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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** November 29, 2022, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 869 7373

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 404<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Review of Meeting Minutes](#) (00:34)

##### a. September 8, 2022

Commissioner Hill moved that the Commission approve the minutes from the September 8, 2022, public meeting, included in the Commissioner's Packet subject to any necessary corrections for typographical errors or non-material matters. The motion was seconded by Commissioner O'Brien.

Chair Judd-Stein stated that State Treasurer Deborah Goldberg indicated a desire for the Commission to replicate the commitment to preserving the lottery found in General Law Chapter 23K. She stated that the commitment to the lottery was addressed in the sports wagering operator's application. She asked if treating advanced deposit wagering accounts as unclaimed

property, as discussed by Commissioner O'Brien in the September 8 meeting, should be addressed via regulation.

Commissioner O'Brien stated that she had raised the issue regarding advanced deposit wagering accounts previously and stated that the Commission would circle back with regulations to ensure it was treated consistently with G.L. Chapter 23K and G.L. Chapter 23N. Chair Judd-Stein stated that the Commission had a unanimous consensus on this issue at the September 8 meeting and expressed an interest in following through with a regulation. General Counsel Todd Grossman stated that a regulation to address this issue could be added to the regulatory framework.

Chair Judd-Stein suggested an edit to clarify a comment made during the September 8th meeting. Commissioner Skinner also offered a typographical correction within the minutes.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

### 3. [Administrative Update](#) (6:59)

#### a. Casino Update

Executive Director Wells introduced Assistant Director of the Investigations and Enforcement Bureau ("IEB") and Gaming Agents Division Chief Bruce Band. Assistant Director Band stated that MGM Springfield ("MGM") successfully hosted the Mayflower Marathon which collected non-perishable food and financial donations for the Food Bank of Western Massachusetts. He reported that there was close to \$175,000 in food and financial donations. He noted that Plainridge Park Casino ("PPC") concluded their horse racing events for the year last Friday. He stated that Encore Boston Harbor ("EBH") opened "Pit 36," which has six table games in front of its future sports wagering cage. He stated that EBH would receive fifty sports wagering kiosks this week.

### 4. [Racing Division](#) (10:02)

#### a. Plainridge Park Casino Racing Schedule Update

Executive Director Wells introduced the Director of Racing and Chief Veterinarian, Dr. Alex Lightbown. Dr. Lightbown reported that PPC had rescheduled three race days and cancelled one race day due to extreme heat. She explained that the races from the cancelled race day were transferred to other race cards. She stated that instead of racing the 110 days approved by the Commission, PPC had raced 109 days. She noted that the number of days raced was well above the 100-day live-racing requirement required for PPC to simulcast.

Dr. Lightbown stated that in 2013, the Commission delegated items to the Director of Racing including the cancelling and rescheduling of race days, with the caveat that the delegation

required the Director of Racing to appear before the Commission to explain the rescheduling and cancellations.

Dr. Lightbown introduced Steve O'Toole, Director of Racing from PPC. Mr. O'Toole stated that PPC took the statute seriously in regard to safe race meetings. He stated that extreme heat was a danger to the animals.

Chair Judd-Stein noted that the delegation document from 2013 should be reviewed, as none of the current Commissioners took part in developing it. Dr. Lightbown expressed support for reviewing the delegation and stated that some of the delegations could be updated as well. Chair Judd-Stein expressed an interest in having the Commission review the delegation prior to the upcoming racing season, and asked what the anticipated start date for the season was. Mr. O'Toole stated that PPC's anticipated start date for the racing season was April 10, 2023.

Commissioner Maynard moved that the Commission approve the request of Plainridge Park Casino to amend their 2022 racing schedule as requested in their November 21st letter and as discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

## 5. [IT Solutions for Public Records Responses](#) (17:46)

Executive Director Wells stated that the Commission staff had been searching for solutions to create efficiency and ensure that public records requests were complete and accurate.

Deputy General Counsel Carrie Torrisi stated that in spring of 2022, the Commission had discussed hiring a vendor as an e-discovery expert. She noted that the staff had since found tools that would more efficiently segregate and allow the Legal Division to review potentially responsive documents identified within searches. She stated that the tools were platforms that allowed over-the-shoulder assistance in fine-tuning searches.

Deputy General Counsel Caitlin Monahan explained that the Legal Division reviews and responds to all public records requests, and that they typically receive between sixty and seventy requests per year. She stated that the number of public records requests was expected to increase with the addition of sports wagering. She explained that the e-discovery tools would allow for the attorneys to process large volumes of material utilizing search terms, the removal of duplicative entries, document tags, redactions, and more efficient sorting of the documents.

Deputy General Counsel Monahan noted that the Executive Office of Technology Services and Security ("EOTSS") and the Attorney General's Office use these kinds of tools as well. She

explained that the Legal Division currently uses Microsoft E-Discovery which had limited functionality for attorneys, as it was more intended for backend IT use. She stated that an enhanced e-discovery tool with a technical partner would allow the Legal Division to review public records requests more efficiently.

Commissioner O'Brien and Commissioner Skinner stated that they used similar e-discovery tools in their prior work. Commissioner Skinner asked if the Attorney General's Office used the technical partner in a consistent manner with what was proposed. Deputy General Counsel Monahan stated that the Attorney General's Office used in-house employees but noted that EOTSS had used contractors to assist in this capacity.

Chief Information Officer ("CIO") Katrina Jagroop-Gomes explained that the technical partner would be the company that owns the tool and stated that she did not want to commit to in-house employees utilizing it, until a better understanding of the tool's capabilities had been reached.

