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## Massachusetts Gaming Commission Public Hearing/ Public Meeting Minutes

**Date/Time:** July 26, 2022, 12:30 p.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 911 6202

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 the hearing to order and explained to the meeting attendees that the Commission had called a dual public meeting and public hearing about the drafted Application for License to Hold or Conduct a Racing Meeting. Chair Judd-Stein provided a brief overview of where the Commission was in the process of its discussion of the drafted racing application; explaining that the Commission held a public meeting on June 2nd, 2022 and posted the racing application publicly to elicit comments from members of the public. Chair Judd-Stein added that both Director of the Racing Division, Dr. Alexandra Lightbown, and General Counsel Todd Grossman were present as well for questions from the Commissioners.

#### 2. [Public Input](#) ( 0:59 )

Chair Judd-Stein then opened the meeting for the participants, who previously requested the opportunity to provide public comment to the Commission. As this was also a public meeting, Commissioners were also permitted to ask follow-up questions of the speakers and Commission staff members.

The following individuals offered public comment:

- a. Barbara Kellogg

Ms. Kellogg expressed the sentiment that the new application process was inconsistent with the existing application process for current licensees, specifically G.L. c. 128A, §2, which requires that an application be filed in one year for holding racing in the following calendar year. Ms. Kellogg expressed her understanding that the Commission had proposed legislation that would permit the ability to award multiple year licenses but reiterated to the Commission that the legislature has not yet acted on that proposition. Additionally, Ms. Kellogg shared her concern that the Commission could license an applicant for racing, and that a racing establishment could take years to build, without much progress. She then suggested that the Commission alter its application to have more specific requirements of its applicants, and have the application contain specific enumerated questions that require an answer at the time of submission, as opposed to the Commission expressly allowing later supplemental offerings.

Ms. Kellogg directed the Commissioners to section 4.1 of the application, which requires local approval under G.L. c. 128A, §13A, and stated that the Commission should require submission of an attested copy of the municipality's actual approval of the racing applicant's plans to construct and operate a racetrack. Ms. Kellogg added that applicants should be required to list all promises and agreements they made to the local municipality to receive their approval. Those promises should be incorporated into the conditions of the license that the Commission ultimately awards. Ms. Kellogg added that any time where an applicant's promises to a municipality run afoul or contrary to federal, state, or local laws, that the application should be denied, and the license should be revoked. Additionally, applicants should be required to submit specific plans for the facilities and tracks; including the amenities and grading shape and size of the proposed rack to ensure they are consistent with local zoning requirements. Ms. Kellogg highlighted that manure management systems were absent from the current draft of the application, and that the Commission should require a submission ensuring that the horses are cared for while onsite.

Ms. Kellogg then highlighted the construction portions of the application in section 2. She requested that the Commission have applicants submit the following materials at the start of the process and not as a supplement to the application: a traffic study; construction timeline; plans for parking; inclusive of horse trailers; RVs and transport vehicles; and economic studies that examine how purses will be paid if the Race Horse Development Fund is ever terminated. Ms. Kellogg also asked that Section 3 of the application be a requirement from the outset; and that the number of race days and hours be mandatory for applicants to list. Ms. Kellogg closed her comments by thanking the Commissioners for their time but added that the Commission still had much to consider in this process and needs more time to finalize the application.

Chair Judd-Stein thanked Ms. Kellogg for her comments and asked if she would consider submitting her comments to General Counsel Grossman. Ms. Kellogg agreed to submit her comments in written form.

b. Lynn Holdsworth

Ms. Holdsworth stated that she wished to echo Ms. Kellogg's statements but wanted to save time and not repeat them. She also shared her sentiments that the application process appeared to be

an end run around the requirements of G.L. c. 128A, §3. She highlighted that the sports wagering legislation may or may not pass this year, which could also make the opportunity to pursue a racetrack license more valuable to external parties. She shared concern that an applicant could be awarded a license and allowed to permit sports betting without any construction commencing on the actual track. She asked the Commission to consider that if a license was awarded, a licensee could begin construction on a grandstand, for the sole purpose of sports wagering. She expressed her concern over a type of wagering device that was prominent in horse racing facilities in Kentucky, where live horse racing occurred very infrequently, or not at all. She suggested that the Commission hold the applicant, and eventual licensee, to a solid timeframe between licensure and construction to ensure that there is accountability in the process and suspension of a license in the event that there is non-compliance.

Ms. Holdsworth also suggested that the licensee should have to publicly state the promises they made to receive local and community support, and that the licensee should be accountable for them, and required to deliver what they promised to the community as a condition of the license. She stressed the importance of transparency and stated that she would like to see more of it - especially in the areas of community approval. Ms. Holdsworth thanked the Commission. Commissioners thanked Ms. Holdsworth for her time and participation in the hearing.

Having no other members of the public that wished to offer comment after Ms. Holdsworth, the Commissioners left the virtual hearing and meeting room open for comments for an additional hour. Participants were welcomed to email the Commission or call to offer comment.

After the hour and hearing no other requests or emails to give comment, Chair Judd-Stein thanked the public for the comments and submissions received and reviewed prior to the meeting. She also thanked Ms. Kellogg and Ms. Holdsworth for their contributions and comments given at today's hearing.

### 3. [Other Business](#) (1:24:25)

Having no other business, Commissioner Hill moved to adjourn. Commissioner O'Brien 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. Notice of Public Hearing and Public Meeting and Agenda, dated July 25, 2022
2. Application for License to Hold or Conduct a Racing Meeting, [posted online](#).
3. [Meeting Packet](#) from July 26, 2022, Public Meeting and Hearing