



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 1, 2022, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 065 2082

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 405th 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](#) (00:37)

Commissioner Hill moved that the Commission approve the minutes from the August 18, 2022, and the September 12, 2022, public meetings that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner O'Brien.

Commissioner Maynard offered an edit to a comment he made within the September 12, 2022, meeting minutes. Commissioner Hill confirmed the edit and stated that the changes would be made to the minutes before they would be posted online.

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. [Research and Responsible Gaming Division](#) (2:57)

a. Discussion of Commissioner Research Priorities and Knowledge Needs

Mark Vander Linden, Director of Research and Responsible Gaming introduced Lindsay Kalbfleisch, the Stakeholder Engagement Lead with Gambling Research Exchange Ontario (“GREO”). He stated that the Commission had engaged with GREO in the previous year and that the Commission required an annual research agenda pursuant to General Law Chapter 23K, § 71. He stated that the goal was to make research more digestible for the purpose of knowledge mobilization and knowledge engagement.

Ms. Kalbfleisch added that GREO had worked in gambling harm reduction for twenty years and explained that GREO’s work supported evidence-based policies, programs, and practices in the safer gambling context internationally. She then asked the Commission what their top priorities for research would be for the next two years.

Commissioner O’Brien expressed an interest in prioritizing research related to public safety and responsible gaming in the context of sports wagering. Commissioner Hill requested information regarding minors online betting activity, as evidence suggests that those between the ages of eighteen and twenty-one are more prone to online gaming and betting. Commissioner Skinner stated she would like more information regarding nefarious enterprises within the illegal gaming market, such as money laundering and human trafficking. Chair Judd-Stein stated that she too shared Commissioner Skinner’s concerns. Commissioner Maynard expressed agreement with the other Commissioner’s requests, and also suggested research on advertising, more specifically, the targeted advertisements and marketing strategies targeting certain communities.

Chair Judd-Stein stated that it would be helpful to know how many sports wagering bettors shifted from an illegal market to the legal sports wagering market, and how many bettors shifted from placing bets outside the Commonwealth to betting in Massachusetts. She stated that these economic impacts would interest the legislature. Commissioner Hill requested information on what help was available, when it was recognized that a patron required assistance. Chair Judd-Stein suggested research into whether the tools in the regulatory framework were effective, and a follow-up on that information.

Commissioner Skinner requested research into Massachusetts’ share of the illegal online gaming market and expressed an interest in ensuring the individuals involved in the illegal market have resources available to them. Commissioner O’Brien noted that the Attorney General’s Office had

the primary responsibility in investigating the illegal gaming market. Director Vander Linden stated that the Attorney General's Office would be followed up with as they were mistakenly not identified as key knowledge users in the preliminary document before the Commission.

Director Vander Linden then asked if the Commission had any economic research questions. Chair Judd-Stein expressed an interest in research regarding the economic impact of local establishments and if they chose to integrate sports wagering as a new recreational activity for their establishment. Director Vander Linden stated that an area of research would be addressed.

Director Vander Linden explained that the Commission first approves the research agenda, the research is performed, and then -once the final rigorous review process is performed and the research is complete - it is brought before the Commission and the researchers are invited to share their final report with the Commission. He stated that the Research and Responsible Gaming Division had developed research snapshots that were more digestible and had written whitepapers that summarize the research conducted in one specific area. Ms. Kalbfleisch asked if the current way of receiving information was ideal for the Commission.

Commissioner Hill stated that he thought the current process was great, and that he was proud to hear those other jurisdictions looked to Massachusetts for guidance. He stated that the information received was invaluable to the Commissioners. Commissioner Skinner agreed with Commissioner Hill. Commissioner Maynard stated that Director Vander Linden and the Research and Responsible Gaming Division have multidimensional responsibilities and that he appreciated the way the information was delivered to the Commission.

Chair Judd-Stein stated that she appreciated that the questions presented would be shared with a broader group of stakeholders. She stated that the way the information was presented works well for the Commission, but she would be glad to hear other stakeholder opinions as well. Director Vander Linden stated that if information was needed, the Research and Responsible Gaming Division could do a literature review and gather information in a specific way.

Commissioner Hill expressed that he enjoyed community-based reports and requested that more community-based reporting be implemented. Chair Judd-Stein agreed and stated that she appreciated hearing voices from the community. Chair Judd-Stein stated that she wanted to ensure the Commission does all follow-up within their control when it comes to research recommendations and findings.

