



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: March 29, 2023 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 533 1502

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #143 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) March 15th, 2023

Commissioner Hill moved to approve the minutes from the March 15, 2023 Agenda Setting meeting, included in the Commissioners’ Packet, subject to any necessary edits for typographical errors or other non-material matters. 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 30, 2023, April 6, 2023, and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – March 30, 2023 – 10:00 AM

Chair Judd-Stein noted to meeting participants that an updated agenda for the meeting on March 30, 2023, had been posted online and differed from the agenda included in the agenda setting materials packet. She then confirmed the following items:

Item #1 – Massasoit Greyhound Association Application for Category 2 Sports Wagering License – Review of Applicant’s Operating Lease Agreement with American Wagering, Inc. (Caesars Sportsbook) - Chair Judd-Stein confirmed that this item was ready to go forward and the Commissioners may choose to enter executive session to discuss the item.

Item #2 – Betr Holdings Disclosure of Settlement – Director of the Investigations Enforcement Bureau, Loretta Lillios and Senior Enforcement Counsel Kathleen Kramer confirmed a discussion on this matter was ready to go forward. Director Lillios confirmed she would circulate the link to the SEC public announcement again.

Item #3 – Betr Holdings – Approval of House Rules Submission – Director of Sports Wagering, Bruce Band confirmed the Division would only be looking at approval of the House Rules submissions at this meeting.

Item #3 – Betr Holdings – Approval of House Rules Submission – Director of Sports Wagering, Bruce Band confirmed the Division would only be looking at approval of the House Rules submissions at this meeting as the operation certificates would be issued after they were approved.

Item #4 – Points Bet Withdrawal – Legal – The Legal Division confirmed this item.

Item #5 – Horse Racing on Sports Wagering Event Catalogue Discussion – Legal – The Legal Division confirmed this item. Chair Judd-Stein confirmed that comments have been distributed to the Commissioners for their review.

Item #6 – Racing – FanDuel Request for Approval to Enable Access Points to FanDuel Racing Within the FanDuel Sportsbook – Director of Racing, Dr. Alexandra Lightbown confirmed to discuss this item for approval. The request from FanDuel would be included in the Commissioner’s packet.

Item #7 – Fiscal Year 24 Research Agenda – Director of Research and Responsible Gaming, Mark Vander Linden confirmed this item.

Items For Public Meeting – April 6th, 2023 – 11:00AM

Item #8 - Administrative Update - Executive Director Karen Wells confirmed this item.

Item #9 - Meeting Minutes – Associate General Counsel Judith Young confirmed minutes from November 10, 2022.

Item #10 - Regulations - Deputy General Counsel Caitlin Monahan confirmed that no regulations would be presented at this meeting.

Item #11 - Request to Escrow RHDF – Dr. Lightbown requested this agenda item be moved to the meeting on May 4, 2023.

Add-On Item – House Rules and Catalogue Matter – Director Band requested time to bring forward a few catalogue additions and house rules before the Commission. Chair Judd-Stein confirmed she would check the calendar as to when it would be best to add this item to a future agenda.

Add-On Item – House Rules and Catalogue Matter – Director Band requested 15-20 minutes to bring forward a few catalogue additions and house rules before the Commission. Chair Judd-Stein confirmed she would check the calendar and discuss with Director Wells when it would be best to add this item to a future agenda.

Public Hearing – April 10, 2023 – 9:30 AM

This date is reserved for a Public Hearing for submission of comments on the Category 2 Sports Wagering applicant, Massasoit Greyhound Association, DBA Raynham Park, LLC.

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

This date would be held for discussion of the MGM and VICI REIT Transaction within an Adjudicatory hearing. Deputy General Counsel Monahan confirmed she would circulate the hearing notice.

Adjudicatory Hearing – April 12th, 2023 – 9:30 AM

This date would be held for a public meeting for evaluation of the Massasoit Greyhound Association/Raynham Park LLC application for Category 2 License

Items For Public Meeting – April 13, 2023 – 9:00 AM

Item #12 – Administrative Update – Chair Judd-Stein confirmed this item would be on the meeting agenda.

Item #13 – Meeting Minutes – Associate General Counsel Young confirmed minutes from November 14, 2022, would be presented at the meeting.

Item #14 – Regulations – Deputy General Counsel Monahan confirmed that the Legal Division would bring forward three regulations: 219.00: Temporary Licensing Procedures, 222.00: Capital

Investment and Monitoring of Project Construction, and 231.00: Renewal of a Sports Wagering License.

Item #15 – Racing Application/Regulation Review – Commissioner O’Brien requested a discussion regarding the issue of the Commission being asked to adjudicate an application in public meetings before there was a vote by the municipality that was finalized. General Counsel Grossman mentioned the Division was taking a more holistic view of the entire draft and there were a few places where the regulation would benefit from another review. He requested the Commission push this item to a further date, so everything can be reviewed as a whole. Commissioners agreed that this item should be moved to a future public meeting.

