



Massachusetts Gaming Commission Meeting Minutes

Date/Time: September 19, 2022, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 880 8899

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
Commissioner Jordan Maynard

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

Chair Judd-Stein called to order the 394th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Administrative Update](#) (00:40)

a. Casino Updates

Executive Director Wells introduced Bruce Band, Assistant Director of the Investigations and Enforcements Bureau and Gaming Agents Divisions Chief. Assistant Director Band stated that MGM Springfield had been offering poker tournaments each Saturday, and that Encore Boston Harbor ("EBH") had offered commemorative poker chips for the Patriots and Bruins. He stated that EBH had expanded pit 38 to include an additional six baccarat tables and two pai gow tables. He stated that EBH anticipated expanding the number of poker tables from 15 to 24 during October and that the poker tables would run from 9 A.M. to 4 A.M.

3. [Legal Division](#) (3:28)

Chair Judd-Stein stated that while a review of the regulation promulgation process for various regulations was scheduled in the agenda for this meeting, the Commission had received an extensive written comment. She asked to delay the discussions regarding these regulations so that the Commission could properly address the comment and stated that agenda items 3(a) through 3(e) would be discussed at a later meeting. The *Regulations and Small Business Impact Statements* were included on pages 3 through 43 of the Commissioner’s Packet.

f. [Approval of Certified Independent Testing Laboratories for Sports Wagering](#) (5:05)

Chair Judd-Stein introduced Deputy General Counsel Carrie Torrissi. Deputy General Counsel Torrissi presented applications from Gaming Laboratories International (“GLI”) and BMM test labs requesting Commission authorization to approve them as certified independent test labs for sports wagering devices pursuant to 205 CMR 244.06. Commissioner O’Brien sought clarification that the two applicants were the ones anticipated. Deputy General Counsel Torrissi confirmed that they were. The *applications* were included on pages 44 through 53 of the Commissioner’s Packet.

Commissioner O’Brien moved that the Commission authorize Gaming Laboratories International, also known as GLI, and BMM test labs to provide testing services for sports wagering devices in Massachusetts pursuant to 205 CMR 244.06. The motion was seconded by Commissioner Maynard.

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.

4. [Community Affairs Division](#) (7:56)

a. Community Mitigation Fund Policy Questions

Chair Judd-Stein introduced Chief of the Community Affairs Division Joe Delaney. Chief Delaney stated that the Community Affairs Division met with the Local Community Mitigation Committee and Subcommittee on Community Mitigation and developed questions to present to the Commission. He stated that the guidelines did not need a formal vote, just an expression of Commission approval. The *Community Mitigation Fund Policy Questions* were included on pages 54 through 58 of the Meeting Packet.

The first item presented by Chief Delaney was whether the Commission should consider a new grant for gambling harm reduction. He explained that in the prior year the City of Boston had applied for funding for this purpose, but that the idea was not fully developed and Boston

withdrew their application. He expressed an interest in a pilot of expanding community-engaged research to support the Public Health Trust Fund. He stated that the recommendation would be to fund \$200,000 for community-based research or fund \$20,000 to hire consultants to compile information about communities that would benefit from the research.

Commissioner Hill stated that if there was funding for such research from other sources, the Commission could partner with them. Chief Delaney stated that the concept was brought before the Local Community Mitigation Advisory Committee and received one comment focused on whether mitigation funds should be used for this purpose rather than the Public Health Trust Fund. Commissioner Hill stated he believed it fell within the scope of community mitigation.

Commissioner Maynard expressed an interest in having Director of Research and Responsible Gaming Mark Vander Linden monitor the applicants. The Commission had a unanimous consensus of supporting the funding. Chair Judd-Stein questioned whether the Community Mitigation Fund could be used to further community work and public health issues that fall outside of the purview of the Public Health Trust Fund. She stated that requests for funds should be practicable and implementable. She expressed concern the \$20,000 to identify potential research groups was not enough seed money. Chief Delaney stated that the draft guidelines would be open for public comment and Commission input.

The second project presented by Chief Delaney was using the current surplus in the Community Mitigation Fund to assist in funding larger projects. He stated that he had discussions with the Local Planning Committee and the Massachusetts Department of Transportation about funding larger projects that are regionally significant. He recommended funding an approximate 10-15% of the total project cost. He estimated one project in each region would cost between six and ten million dollars, but stated that the number would be further refined when drafting the guidelines. The Commission reached a unanimous consensus in moving forward with this project.

