



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 11, 2022, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 198 3440

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.

Commissioners Present:

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

1. [Call to Order](#) (00:03)

Chair Judd-Stein called to order the 387th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

2. [Approval of Meeting Minutes](#) (00:40)

a. February 10, 2022

Commissioner O'Brien moved that the Commission approve the meeting minutes in the packet from February 10, 2022, subject to any necessary changes for typographical errors or other non-material matters. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O'Brien: Aye.
Commissioner Hill: Aye.
Commissioner Maynard: Abstain.
Commissioner Skinner: Abstain.

Chair Judd-Stein: *Aye.*
The motion passed unanimously, 3-0 with two abstentions.

3. [Administrative Update](#) (1:47)

a. Table Games/Poker Update

Executive Director Karen Wells reviewed the Commission’s previous request for an update regarding table games and poker. Executive Director Wells introduced Bruce Band, Assistant Director of the Investigations and Enforcement Bureau (“IEB”) and Gaming Agents Divisions Chief.

Assistant Director Band presented statistics comparing the number of table games and poker tables listed in the RFA-2, active tables in March 2020, and active tables in July 2022 for Encore Boston Harbor (“EBH”), MGM Springfield (“MGM”), and Plainridge Park Casino (“PPC”). Assistant Director Band stated that the average wait at EBH was approximately 45 minutes. The *Table Statistics* were included on pages 12 through 33 of the Commissioner’s Packet.

Commissioner O’Brien asked for the hours of poker availability at EBH. Assistant Director Band stated that EBH operated poker tables from 10 A.M. until 2 A.M. on Sunday through Thursday, but that EBH had previously offered 24-hour tables prior to the COVID pandemic.

Commissioner O’Brien inquired as to when the longest waiting periods for poker tables occurred, and if it was nights or weekends. Assistant Director Band noted that EBH did not run poker tables on the weekend, but that the longest wait times occur between 6 P.M. and 7 P.M. IEB Senior Supervising Gaming Agent for EBH Luis Lozano stated he observed long waits of approximately 45 minutes between 2 P.M. and 3 P.M. in addition to the evening wait times.

Assistant Director Band stated that patrons can remotely reserve a seat for the poker tables after 11 P.M., but prior to that time patrons must be present to reserve a seat. Commissioner O’Brien inquired as to what the longest wait period for patrons was at the poker tables. Mr. Lozano stated that EBH had wait times between 90 minutes and two hours depending upon the type of game. Assistant Director Band stated that wait times are also influenced by the wager average of the tables. Chair Judd-Stein noted that waiting time information for EBH was located on page 20 of the Commissioner’s Packet.

Commissioner Hill asked why poker had not been expanded to Fridays and Saturdays. Assistant Director Band stated that EBH was struggling to find trained dealers and lacked parking space. Chair Judd-Stein noted that information regarding the expansion of poker at EBH and MGM would likely be indicated in their quarterly reports presented later in the meeting.

Chair Judd-Stein inquired about the poker availability at MGM. Assistant Director Band stated that the longest wait was late at night for a period of one hour and fifteen minutes, and that MGM recently begun providing 24-hour table games. IEB Field Manager Burke Cain noted that only a limited number of games are provided for 24-hours. Chair Judd-Stein asked how many table games were provided by MGM. Assistant Director Band stated that MGM provides 48

table games and 14 poker tables. He stated that the number of games provided in July of 2022 fall below the pre-COVID number of 79 Tables provided in March of 2020. He stated MGM often had tables closed on the floor that were not available for the public to play.

Commissioner O'Brien asked how MGM decided which tables would be open. Assistant Director Band stated that the open tables depended upon customer demand, and larger scale players often had the games they wanted to play opened. Commissioner O'Brien asked how a group of patrons could identify which game tables they wanted open. Assistant Director Band explained that patrons could approach a shift manager to request a table be open if there was enough demand and a dealer trained for that game was available. Mr. Cain stated that traditionally the gaming establishments would perform information gathering to decide what games were to be offered in each week. Assistant Director Band noted that MGM was limited in which games they could offer due to staffing issues.

