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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 22, 2022, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 608 5663

The Commission conducted this public meeting remotely utilizing collaboration technology. 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.

### Commissioners Present:

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner

1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 383<sup>rd</sup> Public Meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. Approval of Meeting Minutes

Chair Judd-Stein suggested the drafts of meeting minutes be brought forward during the next public meeting. Commissioner Hill agreed.

3. [Administrative Update](#) (1:15)

a. On-Site Casino Updates

Bruce Band, Assistant Director of the IEB and Gaming Agents Division Chief presented the on-site casino updates for the three gaming establishments in the Commonwealth. He noted that Encore Boston Harbor had no significant events occurring, but that their promotional giveaways were still ongoing. He further noted that MGM had began construction for the relocation of their GameSense office and continued to have *Free Music Fridays* in their plaza. He stated that MGM had begun running 24/7 table games with no issues.

Chair Judd-Stein requested a poker update for both properties. Assistant Director Band noted that MGM was operating fourteen poker tables, seven days a week. He reported that Encore Boston Harbor was operating fifteen poker tables, Monday through Thursday.

Chair Judd-Stein asked if there were any waiting periods for poker tables, to which Assistant Director Band responded that there are waiting periods in the morning when the tables first open. Commissioner O'Brien inquired whether signups for waitlists were done in person or electronically. Assistant Director Band reported that the queue is a physical line at both locations, however, MGM has a check in site for patrons. Chair Judd-Stein requested more information regarding the wait time for poker at both establishments, including the number of patrons, and the average wait time. Assistant Director Band confirmed.

b. [Spirit of Massachusetts and Racing Update](#) (5:17)

Dr. Alex Lightbown, Director of Racing and Chief Veterinarian reported that Plainridge Park Casino's (PPC) licensing department had 100 more license requests than this time last year and had paid out approximately \$4.5 million in purses. She further noted that several fines had been issued regarding whipping regulations.

Dr. Lightbown then presented the plan for the *Spirit of Massachusetts Day* on Sunday July 24, 2022, at PPC. She noted that there was a 2 P.M. post time and that the featured races would occur later in the day. She stated that the planned events included the *Spirit of Massachusetts* trot with a \$250,000 purse, the Clara Barton pace with a \$100,000 purse, and the Bert Beckwith Memorial Pace with a \$50,000 purse geared towards local horsemen. Dr. Lightbown also noted that PPC had hosted a couple of \$100,000 purse races in April and May.

Commissioner O'Brien inquired whom Bert Beckwith was. Dr. Lightbown noted that Mr. Beckwith was a beloved trainer in Massachusetts who had passed away, and that previous memorial races had been held in his honor. The Commission had no further questions or comments and thanked Dr. Lightbown. The *2022 PPC Calendar* was included on page 2 of the Meeting Packet.

4. [Research and Responsible Gaming](#) (9:02)

- a. "Bridging the Research to Practice Gap: Context Matters! Understanding the Life Circumstances of Hispanic Residents of a Casino Neighborhood."

Director of Research and Responsible Gaming Mark Vander Linden introduced: Dr. Rodolfo R. Vega, Senior Consultant at John Snow, Inc.; Ms. Zulmalee Rivera, Member Support & Event Coordinator at Neighbor to Neighbor; and Ms. Andrea Royo, Project Leader at Massachusetts Behavioral Health Partnership. Director Vander Linden noted that while researching the socioeconomic impact of gambling, his research team performed community engaged research and partnered with community stakeholders, rather than researching the community from an external perspective.

Dr. Vega presented the research on the impact the gaming establishment in Springfield on the Hispanic community. Topics covered by the research included implementation, bridging the gap between research and implementation, understanding of community context, community-based participatory research, toxic stress, and theoretical implications.

