



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: December 6, 2023 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 551 2022

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #158 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 Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Meeting Minutes

Commissioner Maynard confirmed that the meeting minutes will be rolled over to a future agenda meeting date.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – December 7, 2023 – 10:00 AM

Item #1 – Category 3 Sports Wagering Quarterly Reports – *This agenda item was not discussed.*

Items For Public Meeting – December 14, 2023 – 9:30 AM

Item #2 – Administrative Update – Interim Executive Director and General Counsel Todd Grossman confirmed that Director of the Racing Division Dr. Alexandra Lightbown would provide an update on the end of the racing season and a discussion of the Racing Annual Report on racing operations.

Item #3 – Meeting Minutes: March 8, 9, 15, 23, and 27, 2023 – Commissioner Maynard confirmed the meeting minutes for March 8, 2023 and March 9, 2023 and that the review of the other meeting minute dates are ongoing.

Item #4 – Legislative Update: “Housekeeping” Legislative Letter – Interim Executive Director and General Counsel Grossman confirmed this agenda item.

Item #5 – Regulations: 205 CMR 238.12, 205 CMR 258, 205 CMR 15 – Deputy General Counsel Caitlin Monahan confirmed that the Legal Division would be ready to present on 205 CMR 238.12 and 205 CMR 258, but requested to remove 205 CMR 15 from the agenda and bring that forward in a future public meeting date.

Item #6 – Mission Statement Working Group Report – Commissioner O’Brien and Commissioner Maynard confirmed this agenda item.

Item #7 – MGC Internship Program Update – Commissioner Maynard confirmed this agenda item.

Item #8 – Sports Wagering & Legal Waiver Requests – 205 CMR 257.02(3) (DraftKings), 205 CMR 257.04 – Business Manager of the Sports Wagering Division Crystal Beauchemin confirmed that DraftKings does not have an additional waiver request and that 205 CMR 257.03 can be removed from the agenda.

Item #9 – Sports Wagering DraftKings House Rules Amendment – Director of the Sports Wagering Division Bruce Band and Casino Regulatory Manager Andrew Steffen confirmed that the house rule updates would be pending a GLI certification.

Item #10 – Sports Wagering 90 Day Audit – Director Band confirmed this agenda item.

Item #11 – Approval of Plainridge, Suffolk, Raynham Simulcast Locations, Premium Free Periods, and Account Wagering Providers – Director Lightbown confirmed this agenda item.

Item #12 – Racing Annual Report – Director Lightbown confirmed this topic would be covered under the Administrative Update section (Item #1) on this meeting date.

Item #13 – Diversity at the MGC – Finance & Budget Office Manager John Scully confirmed this agenda item.

Item #14 – Noncompliance Matter re DraftKings – Interim Director of the IEB and Chief Enforcement Counsel Heather Hall confirmed this agenda item.

Item #15 – Review of Penn’s ESPN Document Production – Interim Director of the IEB and Chief Enforcement Counsel Hall and Deputy General Counsel Monahan confirmed this agenda item. A discussion ensued about process for the adjudicatory hearing.

Add-On Item – City of Springfield’s Modification Requests to Community Mitigation Fund Grants – Chief of the Community Affairs Division Joseph Delaney requested time during this meeting to discuss two modification requests received from the City of Springfield’s Health and Human Services Department about the Community Mitigation Fund grants.

Add-On Item – Casino Update – Interim Director of the IEB and Chief Enforcement Counsel Hall requested time during the Administrative Update section (Item #1) on this meeting date for Chief of the Gaming Agents Division Burke Cain to provide an update on the happenings at the casino over the holidays.

Items For Public Meeting – January 4, 2024 – 10:00 AM

Item #16 – Administrative Update – Interim Executive Director and General Counsel Grossman confirmed this agenda item.

Add-On Item – Update on Licensee Workforce and Supply Diversity Audit – Commissioner Skinner requested time during this meeting to provide an update on the Diversity Audit.

Item #17 – Meeting Minutes – Chair Judd-Stein confirmed this agenda item.

Item #18 – Legislative Update – *This agenda item was not discussed.*

Item #19 – Regulations – Deputy General Counsel Monahan confirmed that the Legal Division does not anticipate having regulations to present on this date.

Item #20 – Sports Wagering – Director Band confirmed this agenda item.

Item #21 – Report on Process for Reinstatement of VSE – Director of the Research & Responsible Gaming Division Mark Vander Linden requested to add Program Manager of the Research & Responsible Gaming Division Long Banh to the agenda for this item as he would be providing a report on VSE reinstatement.

