prepare an update. He added that the legislature had convened in informal sessions currently, and that more non-controversial bills were up for discussion and finalization within committees. He stated that there could be an update to provide the Commission by the November meeting.

#### Items For Public Meeting – October 6, 2022

Executive Director Wells confirmed to Commissioners that the agenda for the October 6th meeting was set, and the meeting packet had been submitted to Commissioners.

#### Items For Public Meeting – October 13, 2022

Item #5 – MCGH/GameSense Quarterly Report– Director Vander Linden confirmed that the GameSense Quarterly update would take place on October 13th and will also include a presentation by the Mass Council on Gaming and Health and GameSense Agents.

Item #6 – EBH REIT – Trust, Transaction Description & Institutional Investor Issue – Chief Enforcement Counsel Hall confirmed that the presentation will include a slide deck with a description of the transaction, then proceed into a description of the Trust instrument. After that update, given by representatives from EBH, the IEB and the Legal Division will provide Commissioners with an update regarding the institutional investor issue. Chief Enforcement Counsel Hall confirmed that this issue will not require a vote, but one could be taken if the Commissioners preferred. She added that an Adjudicatory Hearing would ideally occur on either November 15th or 17th.

Item #7 – Plainridge request for Promotional Fund Reimbursement for the Summer Handicapping Series – Dr. Lightbown confirmed that this item was ready to go forward at the October 13th meeting. She will provide a memorandum from Steve O’Toole within the meeting packet.

Item #8 – Plainridge Request for Promotional Fund Consideration for Fall Handicapping Series – Dr. Lightbown confirmed that this item was ready to go forward on October 13th. A vote will be required.

Item #9 – Plainridge Requests for Capital Improvement Funds Consideration – Tote Board and Tractor – Dr. Lightbown confirmed that this item was ready to go forward on October 13th. A vote will be required for these items as well.

Item #10 – Quarterly Local Aid Payments – Dr. Lightbown confirmed that this item was ready to go forward on October 13th. A vote authorizing payments to the towns will be required.

Item #11 – FY22 Budget Close-Out – CFAO Lennon confirmed that this discussion was ready to go forward on the 13th.

Item #12 – FY23 1st Quarter Update – CFAO Lennon confirmed that this discussion was ready to go forward on the 13th.

Item #13 – Sports Wagering Preparation Update – Executive Director Wells and Commissioners discussed the updates and accompanying regulations that would be included on the October 13th agenda and at future meetings. Commissioners and Executive Director Wells engaged in thorough discussion whether the presentation before the Commission could include the opportunity for public comment and an accompanying public hearing before any regulations were approved by the Commission for emergency promulgation. Commissioners ultimately decided that a public comment component would be added into the procedure for drafted regulations before the Commission.

Add-on Item – Regulations – Associate Counsel Young confirmed that four regulations and an accompanying amended small business impact statement were ready for a vote of finalization at the October 13th meeting: 205 CMR 138.02, *Licensees System of Internal Controls*; 205 CMR 138.05, *Employee Licensing*; 205 CMR 138.07, *Floor Plans*; and 205 CMR 138.62, *Progressive Wagers*.

#### Items For Public Meeting – October 20, 2022

Item #14 – Community Mitigation Fund Draft Guidelines – Chief Delaney confirmed this item was ready to go forward at the October 20 public meeting with the drafted guidelines and comments from the team sent to Commissioners in advance. He requested the addition of one agenda item: the appointment of a Region B Subcommittee member. Chair Judd-Stein confirmed this addition.

Item #15 – Sports Wagering Preparation Update – Executive Director Wells reported that this agenda item would include updates from the Legal Division, IEB, Licensing Division, and include accompanying drafts of regulations as well.

*Commissioners and Executive Director Wells confirmed that the next Agenda Setting meeting would occur on October 19th, 2022.*

#### Items For Public Meeting – October 27, 2022

Item #16 – Regs 205 CMR 103 (Moved from 9.19) – Deputy General Counsel Torrisi confirmed that this item would go forward on October 27. She confirmed that this discussion would include a vote of finalization for the regulation an accompanying amended small business impact

statement, as well as the related Commission Policies that have been edited to remove citations to 205 CMR 103.

