



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: February 16, 2022 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 680 4014

Call to Order

Chair Cathy Judd-Stein called to order Agenda Setting meeting #117 of the Massachusetts Gaming Commission (“Commission”).

The Chair confirmed a quorum for the meeting by roll call. The following Commissioners were present for the meeting:

*Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O’Brien
Commissioner Bradford R. Hill*

Approval of Prior Agenda Setting Meeting Minutes

a. February 2, 2022

Commissioner O’Brien moved to approve the minutes subject to any necessary edits for typographical errors or non-material matters. Seconded by Commissioner Cameron.

Roll Call Vote:

<i>Commissioner Cameron</i>	<i>Aye.</i>
<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill</i>	<i>Aye.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

Motion Passed Unanimously 4-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming Commission meeting scheduled for February 10, 2022, and subsequent meetings described in the attached agenda planning notice, as follows:

Item #1 – Administrative Update

Executive Director Wells confirmed that three matters will be presented during the Administrative Update on March 3rd: updates on Licensee operations from Assistant Director Band; an update on the MGC COVID-19 Internal Operations guidelines with discussion of the mask-wearing policy in the office; and an update from the Internal Audit and Compliance Working Group.

Item #2 – Regulations– General Counsel Grossman confirmed the legal department had regulations for review and introduced Ms. Young to provide a brief overview of the regulations, 205 CMR 138.26(4) and 205 CMR 147.07(4), and their proposed changes. Ms. Young confirmed to Chair Judd Stein and Executive Director Wells that these regulations were submitted as a part of the Commission’s regulatory review process. She anticipated that the specific language will be ready to present at the March 3rd meeting.

Item #3 – Legislative Updates –Ms. Howard confirmed that a brief legislative update could be provided at the March 3 meeting, detailing any progress on existing legislation.

Item #4 – Responsible Gaming–Problem Gambling Awareness Month– Director Vander Linden will provide a brief presentation of Problem Gambling Awareness Month at the March 3rd meeting with his team, Mr. Banh and Ms. Flores-Pajot. The Responsible Gaming Division will provide supplemental updates about Problem Gambling at later meetings throughout the month of March.

Item #5 – Gambling Advertising Report – Mr. Vander Linden confirmed that this item will be ready for discussion on March 3rd with presentation and discussion from his team members, Mr. Banh and Ms. Flores-Pajot. *After later discussion, Mr. Vander Linden requested that this item be moved to the March 14th Agenda.*

Item #6 – Responsible Gaming – Game Sense Quarterly Report – Director Vander Linden confirmed that a general update covering all three GameSense kiosks at all three gaming establishments will be provided by GameSense Agents.

Item #7 – Responsible Gaming – Play My Way at MGM Launch – Director Vander Linden estimated that he would be able to provide an update with Chief Information Officer Ms. Jagroop-Gomes at the March 3rd meeting, with roll-out of the program occurring at the property this month.

Item #8 – MGM Springfield – Quarterly Reports – Division Chief Delaney requested to begin this Quarterly Report presentation on March 3rd towards the end of the meeting, as an executive session would be necessary to discuss MGM’s Capital Expenditure report, which is subject to a Non-Disclosure Agreement.

Item # 9 – Transaction for Preliminary Review; REIT– Heather Hall, Chief Enforcement Counsel and Assistant Director of the Investigations & Enforcement Bureau, and General Counsel Grossman will provide the Commission with a preliminary review of the VICI REIT transaction involving MGM Springfield for the March 3rd meeting. The review will include a

request by the proponents for approval of the Trust instrument. A review and vote relative to interim authorization will be brought forward on a later date in April.

Item #10 – Review of Casino Non-Compliance Penalties – Chair Judd-Stein asked IEB Director Lillios if this item could be presented sometime in April for the benefit of newly appointed Commissioners. Ms. Lillios confirmed.

Item # 11 – Encore Broadway Development Update – *Given the level of detail and deliberation required, and the existing length of the agenda for the March 3 meeting, the Commission agreed that this item should be held over until a special meeting outside of regular Public Meeting format on March 10th or 14th or another date to be determined soon.*

After additional discussion with the Commissioners, Mr. Delaney anticipates that a public hearing could still occur on February 28th from 11:30 a.m. to 1:00 p.m.; with the written comment submission period ending on February 25. Ms. Howard confirmed to Mr. Delaney that notice of the public hearing would be posted on February 16, 2022. After some discussion, Commissioners agreed that a special public meeting would then occur later in March or April with Commissioner deliberations and a vote.