Chief Delaney stated that the application process should be more clear and define what agencies would qualify for funds under the different categories. He stated that comments from the committee indicated they would appreciate further guidance on the issue. Commissioner Skinner stated that strengthening policy guidelines to provide clarification would be positive. Chair Judd-Stein stated that clarity could be provided through graphics. Chief Delaney stated that the applications for each category could be amended to include further guidance in the application rather than the guidelines. The Commission reached a unanimous consensus approving this project.

Chief Delaney expressed an interest in limiting the number of repeat applications received, as there were several categories that received repeat applications each year. He raised concern that the Community Planning funding being utilized for long periods was no longer planning projects but implementing them. He stated the possibility of requiring further show of impact each year for repeat applications.

Chair Judd-Stein stated that some of the applicants, such as the District Attorney's office, were able to offer evidence of a continuing impact, and that she would like to keep repeat applications on a case-by-case review. Commissioner O'Brien stated that she did not want to place outright

limitation on repeat applications, but would want to ensure the casino is the nexus of the impact. Commissioner Hill agreed with Chair Judd-Stein regarding the case-by-case review. Commissioner Maynard expressed an interest in cautioning applicants that funding grants may be more competitive in future years. Chief Delaney stated that the Community Affairs Division could request additional supplemental information related to repeat applications for funds.

Chief Delaney requested limitations on grant amounts be raised for Community Planning from \$100,000 to \$200,000 and for Transportation Planning from \$200,000 to \$250,000. He noted that the Commission had not changed the limitation on Transportation Planning since it was implemented, and the fund should adjust for inflation. He stated that a prior Community Planning project had gone to bid and received no applicants.

Commissioner Skinner asked if the other categories of funding had been raised in the previous year. Chief Delaney stated that Public Safety had been capped at \$200,000 since the category had been introduced, but most applicants did not receive full funding of their grants due to lack of nexus with the casino. He stated that Specific Impact funding was capped at \$500,000 and was for any impact that did not fit the other categories. He also noted that the Commission could waive the funding cap. Commissioner Skinner asked why these two specific categories were being increased. Chief Delaney replied that there had been issues hiring consultants and the funding was being adjusted due to inflation. The Commission had a unanimous consensus to increase the limitations of these grant amounts.

Chief Delaney suggested raising the regional incentive award to regional projects. He explained that Community Planning and Transportation Planning allowed a bonus \$10,000 if two communities work together and \$15,000 if three or more communities collaborated. He stated that few regional requests had been received and recommended raising the incentive to \$25,000 for two communities' collaboration and \$50,000 for three or more communities' collaboration. Chair Judd-Stein stated that there had been a successful marketing project in the Plainville area. Chief Delaney stated that he would like to see more regional projects, and he wanted to broaden the scope to public health agencies who had not previously participated with the Commission. The Commission unanimously agreed with Chief Delaney's suggestion.

Chief Delaney asked that the Commission pursue the expansion of Community Mitigation Fund eligibility either within the current framework or through statute. He expressed an interest in performing research on other grant programs and creating a white paper on how the program would look under different structures.

Commissioner O'Brien stated that due to the complexity of the work related to sports wagering, it was not timely to propose changes to G.L. Chapter 23K. Commissioner Maynard agreed and stated G.L. Chapter 23K should be interpreted as broadly as possible to help mitigate issues in the communities. Chair Judd-Stein asked if the Community Mitigation Fund expanded to address the fact that mobile sports wagering is across the Commonwealth. Chief Delaney stated the G.L. Chapter 23N related to sports wagering did not have provisions for the Community Mitigation fund as it was designed to mitigate impact from casinos. He explained that if those casinos offer sports wagering that would impact the host and surrounding communities, then those

communities would be eligible to apply, but it would not be expanded to include the impact of mobile sports wagering.

Chief Delaney stated additional questions are brought every year that are addressed in the guidelines such as limits on grants and category two spending. He stated that no wholesale changes were being made. The Commission had no additional comments.

b. [Community Mitigation Fund Subcommittee Renewal and Commission Representative](#) (56:10)

Chief Delaney introduced Senior Program Manager Mary Thurlow. Ms. Thurlow stated that most of the current representatives on the Local Community Mitigation Advisory Committee planned to continue their representation, and that all members on the committee had served since 2018 with the exception of one new member. The *Reappointment Recommendations for Local Community Mitigation Advisory Committee and Subcommittee Members under the Gaming Policy Advisory Committee* were included on pages 59 through 62 of the Meeting Packet.

Chair Judd-Stein asked if one motion would work for regions A and B. Commissioner Maynard stated that the draft motion referred to the reappointment of committee members, and that a second motion would be required for the new member.

