



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: April 06, 2022 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 379 5096

Call to Order

Chair Judd-Stein called to order Agenda Setting meeting #120 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 Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner*

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agenda for the upcoming Commission meetings scheduled for April 11, 2022, April 14, 2022, and subsequent meetings described in the attached agenda planning notice, as follows:

Item #1 – VICI-MGP REIT Transaction – General Counsel Grossman confirmed that the VICI MGP REIT meeting is ready for discussion at the adjudicatory hearing on April 11, 2022, at 10 am.

Items For Public Meeting – April 14, 2022

Item #2 – Administrative Update

Executive Director Wells confirmed the Administrative Update on April 14th would include an update on gaming establishment operations from Assistant Director Band. Executive Director Wells also expects to provide an update on the MGC lease negotiations in an Executive Session.

Chair Judd-Stein also encouraged MGC staff members within different divisions to give presentations about their responsibilities during an Administrative Update, as it would provide

citizens with an understanding of what happens within the Commission. She provided past examples of presentations from the Communications department as well as the Financial Investigations Division. Commissioner O' Brien requested a historical presentation on the previous poker offerings have been at gaming establishments, Encore Boston Harbor and MGM Springfield in the past, and what the offerings are as currently. She also asked for a survey of poker offerings at other establishments in the Northeast. Assistant Director Band confirmed that he had been keeping track of all comments received regarding poker and could provide an update soon, with the 28th being the closest possible public meeting date.

Item #3 – Regulations – The Legal Division had no regulations to bring forward for April 14th.

Item #4 – Legislative Updates – This item will not be on the agenda for April 14th.

Item #5 – Covid Impacts Report – Director Vander Linden confirmed that the Covid Impacts report was ready for presentation. Dr. Rachel Volberg, from UMass Amherst School of Public Health and Health Sciences, will provide a supplemental presentation to the Commission on April 14th.

Item #6 – Community Affairs Division – Transportation Fund – Chief Delaney requested that this item be moved to the April 28th meeting, so that the Community Affairs Division have additional time to review the grant proposals before making their recommendations to the Commission.

Item #7 – Community Mitigation Fund – Workforce Grant Amendment – Chief Delaney confirmed the Community Affairs Division will present an amendment to a previously approved workforce grant proposal, seeking to repurpose funds on the 14th.

Item #8 – Review of Casino Non-Compliance Penalties – Chief Enforcement Counsel Hall confirmed that this item would be ready for presentation on April 28th, A memo, with supplemental appendix would be finalized in advance of the meeting and provided to Commissioners.

Item #9 – Commissioners' Budget Discussion – 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. A supplemental brief will be provided to Commissioners in advance of the meeting.

Item #10 – Racing- Capital Improvement Project at Suffolk Downs – Dr. Lightbown requested for this item to be moved to the April 28th meeting. Steve O'Toole from Plainridge Park Racecourse will provide supplemental presentation to the Commissioners as well.

Add-On Item – Racing Division- Quarterly Local-Aid and Opening Day – Dr. Lightbown requested an agenda item for approval of quarterly local-aid payments by the Commission as well as a discussion regarding Opening Day for Racing in the Commonwealth.

Add-On Item – Commissioner's Update – Chair Judd-Stein requested an agenda item to appoint a new Treasurer amongst the Commissioners, after the departure of Commissioner Cameron, who previously served as Treasurer.

Items For Public Meeting – April 28, 2022

Item #11 – Independent Monitor’s Report – Commissioner O’Brien anticipates that the report will be ready for inclusion on the April 28th agenda with opportunity for discussion on its findings and recommendations.

Item # 12 – Public Records Discussion – Executive Director Wells will provide a flow chart explaining the policy of how substantial public records requests are carried out by the Legal Department. The Commissioners will have the opportunity to engage in discussion about the public record process, as well as a prospective third party assisting with electronic discovery.

Item #13 – Community Mitigation Fund – Transportation Planning Applications – Chief Delaney confirmed that the Community Affairs Division would likely have a Transportation Planning application for approval by the Commission at the April 28th meeting and will confirm at the next agenda planning meeting.

Add-on Item- Finance Division- Quarterly Budget Update – CFAO Lennon expects to provide the Commission with a short update on the Commission’s Quarter 3 budget on April 28th.

Add-on Item – Responsible Gaming – Research Agenda – Director Vander Linden requested an agenda item for presentation of the fiscal 2023 research agenda, so the Division of Research and Responsible Gaming can begin the contract and planning process in collaboration with GPAC.

Add-on Item – Responsible Gaming – Play My Way Update – Director Vander Linden requested an agenda item for discussion of the status of the Play My Way program at MGM Springfield on April 28th.

Add-on Item – Regulations – Associate Counsel Torrisi requested an agenda item for regulations surrounding Voluntary Self Exclusion, 205 CMR 133, requiring a vote to begin the promulgation process for April 28th. Associate Counsel Young also requested an agenda item for the 28th, for finalization of two regulations: 205 CMR 138.26(4) *Key Maintenance/ Inventory* and 205 CMR 147.00 *Standards of Rules of Table Games*. A public hearing on these two regulations is set to occur at 9:30am in advance the public meeting on April 28th.

Items Under Review for Future Meetings:

The Commission decided upon dates for future meetings in May and June 2022 as follows: May 4th-Agenda Setting, May 12th - Public Meeting, May 18th - Agenda Setting, Wednesday May 25th Public Meeting, June 1st -Agenda Setting, and June 9th - Public Meeting.

Director Vander Linden also shared dates of Gaming Conferences in the coming months in New England:

North American Gaming Regulators Association (NAGRA), Portland ME - June 7-9th

National Council on Problem Gambling, Boston - July 20-23rd

National Council of Legislators from Gaming States (NCLGS), Boston - July 7-10th

International Association of Gaming Advisors, Boston - June 27-29th

Item #14 – Suitability Review – After some discussion, Commissioners agreed that a preliminary discussion of Suitability Review would be provided on the 14th, but that a more thorough discussion of the Suitability Review process would be discussed at a separate public meeting during the week of April 25th. It is anticipated that an executive session will be utilized for discussion of certain subject matter as well.

Item #15 – ILEV Review Process – Chief Delaney stated that this item should be placed Under Review for the time being, until a new Commissioner is appointed.

Item #16 – Community Mitigation Fund – Standing Item – Mr. Delaney confirmed that the Community Affairs Division would likely have a few applications for approval by the Commission at each upcoming public meeting. He will confirm at the preceding agenda planning meeting on a bi-weekly basis.

Item # 17 – 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” be scheduled for May 12th.

Item #16 – Racing– Review of New Racing Licensee Applications – This item will be presented by Dr. Lightbown, General Counsel Grossman and Executive Director Wells during the May 12th meeting.

Item# 17 – EBH Service Employee Exemption Requests – Chief Enforcement Counsel Hall stated that this item would be ready for inclusion on either April 14th of the May 12th public meeting agendas

Add- On Item – Responsible Gaming – GeneSense Quarterly Report – Director Vander Linden asked that this item be included for presentation on May 12th.

Add- On Item – Responsible Gaming – Gambling Advertising White Paper– Director Vander Linden asked that this item be kept under review for the time being.

Add- On Item –Community Affairs Division – Licensee Quarterly Reports– Chief Delaney anticipates presentation of the quarterly reports for the three gaming establishments, PPC, EBH, and MGM at the two public meetings in May.

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

Roll Call Vote:

<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 April 1, 2022