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## Massachusetts Gaming Commission Agenda Setting Meeting Minutes

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**Date/Time:** November 2, 2022 – 10:00 a.m. EST

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 844 0043

### **Call to Order**

Chair Judd-Stein called to order Agenda Setting Meeting #133 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

Commissioner Hill requested that this item be moved to the end of the agenda setting meeting, so that parties had additional time to review the minutes. Chair Judd-Stein agreed.

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

*The Commission discussed the anticipated agendas for the upcoming meetings scheduled for November 10th, 16th, 17th and additional meetings described in the attached agenda planning notice, as follows:*

Items For Public Meeting – November 10, 2022

Item #1 – Administrative Update – Executive Director Wells recommended that on-site casino update would be given at a later meeting, given the length of the November 10th agenda. She

additionally requested an item within the administrative update for an employee vacation time discussion. She stated that she would recuse herself from this discussion and in turn, it would be led by Chief People and Diversity Officer, David Muldrew.

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

Item #3 – Regulations – General Counsel Grossman confirmed that members of the Legal Division will present final drafts of 205 CMR 244.06, 205 CMR 2.01, 205 CMR 103 at the November 10th meeting. Additionally, the Commissioners will be able to review the edits made to the following draft regulations after their presentation during the last public meeting: 205 CMR 212, 205 CMR 214, 205 CMR 215, 205 CMR 218, 205 CMR 219, 205 CMR 220, and 205 CMR 221. Additionally, the Legal Division will bring forward the new draft regulations pertaining to sports wagering for Commissioner’s review including 205 CMR 105, 205 CMR 235, 205 CMR 233, and 205 CMR 250.

Item #4 – New Employee Survey at Encore Boston Harbor: January 2019 through December 2021 – Mark Vander Linden, Director of the Research and Responsible Gaming Division confirmed that this item was ready to go forward on the 10th and materials had been submitted in advance.

Item #5 – Fiscal Y23 1st Quarter Budget Update – Finance Division – CFAO Lennon confirmed this agenda item and estimated it taking no more than 15 to 20 minutes.

Item #6 – Final Community Mitigation Fund Guidelines – Chief Delaney confirmed this agenda item would be ready for presentation on November 10th with the Final Guidelines being posted for public comment prior to the meeting. Chief Delaney anticipated that presentation for this item would be brief given that no comments had been received at this time.

Item #7 – 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 #8 – MGM Springfield Employee Exemption Request – Loretta Lillios, Director of the IEB confirmed that this agenda item was ready for discussion and that Licensing Supervisor Dave McLay would lead the presentation.

Item #9 – Human Resources – HR DEI Update – Chief People Officer Muldrew confirmed this matter was ready to go forward accompanied with a short memorandum provided to the Commissioners in advance of the meeting and placed in the Commissioner’s packet.

Item #10 – Succession of Officers and Positions – Commissioner O’Brien requested that this matter be moved to a meeting in January, or under review for the time being, so that more preparation could be made prior the presentation.

Add on Item – Executive Director Wells requested an agenda item be to allow Category Two sports wagering license applicants to present their time frames and scheduling.

Item #11 – Sports Wagering Preparation Update – Executive Director Wells confirmed that brief updates from the IEB, Legal Division, and the Division of Research and Responsible gaming would take place at the November 10th meeting, given the length of the existing agenda.

Items for Future Meetings:

Sports Wagering Roundtable - November 14th

Items for Public Meeting - November 16th:

Item #15 – EBH Quarterly Report (*moved from Under Review*)– Chief Delaney confirmed that this agenda item was ready for presentation on November 16th with a presentation by representatives from EBH.

Item #16 – EBH Broadway Development – Revised Proposal (*moved from Under Review*) – Chief Delaney confirmed that representatives from EBH were available to discuss this item at a public meeting beginning at 10am, Wednesday November 16th. Commissioners and Executive Director Wells agreed to schedule the Agenda Setting meeting for 9am. Chief Delaney explained that this item would not be requiring a vote but would be more of a discussion and presentation by EBH General Counsel and their external counsel. He anticipated that after this presentation, they would hold a public hearing and public meeting so that public comment and public input could be given from the surrounding community.