Commissioner O'Brien inquired as to why more poker dealers had been available pre-COVID compared to the most recent assessment in July 2022. Assistant Director Band stated he did not have information regarding the poker dealers for this update. Chair Judd-Stein noted that this information may be discussed at the licensee's Quarterly Report later in the meeting. Commissioner O'Brien clarified that the previous question was regarding the number of total poker employees at MGM, as the statistics reported only contained details regarding the broader category of table games employees.

Commissioner Maynard asked if there was a statistic regarding the average number of table games open at MGM, as it was reported that not all tables were running. Assistant Director Band stated that he would have to review MGM's schedules, but that the information can be compiled. Mr. Cain stated that MGM maintains between six and twelve table games between 4 A.M. and 10 A.M. Commissioner Maynard asked that Assistant Director Band review what percentage of time the total 46 table games were in use and provide a statistic.

Commissioner O'Brien expressed interest in a meeting with the licensees regarding the employment numbers for table games, and to inquire about what happened to the trained poker dealers the casinos employed prior to the COVID pandemic. Chief of the Division of Community Affairs Joe Delaney stated that the Commission can schedule a meeting with the licensees to discuss the format of reporting regarding the expansion of poker and table games. Should comm ask Legal Division advice for next steps and address concerns regarding further expansion of poker and table games. Commissioner Hill expressed interest in a deeper discussion with licensees regarding the expansion of poker, as it had been an issue raised for months and he was not satisfied with the answers received from the licensees. He stated that he wanted the number of poker tables to increase back to pre-COVID levels. Chief Delaney stated he will work in his compliance capacity and coordinate with IEB.

Commissioner Skinner stated that she agreed with all the suggestions offered by the other Commissioners. Commissioner Maynard noted concern with patron demand, and what patrons do during the long wait periods for the poker tables. He noted that getting data points on patron demand would help address the next steps the Commission would take for poker wait times.

4. [Community Affairs Division](#) (30:43)

a. Plainridge Park Casino Quarterly Report

Chief Delaney introduced General Manager of Plainridge Park Casino (“PPC”) North Grounsell. Mr. Grounsell introduced Vice President of Finance at PPC Heidi Yates-Akbaba and Vice President of Human Resources at PPC Kathy Lucas.

The team from PPC presented the Q2 2022 PPC quarterly report including topics on lottery sales, state and local spending, vendor diversity, compliance, employment diversity, community initiatives and team initiatives. The *PPC Quarterly Report* was included on pages 34 through 45 of the Meeting Packet.

Commissioner O’Brien asked whether there was a difference between this year’s state spending and the prior year. Ms. Yates-Akbaba stated that she did not have that statistic present but would provide it to the Commission after the report. Chair Judd-Stein congratulated PPC on exceeding diversity spending. Chair Judd-Stein stated that one of PPC’s diversity vendors was purchased by a non-diverse owner and asked if PPC had located multiple new vendors to offset that diversity loss. Ms. Yates-Akbaba explained that the purchasing and receiving team sourced new vendors and was dedicated to PPC’s diversity goal.

Commissioner O’Brien asked if more amenities coming online in the coming quarters would impact the percentage of women in supervisor roles. Ms. Lucas stated that the sports bar had yet to open, and the launch of fall and winter banquet services would increase the diversity of women supervisors. She added that it was not an issue of finding women for these roles, but that a significant segment of the business hadn’t reopened in areas where women management and support teams were likely. Commissioner Hill asked what type of banquets PPC’s service would provide. Ms. Lucas stated that the banquets were predominantly holiday parties and meetings. She stated that a catering manager and culinary teams would be required for expanded service. Commissioner Hill noted that at the prior meeting PPC discussed calling culinary colleges regarding hiring and inquired about the progress of that communication. Ms. Lucas stated that PPC had contacted to work with Johnson and Wales, and that the food director had focused on opportunities in local communities where restaurants had shut down. She stated that online advertisement recruitment had also increased. Commissioner Hill noted that catering businesses on the north shore had been expanding as indication that the market was slowly recovering. Ms. Lucas agreed, and commented that PPC had a food truck and outdoor patio and had brought in a culinary team to support those locations; and the team would transition to indoor banquets as the weather shifted.