Items For Future Meetings – March 14, 2022

Item #12 – Covid Impacts Report– Director Vander Linden confirmed that this item is ready, but he is arranging presentation by the SEIGMA team and confirmation of their availability to be discussed at a March meeting.

Add-on Item – Gambling Advertising Report – after some discussion with Chair Judd-Stein, Mr. Vander Linden requested that this item (noted as Item# 5 above) be moved to the March 14th Agenda, so that the Commission has more time to review the report.

Item #13– ILEV Review Process –Commissioners agreed that this item should remain Under Review for the benefit of newly appointed Commissioners.

Item #14 – LEAF Business Technical Assistance Grantee Update – Ms. Howard confirmed to Chair Judd-Stein that this item will remain Under Review for the time being.

Item #15 – Independent Monitor’s Report – Chair Judd-Stein and Commissioner O’Brien expect this item will be ready for discussion on March 31st with a silent briefing to occur sometime in advance.

Item #16 – Community Affairs Division – Community Mitigation Fund – After inquiry from Chair Judd-Stein, Mr. Delaney confirmed that the Community Affairs Division would like a standing agenda item for presentations of applications at each public meeting for the Commission to vote on incoming applications beginning on March 31st. Mr. Delaney stated that he and Ms. Thurlow would keep the Commission updated with both the category of application and number of applications they receive.

Item #17 – Suitability Review – Chair Judd-Stein inquired on the status of this agenda item. Executive Director Wells confirmed that the Legal Department will be working on a memo that will aid in discussions on March 14th or at a later meeting date. Director Lillios also confirmed that there are three reports that will be ready to review.

Item #18 – Commissioner Cameron Farewell – Commissioner O’Brien noted that Commissioner Cameron’s Send-off meeting with the Commission will be March 31st.

Add-on Item – Racing Division – Recognition of the Jockey Guild – Dr. Lightbown would like to add discussion of the funds and seek an accompanying authorization on March 14th.

Add-on Item – Racing Division – Annual Report – Dr. Lightbown would also like to add presentation of the Racing Division’s Annual Report for March 31st.

Add-on Item – Racing Division – Dr. Lightbown requested an agenda item for approval of Key Personnel and the Racing Standard Operating Procedures on March 31st.

Additional Items Under Review:

Item #19 – Responsible Gaming Framework Follow Up – This item will remain Under Review.

Add on Item- Approval of Prior Meeting Minutes – Commissioner O’Brien requested an agenda item be set for the March 14th meeting to finalize approximately 8 sets of public meeting minutes that must be completed prior to Commissioner Cameron’s departure. Commissioner O’Brien explained that some of the minutes may need to be approved on the March 31st meeting, given the length of corresponding public meetings and necessary edits, but confirmed that she expects that all minutes would be completed by the Public Meeting on the 31st for the Commission’s approval.

Chair Judd-Stein and Ms. Howard confirmed that March 9th, 2022, will be the next Agenda Setting meeting with the time changed to 11:00 a.m. It was further confirmed that March 14th is the new date of the next public meeting, moving up from March 17th, 2022.

Add-on item – Responsible Gaming – Director Vander Linden and Ms. Flores-Pajot requested to add a presentation on report authored by Rodolfo Vega, titled: “MGM Impact on Springfield: Community Based Participatory Research.” They requested that this be added to Under Review for now but expect to present the report sometime in April.

Other Business:

A member of the public asked for clarification regarding the Item #9, the MGM REIT Transaction for Preliminary Review and whether the item would be voted on during the March 3rd meeting or the April 11th meeting. Counsel Grossman clarified to the inquirer that interim authorization would occur during the week of the April 11th. Chair Judd-Stein explained the specific date of the meeting when the vote would occur has not yet been confirmed.

Having no further business, Commissioner O’Brien made a motion to adjourn. Commissioner Hill seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, meeting adjourned.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting & Agenda dated February 11, 2022
2. Agenda Setting Meeting Minutes – February 2, 2022