Item # 17 – MGM Springfield Quarterly Reports; Q2 and Q3– Chief Delaney confirmed this item would be ready for presentation at the meeting on October 27th, with PowerPoint presentations from MGM Springfield representatives included.

Item #18 – Succession of Officers and Positions – Commissioner O’Brien confirmed that this item would remain on the agenda for the time being, but that she would confirm at the next agenda meeting if it would go forward.

Item #19 – Sports Wagering Preparation Update– Director Wells confirmed that the update would include updates from each Division as well as accompanying regulations. She requested a hold for November 3rd and 7th for additional public meetings, as necessary.

Add-on Item – Responsible Gaming – New Employee Survey Report – Director Vander Linden requested an agenda item for the presentation of the EBH Employee Survey Report for October 27th.

Add- on Item – EBH Broadway Proposal – Chief Delaney requested an agenda item for discussion of development project across from the existing Encore Boston Harbor, and its potential to be included within a gaming establishment. He confirmed that he would work with the Legal Division and the IEB to ensure that materials were prepared and disseminated to Commissioners before the meeting. Commissioners expressed an interest in gaining feedback from the City of Everett on the proposed development.

#### Items For Public Meeting – November 10, 2022

Item #20 –Community Mitigation Fund Draft Final Guidelines – Chief Delaney confirmed that the draft Guidelines would be circulated for public comment in the weeks prior to November 10th meeting, with a vote of finalization occurring at this meeting.

Item #21 –Sports Wagering Preparation Update – Executive Director Wells reported that this update would include updates from the Legal Division, IEB, Licensing Division, and include accompanying regulations and hearings, as necessary. General Counsel Grossman confirmed that drafted regulations would likely be ready for this meeting.

Add-on Item – Quarterly Reports from Encore Boston Harbor and PPC – Chief Delaney asked that these items go forward on November 10th, with accompanying PowerPoint presentations from each licensee.

#### Items Under Review for Future Meetings:

Item #22 – EBH Broadway Development – Revised Proposal – Chief Delaney requested an agenda item to bring the forward the revised proposal from the licensee to the Commissioners preferably at a future meeting in late November.

Item #23– Sports Wagering Technical Component Review– Executive Director Wells confirmed that this item would include discussion of a training module as well but requested that it remain under review until she can get more information, and scheduling confirmation from the contractor.

Item #24 – Request for Escrow RHDF – Dr. Lightbown requested an agenda item for discussion of a letter received from the NEHBPA regarding the Racehorse Development Fund.

Item # 25 – Responsible Gaming – Commissioner Research Priorities – Director Vander Linden requested that this item remain under review.

Item #26 – Public Records Request Policy and IT – Executive Director Wells confirmed that this matter will remain under review.

Item # 27 – ILEV Review Process – Chief Delaney requested that this item remain under review.

Item #28 – 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.

Add-on Item – EBH – Independent Monitor Petition for Removal – Commissioner O’Brien requested an agenda item for an update on the Independent Monitor petition, inclusive of an overview of the Independent Monitor for newly appointed Commissioners. She also anticipated that an adjudicatory hearing would be required to discuss the matter as well.

Add-on Item – Responsible Gaming – Community Perspectives on Encore Boston Harbor – Director Vander Linden requested an agenda item to present the report to the Commissioners. He added that a community event was scheduled for November 2nd, with an official release of the report scheduled during the event. He stated that ideally, the report be presented to the Commissioners at a public meeting after the event.

*Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Skinner 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. Massachusetts Gaming Commission, Notice of Meeting & Agenda, dated September 30, 2022

**FUTURE SCHEDULED MEETING DATES:**

October 19 – Agenda Setting

November 2 – Agenda Setting

November 16 – Agenda Setting

December 1 – Public Meeting

December 15 – Public Meeting