Dr. Vega further presented his findings on the greater Hispanic community, stating that it suffered from pervasive stress throughout life contexts, maintained both positive and negative views of the casino, believed that crime has been redistributed, and that gambling acted as an intergenerational issue in their community. The *Research Study* and *Slideshow Presentation* were included on pages 4 through 89 of the Meeting Packet.

Commissioner O'Brien requested anecdotal example regarding crime being relocated, in hopes it would guide future research. Dr. Vega provided the example that solicitation had moved from the streets to online services and within the casinos. Ms. Rivera also noted that due to gentrification, populations were relocating, and specific crimes were being relocated to new geographic areas.

Commissioner O'Brien followed up regarding research moving forward, and whether there should be a continued look at the impact around the casinos and a historical assessment of the impact on neighborhoods to begin a deeper conversation regarding how the landscape changed. Dr. Vega responded that crime hasn't changed significantly, but the perception of crime had increased, and that he was unsure how to address the divide between reality and perception. Director Vander Linden noted that traditional public safety research had investigated how to approach the concept of community perception, and that calls to service providers and first responders was the metric used in that research.

Chair Judd-Stein inquired whether members of the community would be likely to call in issues to emergency services, if calls to service was the metric used. Ms. Rivera noted that there was a gap of trust between the community and the police department, and that other interventions that align with the self-interest of the community would need to be implemented.

Commissioner Hill shared concern with the fact that some crimes such as sex work may occur inside the casino and wanted to look at additional data. Ms. Royo noted that as crime has redistributed, resource reallocation to match the redistribution would address some of the concerns. Commissioner Hill stated that the statistics presented looked like there was a decrease in certain crime. Dr. Vega responded that he can only report on the experiences and perceptions of the study participants and not large picture statistics.

Commissioner Skinner sought clarification on how to translate the findings presented into tangible action. Dr. Vega stated that the findings allow the community to make conditional plans to better inform what interventions would address specific issues.

Chair Judd-Stein noted that while there was a small number of contacts, the depth of the research yielded, and trust established was an important beginning. She then asked if there was a way for the Commission to perform more work to address the community's understanding of interventions regarding responsible gaming. Ms. Rivera explained that the issue was deeper than

the casino and involved conditioned behavior and a history of systemic discrimination. Ms. Rivera further noted that trust is an important factor in relationship development with the community, and trust needs to be built. She continued that she did not have a recommendation other than the continued relationship building and allowing the community to be part of the process. Dr Vega recommended establishing a mechanism that enhances the community's ability to participate in informing decisions and providing feedback. In this regard, Ms. Rivera recommended listening sessions to allow the community to speak and increase understanding of their perspectives.

5. [Finance Division](#) (1:23:11)

a. FY23 Budget and Public Comment Update

Chief Finance and Accounting Officer Derek Lennon requested approval for the Commission's FY23 Operational Budget. CFAO Lennon reported that the total operating budget will be \$44.39 million, which funds 104 full time equivalent (FTE) employees and four contract employees. CFAO Lennon noted that assessments on licensees listed are estimates and would be revised when slot counts, and gaming position counts occurred on July 1, 2022. He further noted that Gaming Enforcement Unit overtime and litigation funds were funded at minimum levels as they were in prior years. The *FY23 Budget* and supporting information was included on pages 90 through 153 of the Meeting Packet.

CFAO Lennon reported that the proposed budget had been posted for public comment on June 10, 2022 and had yet to receive any public comments. He further noted that the public comment period would conclude on June 24, 2022, and that he would notify the Commission regarding any additional comments at a subsequent public meeting. Commissioners had no questions or comments for CFAO Lennon.