Chair Judd-Stein asked how long the appointment to the committee would be. General Counsel Todd Grossman stated that the Gaming Policy Advisor Committee has two-year terms, but the Local Community Mitigation Advisory Committee did not have a statutory requirement for term length, and the Commission had used one year terms in the past.

Commissioner Hill moved that the Commission appoint for a one-year term the members of the Local Community Mitigation Advisory Committee as included in the Commissioner's Packet and discussed here today. The motion was seconded by Commissioner Maynard.

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.

Ms. Thurlow stated that the Commission would need to appoint representatives for the three subcommittees. She stated that in the prior year Commissioner Hill was the representative for the Subcommittee on Community Mitigation, Commissioner O'Brien was the representative for the Subcommittee on Public Safety, and Director Vander Linden was the representative for the Addiction Services Subcommittee. Chair Judd-Stein stated that she wanted the Gaming Policy and Advisory Committee to present their work and explain potential future projects.

Chief Delaney explained that the Community Mitigation Subcommittee has Governor and Commission appointments and that the chair is appointed by the subcommittee. Chair Judd-Stein encouraged the commissioners to appear at the subcommittees they were not appointed to as members of the public. Chair Judd-Stein asked if there were vacancies on the subcommittee. Ms. Thurlow explained that three Governor appointees were needed including someone with experience in community mitigation related to gaming, a small business owner from the host community, and a chamber of commerce representative. Commissioner Maynard explained that the process was for the chamber of commerce to provide three members to the Governor, followed by a background check of the candidates and the Governor's office choosing one. He stated that a small business owner within the community would likely be easily identifiable, but a community mitigation expert may be hard to find for the position.

Chair Judd-Stein asked if there was an issue reaching a quorum on this subcommittee. Chief Delaney stated that the subcommittee usually needed each member to show up, as the subcommittee requires a representative and representative from the host community in Region C, which doesn't exist. He stated that two members of the subcommittee could not be filled unless a region license is awarded.

Chair Judd-Stein stated that the concept of annually rotating appointments had been raised for other positions, but she approved of assigning Commissioner Hill to this position. Commissioner Skinner stated she did not see reason to disturb the Commission membership on subcommittees.

Commissioner Skinner moved that Commissioner Hill be reappointed to the Community Mitigation Advisory Subcommittee as Commission Representative. The motion was seconded by Commissioner O'Brien.

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.

Commissioner O'Brien stated that all vacancies on the Public Safety Subcommittee had been filled. She explained that the subcommittee worked on human trafficking, the upcoming changes with sports wagering, and the requirement under G.L. Chapter 23K to report to the Commission regarding regulation for public safety. Commissioner Maynard asked if the Commission issued appointment letters to the subcommittee members. Chair Judd-Stein responded that the Commission did not currently do that, but they should start to in order to clarify terms.

Chair Judd-Stein stated that the Commission would work on appointment letters to memorialize appointments and designations. Commissioner Skinner sought clarification if Commissioner O'Brien was still interested in serving on the Public Safety subcommittee. Commissioner O'Brien stated that she was interested in this position and would abstain from the vote.

Commissioner Skinner moved that Commissioner O'Brien be designated as Commission representative on the Public Safety Subcommittee. The motion was seconded by Commissioner Maynard.

Roll call vote:

Commissioner O'Brien: Abstain.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 4-0 with one abstention.

Chair Judd-Stein introduced Director Vander Linden. Director Vander Linden reported that the Subcommittee on Addiction Services had met twice since activating less than a year previously. He explained that the subcommittee had been tackling the issue of third-party exclusion in order to reach a recommendation on implementation.

Commissioner Skinner moved that Mark Vander Linden continue in his role as Commission designee on the Addiction Services Subcommittee. The motion was seconded by Commissioner Maynard.

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.

Chair Judd-Stein stated that the Commission should review term limits for gubernatorial appointments. Chief Delaney stated that the only statutory term limit was for the Gaming Policy Advisory Committee, and that the statute was silent on that issue for other committees. Commissioner Maynard expressed an interest in hearing advice on how to address term limits, but that the Commission should still operationalize the appointment letters defining terms.

5. [Commissioner Updates](#) (1:40:25)

Commissioner Skinner inquired about the status of hiring the administrative assistant. Chief People and Diversity Officer David Muldrew stated that an offer had been extended to the final candidate pending the background investigation.

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

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, the meeting was adjourned.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated September 14, 2022
2. [Meeting Packet](#) from the September 19, 2022, Open Meeting