Commissioner Maynard asked if PPC would adjust their diversity goals, as they reported they had exceeded the diversity goals. Mr. Grounsell stated that PPC wanted to reliably hit the diversity goals, and if a hiring profile matched well with the surrounding communities, diversity would be considered in finding vendors.

Commissioner Skinner congratulated PPC on exceeding diversity goals both in terms of vendors and employees. Commissioner Skinner asked what the eligibility criteria for PPC’s Leadership

Program. Ms. Lucas stated that team members can be nominated by a manager or nominate themselves. She explained that the program creates cohorts of team members, and that the employees must meet performance and attendance standards. She added that employees in the program were assigned a mentor with the goal of the program to prepare employees for leadership positions. Mr. Grounsell stated that the program focused primarily on hourly team members who aspired for management positions. Commissioner Skinner asked about makeup of the Leadership Program in terms of diversity. Ms. Lucas stated that the precise statistics were not available, but that approximately one third of the Leadership Program was diverse, and half of the employees in the Leadership Program were women.

Commissioner Hill asked about PPC's sponsorship of Habitat for Humanity and Rolling Thunder. Ms. Lucas noted that PPC has sponsored the building of a house in Attleboro, MA. She stated that PPC sponsored their second Memorial Day event and planned to hold a Veteran's Day event with Rolling Thunder chapters from four local states.

Commissioner O'Brien thanked PPC for separating out underage and minor access to the gaming area into discrete categories within their report. Chair Judd-Stein clarified that she had made an error earlier when she had stated that the Commission would hear from both EBH and MGM regarding table games, as MGM was not planned to present until September. Chief Delaney reported that the Quarterly Report presentation for MGM was scheduled for September 8, 2022. Chair Judd-Stein noted that the Commission would be in touch with PPC for a formal introduction to Commissioner Maynard as well.

b. [Encore Boston Harbor Quarterly Report](#) (1:01:10)

Chief Delaney introduced Senior Vice President and General Counsel for EBH Jacqui Krum and Executive Director for EBH's Legal Division Juliana Catanzariti. Counselor Krum introduced Tom Coffey, Executive Director of Security, and Investigations at EBH.

EBH's team presented the Q2 EBH Quarterly Report, which included topics on gaming revenue and taxes, lottery sales, a workforce diversity update, operation spending, diversity among vendors, compliance, marketing, the Wynn Employee Foundation Scholarship, the Leadership Development Training Program, and the development of poker and table games. The *EBH Quarterly Report* was included on pages 46 through 70 of the Meeting Packet.

Chair Judd-Stein sought clarification regarding the current poker table schedule, and whether the expansion of poker availability was both an expansion of hours and expansion of days. Counselor Krum stated that the immediate change would be to extend the hours poker was provided until 4 A.M. for designated days. She noted that the expansion of poker hours was contingent upon the hiring and training of poker dealers, and that EBH would expand poker to seven days a week once it had the requisite staff. Chair Judd-Stein asked if the days poker was offered was Sunday through Thursday. Counselor Krum confirmed that poker was available from Sunday through Thursday. Commissioner O'Brien asked whether weekend hours would be considered during the implementation of expanded poker hours. Counselor Krum explained that weekend poker availability was an issue of scheduling, as they didn't want to overwork their existing dealers seven days a week. Commissioner O'Brien asked how many positions would

need to be filled to open poker availability on weekends. Counselor Krum stated that it would require approximately fifty positions be hired to work the tables and accompanying staff.

Commissioner Skinner stated that EBH listed 25 poker tables in their RFA-2 and that information was used in the decision to grant EBH their gaming license. Commissioner Skinner stated she was unaware of the implication of a licensee not reaching the expectation. She asked what EBH's plans were to reach the expected 25 poker tables. Counselor Krum explained that EBH was constantly changing the gaming floor to bring in new products or remove old ones. She noted that EBH had removed 600 slot machines and would need to balance the available games on the game floor to adjust to reach 25 poker tables. Commissioner Skinner stated that she would like a more detailed plan about how EBH plans to reach 25 poker tables. Counselor Krum noted that EBH was down in terms of slot machines in addition to the lower number of table games. Commissioner Skinner replied that the Commission had not received complaints about a lack of slot machines being offered.