Items for Public Meeting - November 17th:

Administrative Update – Executive Director Wells confirmed an onsite casino update from Assistant Director Bruce Band would occur on November 17th.

Meeting Minutes – One set of public meeting minutes from May 12, 2022, will be included in the packet for this meeting date.

Regulations – Deputy General Counsel Monahan confirmed that the Legal Division would be presenting drafts of the following sports wagering regulations: 205 CMR 202, 250, 251 205 CMR 235, and technical regulations: 205 CMR 143, 243 and 244.

Sports Wagering Process Update – Director Lillios will provide a brief update on the sports wagering application process to date at the November 17th meeting.

Items Under Review for Future Meetings:

Item #12 – Sports Wagering Vendor Regulation – Penalties Analysis– This item will remain under review.

Item #13 – Independent Monitor Report – Chair Judd-Stein confirmed that this item will remain under review until a date for the interim presentation could be determined.

Item #14 – Request for Escrow RHDF – General Counsel Grossman confirmed the legal team was reviewing this item but agreed with the Chair that this item remain under review.

Item #15 – EBH Quarterly Report – This item will go forward on November 16th.

Item #16 – EBH Broadway Development – Revised Proposal – This item will go forward on November 16th.

Item #17 – Responsible Gaming – Community Based Research – 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 # 18 – Responsible Gaming – Commissioner Research Priorities – Director Vander Linden requested that this item remain under review until receiving more information from Commissioners.

Item # 19 – Public Records Request Policy and IT – Deputy General Counsel Torrisi and Deputy General Counsel Monahan confirmed to the Chair and Executive Director Wells that this item be presented on the 17th for a discussion, with the agenda title tentatively set as, *“IT Solutions for Public Records.”*

Item # 20 – ILEV Review Process – Chief Delaney requested that this item remain under review.

Item #21 – Compliance Committee – Commissioner O’Brien requested that this item remain under review.

Commissioners and Executive Director Wells then engaged in brief discussion regarding timeline and the submission of sports wagering applications, which are due on the 21st of November. Executive Director Wells expressed concern that there could be some delays with applications, that are not fully complete, which in turn could slow down the process and timing and lead to the IEB not being able to provide the Commission with a timely update. General Counsel Grossman confirmed to the Chair that there is a regulation that allows the Commission to decide whether to grant relief and allow for late or supplemental receipt of materials. Director Lillios confirmed that the Licensing Division and IEB are reviewing applications on a rolling basis but will likely be able to provide an update to Commissioners as anticipated.

In regard to the evaluation and discussion of tethered Category 3 applications, Executive Director estimated that the IEB would need more time to report on the entity qualifiers. She suggested that the tethered Category 3 applicants were a non-competitive process and that the Commission could

begin the review of the general application and work on that while the IEB evaluates the information submitted by the entities. She clarified that these entities were not like the entities that the Commission had familiarity with like those in the Category 1 group, but were likely to require more review, specifically, an IEB review of their self-reported information. Director Lillios agreed with Executive Director Wells' assessment.

Commissioners then discussed the meeting dates for December 2022 and January 2023 and their relative availability. Consensus was reached that dates would be determined after the 22nd, when the Commissioners and staff would have a better estimate of how many applications were received.

### ***Approval of Prior Agenda Setting Meeting Minutes***

#### **a. September 21, 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 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, 5-0.*

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 September 30, 2022
2. Agenda Setting Meeting Minutes dated, September 21, 2022.

**FUTURE SCHEDULED MEETING DATES:**

November 16 – Agenda Setting

November 29 – Public Meeting

November 30 – Agenda Setting

December 1 – Public Meeting

December 15 – Public Meeting

January 19th - TBD