Commissioner Skinner moved that the Commission approve the FY23 Budget as contained in the Commissioner's Packet, and as discussed today and at previous public meetings. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

6. [Community Affairs Division](#) (1:28:27)

a. Encore Boston Harbor East Broadway Development -Extension of Time Request

Joe Delaney, Chief of the Community Affairs Division reported that Encore Boston Harbor was requesting an extension of time regarding submission of the plan for the pedestrian bridge at East Broadway Development, which was reviewed at the March 14, 2022, public meeting. He recalled for the Commissioners that the Commission provided Encore with a 90-day deadline to submit the pedestrian bridge plans, which would be required by June 14, 2022. Chief Delaney corresponded with representatives from Encore and learned that the plans were not set to be completed by the June 14, 2022, deadline. He confirmed to Commissioners that the licensee stated that a sixty-day extension would be appropriate, and that if the extension was granted, Encore had agreed to submit all plans to the Commission in advance of sharing them with any other agencies.

Encore's General Counsel Jacqui Krum stated that during the design meetings, they found repositioning the bridge made sense. Chair Judd-Stein inquired whether moving the bridge would shift it to another entryway within the gaming establishment. Ms. Krum noted that it may shift the entrance as Encore was considering two designs, but that the purpose of the reposition was to keep the entirety of the pedestrian bridge within the City of Everett and not over the city line, as it would affect permitting requirements.

Commissioner O'Brien noted that while sixty days seemed reasonable, she voiced her preference that the licensee would submit the documents to the Commission prior to that date, as changing entrance point could require more analysis as a substantive issue. Ms. Krum agreed, stating that Encore wanted to proceed with this project quickly.

Commissioner Hill moved that the Commission amend condition number seven from its May 12, 2022, decision relative to the development East of Broadway, and to grant Wynn MA, LLC an additional sixty days from the original due date to file its plan relative to the pedestrian bridge; with the remainder of the conditions otherwise remaining in full force and effect. He added for the purposes of clarity, the due date would now be August 11, 2022.

Commissioner Skinner sought clarification regarding the date reference in the motion of May 12, as the initial decision occurred on March 14, 2022. General Counsel Todd Grossman noted that the May 12 decision was reference to the approval of the memorandum memorializing the March 14, 2022, public discussions. Commissioner Skinner thanked General Counsel Grossman for the Clarification. She then seconded the motion made by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

- b. [Holyoke Community College Workforce Grant Amendment](#) (1:36:40)

Chief Delaney presented Springfield Technical Community College's (STCC) request for an amendment to redistribute funds leftover from the prior round of grants. He noted that STCC requested to redistribute \$22,521, but Chief Delaney recommended redistribution of \$16,896. Chief Delaney noted that the \$5,625 not being redistributed was intended for para-educator training, which was not related to the hospitality industry, and that the other funds were identified in the grant application. Program Assistant Lily Wallace noted that funds would be reallocated to trainings now offered in Spanish. The *Grant Amendment Memorandum* was included on page 170 of the Meeting Packet.

Commissioner O'Brien sought clarification as initially this grant went to Holyoke Community College (HCC) and STCC and asked if it was a three-part grant. Chief Delaney noted that HCC was the lead agency, and that once funds were disbursed to HCC, they distribute the funds amongst their partnered groups, and that STCC received \$104,000. Commissioner O'Brien thanked Chief Delaney for the clarification.

Commissioner O'Brien moved that the Commission amend the 2021 grant initially awarded to Holyoke Community College, a portion of which was sent to Springfield Technical Community College, by authorizing the redistribution of \$16,896 of the STCC award, continuing the Hampden Prep Workforce Development Program and the inclusion of a bilingual co-instructor. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

c. [Community Mitigation Fund Applications](#) (1:41:22)

Chief Delaney presented nine Community Mitigation Fund applications for Commissioners' review. He noted that five applications were for public safety and four were applications for specific impact grants. Chief Delaney stated the public safety applications would be presented first, and then the specific impact applications. The *Community Mitigation Fund Applications* were included on pages 156 through 169 of the Meeting Packet.

The first request was from the City of Boston's Police Department for \$256,300. Chief Delaney noted that the request encompassed three separate uses: additional funds for training and overtime; vehicles for the human trafficking unit; and accident reconstruction equipment and training. The Review Team recommended partial funding of \$106,000, with \$81,000 going to the human trafficking unit and \$25,000 going towards additional patrols. He did not recommend funding for accident reconstruction equipment and training.