Commissioner Hill asked whether the additional dealers being hired for expanded hours of operations would include dealers for additional poker tables. He also questioned whether there was more patron demand for expanded hours or if demand would be for additional table opportunities at peak hours. Counselor Krum stated that patron demand was likely a combination of expanded hours and expanded table numbers, but that EBH had no intention of increasing the number of poker tables. She stated that EBH's feedback showed patrons wanted poker on days where it was not being offered, and that the current goal is to rectify the hours poker is offered. Commissioner Hill stated that citizens had raised the issue that they wanted more poker tables at encore. He noted that Encore had 88 tables prior to the COVID pandemic, and they are now down to 15. Commissioner Hill stated that he wanted to see the number of poker tables significantly increase and was concerned that increased numbers of poker tables were not being considered at this point. Counselor Krum stated that EBH did not have the space for more poker tables, as EBH reconfigured the entire floor to be compliant for social-distancing guidelines during the pandemic. She noted that the slot machines that were compliant with social distancing were popular amongst the patrons. Chair Judd-Stein stated that EBH was exceeding the RFA-2 expectations for the number of table games by 34 tables, but with respect to poker, EBH was below the 25 tables specified in the RFA-2. Chair Judd-Stein clarified that the number of poker tables EBH provided in March 2020 was 74, not 88 as previously stated by Commissioner Hill. Commissioner O'Brien stated that EBH still saw a decrease of 59 poker tables between March 2020 and July 2022, and that the reduction seemed to be in favor of slot machines. She stated that the overarching concern from patrons are that the patrons want more poker tables and weekend hours.

Commissioner Skinner expressed that she was glad to hear about the expanded poker hours and inquired about recruitment efforts to find staff for the poker tables. Counselor Krum stated that there were efforts to get potential employees enrolled into dealer school. Commissioner Skinner asked how the recruits were being located. Counselor Krum stated that EBH was utilizing several different sources including websites and community partners. She noted that the issue in finding candidates for the positions was in the perception that poker dealing required math skills, but that relevant skills could be trained. Commissioner Skinner asked how long it would take to

sufficiently staff these positions. Counselor Krum stated the EBH expected to offer poker seven days a week on or before October 1, 2022.

Commissioner Maynard expressed concern that patrons could be drawn in by poker marketing and end up gambling elsewhere due to the long waiting periods for poker. He stated that he understands the space and recruitment issues but hiring these positions would be a great opportunity to increase the gender balance amongst employees. Commissioner Maynard asked what patrons do during the hour long waits for poker. Counselor Krum explained that EBH utilized an online application, Poker Atlas, to queue for poker and patrons were not diverted to other games. She noted that a portion of EBH's poker patron used Poker Atlas frequently.

Commissioner O'Brien stated that EBH's goal for diversity in hiring women is 50%, and asked what efforts were being made to reach that goal. Counselor Krum stated that she reviewed the diversity statistics on a weekly basis with the recruiting team and reached out to local groups. Commissioner Hill asked if the expansion of restaurant services, such as PPC's banquets, could be used to increase the diversity numbers. Counselor Krum stated that EBH anticipated an increase in banquets and conventions utilizing EBH's facilities in quarter three.

Commissioner O'Brien asked about the chart detailing underage individuals who accessed the gambling floor, inquiring if they were gaming or consumed alcohol. Mr. Coffey stated that there were three underage persons who accessed the gambling floor, and that two bypassed security checkpoints having forced their way through a fire exit in the Black Tier Lounge. He stated that the door is problematic, but can't be removed due to fire regulations, and that the two underage persons who entered through it were stopped shortly after they sat down at the slot machines. Mr. Coffey stated that the third underage person entered the gaming floor having walked in with two older gentlemen. Commissioner O'Brien asked Mr. Coffey to explain why there had been a minor on the gaming floor for more than three hours. Mr. Coffey stated that the minor went straight to Mémoire, a nightclub on the premises of EBH, and spent most of the time in Mémoire, with only 40 minutes spent on the gaming floor. Commissioner O'Brien asked how he mistakenly got admitted into Mémoire as well. Mr. Coffey explained that VeriDocs, the scanner program used to check identification, had an error when the underage person scanned their identification. He noted that in the review with security, the minor's identification was checked but not entered into Mémoire's system.

