



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: February 1, 2023 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 576 2286

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #139 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*

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for February 2nd, February 8th, February 9th, February 15th, February 23rd, and February 28th, 2023, additional agenda items described in the attached agenda planning notice, as follows:

Items For Public Meeting – February 2, 2023 – 10:00 AM

Item #1 – Administrative Update – Executive Director Wells confirmed that a brief onsite update would be provided at the February 2nd meeting.

Item #2 – Meeting Minutes – Meeting Minutes will not be included in the February 2nd meeting packet.

Item #3 – Regulations for Sports Wagering – Deputy General Counsel Monahan confirmed to Commissioners that the sports wagering regulations for the February 2nd meeting included

Amended Small Business Impact Statements and final drafts of the following regulations: 205 CMR 105: *Investigation and Enforcement Bureau*; 205 CMR 143: *Gaming Devices and Electronic Gaming Equipment*; 205 CMR 243: *Sports Wagering Equipment*; and 205 CMR 244: *Approval of Sports Wagering Equipment and Testing Laboratories*.

Items For Public Meeting – February 8th, 2023 – 10:00 AM

Item #4 – Administrative Update – Executive Director Wells confirmed an administrative update would take place on the February 8th meeting.

Item #5 – Meeting Minutes – The Legal Division clarified that minutes would be included in the packet for the February 9th meeting, not at the February 9th meeting.

Item # 6 – East of Broadway Development – Chief Delaney confirmed he had received materials from the EBH team as well as a legal memorandum on the relevant issues from outside counsel. All materials on the matter had been sent for inclusion in a larger packet to Commissioners.

Item #7– Quarterly Reports – Community Affairs Division – Chief Delaney confirmed that all three licensees, EBH, PPC, and MGM would have fourth quarter reports to provide the Commission at the February 8th public meeting, as well as their yearly capital expenditure reports.

Add-on Item – Community Mitigation Fund – Chief Delaney requested an additional agenda item for the brief discussion of a grant reallocation request from the City of Revere.

Items For Public Meeting – February 09, 2023 – 10:00 AM

Item #8 – Administrative Update – Executive Director Wells confirmed an Administrative Update would include an update on the gaming establishments from Interim Gaming Agents Division Chief, Burke Cain.

Item #9 – Meeting Minutes – Two sets of minutes would go forward for review on February 9th.

Item #10 – Sports Wagering Regulations – The Legal Division confirmed a discussion 205 CMR 254: *Temporary Prohibition from Sports Wagering* (cooling off) and 205 CMR 256: *Sports Wagering Advertising* and potential waivers as necessary. Deputy General Counsel Monahan confirmed that both regulations were currently in effect by emergency and due to come back for a vote of finalization on February 28th and March 23rd respectively. She also presented the option of a waiver for the Commission to grant to licensees until the final draft of the regulation with the proposed changes is filed with the Secretary of State. Commissioner O'Brien added clarification to say that it was not that the Licensees would be entitled to the waiver, but that it would be something that Commissioners could ultimately decide after a more thorough discussion. Chair Judd-Stein agreed that the issue was complex and worthy of a deeper discussion leading up to the launch of the mobile platforms.

Add-on item – Regulations – Associate Counsel Young requested an agenda item for the presentation of the 205 CMR 146.28 – *Pontoon 21 Table; Physical Characteristics* and the accompanying rules for approval.

Item #11- Mid Year Financial Update - CFAO Lennon confirmed that the Finance Division was prepared to provide the Commission with an update on the mid-year budget for the current fiscal year. A summary would be included in the Commissioners packet.

Item #12 – Sports Wagering Assessment for Approved Operators – CFAO Lennon also confirmed this item for the February 9th meeting, as well as the materials from RSM in the packet for Commissioner’s review.

Item# 13 – GPAC Update – Commissioner’s Update – Chair Judd Stein confirmed that she would provide a short update on the scheduling of the next GPAC meeting.

Item# 14 – Annual Report Update – Crystal Beauchemin, Chief Administrative Officer to the Chair and Special Projects Manager confirmed that she would provide a brief update on the status of the Commission’s Annual Report on February 9th.