The second request was from the City of Everett's Fire Department for \$250,000 for the purchase of an ambulance. The Review Team did not recommend funding for this grant. Chief Delaney noted that the City of Everett received funding from its Host Community Agreement,

designed to mitigate the impact from the casino, and that the Community Mitigation Fund was designed to mitigate the unanticipated impacts of casinos.

The third request was from the City of Malden for \$200,000 to replace traffic signals at four intersections along Broadway. The Review Team did not recommend funding for this grant, as data indicated rates of traffic congestion and accidents occurred at approximately the same rate prior to Encore being built. While Encore supported this application, the review team found no nexus between the impact and the gaming establishment.

The fourth request was from the City of Medford for \$191,000 to purchase three public safety vehicles, an electric vehicle charging station, and a speed trailer. The Review Team recommended partial funding of \$68,300 for the speed monitor trailer and the pickup truck but did not recommend funding for the charging station and two additional vehicles. Chief Delaney noted that the Fire Department provided only anecdotal evidence for their claims requiring two detail vehicles; which was not sufficient to justify a casino impact.

The fifth request was from the Town of Plainville for \$238,700 to purchase hardware and software for virtual and in-person and police trainings. The Review Team recommended partial funding of \$142,200 but did not recommend funding for overtime costs associated with Metropolitan Law Enforcement Council (“MetroLEC”) communities or virtual training materials. Chief Delaney explained that Plainville Police were part of MetroLEC, which was comprised of several Police Departments. Chief Delaney noted the importance that funds from the Community Mitigation Fund be applied to casino-related impacts, and that the other departments were not impacted by casinos. He further explained that the upgrades to equipment and software had no nexus to casino impact.

The sixth request was from the City of Everett’s Fire Department for \$353,000, to purchase public safety communications equipment. Chief Delaney noted that the Fire Department’s existing radios struggled to work inside of the Encore, despite Encore installing signal boosters. The Review Team recommended partial funding for \$122,600 to replace the radios in the Fire Station that primarily responded to incidents at Encore, as well as a few spare radios as well. Chief Delaney noted that the City of Everett had other grants approved that should cover the costs of additional radios.

The seventh request was from the City of Everett for \$309,000 to purchase: additional safety equipment; dual band radios for increased interoperability with the Gaming Enforcement Unit; and to fund additional late-night patrols. The Review Team recommended full funding for this project.

The eighth request was from the Town of Mansfield for \$186,200 to purchase traffic safety equipment. The Review Team recommended partial funding of \$64,600 for speed boards, a trailer, and traffic safety equipment, but did not recommend funding for the pickup truck, motorcycle and crossing beacons. Chief Delaney noted that approximately two percent of casino-goers would use Route 106 to reach the casino, and while there was an impact, it was not proportional to the amount requested. Chief Delaney further reported that the Town of Mansfield offered to put problem gambling awareness messages on the speed boards. Chair Judd-Stein

encouraged the idea of including responsible gaming messages on signage and encouraged Director Vander Linden to explore that as an option in other capacities as well.

The ninth request was from the Town of Plainville for \$171,600 to fund a Community Resource Officer. The Review team did not recommend funding for this project, as the Host Community Agreement would likely address these anticipated issues.