Commissioner Skinner asked if there was a reason EBH overhauled its security training program, and the impetus for the revisions. Mr. Coffey stated that he took over the Executive Director of Security position in January, that he noticed the deficiency in training, and received additional resources from the president to hire training staff. Mr. Coffey stated that the changes were not due to compliance concerns. Commissioner Maynard stated that all questions he had were addressed by his fellow Commissioners.

1. [Research and Responsible Gaming](#) (1:58:52)
 - a. Play My Way Update

Director of Research and Responsible Gaming Mark Vander Linden stated that the Commission was committed to reducing negative and unintended consequences of expanded gaming in the

Commonwealth. He stated that the Play My Way program would be launched at EBH. He explained that the Play My Way application commits to a budget before the commencement of gambling and tracks gambling over time.

Director Vander Linden stated that PPC had 29,000 enrollments since 2016, with a 13% unenrollment rate, and since March 2022, MGM had 2542 active enrollments with 6% unenrollment rate. He stated that Play My Way was scheduled to be launched on September 12, 2022, at EBH. Director Vander Linden noted that Play My Way was first of its kind as a program, and other United States jurisdictions did not provide this technology or uniform platform across all casinos. The *Play My Way Update* was included on page 71 of the Meeting Packet.

Director Vander Linden noted that Dr. Michael Wahl of Carleton University in Ottawa secured funding through the International Center for Responsible Gaming to conduct a study evaluating Play My Way. Director Vander Linden stated that the two goals of the study were to understand how Play My Way could sustain recreational gambling by establishing feasible parameters and to eliminate the regret from the loss of control while gambling. He stated that the study would contain information and feedback for improving the Play My Way program within the next fiscal year. Director Vander Linden stated that he will report in late September or October about the launch of Play My Way at Encore.

Commissioner O'Brien stated as a non sequitur that she had undergone online training that praised Massachusetts's commitment to responsible gaming. Chair Judd-Stein sought clarification on the language of the study regarding recreational gambling. Director Vander Linden stated that Play My Way is designed to help patrons develop a predetermined budget and set to keep their gambling recreational. He explained that approximately 2% of gamblers were problem gamblers, 8% were at-risk gamblers, and between 63 and 67% of the population were recreational gamblers. He stated that the goal is to create tools to support recreational gambling and provide resources for problem gamblers and those at risk. Chair Judd-Stein asked if the budget was the parameters for the research, and Director Vander Linden confirmed that it was.

5. [Legal Division](#) (2:10:50)

- a. 205 CMR 116.03: Waivers – and Small Business Impact Statement for approval to finalize the promulgation process.

General Counsel Todd Grossman introduced Deputy General Counsel Carrie Torrissi. Deputy Counsel Torrissi stated that IEB raised the issue that 205 CMR 116.03 did not match the language of G.L. C. 23K § 14(c). She stated that the statute allowed for the Commission to waive the licensing requirement for institutional investors which held up to 15% of the stock of the applicant company, holding intermediary or subsidiary company of the applicant company. Deputy General Counsel Torrissi stated that 205 CMR 116.03 had used the language “less than 15%” rather than the language “up to 15%” found in that statute. She stated that the proposed change would change the regulation language in 205 CMR 116.03 to match the statute. The *Proposed Amendment* was included on pages 72 through 77 of the Meeting Packet.

Deputy General Counsel Torrissi stated that the Commission voted to begin the promulgation process on May 25, 2022, and the Commission held a public hearing on this regulation the morning of August 11, 2022, presided over by Commissioner O'Brien. Deputy General Counsel Torrissi stated that no written comments were received, and no public comments were made at the public hearing.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the amendments to 205 CMR 116.03 as reflected in the Commissioner's Packet and discussed here today and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth and finalize the regulation promulgation process. The motion was seconded by Commissioner Skinner.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 5-0.