Items For Public Meeting – February 15, 2023 – 2:00 PM

Item #15 – Administrative Update – Executive Director Wells will confirm this item at the upcoming agenda setting meeting.

Item #16 – Meeting Minutes – This item will be updated at the next agenda setting meeting.

Item #17 – Sports Wagering Regulations – Review of 205 CMR 256 – After Chair Judd Stein and Executive Director Wells agreed that it would be wise for the Commission to revisit this regulation for a discussion in a public forum, after receiving feedback from the applicants and members of the public. Executive Director Wells agreed and requested that Director Vander Linden and Bruce Band, Chief of the Sports Wagering Division also attend the meeting on the 15th to discuss the comments and any relevant data and studies from the Responsible Gaming Division that may be helpful. Deputy General Counsel Torrisi provided a short overview of where the regulation was in the promulgation process; noting that this regulation would not be coming forward for a final vote on the 15th. She clarified that edits and suggestions could be incorporated into the regulation prior to the draft being finalized on March 23, 2023.

Item #18 – Regulations – Director Vander Linden requested potential discussion of the limit setting regulation, 205 CMR 255 after a roundtable meeting within the sports wagering industry and members of the responsible gaming community. This item was tentatively set for the 15th with the Chair noting that it may be moved to a public meeting later in the month.

Items For Public Meeting – February 23, 2023 – 10:00 AM

Item #19 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #20 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting.

Item #21 – Sports Wagering Regulations – This item was tentatively confirmed by the Legal Department, and will be updated at the next agenda setting meeting.

Item #22 – Finalization of Temp. Licensing Process – Executive Director Wells requested that this item remain on the agenda for February 23rd, as it is a part of the required process for temporary licensure that the Executive Director make an administrative finding of their qualifications. She added that this item must be complete before the March launch date.

Add-on Item – Racing- Local Aid and Recovery of Unclaimed Tickets – Dr. Lightbown, Director of Racing, requested an agenda item for the Commission’s approval for two fiscal items on February 23rd.

Add- on Item – Responsible Gaming – GameSense Quarterly Reports – Director Vander Linden requested an agenda item for the presentation of the Game Sense Quarterly reports from Q4.

Items For Public Meeting – February 28, 2023 – 11:00 AM

Item #23 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #24 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting.

Item #25 – Sports Wagering Regulations – General Counsel Torrisi confirmed the Division would have five amended small business impact statements and final drafts of the following regulations: 205 CMR 254: *Temporary Prohibition from Sports Wagering*; 205 CMR 138: *Uniform Standards of Accounting Procedures and Internal Controls*; 205 CMR 238: *Uniform Standards of Accounting Procedures and Internal Controls* 205 CMR 247: *Uniform Standards of Sports Wagering*; and 205 CMR 248: *Sports Wagering Account Management*. Given the length of discussion or these regulations, it was anticipated that these matters may carry over to a subsequent public meeting.

Items For Public Meeting – March 1, 2023 – 11:15 AM

Item #23 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #24 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting.

Item #25 – Sports Wagering Regulations – Deputy General Counsel Torrisi confirmed that this meeting has been reserved for additional discussion from the previous meeting for the final drafts of: 205 CMR 254: *Temporary Prohibition from Sports Wagering*; 205 CMR 138: *Uniform Standards of Accounting Procedures and Internal Controls*; 205 CMR 238: *Uniform Standards of Accounting Procedures and Internal Controls* 205 CMR 247: *Uniform Standards of Sports Wagering*; and 205 CMR 248: *Sports Wagering Account Management*.

Items For Public Meeting – March 9, 2023 – 11:15 AM

Item #29 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #30 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting.

Item #31 – Sports Wagering Regulations – General Counsel Grossman tentatively noted that there were no regulations coming forward on March 9th for review and discussion, but would re-confirm as the date drew closer.