Commissioner Hill moved that the Commission approve the applications from the following applicants for funding from the Community Mitigation Fund for the purposes described in the submitted applications and materials included in the Commissioner's Packet, and for the reasons described therein and discussed here today as follows: the City of Boston for two grants: one for the human trafficking unit for \$81,000; and additional patrols for \$25,000, which would total \$106,000; the City of Medford for \$68,300; the Town of Plainville for \$142,200; the City of Everett for \$122,600; the City of Everett for an additional \$309,000 for police equipment, and the Town of Mansfield for \$64,500; and moved further that the Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Commissioner Skinner moved that the Commission deny the application for funding from the Community Mitigation Fund for accident reconstruction equipment and training for the Collision Investigation Team submitted by the City of Boston for the reasons described in the memorandum in the Commissioner's packet and discussed here today. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Commissioner O'Brien moved that the Commission deny the following applications for funding from the Community Mitigation Fund, first from the City of Everett for the purchase of an ambulance, second for the City of Malden to replace existing traffic signal equipment, and lastly the Town of Plainville's request for funding for a resource officer, for the reasons in the memorandum and discussed here today. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O'Brien: Aye.*



*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Chief Delaney presented an overview of the total applications received for the year. The funded projects totaled \$10.47 million and included \$860,600 for public safety grants, \$1.32 million for specific impact grants, \$945,100 for transportation planning, \$5.72 million for transportation construction, 1 million for workforce development, and \$611,000 for community planning. Chief Delaney reported that more applications were submitted than in previous years. He further noted the Community Mitigation Fund rolls over each year, and that unspent funds will continue to be available for the next year.

7. [Legal Division](#) (3:27:17)

a. Public Records Request Policy, Procedure and Technology

Deputy General Counsel Carrie Torrisi presented an updated procedural flowchart on the Public Records Request Policy, incorporating the changes suggested at the May 12, 2022, public meeting. The changes strengthened the language that directed requestors to the request portal on the Commission website and removed the 100-hour threshold language for the assessment of fees to have a broader scope. The updated *Public Records Request Policy* was included on pages 171 through 184 of the Meeting Packet.

Chair Judd-Stein offered an amendment of the flowchart, adding that issues shall be reported to the Executive Director regarding any risk or complex requests. She further suggested that language be included to work in conjunction with other departments as appropriate. Deputy General Counsel Torrisi confirmed the changes recommended by the Chair could be made. Commissioners had no further questions or comments.

Commissioner O'Brien moved that the Commission adopt the updated public records policy and public records request procedure as included in the Commissioner's Packet and discussed today. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Deputy Counsel Torrisi also noted that there had been an uptick in large scale public records requests. She explained that previously email and data were stored on state servers and the Executive Office of Technology Services and Security (EOTSS) conducted e-discovery searches for the legal division. Associate General Counsel Torrisi elaborated that the Commission had

since migrated their files to their own system, and no longer used EOTSS, as the files were not centralized on state servers. She noted that the legal team has worked with IT to practice searching and attended trainings to optimize searches of the Commission's files. Deputy General Counsel Torrisi recommended the use of a third-party vendor to conduct the more complex searches for records requests as there was no e-discovery expert on staff at the Commission. She clarified however, that the legal division could handle simpler searches, however, requested a third-party service be utilized on an "as-needed" basis for more complicated requests.

Executive Director Karen Wells inquired if there were other options, such as having an in-house e-discovery expert. Deputy General Counsel Torrisi stated that was an option, and that most independent agencies used IT staff to run these searches. Executive Director Wells stated that this could be a mechanism to provide for staff training. Chief Information Officer Katrina Jagroop-Gomes noted that tools were in place for simpler searches to be run internally, but complicated Boolean searches would require more expertise.

Commissioner Hill asked if there was a cost estimate for onboarding a third-party vendor on an "as-needed" basis. Deputy General Counsel Torrisi stated that she did not have an estimate yet, as the Commission was not at that stage of the process. Commissioner Hill asked if someone with this skillset would be easily obtainable to hire as staff. CIO Jagroop-Gomes stated that they could either find an e-discovery expert, or someone who was familiar with the current system the Commission uses who could be trained in e-discovery.

Commissioner O'Brien asked if request production is something doable inhouse, with the option of using a third-party vendor as a lifeline. Deputy Counsel Torrisi replied that that is how the legal department was envisioning it, and that the function of the third-party would not be for frequent use, but only when large requests were submitted.