6. [Licensing Division](#) (2:14:12)

a. Encore Boston Harbor Position Exemption Requests

Chair Judd-Stein introduced David MacKay, Licensing Supervisor. Mr. Mackay stated that EBH had requested the Commission allow four new exemption positions under the statutory provision enacted in 2017 that authorized the Commission to exempt certain job positions.

Mr. MacKay explained that the four positions EBH was seeking exemption for were Lead Florist, Florist II, Lead Gardener, and Irrigation Tech. He noted that EBH had responded negative to all criteria on the gaming licensee certification regarding these positions. He clarified that these were new positions within in the Horticulture and Floral Department, and not reclassifications of previous jobs. Mr. MacKay stated that these positions would not have supervisory responsibilities or access to the back of house or gaming floor without a proper escort. He added that the prior similar positions of Florist, Gardener 1 and 2, and the supervisor for this department were exempted. Mr. MacKay stated that the Licensing team worked with Kara Henson, the Assistant Director of Recruiting and Employment at EBH to obtain the necessary information to develop the request. The *Exemption Requests* were included on pages 78 through 98 of the Meeting Packet.

Commissioner Skinner moved that the Commission exempt the Lead Florist, Florist II, Lead Gardener, and Irrigation Tech positions at Encore Boston Harbor from the Commission's registration requirements in accordance with 205 CMR 134.031(b) for the reasons discussed today and described in the Commissioner's Packet. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O'Brien: Aye.

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

The motion passed unanimously 5-0.

7. [Civil Administration Penalty Assessment](#) (2:20:45)

Chair Judd-Stein introduced Chief Enforcement Counsel Heather Hall. Counselor Hall stated that after two prior notices of non-compliance from the Chief Enforcement Counsel's office, the IEB had assessed Big Night Entertainment Group, the operators of Mémoire nightclub on the premises of EBH, a civil administrative penalty in the agreed upon amount of \$25,000.

Counselor Hall stated that the fine was assessed for alcohol over-service incidents between October 2021 and June 2022. She stated that one incident of over-service occurred at the bar, and 4 incidents of over-service occurred during bottle service, and was a result of improper administration of bottle service. She explained that bottle service consisted of the reservation of a table attended to by a dedicated bottle server. Counselor Hall noted that only the server is to pour drinks during bottle service and stated that the over-service incidents were a result of improper bottle management.

Counselor Hall stated that in addition to the assessment, the IEB required Mémoire staff to follow corrective actions including additional staff training, adjustments to bottle service policies, and no longer allowing bottles to be left on tables. She continued that the new policy included that servers must take bottles with them when leaving the table, and that no patron be allowed to pour alcohol or drink directly from the bottle, as well as the prohibition of free-pouring alcohol into the patron's mouth. Counselor Hall stated that Mémoire agreed to these terms and agreed to discipline its employees. She noted Mémoire worked with IEB to develop these corrective measures. She stated that Mémoire also purchased enhanced security details and additional police details to work on weekend nights. Counselor Hall added that by agreeing to and accepting the assessment, Mémoire waived its right to an adjudicatory hearing on the matter.

Counselor Hall stated that the Alcoholic Beverage Control Commission had also increased its presence within Mémoire. She stated that EBH agreed to review all medical incidents to investigate for alcohol over-service and provide quarterly audits of Mémoire for compliance.

Chair Judd-Stein sought clarification as to whether Mémoire's waiver of the right to adjudicatory hearing waived the right to appear before the Commission. Counselor Hall stated that as a registrant, Mémoire would first appeal to a hearing officer, but that further review past that would be performed by the Commission.

Commissioner O'Brien suggested IEB, and the Legal Division consider modifying the language of 205 CMR 136.077(a) to include language about being "while seated for food service," but that she would leave specific phrasing up to IEB and the Legal Division. Commissioner O'Brien stated that during Mr. Coffey's earlier report he noted a 17-year-old had entered Mémoire and asked if that incident was one of five incidents of over-service. Counselor Hall stated that the

first incidence of over-service at the bar was an underage individual with a valid identification, who had previously drunk at center bar before the over-service at Mémoire. She stated that there had been two minors who were admitted entrance due to errors in the VeriDocs system, and that issue had been raised with Mémoire. She stated that Memoire had agreed to run additional screening on the identification of any patron under the age of 25. Commissioner O'Brien sought clarification whether the individual from Mr. Coffey's report was cited in the assessment. Counselor Hall stated that the minor in question was included in the footnote as he had entered on two separate occasions but was not part of the basis for the fine.

