



Massachusetts Gaming Commission
Agenda Setting
Meeting Minutes

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

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 975 4851

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #142 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
(b) March 1, 2023

Commissioner Hill moved to approve the minutes from February 15th, 2023, and March 1st, 2023, Agenda Setting meetings included in the Commissioners’ Packet, subject to any necessary edits for typographical errors. Commissioner O’Brien 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 5-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for March 23rd, 2023, March 27th, March 28th, April 6th, April 11th, and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – March 23, 2023 – 9:00 AM

Item #1 – Administrative Update – Executive Director Wells confirmed that a brief update would be provided for table games on both gaming establishments given by Gaming Agents Division Chief, Burke Cain.

Item #2 – Meeting Minutes – Meeting Minutes from October 27th, 2022, will be presented at the March 23, 2023 public meeting.

Item #3 – Sports Wagering 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 256.00- Sports Wagering Advertising. She also requested a rollover 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 rollover date was selected for March 27th, 2022.

Item # 4 – 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 # 5 – 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.

Item #6 – Racing – Suffolk Downs Request for Approval of DK Horse LLC – Dr. Lightbown requested an agenda item for discussion of a request from Suffolk Downs, seeking the Commission’s approval of a new ADW provider within Massachusetts on March 23rd, 2023.

Add-on Item - Sports Wagering Request for Clarification on Russian MMA - Director of Sports Wagering, Bruce Band requested an agenda item for discussion before the Commissions pertaining to certain prohibition catalogues.

Add-on Item – Fiscal 24 Research Agenda – Director Vander Linden requested a date to present the Fiscal 24 research agenda that had been moved from the March 9th meeting due to scheduling.

Add-on Item – Points Bet Withdrawal – Legal – Executive Director Wells requested discussion before the Commission of the withdrawal letter received by the company Points Bet. This item will be discussed on either March 23rd or April 6th.

Add-on Item – Betr Holdings Postponement of Launch – Potential launch date may have been set for March 24th which would require house rules approval and certificate of operation would be required in advance of their desired launch at the March 23rd meeting.

Add-on Item – Requests for Clarification for Advertising and Marketing – Executive Director Wells explained that the Commission and Sports Wagering Division had received requests from SW Operators and marketing affiliates seeking clarification before the Commission regarding the disclaimers displayed at different locations and on different platforms. Commissioners and Sports Wagering Business Manager, Crystal Beauchemin discussed the potential for discussion of this item on March 23rd or March 27th, respectively.

Add-on Item – Racing – Reimbursement for PPC Handicapping Contest – Dr. Lightbown requested discussion of a reimbursement request from Racing Director Steve O’Toole.

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

This meeting will be held for additional discussion of regulations listed under Item #3

Item #7 – Administrative Update – Executive Director Wells confirmed this item for March 27th.

Item #8 – Meeting Minutes – Legal Division confirmed that no minutes would be included in the meeting packet for the March 27th meeting.

Item #9 – Additional Discussion of SW Regulations – Deputy General Counsel Monahan confirmed additional time had been reserved for discussion of the following regulations listed in Item# 3.

Items For Public Meeting – March 28th, 2023 – 9:30 AM – 4:00 PM

Item #10 Evaluation of Category 2 Sports Wagering Application– This meeting been tentatively held for the review of Category 2 Sports Wagering applicant, the Massasoit Greyhound Association.

Add-on Item – IEB Review of Preliminary suitability- Massasoit Greyhound Association – IEB Director Loretta Lillios requested an agenda item for discussion of the Category 2 applicant suitability including, a MOU with Caesars Sportsbook. Director Lillios confirmed that the IEB would include a memo within the Commissioners’ Packet and recommended that this item may be best to precede the Commission’s assessment of the application on the 28th. Chair Judd-Stein and Commissioners discussed whether the agenda item should precede the evaluation, or if the contract

should be added within the evaluation as a discussion point. Commissioners and Director Lillios ultimately decided that the contract should be presented to the Commission first, so that the Commissioners would be familiar with the contract and its terms. After a thorough discussion, Commissioners decided that this item would be discussed in advance of the licensing evaluation taking place on March 28th, 2023.

Items For Public Meeting – March 29th, 2023 – TBD

This meeting time will be held for additional discussion of regulations listed under Item #3, if necessary.

Items For Public Meeting – March 30th, 2023 – TBD

This meeting time will be held for additional discussion of agenda items from the March 23rd Public Meeting and items under review, as necessary.

Items For Public Meeting – April 6th, 2023 – 10:00AM

Item# 11- Administrative Update - This item will be confirmed at the March 29th Agenda Setting meeting.

Item# 12 - Meeting Mins- This item will be confirmed at the March 29th Agenda Setting meeting.

Item# 13 - Regulations - Deputy General Counsel Monahan tentatively confirmed that no regulations would be presented at this meeting.