Add-on Item – Responsible Gaming – Director Vander Linden requested an agenda item for discussion of the Fiscal Year 2024 research agenda and confirmed that he would also bring a draft of the agenda before the Commission for initial feedback.

Add-on Item – Universal Wallet Discussion– Chair Judd-Stein requested discussion on the Universal Wallet question before the Commission. Executive Director Wells noted that 23N prohibits the use of credit cards, or lines of credit as payment for wagers in the Commonwealth, but that there were companies that utilized a “digital wallet” of sort that allowed individuals to access different methods of payment. These companies were now seeking clarification from the Commission whether these payment methods were acceptable in the Commonwealth. Executive Director Wells noted that the Legal Division had reviewed the issue, and it was best to go before the Commission for discussion, so that Operators know exactly what the Commission’s expectations were. Chair Judd-Stein requested that this matter be tentatively placed under review for the time being, but agreed that a public discussion would be ideal in the near future.

Items Under Review for Future Meetings:

Item #32 – Request for Escrow RHDF – This item will be discussed at the March 9th public meeting.

Item #33 – Category 2 Sports Wagering Applicant Review – Executive Director Wells noted that she is having some discussions with the attorney representing the Category 2 Sports Wagering applicant, but that it may be best for the Commissioners to have an opportunity to review the application they submitted some time soon, and then provide Executive Director Wells with some feedback for how long they would like to take to evaluate the application as a whole. Chair Judd-Stein requested that Executive Director Wells and Ms. Beauchemin work together to find an optimal date for the Commissioners to go through the application with comments.

Item #34 – Category 3 Mobile Launch Operations Certificate – Executive Director Wells confirmed that the “go live” requirements for Category 3 mobile licensees will be different than the Category 1 licensees, as they will require their vendors to make the updates necessary to get things moving; describing that their internal controls were much more comprehensive. She explained that while Category 1 licensees could go from being issued an operations certificate on one day, and open for operations on the next, the Commission should anticipate roughly a week

between the issuance of an operations certificate and opening after a licensee's internal controls are reviewed. She confirmed that once GLI was able to review the submitted internal controls and meet with the Commission, that she would work to construct a launch date timeline.

Item #35 – 205 CMR 255 (Play Management) – This item will be discussed at the March 9th public meeting.

Item #36 – ILEV Review Process – *This item will remain under review.*

Item #37 – Racing ADW regulations – Commissioner O'Brien requested a review of the existing ADW regulation and what the practices have been to date, to determine whether the practice has been mirroring the regulation or was operating differently. She confirmed that she would work with Compliance Manager Sterl Carpenter, the Legal Division and Commissioner Maynard.

Item #38 – Independent Monitor Report – Chair Judd Stein confirmed that this matter was scheduled for a silent briefing.

Item #39 – Compliance Committee – *This item will remain under review.*

Item #40 – Succession of Officers and Positions – *This item will remain under review.*

Item #41 – Proposed FY24 Research Agenda– *This item will be discussed on February 23rd.*

Item #42 – Budget Implications for Studies under 23N – CFAO Lennon confirmed that this will come forward as a portion of the Mid-Year Review on February 9th, with both studies mandated under 23N being discussed. CFAO Lennon highlighted to Commissioners that some discussion would be necessary as the determination for whether the second study qualified for usage of funds within the Public Health Trust Fund. He clarified that it was not likely that the study would apply, but that the second study would be a part of the Fiscal Year 2024 budget planning exercise. He estimated a second discussion coming before the Commission by April or May.

Item #43 – Office Lease Expiry Update – *This item will remain under review.*

Having no further business, Commissioner O'Brien moved to adjourn. Commissioner Hill seconded.

Roll Call Vote:

<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner O'Brien</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

The motion passed unanimously. Meeting adjourned.

List of Documents and Other Items Used

1. Notice of Meeting & Agenda, dated January 26, 2023

FUTURE SCHEDULED MEETING DATES:

February 15 (Agenda Setting)
March 1 (Agenda Setting)
March 15 (Agenda Setting)
March 23 (Agenda Setting)
March 29 (Agenda Setting)
April 6
April 13