Commissioners Maynard, Skinner and Hill had no questions. Chair Judd-Stein expressed she was satisfied with the level of cooperation and corrective measures being implemented.

Commissioners thanked Chief Enforcement Counsel Hall for her report.

8. [Preparations for Matters Related to Sports Wagering](#) (2:36:07)

Chair Judd-Stein presented the regulatory objectives and intentions of the Commission in preparation for sports wagering. She stated that sports wagering had been signed into law by Governor Baker on August 10, 2022, with the Commission named as the regulator of lawful sports wagering in the Commonwealth. Chair Judd-Stein stated that the Commission must work with current and prospective licensees to implement the requisite framework and to ensure integrity and consumer protection. She stated that a more precise timeline was in development, and that the Commission would collaborate with the Massachusetts Legislature and Governor's office regarding any required fixes to the Special Act. Chair Judd-Stein noted that the annual research agenda within the Act included research regarding the socioeconomic impact of sports wagering. She added that the position for the Director of Sports Wagering had also been drafted, so that candidates could be evaluated, and one could eventually be hired. She reported that the Legal Division begun work on the anticipated 225 regulations governing operations of sports wagering. She stated that the assessment of sports wagering technology, including electronic sports wagering kiosks, had begun.

Chair Judd-Stein introduced Executive Director Karen Wells. Executive Director Wells reported that the Chief of Sports Wagering position was to be listed in the grade seven salary and was in the process of being finalized. She stated the job listing would be sent to the Commissioners prior to its posting.

Moving on to the next topic, Executive Director Wells stated that under category three licenses, mobile operators could operate independently or partnered with a casino or racetrack, as tethered entities. She stated that evaluation of the most efficient way to move forward and assess resources would require the prospective licensees to file a notice of intent, which would give the Commission an estimation of the number of applicants. The Commissioners had unanimous agreement to begin this process.

Executive Director Wells explained that neither the enabling act for 23N nor the statute provided specific direction regarding the licensing of vendors for sports wagering operators. She noted that the broad language would allow the Commission to do so. She stated that the Commission

licensed both gaming vendors, such as slot machine manufacturers, and non-gaming vendors, such as the registrants that conduct business with casinos. Executive Director Wells recommended the Commission work with the Legal Division to receive guidance on the creation of regulation for the licensing of sports wagering operators. Commissioner Hill agreed with the recommendation but did not want to lower any standards. He stated an interest in having the sports wagering licensure language mirror the regulations regarding current casino vendors. Commissioner O'Brien and Commissioner Maynard agreed that this regulation is a cornerstone to sports wagering, and that it should be prioritized by the Legal Division.

Executive Director Wells stated that with mobile operations there is a massive IT component to sports wagering and expressed interest in expediting regulations regarding the IT testing of sports wagering technology so that the procurement of operators complies with the law. Executive Director Wells stated that three options for IT testing were considered; inhouse; the use of a third-party contractor; or having the licensee contract with the third-party. Chair Judd-Stein requested a memorandum of the benefits of each IT testing method. Executive Director Wells noted that due to timing, the former hybrid recommendation of performing inhouse testing and additional third-party contracting might change.

Executive Director Wells stated that in the application for licensure of casinos, five criteria were considered. She explained the criteria were a general overview, finances, economic development, building and site design, and mitigation factors. Executive Director Wells noted that sports wagering licensure would likely differ in some respects from casino licensure as sports wagering does not require the same level of building infrastructure. Executive Director Wells stated that the Commission can incorporate additional criteria catered to sports wagering in the licensure applications.

