



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: February 15, 2023 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 031 2760

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #140 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
(a) February 1st, 2023

Commissioner Hill moved that the Commission approve the meeting minutes from the February 1st Agenda Setting meeting, subject to correction for necessary edits or typographical errors.

Roll Call Vote:

<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill:</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 5-0.

Agenda Planning for Upcoming Commission Meetings

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

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

Item #1 – Administrative Update – Executive Director Wells confirmed that a brief onsite casino update would be provided at the February 23rd meeting by Interim Gaming Agents Division Chief Burke Cain.

Item #2 – Meeting Minutes – Meeting Minutes will not be included in the February 23rd meeting packet.

Item #3 – Sports Wagering Regulations 205 CMR 255 – Director Vander Linden requested additional time to prepare discussion for this regulation, and that it be moved under review.

Item #4 – Finalization of SW Temp. Licensing Process – Executive Director Wells requested that this item remain on the agenda for February 23rd, as it was a part of the required component for temporary licensure that the Executive Director make an administrative finding of their qualifications. She confirmed a vote would be required to approve the entities.

Item #5 – Marketing Affiliates Discussion – Director Lillios confirmed her team was ready for discussion. Deputy General Counsel Monahan confirmed this item and requested an agenda item for a collateral discussion on 205 CMR 234.00.

Item #6 – Racing– Local Aid Payment – Dr. Lightbown confirmed that this item was ready for discussion on the 23rd and that a memorandum would accompany this presentation.

Item #7 – Racing and Recovery of Unclaimed Tickets – Dr. Lightbown confirmed that this item was ready for discussion on the 23rd and that a memorandum would accompany this presentation.

Item #8 – MGM SER Exemption Request – Licensing Division – Director Lillios confirmed an exemption request would be presented by David Mackay from the Licensing Division. Supplemental documents would be delivered to the Commissioners in advance of the meeting.

Item #9 – Responsible Gaming – GameSense Quarterly Reports – Director Vander Linden confirmed the presentation of the Game Sense Quarterly reports from Q4. GameSense members will provide brief presentations spanning approximately 30 mins.

Item #10 – Annual Report – Special Projects – Ms. Beauchemin confirmed that the final draft of the 2022 Annual Report had been distributed to the Commissioners and could be ready for presentation on the 23rd if the Commissioners were amendable.

Items For Public Meeting – February 28th, 2023 – 11:00 AM – 1:00PM

Item #11 – Administrative Update – Executive Director Wells confirmed an administrative update would take place at the February 28th meeting.

Item #12 – Meeting Minutes – The Legal Division clarified that minutes would not be included in the meeting agenda on the 28th.

Item# 13 – 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 on these regulations, it was anticipated that these matters may carry over to a subsequent public meeting.

Item #14 – Executive Director Annual Review and Compensation – This item was tentatively rescheduled for a later meeting date so that Commissioners and the Executive Director would have more time to prepare the necessary materials for this agenda item.

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

Item #15 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #16 – Meeting Minutes – Minutes will not be included at the March 1st meeting.

Item #17 – Sports Wagering Regulations – Deputy General Counsel Torrisi confirmed that this meeting would be 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 #18 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #19 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting by the Legal Division.

Item #20 – 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 nearer.

Item #21– Request to Escrow RHDF – Director of Racing Dr. Lightbown confirmed this item for the March 9th meeting.

Item #22 – Responsible Gaming – Director Vander Linden confirmed the Division was ready for discussion of the Fiscal Year 2024 Research Agenda before the Commissioners and confirmed that he would also circulate a draft of the agenda before the meeting for preliminary feedback. He requested that this discussion occur in advance of the GPAC meeting.

Add-on Item – Operations Certificate Discussion – Executive Director Wells requested an agenda item for presentation of the Operations Certificate and a review of the submissions and protocols of Category 3 Sports Wagering Operators prior to their launch on Friday March 10th, 2023.

Items For Public Meeting – March 13, 2023 – 10:00AM

Executive Director Wells confirmed that this meeting date would be held for potential review, or any discussion required for Commissioners in advance of the 2023 March Madness tournament, and after the launch of Category Three Sports Wagering on March 10th.