Item #22 – Illegal Market: Online Unlicensed Sports Wagering Operators: MGC Seal of Licensure – Commissioner O’Brien confirmed this agenda item.

Item #23 – Executive Director Screening Committee Update – Chair Judd-Stein confirmed this agenda item.

Item #24 – IEB Director Screening Committee – Chair Judd-Stein confirmed this agenda item.

Add-On Item – Update on EBH Floor Plan Amendment – Interim Director of the IEB and Chief Enforcement Counsel Hall confirmed that this agenda item would be ready for discussion on this date as well as the process for temporary licensure.

Items For Public Meeting – January 18, 2024 – 10:00 AM

Item #25 – Administrative Update – Interim Executive Director and General Counsel Grossman confirmed this agenda item.

Item #26 – Meeting Minutes – Commissioner Maynard confirmed this agenda item.

Item #27 – Legislative Update – Commissioner Hill confirmed this agenda item.

Item #28 – Regulations – Deputy General Counsel Caitlin Monahan confirmed this agenda item.

Item #29 – Sports Wagering – Director Band confirmed this agenda item.

Item #30 – Player Risk Identification and Response – Director Vander Linden confirmed this agenda item.

Add-On Item – Springfield Public Safety Report – Director Vander Linden requested time during this meeting to discuss the Springfield Public Safety Report.

Items Under Review for Future Meetings:

Item #31 – ILEV Review Process – Chief Delaney requested to keep this agenda item under review.

Item #32 – Compliance Committee – Commissioner O’Brien requested to keep this agenda item under review.

Item #33 – HCA Compliance Update (All Properties) – Chief Delaney requested to keep this agenda item under review.

Item #34 – Casino Job Quality Report – Director Vander Linden requested to remove this agenda item for now.

Item #35 – Bet Restriction by Operator – Director Band requested to keep this agenda item under review.

Item #36 – Treatment of Confidential Information – Interim Executive Director and General Counsel Grossman requested to keep this agenda item under review.

Item #37 – Diversity Audit – Commissioner Skinner and Chair Judd-Stein confirmed this agenda item would be moved to the January 4, 2024 meeting.

Item #38 – Executive Director Screening Committee Update – Chair Judd-Stein confirmed this agenda item would be moved to the January 4, 2024 meeting.

Item #39 – 2023 Annual Report – Chair Judd-Stein requested to keep this agenda item under review.

Item #40 – IEB Director Screening Committee Update – Chair Judd-Stein confirmed this agenda item would be moved to the January 4, 2024 meeting.

Item #41 – Springfield Area Public Safety Report – Chair Judd-Stein confirmed this agenda item would be moved to the January 18, 2024 meeting.

Item #42 – RHDF and Escrow – Director Lightbown requested to keep this agenda item under review.

Item #43 – IEB Report on EBH Floorplan Expansion – Chair Judd-Stein confirmed this agenda item would be moved to the January 4, 2024 meeting.

Add-On Item – Encore East of Broadway Final Submission Packet – Chief Delaney requested to add an agenda item to discuss Encore East of Broadway’s final submission packet.

Add-On Item – “Play My Way” Program Report and Update – Director Vander Linden requested to add an agenda item to discuss the evaluation of the “Play My Way” program which was completed on all three properties.

Add-On Item – Levels of Delegation: Category 1 Adjudicatory Hearings – Chair Judd-Stein requested time during the January 18, 2024 meeting to revisit a previous presentation by the Legal Division and IEB on the different levels of delegation for category 1 adjudicatory hearings.

Add-On Item – Regulation Amendments – Deputy General Counsel Caitlin Monahan requested to add an agenda item to discuss 205 CMR 256.04(4) relating to advertising restrictions.

Add-On Item – GameSense Access at MGM Springfield – Commissioner Maynard requested time during the December 14, 2023 meeting to discuss the railing at MGM Springfield and how that impacts access to the GameSense office at that location.

Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Skinner seconded.

Roll Call Vote:

Commissioner O’Brien Aye.

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. Notice of Meeting & Agenda, dated December 6, 2023

FUTURE SCHEDULED MEETING DATES:

December 7 (Public)
December 14 (Public)
December 20 (Agenda)
January 4 (Public)
January 10 (Agenda)
January 18 (Public)
January 24 (Agenda)
February 1 (Public)