Chair Judd-Stein noted that in terms of context the Commission will look towards the Legal Division for guidance and asked if a competitive licensing assessment would be confined to mobile sports wagering operators. Executive Director Wells stated that current casino licensees can have up to two mobile operators, but that those operators must be classified in category three, and that there could be an additional seven mobile operators past that. She noted that the limitation on number of licenses in this category created the necessity of a competitive process. Chair Judd-Stein inquired what criteria would be different or more nuanced regarding sports wagering that was not present in past criteria. Commissioner O'Brien suggested each criteria category from casino licensure be written down and reviewed to see if they are transferable to sports wagering licensure or if criteria were missing. Commissioner O'Brien stated that one of the criteria from casino licensure that should be transferable was the aspect of retail and building security. Specifically, she expressed her desire that the strength of security would be transferable to the sports wagering platform as well.

Executive Director Wells stated that the draft application had identified some criteria and it should be cross referenced. Chair Judd-Stein stated that developing the criteria for sports wagering licensure would take several meetings.

Executive Director Wells added that the Legal Division is working on a schedule for drafting regulations. Commissioner Hill inquired whether the existing licensees should be prioritized

first, or if all licensees would be considered at the same time. Chair Judd-Stein stated that the existing casino licensees had been invited to a meeting as they were positioned differently than other potential applicants. She expressed she would prefer to address licensing simultaneously for all potential licensees. Executive Director Wells inquired as to whether the Commission would want a single launch date for sports wagering or launch as the operators become ready and are compliant with Massachusetts law. She stated that existing casino licenses were likely to implement sports wagering on a faster timeframe, due to their familiarity with the Commission's processes and existing resources already in place. Chair Judd-Stein stated that the roundtable meeting with the Commission and potential licensees was scheduled for the following week, and that Commissioners were looking forward to gaining more perspective from the attendees.

Commissioner O'Brien recommended parallel launch timelines for existing casino licensees and prospective sports wagering operators, if possible, with the recognition that established licensees had the advantage on moving forward more expediently than category three license applicants. Executive Director Wells stated that the timing involved was why the notice of intent process was important, as the evaluation of 40 potential applicants would be very different than 5 potential applicants.

Commissioner Maynard stated that while the legislature provided for funding sources within the statutory framework within 23N, he wanted to ensure the IEB had sufficient staff and resources to perform the suitability and background checks for a higher number of potential applicants. Executive Director Wells reported that the staff had reviewed procurement from the statewide contract list to use investigators and CPA firms to assist in the checks. She stated that the Commission previously procured contracts for the investigation of casino licensees. Chair Judd Stein added that there was a wider field of interested prospective mobile sports wagering operators, and that the procurement of contractors to assist in the vetting process could sufficiently narrow down applicants to the top seven applicants. Executive Director Wells confirmed this point; adding that the Commission would require more knowledge about the universe of potential applicants prior to deciding.

8. [Commissioner Updates](#) (3:22:20)

a. Plan for Sports Wagering Roundtables with Licensees and Stakeholders

Chair Judd-Stein reported that the Commission would conduct a public roundtable to continue to discuss sports wagering legalization on August 18, 2022. She stated that potential applicants would join the Commission for this discussion, and that current licensees, PPC, MGM, EBH, Suffolk Downs, and Raynham Park were also invited.

Chair Judd-Stein stated that the Commissioners should be prepared to hear questions and sentiments regarding prioritization, consumer protection, regulatory controls, as well as security and operational issues. She stated that similar roundtables would be convened for additional categories of prospective sports wagering operators in future months. Communications Division Chief Tom Mills stated that he was working on a communications strategy for the roundtable, and that all materials were available on the website.

Chair Judd-Stein specified that the roundtables would be streamed publicly to ensure the licensees were able to present from remote areas if necessary, and that she would work with Executive Director Wells to identify issue areas for discussion. Chair Judd-Stein inquired what time the roundtable would begin on August 18. Crystal Beauchemin, Chief Administrative Officer to the Chair, and Special Projects Manager, confirmed the roundtable would begin at 10 A.M.

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 5-0. Meeting Adjourned.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated August 8, 2022
2. [Meeting Packet](#) from the August 11, 2022, meeting (posted on massgaming.com)