Ms. Kalbfleisch asked if there were any barriers in the process that helped or hindered the Commission from implementing best practices from emerging research. Chair Judd-Stein stated that she was confident that any barriers could easily be addressed, and the Commission had no further feedback. Ms. Kalbfleisch stated that she would send an anonymous survey if they thought of any further comments.

Chair Judd-Stein stated that the Research and Responsible Gaming Division was intentional about the researchers reflecting the communities being studied, and that it could sometimes be a challenge to ensure the diversity reflective of the issue on the research team.

Ms. Kalbfleisch asked if the Commission felt supported in understanding opportunities to implement the best practices from emerging evidence. Commissioner O'Brien noted that at times, the recommended practices or "best practices" may fall outside of the Commission's statutory authority and require going to the legislature or another agency. Commissioner Maynard expressed an interest in learning more about how to implement what was learned in the research, such as the Commission's reach for controlling targeted advertisements.

Ms. Kalbfleisch stated that she noted the Commission's comments and that she will follow up with the Research and Responsible Gaming Division.

4. [Investigations and Enforcement Bureau](#) (44:29)

- a. Discussion regarding Licensure/Registration of Marketing Affiliates under Chapter 23N

Director of the Investigations and Enforcement Bureau ("IEB") Loretta Lillios explained that the Commission had previously found third-party marketing affiliates to be a higher tier of vendor licensing, as sports wagering vendors. She stated that marketing affiliates were not related to the operations of sports wagering like the other vendors in the sports wagering vendor category. She explained that the Commission determined to elevate marketing affiliates due to concerns related to the protection of minors and those on the Voluntary Self Exclusion ("VSE") list.

Director Lillios stated that operators had submitted their potential vendor list, and that there were potentially hundreds of third-party marketing affiliates. She indicated that the IEB was not equipped to perform investigations under the existing regulations at that scale. Director Lillios noted to the Commission that other jurisdictions such as New Jersey, Indiana, and Ontario have issued fines against operators for marketing to excluded individuals.

Director Lillios suggested having the operators certify on a regular basis that they had reviewed the marketing plans with various affiliates and can certify that the marketing plans comport with Massachusetts laws and regulations. Director Vander Linden explained that affiliate marketing was a strategy where brands pay independent publishers to drive the sales of their products or services, and that it is digital. He stated that affiliate marketers were typically paid commission, so the affiliates' goal was to drive sales.

Commissioner O'Brien stated that holding operators accountable was important, but that it could be difficult to exert the level of regulatory control desired over hundreds of third-party marketing affiliates. She suggested criteria to elevate marketing affiliates to the higher scrutiny review based upon monetary thresholds in terms of spending and frequency of contracts.

Director Lillios stated that regulations regarding registrants had criteria for elevating the vendor to a higher scrutiny. She expressed an interest in developing a definition for third-party marketing affiliate to gauge whether the hundreds of vendors submitted would fall within the Commission's definition. She stated that all of the vendors submitted could be registered, and a background check could be performed on the backend, once registration was complete.

Director Lillios stated that a provision existed on the gaming side that imposed a duty on registrants to provide additional information that was requested by the Commission. She stated that the regulatory scheme allowed the IEB to elevate the vendor level based on dollar spend, spending relative to the operators overall spending, the duration of the contract, and six other criteria. She noted that registrants could have their registration revoked or suspended and could be fined at the registrant level. She noted that third-party marketing affiliates have high turnover rates, with short contracts; and a deep-dive investigation may not be finished at the time the contract expires.

Commissioner O'Brien noted that the regulation at the registrant level was on the gaming side and had not specifically been addressed for sports wagering. She expressed an interest in establishing de minimis and other similar thresholds. She stated that third-party marketing affiliates were at risk with the inherent tension of their directive and wanted to narrow the definition to receive a truer number from the licensees.

Chair Judd-Stein posed the suggestion the Commission could accept the entities as identified, as there were enforcement measures available if they are registrants. Commissioner O'Brien suggested the discretion criteria for elevating the scrutiny level of vendors should belong to the Commission during the early days of sports wagering's launch in the Commonwealth.

