



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: March 23, 2022 – 11:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 847 1730

Call to Order

Commissioner O'Brien called to order Agenda Setting meeting #119 of the Massachusetts Gaming Commission ("Commission").

Commissioner O'Brien 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
Commissioner Nakisha Skinner*

Approval of Prior Agenda Setting Meeting Minutes

a. March 9, 2022

Commissioner O'Brien moved to approve the minutes from March 9, 2021, subject to 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>Commissioner Skinner</i>	<i>Abstain.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

Motion Passed Unanimously 4-0.

Transcriber's note: The approved minutes will be corrected for the noted typos before finalization and publication.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming Commission meeting scheduled for March 31, 2022, and subsequent meetings described in the attached agenda planning notice, as follows:

Item #1 – Administrative Update

Executive Director Wells confirmed the Administrative Update on March 31st would include an update on gaming establishment operations from Assistant Director Band. Next, Executive Director Wells will present an organizational chart as required by statute, which includes the recent restructuring as well as the addition of the newly hired Chief People and Diversity Officer. Lastly, Executive Director Wells will provide an update to the Commissioners about the lease held for the Boston office, that will be expiring in December 2023 for preliminary discussion with Senior Operations Manager, Maryann Dooley.

Next, Given the length of the March 31st meeting, Executive Director Wells posed two tentative agenda items: a presentation by Pace Setters, a company assisting the Commission with supplier diversity insights; and discussion of the Thoroughbred Licensing applications in conjunction with General Counsel Grossman and Director of Licensing, Dr. Lightbown. After some discussion, the Commission decided to move the Licensing discussion to Under Review for the time being.

Item #2 – Regulations – General Counsel Grossman confirmed the legal department had no regulations to bring forward on March 31st.

Item #3 – Legislative Updates – This item will not be on the agenda for March 31st.

Item #4 – Suitability Review – Commissioner O’Brien asked for the status of a document from the Legal Department to share with Executive Director Wells and the Commissioners. General Counsel Grossman confirmed the document would be ready for circulation within the next few days. Executive Director Wells also noted that there were a few applications for suitability ready for review by the Commissioners. Commissioner O’Brien explained that the decision tree would be most helpful in the decision-making process of the Commission, but that the Meeting Minutes were more necessary to complete and submit in advance of the March 31st public meeting.

After some discussion amongst the Commissioners, it was decided the Suitability Review discussion would be moved to the April 14 public meeting. Executive Director Wells inquired if the Suitability Review would be conducted prior to the Qualifier process. Commissioner O’Brien stated that the Suitability protocol would first need to be discussed and agreed upon, before moving to Qualifier Review process. Chair-Judd Stein suggested a special meeting on process could occur in early April.

Item #5 – Independent Monitor’s Report – Commissioner O’Brien informed the meeting that Commission received notice from the Independent Monitor that they will be unable to share the report on the 31st due to an aspect of the report being reviewed by the licensee, and a scheduling issue. The monitor will be able to provide a silent briefing to the Commissioners in early April,

so Commissioner O'Brien anticipates that the report will be ready for presentation and inclusion on the April 28th agenda.

Item #6 – Community Affairs Division – Community Mitigation Fund –Mr. Delaney confirmed that the Community Affairs Division was prepared to present on two workforce development applications, and third reserve application from Ludlow at the March 31st meeting. Mr. Delaney noted all three applications will require votes of approval from the Commission.

Item# 7 – Racing Division Annual Report – Dr. Lightbown confirmed the Racing Division's Annual Report will be ready for presentation at the March 31st meeting by Financial Analyst, Chad Bourque.

Item #8 – Racing Division – Dr. Lightbown confirmed that the Racing Division will provide presentations from Plainridge Park Racecourse seeking a vote of approval of racing officials and operating personnel, as well a presentation on the waiver of 205 CMR 3.12 (6) and the qualifying race requirement by Steve O'Toole, Director of Racing, at Plainridge Park Casino.

Item #9 – LEAF Business Technical Assistance Grantee Update – Ms. Howard confirmed that LEAF will provide an update and presentation for the Commissioners at the March 31st meeting.

Add-on Item – Annual Report Update – Ms. Howard confirmed that she has a brief update to provide regarding the Annual Report at the meeting, and a draft to present to the Commissioners.

Add-on Item – Covid Impacts Report – Director Vander Linden confirmed that the report was ready for presentation. After some discussion, it was recommended this item be moved to the April 14 public meeting, given the existing length of the March 31st meeting.