Commissioner Skinner inquired as to what other responsibilities would fit with an e-discovery expert. CIO Jagroop Gomes noted that the e-discovery tool was in the 365 platform, and knowledge of that program, such as a systems administrator, could coincide with knowledge of e-discovery through 365. Commissioner Skinner voiced her support for hiring a third-party vendor, as she was not convinced there were enough complex requests for hiring a full-time employee within the Commission.

Commissioner Skinner added that the complexity of using the software and extensive training required should not be underestimated, and that the Commission should be cognizant of the fact that the program is not something that can be excelled out without frequent repetition.

Commissioner O'Brien agreed with Deputy General Counsel Torrisi regarding in-house training of staff, with the use of a third-party vendor as backup. She noted that General Counsel Grossman and the legal department already have backlogs and large future projects with sports wagering looming. She further noted that she has used third party consultants for similar searches in her past professions.

Chair Judd-Stein inquired how many records requests the legal department receives per year. Deputy General Counsel Torrisi replied that they receive approximately 75 requests, but some

are complex with as many as 20 components. Chair Judd-Stein asked what percentage of requests are complex enough to go beyond the ten-day response period. Deputy General Counsel Torrisi noted that it was less than ten percent of requests.

Executive Director Wells stated that more research into the options could be done to better inform the Commission prior to deciding. Chair Judd-Stein thanked Executive Director Wells.

b. [205 CMR 133: Voluntary Self Exclusion](#) – And Amended Small Business Impact Statement, For Approval to Finalize the Promulgation Process (4:18:42)

Deputy General Counsel Torrisi presented an updated draft of 205 CMR 133 regarding Voluntary Self Exclusion. She noted that the amended version of this regulation was first presented during the Public Meeting on April 28, 2022, and the Commission voted to begin the promulgation process. She added that the public hearing on the proposed amendment occurred on the morning of April 28, 2022, presided over by Commissioner Skinner, and that no public or written comments were received by the Commission.

Deputy General Counsel Torrisi explained that during the comment period, Commissioner Skinner provided recommendations to the Legal Division to clean up the language and change pronouns for equity and inclusion. The *205 CMR 133: Voluntary Self Exclusion and Amended Small Business Impact Statement* were included on pages 185 through 197 of the Meeting Packet.

Commissioner Skinner moved that the Commission approve the Amended Small Business Impact Statement relative to 205 CMR 133 as included in the Commissioner’s Packet, and further moved that the Commission approve the final version of 205 CMR 133 as included in the Commissioner’s Packet and as discussed today and authorize the staff to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and finalize the regulation promulgation. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

c. [205 CMR 103: Access to and Confidentiality of Commission Records](#) - and Small Business Impact Statement, for approval to begin the promulgation process (4:29:02)

Deputy General Counsel Torrisi stated that as 205 CMR 103 existed, it contained language: that was unnecessary or duplicative of other laws; better used for policies than regulations; and that created redundant or duplicative processes. She then presented proposed changes that would eliminate the regulation in its entirety to prevent confusion and increase efficiency. Deputy

General Counsel Torrisi explained that eliminating this regulation would not eliminate the mechanism for licensee to deem certain types of records to be confidential, and that it would streamline the process as the regulation was less clear than the statutorily defined Non-Disclosure Agreements with all licensees.

Deputy Counsel Torrisi reported that sections 205 CMR 103.03 regarding official custodians, 103.09 regarding information provided in response to requests during phase I and II, and 103.14 regarding security protocols were going to be preserved as Commission policies rather than regulations.

Commissioner O'Brien noted her concern that the language in sections .03, .09, and .14 of 205 CMR 103 were not yet contained elsewhere. Chair Judd-Stein noted that the decision to strike all of 205 CMR 103 could be adopted today, and that the language could be incorporated at a later point. Commissioner Skinned stated that she wanted to put a hold on voting until a document was created and presented to Commissioners that preserved the aforementioned sections.

