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**Massachusetts Gaming Commission**  
**Agenda Setting**  
**Meeting Minutes**

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**Date/Time:** May 10, 2023 – 9:30 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 #145 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) April 24th, 2023

Commissioner Hill moved to approve the minutes from the April 24, 2023 Agenda Setting meeting, included in the Commissioners’ Packet, subject to any necessary edits for typographical errors or other non-material matters. 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 5-0.*

## **Agenda Planning for Upcoming Commission Meetings**

*The Commission discussed the anticipated agendas for the upcoming meetings scheduled for May 16, 2023, May 22, 2023 and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:*

### **Items For Public Meeting – May 16, 2023 – 10:00 AM**

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

Add-On Item – Director Wells informed the Commission that Governor Maura Healey recently rescinded Executive Order No. 595 and asked the Commission to consider whether they would like to revisit their COVID-19 office requirements and visitor policy in light of this development. Human Resources Manager Trupti Banda confirmed she will put together reference materials for the Commission’s review related to this topic. Chair Judd-Stein identified May 22, 2023 as a potential future meeting date to discuss.

Item #2 – Meeting Minutes – Commissioner Hill confirmed that meeting minutes from November 29, 2022 and December 1, 2022 will be discussed.

Item #3 – Legislative Update – Commissioner Hill confirmed a high-level discussion of what is happening on Beacon Hill as it relates to the Massachusetts Gaming Commission.

Item #4 – Regulations – The Legal Division confirmed this agenda item and requested to add one additional regulation (205 CMR 222) for a total of five regulations.

Add-On Item – Commissioner O’Brien requested to discuss expanding the language on intent in 205 CMR 256. Chair Judd-Stein identified May 16, 2023 as a potential future meeting date.

Item #5 – Delegation of Authority – Commissioner Maynard confirmed they will be ready to present on this topic.

Item #6 – Encore Broadway Expansion Initial Discussion – Community Affairs Division Chief Joseph Delaney confirmed this agenda item

Item #7 – MGM and PPC Quarterly Report – Chief Delaney confirmed this agenda item should be Encore Boston Harbor, not MGM (which was moved to May 22, 2023).

Item #8 – 3<sup>rd</sup> Quarter Budget Update – Chief Financial and Accounting Officer Derek Lennon and Commissioner Skinner confirmed this agenda item.

Item #9 – House Rules – FanDuel – Director of Sports Wagering Bruce Band confirmed this agenda item.

Item #10 – House Rules – Betr - Director Band confirmed this agenda item.

Item #11 – Certificate of Operations – Fanatics - Director Band confirmed this agenda item.

Item #12 – Office Lease Update – Lead Executive Assistant Maryann Dooley confirmed this agenda item.

### Items For Public Meeting – May 22, 2023 – 10:00 AM

Item #13 – Administrative Update – Executive Director Wells confirmed this agenda item.

Item #14 – Meeting Minutes – Commissioner Hill confirmed this agenda item.

Item #15 – Community Mitigation Fund Application Review – Transportation – Chief Delaney confirmed a topic change and not focusing only on transportation.

Item #16 – EBH Quarterly Report – Chief Delaney mentioned it may be better to switch this agenda item with Item #15.

Add-On Item – Sports Wagering – Director Band requested a standing agenda item for sports wagering . Director Wells mentioned that if you have something in particular, the agenda would need to be specific and should confirm with Grace. Chair confirmed it will be a standing item for our agenda setting meetings and we have to be specific anyways.

Add-On Item – Non-Compliance Matter with Category 3 Sports Wagering Operator – Investigations and Enforcement Bureau Director Loretta Lillios informed the Commission that the IEB has reviewed the incident and prepared a written summary of the review, which is available for the Commission to review and discuss how they would like to proceed. Chair Judd-Stein and Executive Director Wells confirmed that the process has not been finalized yet and Legal is currently developing a draft. Commissioner O’Brien requested an alert in the future for these types of self-disclosure.

Add-On Item – Civil Administrative Penalty Assessed with MGM Springfield – Director Lillios confirmed that the IEB can update the Commissioners on a matter involving MGM Springfield.

Add-On Item – RSM Report on Taxation and Promo Play – Director Wells mentioned she received a RSM report, which is helpful for the Commission in understanding how the business works. Director Wells confirmed that there is confidential information, which may be more appropriate for an executive session and asked for the Legal Division to review. Chair Judd-Stein identified May 23, 2023 as a potential future meeting date for this agenda item.