Add-on Item – Executive Session – General Counsel Grossman requested an Executive Session for the approval of minutes from prior Executive Sessions at the Commission on March 31st prior to the departure of Commissioner Cameron.

Add-on Item – Executive Session – Counsel Grossman and external counsel from Anderson & Krieger will also provide a litigation update to the Commissioners during the Executive Session on March 31st for the benefit of the Commission, and Commissioner Skinner.

Item #10 – Commissioner Cameron Farewell – Commissioner O'Brien confirmed Commissioner Cameron's Farewell for the March 31st meeting.

Add-On Item – Administrative Update – Chief Information Officer, Ms. Jagroop-Gomes requested an opportunity to recognize a departing member of her staff, Scott Helwig, during the Administrative Update on March 31st.

Items For Public Meeting – April 14, 2022

Administrative Update – Executive Director Wells confirmed she would provide an update on the April 14th meeting and would provide the details at the next agenda setting meeting.

Regulations – General Counsel Grossman confirmed that an update on regulations would be provided at the next agenda setting meeting on April 6, 2022. Associate Counsel Young confirmed two regulations would be presented for a vote at the April 28th meeting, with a public hearing to occur before the public meeting.

Legislative Updates – This item will be discussed at the next agenda setting meeting on April 6, 2022.

Item #11 (from above) – Covid Impacts Report– This item will go forward at the public meeting on April 14th, 2022.

Item #12 – Community Mitigation Fund – Transportation Planning – Mr. Delaney confirmed that the Community Affairs Division would likely have a few applications for review and approval by the Commission at the April 14th meeting but will confirm at the next agenda planning meeting.

Item #13 – Review of Casino Non-Compliance Penalties – Chief Enforcement Counsel Hall, confirmed that the supplemental memo expected by Commissioners had been finalized and delivered. She anticipated that the item would be ready for presentation on either April 14th or April 28th depending on the Commission’s preference. Chair Judd-Stein added that she had asked IEB Director Lillios to add a proposed policy procedure in the appendix of the memo, for the Commission’s approval by a vote. Counsel Hall stated she would confirm the date that the policy would be ready with Director Lillios and provide an update at the next agenda setting meeting.

Add-on Item - Commissioners’ Budget Discussion – Ms. Howard, and Chief Financial Accounting Officer Lennon will provide a presentation on the Commissioners’ Budget, with opportunity for the Commissioners to have a preliminary discussion and ask questions.

Add-On Item – Public Records Discussion – Executive Director Wells will provide an overview on how substantial public records requests are carried out by the Legal Department, with the opportunity for the Commission to engage in discussion about a prospective third party assisting with electronic discovery. Executive Director Wells inquired if this item should be moved forward for inclusion the April 28th meeting, to accommodate the finalization of a policy procedure for the Commission to review. Commissioner O’Brien confirmed.

Items Under Review for Future Meetings – April 28, 2022, and Beyond

Add on Item- Racing- Capital Improvement Project at Suffolk Downs – Dr. Lightbown stated that Steve O’Toole would provide a presentation on this item at the April 28th meeting.

Item #14 – ILEV Review Process – Chief Delaney stated that this item should be placed Under Review for the time being until a new Commissioner is appointed, after the departure of Commissioner Cameron.

Item # 15 Community Mitigation Fund – Other Applications – Mr. Delaney requested a standing agenda item to bring forward future Community Mitigation Fund applications for a vote.

Item # 16 – MGM Community Research Project –Director Vander Linden asked that presentation of the report, authored by Rodolfo Vega, titled: “MGM Impact on Springfield: Community Based Participatory Research” remain Under Review for the time being.

Add-on Item – Racing– Review of New Racing Applications – Dr. Lightbown requested that this item be added Under Review for the time being.

Commissioner Updates:

Commissioner Skinner expressed her gratitude to her fellow Commissioners MGC team for the support and encouragement she’s received from her fellow Commissioners, and the staff as she has been onboarding into her new role.

Having no further business, Commissioner Hill made a motion to adjourn. Commissioner Cameron seconded the motion.

Roll Call Vote:

<i>Commissioner Cameron:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner O’Brien:</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. Massachusetts Gaming Commission, Notice of Meeting & Agenda dated March 17, 2022
2. Agenda Setting Meeting Minutes – March 9, 2022