Item #16 – Executive Director Annual Review and Compensation Discussion – Human Resources Manager Trupti Banda confirmed that the Commission received Executive Director Wells’ self-evaluation and would circulate it to the Commissioners along with the evaluation form itself. Commissioners agreed to submit their evaluations by April 7, 2023, to Ms. Banda. Chair Judd-Stein asked for additional data points from Ms. Banda. Commissioner O’Brien requested information on neighboring jurisdictions that handle sports wagering. Commissioners Skinner, Maynard, and Hill agreed.

Item #17 – EBH Public Safety Report – Director Vander Linden requested that this item be rescheduled for a meeting later in late April.

Items Under Review for Future Meetings:

Item #18 – Racing License Renewal Application – General Counsel Grossman requested to keep this item under review.

Item #19 – ILEV Review Process – Division Chief of Community Affairs, Joseph Delaney confirmed this discussion is about whether a more in-depth review is needed with the ILEVs and the licensees. Commissioner Hill mentioned he would like to hear from the theater owners or operators and have this discussion. Commissioner Hill mentioned he would like to get this item off of review and would discuss it with General Counsel Grossman.

Item #20 – Encore Broadway Expansion – Chief Delaney confirmed Encore Boston Harbor has delayed submission of their application and requested a meeting in late April.

Item #21 – Racing ADW Regulations – Commissioner O’Brien requested that this item remain under review.

Item # 22 – Horse Racing on Event Catalog – Chair Judd-Stein confirmed this item was on for March 30, 2023.

Item #23 – Independent Monitor Report – Chair Judd-Stein confirmed she would send out an email with offered dates to the Independent Monitor and would schedule a meeting time for their next presentation.

Item #24 – Compliance Committee – *This item would remain under review until a further agenda setting meeting.*

Item #25 – Succession of Officers and Positions – Commissioner O’Brien mentioned this would remain under review for the time being and put on the public meeting for May 4, 2023.

Item #26 – EBH Public Safety Report – Chair Judd-Stein confirmed this should be the same date as the Independent Monitor.

Item #27 – Patron License and Survey Report – Director Vander Linden requested this item remain under review.

Item #28 - Springfield Community Driven Research Project – Director Vander Linden requested this item remain under review.

Item #29 – MGM HCA Compliance Update – Commissioner Skinner confirmed that she requested this item and would like to look at this item more comprehensively rather than isolated comments from MGM. She agreed to changing this item to a discussion about quarterly reports. Deputy Counsel Monahan confirmed there are affirmative reporting obligations to the Commission in the regulations. Chair Judd-Stein requested an update from the Legal Division about the reporting expectations for sports wagering at a future meeting. Chair Judd-Stein confirmed the Sports Wagering Division would discuss at a future meeting how to include these reporting requirements in their future reports.

Item #30 – Racing Regulations and Delegation of Authority – Chair Judd-Stein suggested separating the racing regulations and the delegation of authority into two agenda items. Commissioner Maynard confirmed he would like to circulate an updated draft of the delegation of authority memorandum for comment. Dr. Lightbown agreed. General Counsel Grossman requested the Commission discuss this at a later meeting in May so there is time to socialize these proposals internally before moving forward with them. Chair Judd-Stein confirmed May 4, 2023 for discussion and May 18, 2023 for finalization of the delegation of the authority and that the regulations would be kept under review.

Item #31 – Office Lease Update – Lead Executive Assistant, Maryann Dooley confirmed the Commission would have a report in May. Chair Judd-Stein confirmed this item would be discussed during the meeting on May 4, 2023 and that the Commission would enter an executive session.

Add-On Item – Community Mitigation – Chief Delaney mentioned the Community Mitigation Fund had a record-breaking number of applications this year and that it might make sense to have a few separate meetings for these items throughout May and June. Chief Delaney mentioned he would circulate a proposed schedule to the Commissioners to determine what works for their schedules.

Having no further business, Commissioner Hill 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>
<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 29, 2023

FUTURE SCHEDULED MEETING DATES:

April 6 (Public Meeting)
April 10 (Public Hearing)
April 11 (Adjudicatory Hearing)
April 12 (Agenda Setting) *TBD
April 12 (Public Meeting)
April 13 (Public Meeting)
April 14 (Adjudicatory)
April 24 (Agenda/Public)
April 25 (Adjudicatory)
May 4 (Public Meeting)
May 8 (Public)
May 9 (Adjudicatory)
May 10 (Agenda)
May 16 (Public)
May 24 (Agenda)
May 30 (Public)
June 1 (Public)
June 7 (Agenda)
June 15 (Public)
June 21 (Agenda)
June 29 (Public)