Commissioner Skinner noted that the registration process could be used to address the Commission's current concerns and that more direct regulations could be formulated to address further concerns. Chair Judd-Stein stated that she wanted to explore other enforcement measures and ways to monitor these particular vendors. She stated that the Commission could hold operators accountable for all of their agents and that the Commission did have the ability to assess fines against the operator.

Director Lillios explained that fines could be time-consuming, as rights are involved. Chair Judd-Stein stated that the licensees could do a monthly review rather than a quarterly report. Commissioner O'Brien stated that she would be interested in seeing the numbers for the projected demographic of the advertisement campaign and statistics from when the campaign was completed. She expressed an interest in receiving these reports on a monthly basis to ensure marketing affiliates were complying within the marketing bounds.

Chair Judd-Stein inquired whether it was realistic to request that information from operators. Director Vander Linden stated that the information was readily available on the backend. Commissioner Maynard stated it was easy to know how many unique impressions were made;

and added that if the information is easy to compile the reports should be made more frequently. He stated that he wanted information on where the advertisements would be located as that would influence the demographic.

Chair Judd-Stein noted that assessment and fining does involve rights, and more research may be needed to inform the regulation. She reiterated that the licensee is responsible for their agents and stated that the self-certification process should be revisited. Director Lillios stated that the IEB has relied on self-certification in other areas and helps ensure the operator is actively reviewing and consulting the regulations.

Commissioner O'Brien asked if the registrants would be reviewed based upon their principal holders as registrants or if it would be based upon the business trade name. Director Lillios stated that the IEB would review the DBA trade name. Commissioner O'Brien suggested that if a principal dissolves a vendor and changes the DBA that they can be elevated to a higher review.

Director Vander Linden stated that a preliminary definition of third-party marketing affiliate had been developed, but that there would be additional research into a clear definition of who is or is not incorporated.

Chair Judd-Stein stated that third-party marketing affiliates would be required to register as registrants, and asked if the Commission should control whether the vendor would undergo elevated scrutiny. Commissioner O'Brien stated that the regulations for marketing and advertising should have a separate regulation imposing consequences to registrants in addition to the consequences for operators.

Director Lillios stated that if the Commission did the designation, they could run into issues of the Commission's ability to be a neutral arbiter in an enforcement action as the Commission could see the company information and potentially problematic activity outside of the adjudicatory stage. Commissioner O'Brien stated that the Commission could come to an understanding of the criteria required for registrants to be elevated to another scrutiny category. Chair Judd-Stein agreed that this solution could work.

Director Lillios stated that marketing affiliated had been identified for the retail sports wagering launch and that the current regulation would require a higher level of licensure. She proposed that the level of licensure be suspended for retail launch and that the companies identified be registered.

Deputy General Counsel Caitlin Monahan stated that two regulations were relevant to this decision. She explained that 205 CMR 202 contained definitions which identified marketing affiliates as sports wagering vendors and that 205 CMR 234 related to vendors. She stated that the regulations would be modified in conjunction with the advertising regulations. She noted that 205 CMR 202 and 205 CMR 234 were in effect by emergency and stated that the regulations would lapse without a vote.

Chair Judd-Stein asked whether the regulations could be approved and then amended. Deputy General Counsel Monahan stated that it will take a few weeks for the regulations to go into effect, and that they could be amended at that point. She stated that they could be amended in early January prior to the retail launch.

Commissioner Skinner asked where the inconsistencies were in 205 CMR 234. Deputy General Counsel Monahan stated that the definition of sports wagering vendor in 205 CMR 202 specifically included marketing affiliates, and that they would be required to be licensed rather than registered. She stated that marketing affiliates could either be taken out of the regulation, or that the Commission could grant approval to register them during the process of amending the regulation.

The Commission reached a consensus to register the marketing affiliates for the purpose of the retail launch and amend 205 CMR 202 and 205 CMR 234 in conjunction with the discussion on advertising regulations. The Commission reached a consensus on having the operator perform a self-certification process related to marketing.

Commissioner Skinner stated that much of what was outlined could be part of the advertisement regulations as opposed to the amended 205 CMR 234, and that the amendments should be done in conjunction with the advertising regulations. Commissioner O'Brien stated that she envisioned the marketing affiliates would be subject to the advertising regulations, and requested clarification on the criteria to elevate a registrant that is used by the IEB. She noted that the Commission would review the expectations of how a registrant would be elevated to stricter scrutiny, but the discretion to elevate the registrant would lie with the IEB. Commissioner Maynard expressed an interest in reviewing the criteria.

