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## Massachusetts Gaming Commission Agenda Setting Meeting Minutes

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

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 419 4757

### Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #141 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 15th, 2023

Commissioner Hill noted that the minutes from February 15th, 2023, would come back for review at the subsequent public meeting.

### Agenda Planning for Upcoming Commission Meetings

*The Commission discussed the anticipated agendas for the upcoming meetings scheduled for March 1, 2023, March 8, 2023, March 9, 2023, March 23rd, 2023, and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:*

Items For Public Meeting – February 28 and March 1, 2023 – 11:15 PM – 1:30 PM

Item #1 – Administrative Update – Executive Director Wells confirmed that a brief update would be provided prior to the start of the March 1st meeting.

Item #2 – Meeting Minutes – Meeting Minutes would not be presented at this meeting.

Item #3 – Sports Wagering Regulations (continued from 2/28) – The Legal Division confirmed that regulations discussed at the February 28th meeting would continue at today’s meeting with the regulations requiring votes of finalization: 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 8th, 2023 – 10:00 AM

Add-on Item – Regulations 205 CMR 152 – Deputy General Counsel Monahan requested an agenda item for the Commission to review the Involuntary Exclusion regulation prior to the launch of Category 3 sports wagering apps.

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 – March 9th, 2023 – 10:00 AM

Item #8 – Administrative Update – Executive Director Wells confirmed a brief Administrative Update would go forward; with a Casino Update from Interim Gaming Agents Division Chief, Burke Cain. Commissioner O’Brien requested that the update also include a report on the status of table games at MGM Springfield and EBH. Division Chief Cain confirmed.

Item #9 – Meeting Minutes – Associate General Counsel Young confirmed a set of minutes from October 20, 2022, would come forward for review on March 9th.

Item #10 – Sports Wagering Regulations – The Legal Division confirmed that no regulations would be presented at the March 9th meeting.

Item # 8 – Proposed FY24 Research Agenda – Director Vander Linden confirmed that this item was ready for presentation on March 9th and would also include supplemental presentation on the Diversity Study mandated by Chapter 23N.

Item #9 – Operations Certificate for Category 3 Operators – Executive Director Wells confirmed this agenda item and requested that House Rules discussion occur before the discussion of Sports Wagering Operations Certificates, as they are required for issuance of the document. Chair Judd-Stein inquired if the House Rules presentation would be better presented at the March 8th meeting, with the March 9th meeting being utilized for review and presentation of Operation Certificates. Executive Director Wells and Sports Wagering Division Chief Bruce Band agreed.

Item# 10 – Executive Director Annual Review and Compensation Discussion – Commissioners confirmed that the March 23rd meeting would be a better date for this agenda item. Commissioner O’Brien clarified that prior to this item, the Executive Director needed to submit a self-evaluation

form, and then Commissioners would subsequently review the Executive Director. Chair Judd-Stein confirmed this protocol, and the item was tentatively re-scheduled for April 6th.

Add-on Item – Community Mitigation Fund- City of Medford– Chief Delaney requested a brief discussion for this item, a re-allocation request from the City of Medford, as well as a brief discussion.

Add-on Item– Legal– MOU Intercepts – General Counsel Grossman requested an agenda item for presentation of the completed MOUs between the Commission, the Massachusetts Department of Revenue, and the Sports Wagering Operators, for review and approval by the Commission, or Executive Director. Chair Judd-Stein requested a sample MOU and a memo with an overview of how the MOUs would function be provided to the Commission in advance of the discussion. General Counsel Grossman agreed.

Executive Session Request – Litigation Strategy – General Counsel Grossman requested an agenda item for the possible discussion of Litigation Strategy within an executive session on March 9th.

Add-On Item – Comments from the Office of the Attorney General – Chair Judd-Stein noted that the Attorney General’s office would be offering comment on sports wagering regulations, including advertising. She added that the Attorney General’s office was also looking to make an appearance at a future public meeting. Executive Director Wells noted that the March 8th meeting may be preferable to the March 9th meeting, given the estimated length of the day, but would hold both meetings open for their confirmation.

#### Items For Public Meeting – March 14, 2023 – 10:00 AM

Add-on Item – Adjudicatory Hearings – Deputy General Counsel Monahan confirmed that adjudicatory hearings for Encore Boston Harbor and PPC would occur on March 14th, with subsequent hearings being scheduled for Encore and MGM later in the month.

#### Items For Public Meeting – March 23rd, 2023 – 10:00 AM

Item #11 – Administrative Update – Executive Director Wells confirmed that the Administrative Update would include an update on the launch of Mobile Sports wagering led by Sports Wagering Division Chief, Bruce Band. Interim Gaming Agents Division Chief, Burke Cain also confirmed that a brief gaming establishment update would be provided to the Commission as well.

Item #12 – Meeting Minutes – Associate General Counsel Young confirmed minutes from October 27, 2022, would go forward on March 23rd.

