



**Massachusetts Gaming Commission
Agenda Setting
Meeting Minutes**

Date/Time: May 01, 2024 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 808 8127

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission’s deliberations for any interested member of the public.

1. Call to Order

Interim Chair Jordan Maynard called to order Agenda Setting Meeting #168 of the Massachusetts Gaming Commission (“Commission”) at 10:09 AM.

Quorum was confirmed for the meeting by roll call. The following Commissioners were present for the meeting:

*Interim Chair Jordan Maynard
Commissioner Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner*

2. Approval of Meeting Minutes
a. March 20, 2024

Interim Chair Maynard moved to approve the meeting minutes from the March 20, 2024, agenda setting meeting, as included in the Commissioners Packet, subject to the necessary edits for typographical error and non-material matters. Commissioner O’Brien seconded the motion.

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>Interim Chair Maynard</i>	<i>Aye.</i>

The motion passed unanimously 4-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – May 9, 2024 – 10:00 AM

Item #1 – Administrative Update – Executive Director confirmed this agenda item.

Item #2 – Meeting Minutes – Associate General Counsel Young confirmed that minutes from August 4, 2022, would come forward.

Item #3 – Legislative Update – Commissioner Hill noted that this item would not be added to the May 9, 2024, agenda.

Item #4 – Regulations – No regulations would be added to the May 9, 2024, agenda.

Item #5 – Sports Wagering Event Petition By BetMGM – Bruce Band, Chief of the Sports Wagering Division, confirmed that a petition from BetMGM would be coming forward at the May 9th meeting. He noted that Sports Wagering Compliance Manager, Andrew Steffen, would present the item.

Item #6 – Community Mitigation Fund – New Applications – Chief Delaney confirmed this item and noted that 10 applications would come forward at the May 9th meeting.

Item #7 – FY 2024 Third Quarter Budget Update – CFAO Lennon confirmed this item for the May 9, 2024, public meeting.

Item #8 – Responsible Gaming – GameSense Evaluation – Director Vander Linden confirmed that this item was ready for presentation and discussion at the May 9, 2024, meeting.

Item #9 – Legal Division – Wynn/Caesars Amended Agreement – Deputy General Counsel Stempeck requested that this item be moved to a meeting later in May and requested an accompanying executive session to discuss more commercially sensitive matters relating to the contract.

Add-on Item – IEB– Civil Administrative Penalty - Director Monahan requested an agenda item for discussion of assessment of a Civil Administrative Penalty be added to a public meeting agenda. *Transcriber’s note: After discussions with Commissioners on scheduling, this item was moved to the May 23, 2024, public meeting.*

Add-on Item – Commissioner Updates – Legislative Matters – Commissioner O’Brien requested an agenda item be added to the agenda to discuss matters that are before the Massachusetts Legislature regarding iLottery, and the upcoming Budget. Commissioners discussed the timing of this agenda item, and whether there should be a separate public meeting for discussion, or if it should go forward within an additional meeting. *Transcriber’s note: After some discussion, Commissioners reached consensus to find time for a separate public meeting.*

Items For Public Meeting – May 23, 2024 – 10:00 AM EST

Item #1 – Administrative Update – Executive Director Serpa confirmed that an administrative update would come forward on May 23, 2024.

Item #2 – Meeting Minutes – Associate General Counsel Young confirmed minutes would come forward for approval at the May 23, 2024, public meeting.

Item #3 – Legislative Update – Commissioner Hill confirmed that this item should remain on the agenda.

Item #4 – Regulations – Counselor Grossman confirmed that 205 CMR 16.00 and 205 CMR 238.12 would be back before the Commission for votes of finalization and adoption.

Item #5– Sports Wagering – Director Band confirmed that the Sports Wagering Division would bring forward an overview presentation, and technical discussion on the anticipated waivers pertaining to 205 CMR 257: Data Privacy.

Item #6 – Community Mitigation Fund – Standing Agenda Item – Chief Delaney confirmed an agenda item for discussion of seven Community Mitigation Fund applications.

Item #7– Independent Monitor – Commissioner O’Brien requested that this item be moved to a later date to accommodate the presenters’ schedules, and anticipated work product sent by the Independent Monitor.

Item #8 –Responsible Gaming – Casino Jobs Report – Director Vander Linden confirmed that this item would be ready for discussion.

Item #9 – Legal & IEB: Follow up Discussion re: Process for Alleged SW Noncompliance Adjudicatory Hearings – IEB Director Monahan confirmed this item for May 23, 2024. She noted that discussion would include a decision or vote by the Commission on the process presented at a prior meeting; and discussion of three non-compliance items, and how the Commissioners would want to handle them.