Items For Public Meeting – March 23, 2023 – 11:15 AM

Item #18 – Administrative Update – This item will be confirmed at the next agenda setting meeting.

Item #19 – Meeting Minutes – This item will be confirmed at the next agenda setting meeting by the Legal Division.

Item #20 – Sports Wagering Regulations – Deputy General Counsel Monahan tentatively confirmed that 10 regulations would be presented for a vote of finalization on March 23rd and requested a significant amount of time for their review, along with the associated comments. These regulations include: 205 CMR 106.00 *Information and Filings*, 205 CMR 107.00 *Professional Practice*; 205 CMR 109.00 *Commission Authority to Act In An Emergency*; 205 CMR 202.00 *Authority and Definitions*; 205 CMR 213.00 *Withdrawal of Application*; 205 CMR 229.00 *Transfer of Interest*; 205 CMR 232.00 *Disciplinary Matters*; 205 CMR 239.00 *Continuing Disclosure*; 205 CMR 241.00 *Surveillance and Monitoring*; and 205 CMR 256.00 *Sports Wagering Advertising*.

Add-on Item – Racing- Review of Plainridge Park Racing Officials and Key Personnel – Director Lightbown requested a brief item for review of Plainridge Park Racing’s officials prior to their Opening Day in April 2023.

Items Under Review for Future Meetings:

Item #26 – Category 2 Sports Wagering Applicant Review – Executive Director Wells confirmed that a status update would be given on the March 23rd meeting during the Sports Wagering update, and then the Commission would select and announce a later date for review of the application submitted by the Category 2 prospective operator.

Item #27 – Category 3 Mobile Launch Operations Certificate – Executive Director Wells confirmed that this matter would go forward on March 9th.

Item #28 – ILEV Review Process – *This item will remain under review.*

Item #29 – Racing ADW regulations – Commissioner O’Brien confirmed that this item would remain under review but anticipated a discussion date for April 2023.

Item #30 – Horse Racing on Event Catalog – Chair Judd-Stein requested discussion of the Sports Wagering Event catalogue and the inclusion of Horse Racing events within it. Executive Director Wells and Director Lightbown confirmed that they would continue their internal discussions with the Sports Wagering Division, and would update the Commission in the future.

Item #31 – Independent Monitor Report – *This item will remain under review.*

Item #32 – Compliance Committee – Commissioner O’Brien noted that this item will likely remain under review until an April public meeting.

Item #33 – Succession of Officers and Positions – Commissioner O’Brien noted that this item will likely remain under review until an April public meeting.

Item #34 – Budget Implications for Studies under 23N – *This item will be removed from future agendas, as it was previously discussed at a prior public meeting.*

Item #35 – Office Lease Expiry Update – Executive Director Wells confirmed that this item would remain under review, but noted with Division of Sports Wagering increasing in size and other onboarding initiatives within the Commission, they would continue to review the needs of the entire office when considering the expiration of the Lease in 2024.

Add-on Item – IEB MGM Springfield VICI REIT Transaction – Director of the IEB, Loretta Lillios confirmed that an adjudicatory hearing discussing this transaction would occur in early April.

Add-on Item – Encore East of Broadway Development – Chief Delaney requested that this item remain under review for future discussion of the development project and a hearing as well. He anticipated that a meeting would occur in late March or early April.

Chair Judd-Stein needed to leave the meeting for a previous engagement. Commissioner O’Brien chaired the meeting for the remaining agenda items.

Add-on Item – Responsible Gaming – Director Vander Linden requested an agenda item for discussion of the Encore Boston Harbor Public Safety Report, the Licensee Survey Report, and the Springfield Community Driven Research Project.

Add-on Item – Horse Racing Application Review – Commissioner O’Brien requested review of the racing regulation 205 CMR 2.01, as well as the Horse Racing application for discussion of the related timeframe and the completion requirements. Deputy General Counsel Monahan confirmed the Legal Division had begun their work on these items and would bring them forward to the Commission sometime in April.

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

Roll Call Vote:

<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>

The motion passed unanimously 4-0. Meeting adjourned.

List of Documents and Other Items Used

1. Notice of Meeting & Agenda, dated February 9th, 2023.

FUTURE SCHEDULED MEETING DATES:

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