Director Lillios stated that there were nine factors in the regulation, and that she would review the factors related to this type of vendor for relevant criteria. Chair Judd-Stein expressed an interest in having the demographic readings from the monthly or quarterly reports be included as a factor for marketing affiliates.

- b. [Commission Designation of Mass. State Police as the primary law enforcement agency under 23N, sec. 11\(c\) \(1:55:37\)](#)

Director Lillios stated that pursuant to General Law 23N § 11 the IEB is requesting the Commission designate the Massachusetts State Police as the primarily law enforcement agency for conducting and assisting the Commission in conducting investigations into corruption in sports wagering. She stated that the State Police were prepared to accept the designation.

Commissioner O'Brien moved that the Commission designate the Massachusetts State Police as the primary law enforcement agency under General Law Chapter 23N § 11(c). 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.

Director Lillios stated she would collaborate with General Counsel Todd Grossman to memorialize the vote in writing so that it would be documented for the Commission files and sent to the Massachusetts State Police.

5. [Legal](#) (1:59:45)

a. Sports Wagering Regulations

i. 205 CMR 202: Sports Wagering Authority and Definitions, and Amended Small Business Impact Statement

General Counsel Todd Grossman introduced Associate General Counsel Ying Wang. Associate General Counsel Wang stated that the draft 205 CMR 202 was brought before the Commission on October 7, 2022, and the Commission voted to promulgate the regulation by emergency. She stated that the Commission had approved revision on November 17, 2022, and that a public hearing was held on November 22, 2022, presided over by Commissioner Hill. She stated that no comments were received and requested a vote to finalize the promulgation process and file the regulation with the Secretary of the Commonwealth. The *Amended Small Business Impact Statement and 205 CMR 202* were included in the Commissioner's Packet on pages 30 through 39.

Deputy General Counsel Monahan explained that the proposed changes would revise the definition of sports wagering equipment to align with the technology regulation 205 CMR 244.01, and that the definition of sports wagering platform and mobile application would be removed for further review with Gaming Laboratories International ("GLI") in the development of the internal control regulations.

Commissioner O'Brien asked if the term of art for sports wagering platform and mobile application would remain in the regulation. Deputy General Counsel Monahan stated that both the term and definition were removed. She stated that the Commission might want to discuss the vendor regulation 205 CMR 234 prior to voting on 205 CMR 202 as the regulations are aligned.

ii. [205 CMR 211](#): Category 1, Category 2, and Category 3 Sports Wagering License Applications, and Amended Small Business Impact Statement (2:05:05)

Associate General Counsel Wang explained that 205 CMR 211 outlined the requirements that must be met for an applicant to submit an application for sports wagering including the information requirements and required fees. She noted that the regulation authorizes the Commission to extend the filing deadline under certain circumstances. She stated that the Commission voted to promulgate the regulation by emergency on October 6, 2022, and that a public hearing was held on November 22, 2022, presided over by Commissioner Hill. She stated that two comments had been received and were included in the packet. The *Amended Small Business Impact Statement and 205 CMR 211* were included in the Commissioner's Packet on pages 40 through 45.

Chair Judd-Stein offered the Commission time to reflect on the comments included in the packet. The Commission had no further question or comment on the public comments.

Commissioner O'Brien moved that the Commission approve the small business impact statement and draft 205 CMR 211 as included in the Commissioner's Packet and discussed here today and further that staff be authorized to take the necessary steps to file the required documentation with the Secretary of the Commonwealth and finalize the regulation promulgation process. Commissioner Hill seconded the motion.

Commissioner Skinner asked if the discussion about marketing affiliates was relevant to this regulation. Commissioner O'Brien stated that the discussion was relevant to 205 CMR 202 and 205 CMR 234. Chair Judd-Stein noted that the Commission did not comment on the comments but appreciated the public weighing in.

