



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 29, 2022, 3:00 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 700 2692

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 417th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Sports Wagering Process Requests](#) (00:43)

a. Approval of Form for Request for Temporary Licensure

Executive Director Karen Wells stated that the form for the request for temporary licensure needed to be approved by the Commission. She stated that pursuant to 23N and relevant portions of 205 CMR, the operators must request a temporary license, and that this would be the official form for the operators to fill out. She stated that the form was developed by General Counsel Grossman. The *Request for A Temporary License to Conduct Sports Wagering Form* was included in the Commissioner's Packet on pages 3 through 4.

Executive Director Wells stated that the statute provided that the Executive Director must decide whether an applicant was a ‘qualified gaming entity’. She explained that she would submit something in writing to the Commission, in compliance with the statute. Executive Director Wells further stated that this would satisfy the official process for each applicant as confirmation that they are a qualified gaming entity.

Commissioner Skinner sought clarification as to whether the Executive Director would be recommending approval for the Commission’s further discussions. Executive Director Wells explained that the Commission would make preliminary determinations that entities are eligible to apply for a temporary license and submit the \$1 million fee, but in order to be granted a temporary license, there also needed to be an assertion by the Executive Director that the applicant was a qualified gaming entity. She stated that this process needed to occur before the temporary license could be granted.

Commissioner Maynard moved that the Commission adopt the Massachusetts Gaming Commission’s *Request for a Temporary License to Conduct Sports Wagering Form* as included in the Commissioner’s Packet and 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.

b. [Voluntary Self Exclusion Database Funding Request](#) (06:08)

Chief Financial and Accounting Officer (“CFAO”) Lennon stated that the Commission had not yet performed the assessment for the Sports Wagering Control Fund. He stated that the assessment discussion would return for a mid-year review.

CFAO Lennon stated that under General Law Chapter 23N, § 13(e)(2), the Commission was required to have a list of persons voluntarily excluded from sports wagering. He stated there was a similar database from the gaming statute. He proposed that the Public Health Trust Fund be used to initially fund the sports wagering voluntary self-exclusion list and then shift those costs back to the sports wagering control fund assessment retroactively. Chair Judd-Stein inquired whether this would cause issues with the trust, and CFAO Lennon responded that it would not.

Director of Research and Responsible Gaming Mark Vander Linden stated that even if enhancements were made to include sports wagering in the existing voluntary self-exclusion, there would be a small gap between the timeline before they became fully integrated in February. He stated that a patch existed that would begin to accept persons onto the sports wagering

voluntary self-exclusion list starting the week of January 16th, 2023. He explained that there would be a period of time when the Commission would need to use this patch before they could begin to include people in an integrated voluntary self-exclusion list. He stated that there was functionally no difference for those who want to sign up for the voluntary self-exclusion list on the sports wagering side and expressed an interest in beginning the enhancement as soon as possible.

The Commission had no questions or objections.

3. Discussion: Commissioner Process Review for Category 3 Untethered Sports Wagering Applications (11:40)

Chair Judd-Stein stated that there was a memorandum in the Commissioner's Packet with recommendations on how to proceed with the review process for category three untethered sports wagering applications. The *memorandum* was included on page 5 through 8 of the Commissioner's Packet.

Chair Judd-Stein stated that the memorandum requested that all applicants attend a first meeting in the evaluation process on January 6, 2023, to hear information on how the proceedings will move forward, and the legal and regulatory framework involved. The Commission reached a consensus to consolidate all of the information to be presented in one meeting on January 6.

Chair Judd-Stein stated that each applicant's presentation and the Commission's review would be conducted on distinct days. She stated that there would be two days at the end of the process for a holistic review and allow applicants to apply for a temporary license pursuant to 205 CMR 218.06. The Commission reached a consensus on this procedure.

Commissioner O'Brien suggested editing the memorandum on page seven to clarify that the Investigations and Enforcement Bureau would be providing a report to the Commission regarding the applicant's preliminary suitability.

The Commission reached a consensus in support of the schedule on page eight of the memorandum, which adhered to an anticipated mobile sports wagering launch date sometime in March.

Chair Judd-Stein reiterated that a launch by any operator was strictly contingent on the regulatory approval and operational readiness. She further stated that the operators must pass verification and testing processes before any bets could be placed on their platforms.

Executive Director Wells noted that the Commission had engaged with Ernst and Young to develop an indexing tool to help the Commission in reviewing the six applications simultaneously. Chief Administrative Officer to the Chair Crystal Beauchemin recommended that the indexing tool be delivered to the Commission by January 19. Chair Judd-Stein asked if it

could be received sooner. Ms. Beauchemin stated that it would, but it is a process tool designed to help with the evaluations on January 19 and January 20.

Commissioner O'Brien expressed her expectation that the Commission would receive the index tool in advance of that date. Commissioner Maynard asked if there was a benefit to receiving the information earlier. Executive Director Wells stated that the index would not produce any information not already in the applications, but that the index was intended to help the Commission review the six applications simultaneously.

Chair Judd-Stein asked if the Commissioners would be able to make entries in the index. Ms. Beauchemin explained that the index was formatted in Excel and that she had requested it to be converted to PDF format as well. Commissioner Skinner expressed that she was excited to have access to this tool and that she thought it would be helpful in the evaluation discussion meetings. Chair Judd-Stein stated that she thought it would be helpful to have access to the index in preparation for the January 19th proceedings. Executive Director Wells stated that someone would work with the Commissioners to improve their ability to navigate the links.

Commissioner Skinner stated that she would prefer the excel format as opposed to the PDF version mentioned by Ms. Beauchemin. Chair Judd-Stein stated that she would prefer the PDF meeting for the format. Ms. Beauchemin confirmed that the index would be available in both formats.

4. [Other Business](#) (24:56)

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

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner Skinner.

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 December 27, 2022
2. [Commissioner's Packet](#) from the December 29, 2022, meeting (posted on massgaming.com)