



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 26, 2022, 2:30 p.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 048 6029

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 M. O'Brien
Commissioner Bradford R. Hill
Commissioner Nakisha L. Skinner

1. [Call to Order](#) (0:10)

Chair Judd-Stein called to order the 385th public meeting of the Massachusetts Gaming Commission, and all four commissioners were present.

2. Approval of Meeting Minutes

- a. September 21, 2021
- b. September 23, 2021
- c. October 21, 2021
- d. December 21, 2021
- e. January 10, 2022
- f. June 2, 2022

Commissioner Hill moved to approve the Public Meeting minutes from June 2, 2022, included in the meeting packet, subject to necessary changes for typographical errors or edits. Commissioner O'Brien seconded.

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 to approve the Public Meeting minutes from: September 21, 2021, September 23, 2021, October 21, 2021, December 21, 2021, and January 10, 2022, included in the meeting packet, subject to necessary changes for typographical errors or edits. Commissioner Hill seconded.

Roll Call Vote:
Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Skinner: Abstain.
Chair Judd-Stein: Aye.
The motion passed 3-0, with one abstention.

3. [Racing Division](#) (1:20)

a. Request for Promotional Fund Consideration for Summer Handicapping Series

Director of the Racing Division and Chief Veterinarian, Dr. Lightbown, introduced Chad Bourque, Financial Analyst, to present his recommendation to the Commission. Mr. Bourque was joined by Steve O'Toole, Director of Racing at Plainridge Park Casino. Plainridge Park Casino, which operates and owns the racetrack adjacent to the gaming establishment, submitted a Request for Consideration for the Summer Handicapping Series, first presented at the July 12, 2022, public meeting.

Mr. Bourque explained that each month, funds are deposited into the Harness Horse Promotional Trust Fund, and that racing licensees can utilize funds to engage customers and increase attendance. Distributions from the Trust are made on the Commission's approval of the licensee's requests for consideration, followed by a request for reimbursement. Plainridge Park Casino's request in the amount of \$15,000 will be used to promote the Summer Handicap Series that was approved on July 12. Mr. Bourque presented a memorandum detailing the request for consideration from Plainridge Park Casino and provided an overview of the materials. Mr. Bourque concluded his presentation by stating that his review of the materials submitted by Plainridge Park Casino and Mr. O'Toole were sufficient, and that he recommended that the request be approved by the Commission. Mr. O'Toole then provided an overview of the request for consideration, and the project that would be funded by the \$15,000. Mr. Bourque's memorandum and Plainridge Park Casino's request for consideration are included on pages 60 through 64 of the meeting packet.

Commissioner O'Brien inquired about the social media strategy explained in Mr. O'Toole's presentation and what specifics they could offer about how they would incorporate responsible gaming and education within their programming and advertising campaigns. Mr. O'Toole explained that all materials from the ADW contests were branded with the GameSense logo and responsible gambling hotline, and that GameSense agents are at the racing area of the property as well. Chair

Judd-Stein thanked Plainridge Park Casino for their presentation and noted her appreciation of their incorporation of responsible gaming into their materials.

Commissioner O'Brien moved that the Commission approve the expenditure of \$15,000 from the Harness Horse Promotional Trust Fund in accordance with G.L. c. 128A, §5(g) for the purposes described in the materials in the Commissioners' Packet, and as discussed here today. Commissioner Hill seconded.

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 4-0.

4. [Legal Division](#) (25:00)

- a. [205 CMR 102: Definitions, and 205 CMR 115.04 – and Small Business Impact Statement for approval to begin the promulgation process](#) (25:05)

Carrie Torrisi, Deputy General Counsel presented two regulations for review and approval to begin the regulation promulgation process. Deputy General Counsel Torrisi explained that the changes in 205 CMR 102 and 205 CMR 115.04 respectively were made in association with 205 CMR 103, which had been approved for promulgation at a previous public meeting. Deputy General Counsel Torrisi noted that the cover sheet, draft regulations, and small business impact statement for each regulation, with the proposed changes in redline. All materials were included in the meeting packet on pages 40- 57.