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.

iii. [205 CMR 234](#): Sports Wagering Vendors, and Amended Small Business Impact Statement (2:09:27)

Deputy General Counsel Monahan stated that this regulation last appeared before the Commission on October 6, 2022, and had a public hearing on November 22, 2022, presided over by Commissioner Hill. She noted that there were no public comments and no changes to the regulation since it had last been reviewed. She stated that two written comments were received and reviewed by the Legal Division and IEB. She stated that the Legal Division did not believe

any changes are needed based on those comments. The *amended small business impact statement and 205 CMR 234* were included in the Commissioner's Packet on pages 46 through 66.

Deputy General Counsel Monahan stated that 205 CMR 202 defined sports wagering vendors to include third-party marketing or advertising entities, which would require licensure rather than registration under 205 CMR 234. She stated that the regulations would be amended based on the Commission direction and return in January with those changes.

Commissioner Skinner asked if the change to 205 CMR would be removing third-party marketing or advertising entities from the sports wagering vendor definition. Deputy General Counsel Monahan stated that it did not necessarily need to be removed, and that the Legal Division would review the issue and return with recommendations on options for the amendments.

Commissioner O'Brien moved that the Commission approve the small business impact statement and draft 205 CMR 202 as included in the Commissioner's Packet and further discussed here today, specifically the conversation regarding third-party marketers in the definition of sports wagering vendor and the two definitions to be temporarily removed from 205 CMR 202 namely sports wagering platform and mobile application subject to further review, and further that staff be authorized to take the necessary steps to file the required documentation with the Secretary of the Commonwealth and finalize the regulation promulgation process. 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.

Commissioner O'Brien moved that the Commission approve the small business impact statement and draft 205 CMR 234 as included in the Commissioner's Packet and further discussed here today and further that staff be authorized to take the necessary steps to file the required documentation with the Secretary of the Commonwealth and finalize the regulation promulgation process. 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.

iv. [205 CMR 240](#): Adjusted Gross Sports Wagering and Adjusted Gross Fantasy Wagering Receipts Tax Remittance and Reporting, and Amended Small Business Impact Statement (2:17:20)

Deputy General Counsel Monahan introduced Associate General Counsel Judith Young. Associate General Counsel Young stated that 205 CMR 240 governs the process of filing and collecting taxes related to sports wagering activities and fantasy sports wagering contests. She noted that the Commission voted to promulgate the regulation by emergency on October 6, 2022, and that a public hearing was held on November 22, 2022, presided over by Commissioner Hill. She noted that four comments were received from prospective operators and that the comments were included in the Commissioner's Packet. The *Amended small business impact statement and 205 CMR 240* were included in the Commissioner's Packet on pages 67 through 84.

Deputy General Counsel Monahan stated that no changes were made to the regulation since it was last approved. She stated that comments discussing promotional play will be addressed at the Commission meeting on December 12, 2022, and the discussion from that meeting will be used for revisions.

Deputy General Counsel Monahan stated that another issue in the comments was related to the taxation of nationwide fantasy sports contests receipts. She noted that further review and discussion of that issue would be addressed at the December 12, 2022, meeting. She suggested that the regulation move forward as is and the Legal Division could return with amendments, if necessary, in the future.

Chief Financial and Accounting Officer ("CFAO") Derek Lennon advised that the finance division guidance would be to use location percentage for fantasy sports taxation. He noted that this method is used in Alabama, Arizona, Arkansas, Connecticut, Delaware, Iowa, and Louisiana. He noted that all states that tax fantasy sports use location-based percentages.

Commissioner Skinner noted that this method is subject to approval by the Commission on December 12. Chair Judd-Stein asked if it was the finance division's recommendation to adopt the language in the packet. CFAO Lennon stated that he wanted to review the language with the Legal Division and outside counsel from Anderson and Krieger prior to recommending the language. He noted that this is the finance division's guidance as it is consistent with every other state.

Commissioner O'Brien noted that the taxation was retroactive to the implementation of the statute, and if there were any tax offsets due to the decision on December 12 there was a way to rectify the accounting changes. CFAO Lennon stated that Commissioner O'Brien's interpretation was correct.

Commissioner Skinner moved that the Commission approve the small business impact statement and draft 205 CMR 240 as included in the Commissioner’s Packet and discussed here today and further that staff be authorized to take the necessary steps to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. The motion was seconded by Commissioner O’Brien.

