



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: November 16, 2022 – 9:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 219 0807

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #134 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*

Prior to the start of the meeting’s agenda, The Chair, Commissioners, and staff welcomed Dr. Bonnie Andrews, who had recently been hired as a Research Manager in the Division of Research and Responsible Gaming.

Approval of Prior Agenda Setting Meeting Minutes

a. November 2, 2022

Commissioner Hill clarified that there would be no minutes to review at this meeting, but that there would be two sets of minutes at the next agenda setting meeting on November 30th.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for November 16th, 17th, 22nd, 29th and additional meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – November 16, 2022

Item #1 – Administrative Update – Executive Director Wells confirmed that an on-site casino update would be given by IEB Assistant Director Band.

Item #2 – Meeting Minutes – General Counsel Grossman clarified that Minutes would not be on the agenda for the November 16th meeting.

Item #3 – EBH Quarterly Report – Chief Delaney confirmed that this agenda item was ready for presentation later this morning.

Item #4 – EBH Broadway Development – Revised Proposal – Chief Delaney confirmed that representatives from EBH and external counsel were available to discuss this item later this morning. Chief Delaney explained that a public hearing and meeting would follow this initial discussion and presentation. He also clarified that a vote would not be taken by Commissioners at the meeting being held later today.

Items For Public Meeting – November 17, 2022

Item #5 – Administrative Update – This agenda item will not be presented, as both Executive Director Wells and Assistant Director Band had scheduling conflicts.

Item #6 – Meeting Minutes – General Counsel Grossman confirmed that the Legal Department would continue to provide minutes drafts to Secretary Hill for approval by the Commissioners. A set from May 12, 2022, was listed on the agenda for the public meeting.

Item #7 – Sports Wagering Regulations – Deputy General Counsel Torrisi confirmed the Legal Division would bring forward drafts of the following regulations on November 17th: 205 CMR 251: *Operations Certificate*; 205 CMR 239: *Disclosure Reporting/Operations*; 205 CMR 244: *Certificate of Equipment and Approval*. Counsel will also be bringing forward edits on drafts to 205 CMR 250: *Protections to Underage Youths*; 205 CMR *Occupational Licenses*; and 205 CMR 202: *Authority and Definitions*, which will have new definitions added to it.

Item #8 – IT Solutions for Public Records Responses – Deputy General Counsel Torrisi requested an alternate date for this agenda item, as Executive Director Wells had a scheduling conflict.

Item #9 – Sports Wagering Update – Executive Director Wells clarified that IEB Director Lillios would provide brief updates this meeting, as she will be unavailable.

Items For Public Meeting – November 22nd, 2022

**Transcriber's note: this meeting was subsequently cancelled by posted notice on November 18, 2022.*

Item #10 – Administrative Update – Executive Director Wells confirmed an onsite casino update for this meeting.

Item #11 – Meeting Minutes – General Counsel Grossman confirmed that a set of minutes from September 8, 2022, was listed on the agenda for the November 22nd public meeting.

Item # 12 – Sports Wagering Regulations – General Counsel Grossman clarified that this item was reserved for overflow from previous meetings where regulations were presented and edits to were requested by Commissioners. He clarified that the Legal Division had no new regulations to present but would hold this meeting time for overflow regulations and edits from the November 17th meeting.

Add-on Item– Independent Monitor - Interim Report – Chair Judd-Stein and Special Projects Manager Beauchemin confirmed that this item will go forward at the November 22nd meeting; with staff from Miller & Chevalier requesting to go earlier in the meeting if possible.

Add-on Item – IT Solutions for Public Records Responses – Deputy General Counsel Torrisi and Executive Director Wells confirmed that this matter could go forward to discussion on November 22nd.

Item #13 – Sports Wagering Update – CFAO Lennon and Executive Director Wells stated that there may be an update on the procurement of a Project Manager at this meeting but would confirm as soon as possible.

Items For Public Meeting – November 29th, 2022

Item #14 – Administrative Update – Chair Judd-Stein confirmed an administrative update would take place at the November 29th meeting and would include an onsite casino update from Assistant Director Band.

Item #15 – Meeting Minutes – This agenda item was confirmed for the November 29th meeting.

Item # 16 – Regulations – Deputy General Counsel Monahan clarified that the Legal Division would hold this meeting time for overflow presentations and regulations that had been edited after their initial presentation at the November 17th and 22nd meetings, respectively.