Regarding 205 CMR 102, Deputy General Counsel Torrisi explained that the substantive changes to the section included eliminating definitions that would no longer be utilized in the entirety of 205 CMR, the section of the state register for the Massachusetts Gaming Commission. She then opened the discussion for questions from Commissioners.

Chair Judd-Stein inquired if the term “record” was utilized anywhere else in the regulations, and if the elimination of the word from the definitions section would create inconsistencies. Attorney Torrisi explained that it would not create inconsistencies, as the term would be defined under the existing statutory definition within the Massachusetts Public Records Law. See, G.L. c. 4, § 7(26).

While discussing the elimination of the term “Secretary of the Commission,” Commissioner Skinner also inquired if term “Clerk” should be added to the definitions within 205 CMR 102; as it is used within other sections of 205 CMR. General Counsel Grossman explained that while the term is used in 205 CMR 101, for adjudicatory proceedings, the Clerk makes no substantive decisions, and is more of an administrative role that one of the members of the legal department undertakes for certain proceedings. Commissioner Skinner asked that the definition be considered for addition to the definition section. General Counsel Grossman confirmed.

Deputy General Counsel Torrisi then moved on to 205 CMR 115.04 to present the proposed changes to the regulation. She explained that this change was to update the citation within the regulation so that it was consistent with the exemptions listed within Public Records Law, G.L. c. 4, § 7(26) as opposed to portions of 205 CMR 103, that were no longer relevant.

Commissioner Skinner moved that the Commission approve the Small Business Impact statement and the amendments to 205 CMR 102.02 and 205 CMR 115.04 as reflected in the Commissioners' Packet and discussed here today, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and proceed with the regulation promulgation process. Commissioner O'Brien seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

Commissioner Skinner: Aye.

Motion passed unanimously 4-0.

- b. [Review of 205 CMR 115.01 \(4\): Continuing Duty - for Possible Amendments \(36:05\)](#)

General Counsel Grossman provided an introductory review of 205 CMR 115.01(4) to the Commissioners including an explanation of how the regulation currently functions. Counsel Grossman provided a copy of the regulation for the Commissioners to review, with relevant areas of discussion highlighted. The regulation is included in the meeting packet on pages 58 through 59.

Commissioner O'Brien inquired to her fellow Commissioners that given the length of the presentation, the level of discussion required of the Commissioners, and the time remaining in the scheduled meeting, if it was best to table this agenda item for a future meeting. She noted that there was still an additional item on the agenda. After some discussion, Chair Judd-Stein and the Commissioners agreed that it would be best to table this item, receive a supplemental memorandum from the legal division in advance of the next meeting, and then have this agenda item presented at a future public meeting. General Counsel Grossman agreed.

5. [Research and Responsible Gaming \(51:15\)](#)

- a. Ad Hoc Sports Wagering Report Update

Long Banh, Program Manger for the Division of Research and Responsible Gaming provided the Commission with an update on the Ad Hoc Sports Wagering Report authored by the SEIGMA team at UMass Amherst. Program Manager Banh informed the Commission that the report is in draft form as it continues through the Division of Research and Responsible Gaming's external review process, which includes multiple rounds of critical feedback and peer review. Program Manager Banh and Executive Director Wells clarified to the Commissioners, that given the pending sports wagering legislation, an advanced draft copy was provided to the Commissioners

and as well as the Conference Committee within the legislature. Their intention was that the report could be utilized as an informational resource as the committee members reconcile the house and senate sports wagering bills. Program Manager Banh anticipates that the final report will be ready for presentation and release in the early fall. A brief memorandum detailing the Sports Wagering Report was included in the Meeting packet on page 65. Chair Judd-Stein thanked Executive Director Wells and Program Manager Banh for the update.

6. [Other Business](#) (1:53:21)

Hearing no other business before the Commission, Commissioner Hill moved to adjourn. by Commissioner Skinner seconded.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

Commissioner Skinner: Aye.

The motion passed unanimously. Meeting Adjourned.

List of Documents and Other Items Used

1. Revised Notice of Meeting and Agenda, dated July 25, 2022
2. [Meeting Packet](#) from the July 26th Open Meeting.