Commissioner Skinner stated that she was supportive of using the tool, but that she wanted more information on the technical partner's role. CIO Jagroop-Gomes stated that the technical partner would not have a direct role and explained that the technical partner would assist with the finetuning of searches and Boolean setup of language utilized for the search. She stated that the legal team would be the direct users of the tool, and that the technical partner would serve in a consultant capacity.

Commissioner Hill expressed support in using this tool as an addition to what the Commission staff already does. Chair Judd-Stein asked if the tool would be supplemental or a replacement for the current system. CIO Jagroop-Gomes stated that the new tool would work in conjunction with the existing e-discovery program, and that the programs worked together.

Commissioner Maynard asked if only the larger public records requests would require the assistance of the technical partner. Deputy General Counsel Monahan confirmed but clarified that even smaller public records requests could easily get complicated and yield hundreds to thousands of documents. The Commission expressed unanimous consensus for using this e-discovery tool for public records requests.

## 6. [Sports Wagering Process Updates](#) (35:01)

- a. Discussion regarding MGM Springfield's application submission: 205 CMR 211.01(1)(b), voted and approved via emergency regulation on October 7, 2022

Executive Director Wells stated that due to a miscommunication between MGM Springfield and the MGM corporate office, MGM Springfield's sports wagering operator's application was not submitted until after the Commission's deadline. She noted that MGM had submitted their application fee on the due date, but that there was a provision within the regulation that allowed the Commission to authorize a late application to move forward.

Executive Director Wells introduced MGM Springfield Vice President Augustine Kim. Mr. Kim stated that there was a miscommunication with the teams putting together the application, and that all paperwork, including the attachments and redactions, had been submitted within 48 hours of the deadline. He requested that the Commission approve the processing of MGM's application.

Executive Director Wells stated that the application for MGM was a category one sports wagering operator's application, which is in a different posture from untethered category three sports wagering operator applicants who have to undergo a competitive process. She stated that as MGM was not competing against another entity the delay of a few days would not impact other parties.

General Counsel Grossman stated that 205 CMR 211.01 allowed for the Commission to have discretion in extending time for filing a complete application, and that the Commission could provide reasonable additional time for filing in cases where extraordinary circumstances prevented a timely filing. He noted that the regulation did not distinguish the category of the applicants.

Chair Judd-Stein asked if the standards for temporary licensure of an applicant are met, whether the Commission would have the ability to impose conditions on that license. General Counsel Grossman stated that the Commission would be able to impose conditions on licenses, and that there was a regulation on the imposition of conditions, as well.

Commissioner Hill stated that he was unable to hear why the submission was not on time. Mr. Kim noted that MGM had filed their scoping survey and paid the application fee. He stated that there was inadequate communication with the corporate team over the course of action to take. He stated that there was an extraordinary circumstance due to processing both MGM's category one application and BetMGM's category three application simultaneously.

Commissioner Skinner asked if MGM was unaware of the deadline or if there was confusion with MGM's employee's understanding of who had responsibility for submitting the application. Mr. Kim stated that the mix up was with who was completing and submitting specific portions of the application due to working on multiple applications.

Chair Judd-Stein clarified that BetMGM was the tethered category three sports wagering application that MGM was proposing to work with. Commissioner O'Brien noted that category two applicants were being processed on a rolling basis. Chair Judd-Stein agreed and stated that she viewed the issue with MGM as a different procedural posture from the competitive applicants.

Commissioner Skinner moved that the Commission extend MGM Springfield's time for filing a complete application in accordance with 205 CMR 211.0110 and accept its sports wagering operator license application as of the date submitted and as discussed today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [Applications Processing Update](#) (51:23)

Executive Director Wells introduced Loretta Lillios, Director of the Investigations and Enforcement Bureau (“IEB”). Director Lillios stated that the applications had been received in the prior week and that the Licensing Division had met their goal of transferring all documents associated with each application from the secure transfer site to the Commission’s internal digital system.

Director Lillios stated that there was still work to do to make the files compatible with the electronic filing system. She stated that the documents had been uploaded and made available to all internal staff.

Director Lillios stated that the Licensing Division was not performing deficiency reviews of the materials submitted. She added that IEB was not waiting for the deficiency review before starting on the preliminary review for suitability. She stated that the Licensing Division intended to communicate with the applicants on a rolling basis, regarding any deficiencies within their applications.

7. [Commissioner Updates](#) (54:36)

Chair Judd-Stein announced that Trudy Lartey had joined the team as the Commissioner’s Executive Assistant.

Chair Judd-Stein stated that she had spoken with Executive Director Wells and Commissioner Skinner about the inclusion of public hearings in advance of the review of each category of sports wagering operator applicants. She proposed public hearings from 10 a.m. to 1 p.m. on December 5th, 2022, December 12th, 2022, and January 3rd, 2023.

Commissioner Skinner stated that the overarching issue was the opportunity for the public to submit comments, both in-person and in writing. She stated that the Commission should continue to allow the public to submit written comments through the application review process.

Commissioner O’Brien expressed an interest in having public hearings as they were done in the casino gaming processes and horse racing settings. Commissioner Hill and Commissioner Maynard agreed. The Commission reached a unanimous consensus on this issue.

Commissioner Skinner requested that the application should be uploaded to the Commission website for access by the general public for review prior to the public hearing and public written

comment period. She clarified that the applications posted on the website would be redacted versions.

Deputy General Counsel Torrisi stated it would take some time to format the redacted applications and share them with the Communications Division to post on the website. Chair Judd-Stein stated that the category one licenses should be prioritized as their hearing would be on December 5, 2022. She noted to the public that the redactions in the applications were applied by the applicants, and not the Commission.

8. [Other Business](#) (1:02:37)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated November 21, 2022
2. [Commissioner's Packet](#) from the November 29, 2022, meeting (posted on massgaming.com)