### Items For Adjudicatory Hearing – May 23, 2023 – 12:00 PM

Deputy General Counsel Caitlin Monahan confirmed that the party has requested an earlier June date for this adjudicatory hearing.

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

Item #17 – Administrative Update – Executive Director Wells confirmed this agenda item.

Item #18 – Meeting Minutes – Associate General Counsel Judith Young confirmed this agenda item.

Item #19 – Legislative Update – Commissioner Hill confirmed this agenda item.

Item #20 - Regulations – The Legal Division confirmed that regulations can be added on this date if the Commission would like to keep this agenda item.

Item #21 – Community Mitigation Fund Application Review – Public Safety – Chief Delaney confirmed this meeting date will cover transportation and the meeting on June 15, 2023 will cover public safety.

## Items For Public Meeting – June 1, 2023 – 10:00 AM

Item #22 – Administrative Update – Executive Director Wells confirmed this item.

Item #23 – Meeting Minutes – Associate General Counsel Young confirmed this item.

Item #24 – Legislative Update – Commissioner Hill confirmed this item.

Item #25 – Regulations – The Legal Division confirmed they have four additional regulations they would like to add on this meeting date, but can move these regulations to the public meeting on May 30, 2023 if needed.

Item #26 – Racing Application Review – The Legal Division confirmed this agenda item.

Item #27 – Racing ADW Regulations – The Legal Division confirmed this agenda item.

Item #28 – Request to Escrow RHDF – Director of Racing Alexandra Lightbown confirmed this agenda item.

Item #29 – EBH Patron and License Plate Report – Director of Research and Responsible Gaming Mark Vander Linden confirmed this agenda item.

Item #30 – FY24 Initial Budget Review – Chief Lennon confirmed this agenda item as an initial review.

## Items For Public Meeting – June 15, 2023 – 10:00 AM

Add-On Item – Community Mitigation: Public Safety – Chief Delaney requested time on this date to review the 24 applications received.

Item #31 – Administrative Update – Executive Director Wells confirmed this agenda item.

Item #32 – Meeting Minutes – Associate General Counsel Young confirmed this agenda item.

Item #33 – Legislative Update – Commissioner Hill confirmed this agenda item.

Item #34 – Regulations – The Legal Division confirmed this agenda item.

Item #35 – FY24 Budget Final Review – Chief Lennon confirmed this meeting date can be for public comment and on June 29, 2023 for a final vote.

Add-On Item – Voluntary Self-Exclusion (VSE) Program Update – Director Vander Linden requested time to discuss VSE and provide an update on enrollment with sports wagering.

Add-On Item – 90-Day Audit and Sports Wagering Update – Director Band confirmed that this could be added around June 15, 2023.

#### Items Under Review for Future Meetings:

Item #36 – ILEV Review Process – Chief Delaney and Commissioner Hill confirmed this is still under review.

Item #37 – Encore Broadway Expansion – Chief Delaney confirmed this will be discussed at a future meeting.

Item #38 – Compliance Committee – Commissioner O’Brien requested this item remain under review.

Item #39 - Springfield Community Driven Research Project – Director Vander Linden confirmed they are finishing their review of this project, but requested this item remain under review.

Item #40 – HCA Compliance Update (All Properties) – Chief Delaney reported he is in the process of scheduling meetings with the licensees to start these discussions.

Item #41 – Recognition of Jockey Guild – Director Lightbown requested to keep this item under review.

Item #42 – Approval of Certificate of Operations – Director Band requested to keep this item under review.

Item #43 – Event Catalog Additions – Director Band requested to keep this item under review.

Item #44 – Standardize House Rules - Director Band requested to keep this item under review.

Item #45 – Review of Regulation Regarding “Risk Free” Advertising Phrasing – Commissioner O’Brien confirmed this will be discussed at a future meeting.

*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 May 10, 2023
2. Agenda Setting Meeting Minutes, dated April 24, 2023

### **FUTURE SCHEDULED MEETING DATES:**

May 16 (Public)  
May 24 (Agenda)  
May 30 (Public)  
June 1 (Public)  
June 7 (Agenda)  
June 15 (Public)  
June 21 (Agenda)  
June 29 (Public)