Add-on Item – IEB – Civil Administrative Penalty – Director Monahan requested an agenda item for discussion of assessment of a Civil Administrative Penalty be added to the public meeting agenda.

Add-on Item - IEB Executive Sessions (2) – Director Monahan requested two executive sessions be added to the meeting agenda for May 23, 2024.

Items Under Review for Future Meetings:

Item #1 – ILEV Review Process – Chief Delaney requested to move this item to the May 23, 2023, public meeting. He confirmed that a memorandum for Commissioners would be added to the meeting packet.

Item #2 – Compliance Committee – Commissioner O’Brien requested to keep this agenda item under review.

Item #3 – HCA Compliance Update (All Properties) – Commissioner Skinner requested to keep this agenda item under review, as review was ongoing.

Item #4 – EBH – East Broadway; Process & Ultimate Action – Chief Delaney requested to keep this agenda item under review.

Item #5 – Multi-Factorial Authentication Regulation (Ohio Example) – Commissioner O’Brien requested that this item remain under review. Deputy General Counsel Stempeck noted that this item would likely be ready for discussion at a June public meeting.

Item #6 – DPH Report – Equity Pillars & Problem Gambling – Commissioner Hill explained that this item would be a discussion regarding a working partnership or collaboration with the Department of Public Health. Commissioners engaged in brief discussion about this item, and when it best would be discussed. After some discussion, consensus was reached that the first step would be to meet representatives from DPH, and then assess what would be discussed at a public meeting.

Item #7 – Responsible Gaming – Gambling Advertising Report – Director Vander Linden requested that this item remain under review.

Item #8 – Procurement Threshold Discussion Review – CFAO Lennon and Commissioner Hill confirmed this item for a discussion on procurements, including having the Commissioners weigh in on when they wanted to be involved on the procurement process, based on an agreed upon threshold.

Add-on Item FY 2025 Budget Review – CFAO Lennon requested an agenda item for the initial discussion of the FY Budget at a June public meeting.

Add-on Item FY Budget Discussion – CFAO Lennon requested an agenda item for the follow up discussion and vote on the FY 25 Budget after its public circulation.

Item #9 – Briefing on Waivers for Technical Compliance with 205 CMR 257 – Commissioner O’Brien noted that this agenda item would include receiving a technical update from Operators who were requesting waivers from the Commission, based on their implementation status. Sports

Wagering Business Manager, Crystal Beauchemin confirmed that this item was scheduled to come forward on May 23, 2024.

Item #10 – Discussion of AI as a Responsible Gaming Tool – Commissioner O’Brien noted that this agenda item would include discussion of how AI could be best utilized as a means of detecting problem gaming behavior and providing services. She noted that 2x2s should accompany this discussion as well. Director Vander Linden agreed and added that discussion could also include how other divisions within the Commission could assist with this endeavor. He agreed that 2x2s with Commissioners would be very helpful in preparing for this item.

Item #11 – MGC Seal of Approval – Deputy General Counsel Stempeck confirmed this item for presentation at a future meeting.

Item #12 – Licensee Diversity Audit – Commissioner Skinner confirmed this item should remain under review.

Add-on Item – Community Mitigation Fund – Standing Agenda Item – Chief Delaney requested a standing agenda item from April 11, 2024, through June 2024 for discussion of Community Mitigation Fund applications.

Add-on Item – Community Mitigation Fund – Licensee Quarterly Reports – Chief Delaney requested an agenda item for the discussion of Licensee Quarterly reports at a meeting in June.

Add-on Item – Legal Division – Adjudicatory Matters Concerning a Commissioner – Deputy General Counsel Stempeck requested an agenda item for discussion of adjudicatory matters under 205 CMR 101 requiring review and decision by a Commissioner.

Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Hill seconded.

Roll Call Vote:

Commissioner O’Brien Aye.

Commissioner Hill Aye.

Commissioner Skinner Aye.

Interim Chair Maynard Aye.

The motion passed unanimously 4-0. Meeting adjourned.

List of Documents and Other Items Used

1. Notice of Meeting & Agenda, dated April 29, 2024
2. Agenda Setting Minutes, dated March 20, 2024

FUTURE SCHEDULED MEETING DATES:

May 9 (Public)

May 14 (Responsible Gaming Conference)
May 15 (Agenda Setting)
May 21 (HOLD: Roundtable)
May 23 (Public)
May 29 (Agenda Setting)
June 3 (Public)
June 4 (Adjudicatory Hearing)
June 6 (Public)
June 12 (Agenda Setting)
June 20 (Public)
June 26 (Agenda Setting)
June 30 (Adjudicatory Hearing)