



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: November 30, 2022 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 719 8114

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #135 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 Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Prior Agenda Setting Meeting Minutes

- a. November 2, 2022
- b. November 16, 2022

Chair Judd-Stein requested that these minutes be brought at the next Agenda Setting meeting, so that Commissioners have more time with both drafts.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for December 1st, 9th, and additional meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – December 1, 2022 – 10:00 AM

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 – Commissioner Hill confirmed that Minutes would be on the agenda for the December 1st meeting.

Item #3 – Regulations – Deputy General Counsel Torrisi confirmed that the following regulations would go forward for finalization of the promulgation process at the December 1st meeting: 205 CMR 211: *Category 1, Category 2, and Category 3 Sports Wagering License Applications*; 205 CMR 202: *Sports Wagering Authority and Definitions*; 205 CMR 234: *Sports Wagering Vendors*; 205 CMR 240: *Adjusted Gross Sports Wagering and Adjusted Gross Fantasy Wagering Receipts Tax Remittance and Reporting*.

Item #4 – Responsible Gaming – Commissioner Research Priorities – Director Vander Linden confirmed that this item was ready to go forward at the December 1st meeting. He clarified that the presentation would take a discussion and roundtable format to learn the research areas Commissioners were interested in, and that a follow-up presentation that would occur at a later meeting with Commissioners.

Item #5 – IEB – Statewide Law Enforcement Agency under M.G.L. c. 23N § 11(c) – IEB Director Lillios confirmed that the IEB was ready for this presentation, and a vote by the Commission.

Add-on Item – IEB – Marketing Affiliates – Director Lillios also confirmed this item would go forward as a discussion, to inform later regulation promulgation by the IEB and the Legal Division.

Item #6 – Legal Division- Pontoon 21 – Associate Counsel Young confirmed that this item was ready to go forward at the December 1st meeting and that the IEB was also available to answer questions during the presentation. She also confirmed that the presentation would include draft regulation under 205 CMR 146.28; codifying the physical characteristics of the game.

Item #7 – Sports Wagering Update – Executive Director Wells confirmed that an update would occur on December 1st.

Add-on Item – Vacation Carryover Update – Human Resources Division – Chief People Officer Muldrew confirmed that a discussion and vote regarding the Vacation Carryover policy would occur on December 9th.

Items For Public Meeting – December 9th, 2022 – 12:00 PM

Item #8 – Administrative Update – This agenda item will not be presented, as both Executive Director Wells and Assistant Director Band have scheduling conflicts.

Item #9 – 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 #10 – Sports Wagering Regulations – General Counsel Grossman clarified the Legal Division would not bring forward regulations on December 9th.

Item # 11 – Suffolk Downs request for Simulcasting, ADW and premium free period for 2023 – Director of Racing, Dr. Lightbown, requested an agenda item for presentation of Suffolk Downs' requests for approval of simulcasting signals and ADW by the Commission.

Add-On Item – Plainridge Park Racing and Raynham Racing – Simulcasting Request – General Counsel Grossman requested an add-on item for discussion of the simulcasting signals utilized by Plainridge Park Racing and vote by the Commission as well.

Item #12 – Responsible Gaming – Report on Scoping/Studies under 23N – Director Vander Linden requested an agenda item to review the two studies mandated by G.L. c. 23N. The first, discussing the impact of sports wagering on WBE and VBEs, the second will focus on the use and impacts of non-gaming kiosks.

Items Under Review for Future Meetings:

Add-on Item – East of Broadway Proposal – Chief Delaney requested that this item be brought forward at a public meeting in later December or January to discuss the related issues raised by the Commissioners, with some additional information provided by the Legal Division. Chief Delaney confirmed he will reach out to representatives from EBH and ask if they can provide any supporting documentation or information. Chair Judd-Stein requested a memorandum to assist Commissioners with their legal analysis and review of the proposal. Commissioner Maynard requested information on how much a referendum would cost, if necessary. General Counsel Grossman confirmed the memorandum and stated that they would see if the information requested could be provided to Commissioner Maynard.

Add-on Item – Petition to Remove Independent Monitor – General Counsel Grossman clarified that Adjudicatory hearing could go forward, likely in late January, due to some scheduling conflicts.

Add-on Item – Commissioner Update – Players Association [MLS, NBA, NFL, NHL, MLB] – Commissioner Hill requested a roundtable or meeting agenda item for the professional leagues' Players Association and their members come before the commission to discuss their comments and concerns and give feedback on the regulations. Chair Judd-Stein inquired if a December meeting could accommodate this request. Ms. Beauchemin provided information regarding the length of the meeting and provided dates for Commissioners to select. *This agenda item was tentatively scheduled for Tuesday, December 20th at 10am and will be confirmed as the date draws nearer.*

Item #13 – Sports Wagering Vendor Regulation – Penalties Analysis – Chief Enforcement Counsel Hall requested that this item remain under review. Deputy General Counsel Monahan confirmed that this regulation would come before the Commission at the December 22nd meeting.

Item #14 – 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.

Item #15 – Request for Escrow RHDF – General Counsel Grossman confirmed the legal team was actively researching this item and would report back soon as to when they would be able to discuss this issue. Dr. Lightbown and General Counsel Grossman agreed that this item would be put on a meeting agenda soon.

Item #16 – ILEV Review Process – Chief Delaney requested that this item remain under review until the Licensees could provide their fourth quarter reports and give updates on their ILEV agreements.

Item #17 – Special Projects – Annual Report Update – Special Projects Manager Beauchemin confirmed that progress was being made on the report, and that an update on the annual report could be given at the December 9th or 12th public meetings.

Having no further business, Commissioner Hill moved to adjourn. Commissioner Skinner seconded.

Roll Call Vote:

Commissioner Hill: 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 November 23, 2022

FUTURE SCHEDULED MEETING DATES:

December 6 – 8 (SW Application Review)
December 13 – 14 (SW Application Review)
December 15 (AM)
December 15 (PM: SW Application Review)
December 19 – 20 (SW Application Review)
December 22
January 3– 6 (SW Application Review)
January 9– 11 (SW Application Review)
January 12
January 13 (SW Application Review)
January 17 – 19 (SW Application Review)
January 18 (*Regulations Only* 9 – 10AM)
January 20 (Agenda Setting 9:30– 10:30AM)
January 20 (11AM)
January 26
January 31

February 1 (Agenda Setting)
February 2
February 9