Add-on Item – Racing – Racing Calendar Approval – Director of Racing Steve O’Toole appear in front of the Commission for approval of the Plainridge Park racing calendar after canceling a racing day due to extreme heat and alternating one racing day for another. The Commission must vote to approve the schedule, and changes.

Item #17 – Sports Wagering Update – IEB Update re: SW Applications– Brief updates from each Division within the Commission would be given at this meeting, including a short update from the IEB regarding the Applications that were received from prospective sports wagering operators.

Items For Public Meeting – December 1, 2022

Item #18 – Administrative Update – *An administrative update would not be given at this meeting, given the update happening at the December 29th meeting occurring earlier in the week.*

Item #19 – Meeting Minutes – Meeting Minutes from August 18th and September 12th will be included on the December 1st agenda for approval by the Commission

Item # 20 – Regulations – Deputy General Counsel Torrisi confirmed the Legal Division would bring forward final drafts of the following regulations for a vote of finalization: 205 CMR 202: *Authority and Definitions*; 205 CMR 240: *Fees and Tax Remittance*; 205 CMR 234: *Vendors*; and 205 CMR 211: *Operator Applications*.

Item #21 – Responsible Gaming – Community Based Research– Director Vander Linden noted that this date was no longer optimal for the research team and requested that this item be moved under review until new date could be selected.

Add-on Item– Responsible Gaming – Commissioner Research Priorities – Director Vander Linden requested that this item go forward at the December 1st meeting, instead of the Community Based Research agenda item.

Commissioners engaged in a brief discussion regarding scheduling of meetings for presentations pertaining to advertising and responsible gaming; with participation from specific stakeholders and external and internal legal teams. Chair Judd-Stein stated that she would like to receive more information on targeted advertising and how the Commission can best support individuals enrolled on the Voluntary Self Exclusion lists. Commissioners agreed that another substantive roundtable would not be necessary but agreed that utilizing agenda items for discussion at future public meetings would be optimal.

Add-on Item – IEB – Statewide Law Enforcement Agency under 23N – Chief Enforcement Counsel Hall requested an agenda item for the Commission to vote to authorize the GEU to be the official Law Enforcement Agency designated under M.G.L. c. 23N § 11c.

Add-on Item – Legal Division- Pontoon 21 – Deputy General Counsel Torrisi requested an agenda item for the legal division and the IEB to introduce a new table game, Pontoon 21.

Item #22 – Sports Wagering Update – This agenda item will be used to provide divisional updates on sports wagering as necessary.

Items Under Review for Future Meetings:

Item #23 – Sports Wagering Vendor Regulation – Penalties Analysis– Chief Enforcement Counsel Hall requested that this item remain under review.

Item #24 – Independent Monitor Report – *This item was moved to the November 22nd meeting agenda.*

Add-on Item – EBH Petition to Dismiss Independent Monitor– Chair Judd-Stein requested that this item be added under review. General Counsel Grossman confirmed that an Adjudicatory Hearing was scheduled for later in December, and the interim report was being discussed at an upcoming meeting

Item #25 – Request for Escrow RHDF – General Counsel Grossman confirmed the legal team was actively researching this this item and would report back soon as to when they would be able to discuss this issue.

Item #26 – Responsible Gaming – Commissioner Research Priorities – *Director Vander Linden requested that this item go forward at the December 1st meeting.*

Item # 27 – IT Solutions for Public Records Responses – *This item was moved to the November 22nd meeting agenda.*

Item #28 – ILEV Review Process – Chief Delaney requested that this item remain under review until the Licensees can provide their fourth quarter reports and give updates on their ILEV agreements.

Item #29 – Compliance Committee– Commissioner O’Brien requested that this item remain under review.

Item #30 – Succession of Officers and Positions – Commissioner O’Brien requested that this matter remain under review as well.

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. Massachusetts Gaming Commission, Notice of Meeting & Agenda, dated November 10, 2022

FUTURE SCHEDULED MEETING DATES:

November 30 – Agenda Setting
December 1 – Public Meeting
December 6,7,8 – Tentatively Held for Evaluation/Review of Category 1 Applications
December 9 – Public Meeting

December 13,14,15 – Tentatively Held for Evaluation/Review of Category 3(tethered)
Applications

January 20 - Agenda Setting

January 26 – Public Meeting

February 1 - Agenda Setting