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. [Approval of New Table Game, Pontoon 21](#) (2:26:57)

i. New Regulation: 205 CMR 146.28: Pontoon 21 Table; Physical Characteristics. Review of Draft regulation and Small Business Impact Statement

Associate General Counsel Young stated that licensee Blue Tarp reDevelopment, LLC dba MGM Springfield (“MGM”) requested approval of a new table game Pontoon 21, pursuant to 205 CMR 147.04. She stated that MGM had formally requested the adoption of a new table game, the IEB reviewed the petition, and GLI performed certification testing on the game. She stated that the field test was extended to accommodate the addition of the bonus spin progressive feature that had been delayed due to supply chain management issues and was set to conclude on Monday, December 5, 2022. She stated that the game was similar to Spanish 21, but with different payouts and progressive style wagering. She noted that six comments had been received and that they were favorable.

Associate General Counsel Young, Regulatory Compliance Manager Sterl Carpenter, IEB Compliance Manager Angela Smith, and IEB Supervising Gaming Agent Dustin Nigro presented the rules of the Pontoon 21 including an overview of the process within 205 CMR 147.04 and table characteristics. The *Rules of Pontoon 21* were included in the Commissioner’s Packet on pages 85 through 101.

Chair Judd-Stein asked if Pontoon 21 replaced Spanish 21. Mr. Carpenter noted that MGM had replaced all Spanish 21 tables with Pontoon 21 tables, but that EBH would still keep Spanish 21. He noted that Pontoon 21 was approved at the National Harbor MGM in Maryland.

Commissioner Hill asked how many betting spots were at each table. Mr. Carpenter explained that the rules allow for up to six spots at each table, but MGM has chosen to use only five at each table. Chair Judd-Stein asked what the advantage would be to include a sixth spot as mentioned in one of the comments. Mr. Carpenter stated that it was likely no seats were available at the time the patron visited.

Commissioner Maynard asked how many Pontoon 21 tables MGM planned to have. Ms. Smith stated that they would have six Pontoon 21 tables to replace the six Spanish 21 tables. Associate General Counsel Young explained to Commissioners that section 17, describing the physical characteristics of the table would be amended to be removed once they were incorporated into the promulgation of 205 CMR 146.28.

Commissioner Skinner asked if other casinos would have to go through a field test for this game if they wanted to adopt it. Mr. Carpenter confirmed that if a game was approved, it would be available as approved across the Commonwealth.

Chair Judd-Stein asked if there was still an outstanding field test on December 5, 2022. Associate General Counsel Young stated that the original field test was extended due to delivery delays, and that the IEB gave the licensee extra time to conduct the field trial.

Commissioner Maynard moved that the Commission approve the rules of the game of Pontoon 21 as included in the Commissioner's Packet and discussed here today. The motion was seconded by Commissioner O'Brien.

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.

Associate General Counsel Young then explained that 205 CMR 146.28 would include the physical characteristics described in section 17 and codify them with other approved physical table characteristics in 205 CMR 146.00. Commissioners had no further questions.

Commissioner Maynard moved that the Commission approve the small business impact statement and the draft 205 CMR 146.28 as included in the Commissioner's Packet and discussed here today, and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to begin the regulation promulgation process. The motion was seconded by Commissioner O'Brien.

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.

6. [Sports Wagering Updates](#) (2:51:03)

Executive Director Karen Wells explained that the evaluation for category one sports wagering applications was scheduled for the following week, and that licensees had been notified to appear. She noted that the evaluation of the tethered category three license applications would follow. She stated that a contract was being finalized for a vendor to serve as a tool for the evaluation of the untethered category three license application scheduled to begin in January.

Executive Director Wells stated that the Legal Division was continuing to develop regulations on schedule. She stated that the gaming agents were meeting with the properties on Monday to inform the prospective licensees how the process for the inspection of the floor and GLI certifications would occur. She stated that the IEB was on target for completing preliminary investigations, and that internal control regulations were expected for December 15. She noted IT would work with GLI on the operations certificate process.

7. [Commissioner Updates](#) (2:56:08)

Chair Judd-Stein introduced Trudy Lartey the Executive Assistant to the Commissioners to the meeting participants. She also noted that the Commissioners would be training with GLI, which would be helpful in the evaluation of applications.

8. [Other Business](#) (3:00:26)

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

Commissioner O'Brien 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 27, 2022
2. [Commissioner's Packet](#) from the December 1, 2022, meeting (posted on massgaming.com)