Item# 14 - Request to Escrow RHDF – This agenda item was confirmed for April 6th, 2023, public meeting.

Item# 15- Executive Director Annual Review and Compensation Discussion - Executive Director Wells confirmed that she was ready for this item to go forward with supplemental materials sent from the HR Division prepared as well. Commissioner Skinner shared that she would be unable to join, given a scheduling conflict. Commissioners agreed that this item be rescheduled for April 13th.

Add-on Item - Civil Administrative Penalty- IEB Director Lillios requested an agenda item for presentation of a Civil Administrative Penalty assessed by the IEB at the April 6th meeting.

Adjudicatory Hearing – April 11th, 2023 – 10:00 AM

This date will be held for discussion of the MGM and VICI REIT Transaction within an Adjudicatory hearing.

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

Item #16- Administrative Update - This item will be confirmed at the March 29th Agenda Setting meeting.

Item #17- Meeting Mins - This item will be confirmed at the March 29th Agenda Setting meeting.

Item #18- Regulations - This item will be confirmed at the March 29th Agenda Setting meeting.

Item # 23 Racing Application/Regulation Review - This item will be confirmed at the March 29th Agenda Setting meeting.

Add-on Item – Responsible Gaming - Public Safety Study Presentation – Director Vander Linden requested an agenda item for presentation of the Public Safety study. He confirmed that he would coordinate with Commissioner O’Brien to ensure the date worked with her calendar.

Items Under Review for Future Meetings:

Item #24 – Category 2 Sports Wagering Applicant Review – This matter was tentatively scheduled for March 28th, 2023, at 10.00 AM.

Item #25 – Encore Broadway Expansion – Chief Delaney confirmed that the Division had sent a memorandum to Commissioners yesterday. He confirmed that he would schedule 2 by 2s with Commissioners, followed by public meetings to occur in April and May to discuss the stages of the development. He expressed that a public hearing should occur separately from a public meeting, so that stakeholders and community members can have a time certain to share their thoughts and express their opinions. He confirmed that he would work with the Commissioners’ executive assistant to find a mutually beneficial time.

Commissioner Hill inquired if the hearing would be virtual or in person and hosted within the City of Everett similar to how other hearings had been held in the town or city they were impacting in previous times. Chief Delaney stated he was amenable to either option. Parties discussed the ability to have the meeting occur in a hybrid format to accommodate more attendees.

Item #26 – ILEV Review Process – Chief Delaney confirmed that this item should remain under review for the time being.

Item # 27 – EBH Public Safety Report – This item has been scheduled for discussion at a public meeting.

Item # 28 – Patron License and Survey Report – Director Vander Linden stated that this study would remain under review, but confirmed he would provide an update at the next Agenda Setting meeting.

Item #29 – MGM – Host Community Agreement Updates – Chief Delaney confirmed that the Community Affairs Division had met with representatives from MGM Springfield, and that they agreed that an initial update on their agreement would be provided during their Quarterly update presentation. A follow-up presentation and discussion before the Commission would also take place at a subsequent meeting.

Item #30 – Springfield Community Driven Research Project – Director Vander Linden stated that this study would remain under review.

Item #31 – 23N Diversity Study – Director Vander Linden confirmed that this item would be discussed as a supplemental discussion point during the *Fiscal 24 Research Agenda*.

Item #32 – Racing ADW Regulations – Commissioner O’Brien noted that this item would remain under review for the time being.

Item #33 – Horse Racing on Event Catalogue – Sports Wagering – Executive Director Wells confirmed an internal meeting for members of the Sports Wagering Division and the Legal Division to discuss this matter.

Add-on Item – Racing – Fan Duel Racing ADW Provider- Director Lightbown noted a request from a Sports Wagering operator Fan Duel seeking to link their catalogue with their ADW account. This item was tentatively scheduled for March 30th.

Item #34 – Independent Monitor Report – Chair Judd-Stein noted that this item could be removed from under review.

Item #35 – Compliance Committee – Commissioner O’Brien requested a meeting date for discussion of this item in late April.

Item #36 – Succession of Officers and Positions – Commissioner O’Brien requested a meeting date for discussion of this item for the last meeting date in April, as election for Commission Officers often occurs in May.

Item #37 – 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.

Item # 38- Adjudicatory Hearings for Non-Compliance Matters – This item will be held as a scheduling place holder for future Adjudicatory Hearings as necessary.

Add-on Item – Recognition of the Jockey’s Guild for Payment – Director of Racing Dr. Lightbown requested an item under review for presentation of the annual request from the Jockey’s Guild that allows for payment from the Racehorse Development Fund in G.L. c. 23K, § 60.

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 March 13, 2023

FUTURE SCHEDULED MEETING DATES:

March 23 (Public Meeting)
March 27th (Public Meeting)
March 28th (Public Meeting)
March 29 (Agenda Setting)
March 30th (Public Meeting – TBD)
April 6 (Public Meeting)
April 13 (Public Meeting)