Item #13 – SW Regulations – Deputy General Counsel Monahan confirmed 10 regulations for review and final vote by the Commissioners: 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 229.000 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 Sports

Wagering Advertising. She also requested a roll over date for the regulations if additional time was needed for review of comments and edits prior to a final vote being taken. Commissioners discussed their availability and a roll over date was selected for March 27th, 2022.

Item # 14 – Racing –Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel – Director of Racing, Dr. Lightbown confirmed that this item was ready for presentation at the March 23rd meeting, and materials would be placed into the Commissioner’s packet.

Item # 15– Racing –Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(6)-Qualifying Race Requirement – Dr. Lightbown confirmed that this item would be ready for presentation at the March 23rd Meeting and would require a vote from the Commission.

Add-on Item – Racing – Suffolk Downs – Dr. Lightbown requested an agenda item for discussion of a request from Suffolk Downs, for the Commission’s approval of an ADW provider within Massachusetts on March 23rd, 2023.

Items For Public Meeting – March 27th, 2023 – 10:00 AM

*This meeting will be held for additional discussion of regulations listed under Item #18*

Items Under Review for Future Meetings:

Item #16 – Category 2 Sports Wagering Applicant Review – This matter has been tentatively scheduled for March 28th, 2023, at 10am.

Item#17 – Encore Broadway Expansion – Chief Delaney confirmed that this item was close to finalization and eventual discussion before the Commission. He added that he would confirm an agenda item time with the Commissioners’ Executive Assistant, when the project progressed.

Item #18 – ILEV Review Process – Chief Delaney confirmed that this item should remain under review for the time being.

Item# 19 – EBH Public Safety Report – Director Vander Linden stated that this study would remain under review as the team was still working through the revision process.

Item# 20 – EBH Public Safety Report –Director Vander Linden stated that this study would remain under review as the team was still working through the revision process.

Item # 21 – MGM VICI REIT Discussion – Director Lillios confirmed that this item was ready for review by the Commissioners but would await confirmation for a scheduling date. Commissioners and Executive Director Wells discussed their availabilities. Director Lillios added additional clarification that this would be a final review, and that the matter would be discussed within an Adjudicatory Hearing that would be public with an option for private deliberations. After some discussion, the item was tentatively scheduled for April 11th.

Item #22 – Springfield Community Driven Research Project – Director Vander Linden stated that this study would remain under review as they were still working through the revision process.

Item #23 – Racing Regulations and Application Review – Deputy General Counsel Monahan requested an agenda item for presentation of the revised regulation, 205 CMR 2.01 Application for a New Racing License, as well as the review and discussion of amended Racing License Application for use in 2024. Chair Judd-Stein inquired if the Legal Division should also review the application for renewal of a license at the same meeting. Deputy General Counsel Monahan stated that it may be best to first discuss and edit the materials within the new application and then apply any parallel changes to the existing application for renewal based on Commissioners’ comments. Director Lightbown agreed with this sentiment and this item was scheduled for the April 13th public meeting.

Item # 24 – 23N Diversity Study – Director Vander Linden confirmed that this item would be discussed as a supplemental during the the *Fiscal 24 Research Agenda* (Item #8) at the public meeting on March 9th.

Item #25 – Racing Regulations – Commissioner O’Brien offered clarification that this item was for review and revisions to the ADW regulations for Racing Licensees. This item was tentatively scheduled for a meeting in April 2023.

Item #26 – Horse Racing on Event Catalogue – Sports Wagering – General Counsel Grossman confirmed that the Legal Division had begun research on this item and confirmed an internal meeting for members of the Sports Wagering Division and the Legal Division with the Executive Director.

Item #27 – Independent Monitor Report – Commissioner O’Brien requested that this item remain as a placeholder but clarified that there was no imminent need for an agenda item at an upcoming meeting.

Item #28 – Compliance Committee – *This item will remain under review.*

Item #29 – Succession of Officers and Positions – This item is tentatively scheduled to be discussed at the April 23rd Meeting.

Item #30 – Office Lease Expiry Update – This item will remain under review for the time being. Executive Director Wells will update the Commissioners at the next agenda setting meeting.

Add-on Item – Commissioner Updates – Commissioner Skinner requested discussion of Host Community Agreements; specifically, the licensee’s, Blue Tarp Development, LLC (MGM), and complaints made about their commitments to the Commission in the previous months. Chief Delaney confirmed that the Community Affairs Division could facilitate a presentation and confirmed that he would coordinate with the Mayor of Springfield and other community stakeholders. He further confirmed that he would provide an update to the Commission at the March 9th meeting during the Administrative Update.

*Having no further business, Commissioner O'Brien moved to adjourn. Commissioner Skinner 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>
<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 February 23, 2023

**FUTURE SCHEDULED MEETING DATES:**

March 15 (Agenda Setting)  
March 23 (Public Meeting)  
March 29 (Agenda Setting)  
April 6 (Public Meeting)  
April 13 (Public Meeting)