Deputy General Counsel Torrisi also reported that the legal department was collaborating with IT Division to incorporate policies regarding the security protocols found in 103.14 into the network security plan. Commissioner O'Brien requested a timeline on that policy. CIO Jagroop-Gomes reported that it would take about a month to get the network security plan in front of the Commissioners. Deputy Counsel Torrisi noted that due to the promulgation timeline, even if a vote took place today, the regulation would be in effect until August or September, giving departments time to incorporate language into their policies prior to the final vote.

Commissioner O'Brien stated she would not feel comfortable taking action to finalize the elimination the regulation without the discussed sections being incorporated into policy. Chair Judd-Stein asked if the language could be added to the motion to ensure the adoption of the three sections as formal policy. Commissioner Hill sought clarification as to whether a single motion could be used to rescind 205 CMR 103 and adopt the other sections as policy.

Commissioner Skinner asked if there was a deadline for this process. Deputy General Counsel Torrisi stated that public comment and hearing need to occur within a set timeframe once the promulgation process began, but the final vote could be delayed, so there is no deadline. Chair Judd-Stein stated she was comfortable with the legal department's recommendation as the regulation would not be rescinded immediately upon a vote by the Commission.

Commissioner O'Brien moved that the Commission approve the Small Business Impact Statement as included in the Commissioner's Packet and authorize staff to file all of the necessary documentation with the Secretary of the Commonwealth and proceed with the regulation promulgation process to rescind 205 CMR 103 as presented and discussed here today, subject to the direction that sections .03, .09 and .14 be preserved as policies of the Commission and those policies shall be finalized prior to moving into the final promulgation process. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously 4-0.*

d. [205 CMR 115.01 \(4\): Continuing Duty](#) (5:08:06)

General Counsel Todd Grossman brought forward 205 CMR 115.01(4) for the Commission's review of the regulation and discussion. General Counsel Grossman noted that he had no recommendations for amendments of the regulation at this time but was hoping to have a discussion with Commissioners about its purpose and any changes the Commissioners were interested in seeing. He explained that the regulation provided information as to when Qualifiers were duty bound to provide notice of any adverse action, or investigations impacting their finding of suitability to the Investigations and Enforcement Bureau. General Counsel Grossman noted that it was an older regulation, and the legal department wanted to make sure it still captured what the Commission intended. Regulation 205 CMR 115.01(4) was included on page 220 of the Meeting Packet.

Chair Judd-Stein thanked General Counsel Grossman for the overview presentation and posed the question to her fellow Commissioners that in the interest of time, Commissioners table this agenda item for discussion at a later meeting to allow for a longer discussion. Commissioners agreed.

8. [Approach to Determining Technical Standards and Conducting Compliance Testing in Sports Wagering](#) (5:31:15)

Chair Judd-Stein noted that two pieces of legislation that would legalize sports wagering were being considered before the Legislative Conference Committee, and that each bill designated the Commission as the regulator for sports wagering. She further noted that the Commission could consider neutral policies as a preliminary administrative action to put the Commission in better position to implement sports wagering law, if it did ultimately become legalized.

Executive Director Wells noted that the Commission could not perform certain actions until the legislation passes but reported that some issues have been identified proactively. She stated that the first issue was the adoption of technical standards, and a review of different regulatory models from other states. She stated most states relied upon Gaming Laboratories International (GLI) standards, and that those who internally regulate sports wagering tend to have larger gaming jurisdictions with relevant gaming experts.

Executive Director Wells recommended that the Commonwealth should rely on the GLI Standards for Technical Compliance of Online Platforms; the GLI 19 Interactive Gaming Systems Version 3.0; the GLI Wireless Standards 26, Version 2.0, the GLI 33 Event Wagering System Version 1.1; the Standard Change Management Program Guide Version 1.0; and GLI 20 Kiosk Version 2.0. The *GLI Standards* were included in the Commissioner's Packet. Executive

Director Wells stated that while it was premature to adopt regulations, the Commission could tailor these standards as best practices for Massachusetts in preliminary practice, should sports wagering become legal.

Commissioner Skinner inquired what document would culminate from the review and tailoring of the standards, and if it would take the form of a regulation or a policy. Executive Director Wells confirmed that it would be a regulation adopting the GLI standards. General Counsel Grossman stated that the process was to expedite review of materials if sports wagering were to be approved, and that the staff had reviewed and supported the GLI standards.

Commissioner Hill stated he supported the Commission's use of GLI standards for tech compliance, but also voiced his support for an informed review of other options available. CIO Jagroop-Gomes stated that the IT department has already begun that research, and it was available for internal distribution and review.

Executive Director Wells then presented four options for the approach to technical testing of sports wagering platforms to ensure compliance with Massachusetts law prior to operation. The first option was that the Commonwealth require licensees to contract with outside vendors to provide testing that conformed to Massachusetts standards, and subsequently provide results to the Commission, in addition to auditing those results. The second option was to hire personnel to conduct testing in-house, and to increase the number of IT staff within the Commission. The third option was to contract with a third-party vendor to test directly on behalf of the Commission. The fourth option was to utilize a hybrid model with some testing performed by Commission IT staff, and some tests being performed by a third-party vendor retained as a contractor. Executive Director Wells recommended exploring the option of third-party vendors for initial testing, and once the program was up and running to move towards a hybrid model mentioned under option four. She noted that with this model, the Commission would not be completely reliant on a third-party vendor and would develop experience expertise necessary for long term regulation and inspection.

Chair Judd-Stein appreciated the recommendation and expressed concern with the first two options, as the Commission should not relinquish its statutorily imposed authority, and the second option could prove excessively costly. Executive Director Wells clarified that contracting could not occur until sports wagering was approved, and that presently the Commission was analyzing potential costs. Commissioner O'Brien requested more information regarding third party vendors and posed that it may be too early for a decision on this issue.

Commissioner Hill moved that the Commission direct staff to review the technical GLI standards described in Director Wells' Memorandum for possible adoption should sports wagering become authorized and placed under the jurisdiction of the Commission. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein:                   Aye.  
The motion passed unanimously 4-0.*

Commissioner O'Brien expressed her concern regarding the procurement process and engaging third-party vendors at this stage, prior to the legalization of sports wagering. Executive Director Wells explained that the procurement process could be explored without the Commission committing to any vendor. Chair Judd-Stein requested exploration of the landscape to see how difficult it would be to procure a vendor of this kind. CIO Jagroop-Gomes noted that it was a narrow landscape, but the goal was to allow staff to explore options. She elaborated that was unclear if requests for information could be submitted prior to sports wagering being approved. Commissioner Skinner suggested narrowing the definition in the memorandum to have a clearer definition of "explore contracting." Executive Director Wells agreed.

The Commissioners agreed not to vote on this matter until more information was presented later.

9. [Commissioner Updates](#) (6:08:10)

Chair Judd-Stein reported on the interview process for an Executive Assistant for the Commissioners. She further noted that due to public meeting laws, the interviews may need to be conducted in a special public meeting and suggested streaming or recording the meeting, if necessary. Commissioners had no further discussion on this matter.

Hearing no other business, Chair Judd-Stein sought for a motion to adjourn from her fellow Commissioners.

Commissioner O'Brien moved to adjourn. Commissioner Skinner seconded.

*Roll call vote:*

*Commissioner O'Brien:           Aye.*

*Commissioner Hill:               Aye.*

*Commissioner Skinner:         Aye.*

*Chair Judd-Stein:                Aye.*

*The motion passed unanimously. Meeting Adjourned.*

### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated June 15, 2022
2. [Commissioner's Packet](#) from the June 22, 2022, meeting (posted on massgaming.com)