



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: September 21, 2022 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 634 2454

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #130 of the Massachusetts Gaming Commission (“Commission”).

Quorum was confirmed for the meeting by roll call. The following Commissioners were present for the meeting:

*Chair Cathy Judd-Stein
Commissioner Bradford R. Hill
Commissioner Eileen O’Brien
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Prior Agenda Setting Meeting Minutes

- a. August 3, 2022
- b. August 17, 2022
- c. September 7, 2022

Commissioner Hill moved to approve the minutes from August 3, 2022, August 17th, 2022, and September 7, 2022. Commissioner O’Brien seconded the motion.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled for September 22nd, October 6, 2022, October 13, 2022 and subsequent meetings described in the attached agenda planning notice, as follows:

Items For Future Public Meetings – All Meetings

Item #1 – Administrative Update – Executive Director Wells confirmed that there would be no administrative update for the meeting on September 22nd, given the length of the agenda and matters being discussed, but that an administrative update could occur at meetings later in the month.

Item #2 – Meeting Minutes – This item was not discussed.

Item #3 – Regulations – General Counsel Grossman confirmed the Legal Division will be bringing forward sports wagering regulations at the upcoming meeting on October 6th 2022. He clarified that there would be no regulations discussed at tomorrow’s roundtable for Sports Wagering Mobile operators.

Item #4 – Legislative Updates – This item was not discussed.

Items For Public Meeting – September 22, 2022 (8:30AM – 1:30PM)

Item #5 – Commissioner Round Table: Mobile Licenses – Executive Director Wells confirmed that this discussion would take place at the State House with attendees being invited to give remarks, and Commissioners were able to ask questions of each presenter if they desired. Chief of the Communications Division, Thomas Mills confirmed that the meeting would be streamed and that attendees were able to participate remotely if necessary. Ms. Beauchemin confirmed that Commissioners had been provided materials for the day, and hyperlinks to access the meeting remotely if necessary. She added that she and Mr. Mills would attend the event in person to answer questions and address needs as they arise. Chair Judd-Stein thanked them for their preparations.

Items For Public Meeting – October 6, 2022 (10:00AM)

Item #6 – Sports Wagering Preparation– Executive Director Wells briefed Commissioners on the planned agenda for the September 22nd meeting, including the regulatory structure and schedule, as well as a discussion regarding the forms that will be utilized by the Commission in the application and licensure of sports wagering operators and assessing their suitability. IEB Director Lillios will also provide a presentation on the: BED – *Business Entity Disclosure Form*, MJPDF – *Multi Jurisdictional Personal History Disclosure Form*, and the MSF – *Massachusetts Supplemental Form* as well. Executive Director Wells added that in addition to the forms and discussion, the Legal Department will bring forward accompanying regulations for this process on an accompanying timeline. Commissioner Hill asked for clarification if these forms would be utilized for both in person and mobile/digital platform operators. Director Lillios and Executive Director Wells confirmed that they would be used for all applications, but elaborated that some of the licensees, who had already completed the suitability process for their gaming or racing establishments would not be asked to duplicate their efforts or re-submit the forms.

Chair Judd- Stein asked Director Lillios to explain the significance of the forms. Director Lillios explained that the forms were an important starting point within the temporary licensure process, as they call for entities to self-disclose, and complete the forms under the pains of perjury. She added that it allows investigators to rely on the information provided, but also gives the applicant to explain the answers they have provided, if necessary.

Next, General Counsel Grossman provided an overview of the regulations and timeline the legal team will provide at the October 6th meeting. Discussion ensued regarding the timeline of the regulations and the process of how the Legal team was included within division meetings to create corresponding regulations. General Counsel Grossman confirmed that the Legal team was meeting with members of each division to take their considerations into account when drafting regulations.

Executive Director Wells continued with the remainder of the agenda for the October 6th meeting and stated that regulations for vendors, as well as an agenda item for Commissioners to discuss and reach a decision for the application criteria with three components: 1) application form; 2) regulatory process; and 3) and an accompanying memorandum inclusive of options and overview of the timeline and process. Executive Director Wells explained that these materials would be provided to the Commissioners in advance of the meeting. Finally, Executive Director Wells added that the final agenda item would include a discussion of the roll-out of the licensure process and whether the Commission wanted to a staggered roll out for existing in-person facilities that are already operating gaming establishments; and then launching mobile/digital platforms. She also presented the alternative option: a process in which sports wagering would begin on the same day for all licensees.

Chair Judd-Stein asked if a timeline discussion would accompany the agenda. Director Wells explained that because each decision the Commissioners would make would impact the timeline, it would be a bit harder to anticipate a firm start date for certain licensees, depending on the process ultimately utilized by the Commission. Commissioner Hill asked if they could also receive information from other jurisdictions that have authorized and regulated sports wagering for reference. Executive Director Wells confirmed.

Items For Public Meeting – October 13, 2022 (10:00AM)

Item #7 – Responsible Gaming – Game Sense Quarterly Report – Director Vander Linden requested an agenda item for the presentation of quarterly reports from the Game Sense agents and the Mass Counsel on Gaming and Health.

Item #8 – MGC Officer Succession Planning – Commissioner O’Brien confirmed this agenda item for discussion. Given the timing of the existing agenda, Commissioners agreed to tentatively schedule this item for a later date this fall.

Item #9 – EBH – Realty Income Trust– Chief Enforcement Counsel Hall and General Grossman confirmed that this item and the related presentation would be ready for initial review before the Commission on October 13th. Chief Enforcement Counsel Hall confirmed that this would not be an adjudicatory proceeding, just a preliminary presentation of the transaction and the trust.

Item #10 – Sports Wagering Preparation Update– Executive Director Wells confirmed that a sports wagering update would be given at this meeting as well, inclusive of updates from each Division responsible.

Add-on Item – Legal Division – Regulations – Associate General Counsel Young requested an agenda item to present the final drafts and amended small business impact statement for: 205

CMR 138.02, *Licensees System of Internal Controls*; 205 CMR 138.05, *Employee Licensing*; 205 CMR 138.07 *Floor Plans*; and 205 CMR 138.62, *Progressive Wagers*.

Add-on Item – Racing Division – Promotional Funds – Dr. Lightbown requested an agenda item for discussion and Commissioner vote of approval for use of promotional funds.

Add-on item – Racing Division – Capital Improvement Projects – Dr. Lightbown requested an agenda item for discussion and votes of approval for two capital improvements.

Add-on Item- Finance Division- Quarterly Update – CFAO Lennon requested an agenda item in October for the presentation of the Quarterly update and accompanying memorandum. This item was confirmed for the public meeting on October 13th.

Add-on Item Racing Application Discussion – Deputy General Counsel Monahan requested an agenda item for either October 6th or the 13th for an update of the racing applications received and where the Commission is in the licensing process. She added that the acceptance deadline for applications was October 1st, and the deadline for the Commission to issue decision on the applications will be November 15th. Commissioners agreed it would be best to get this item on the October 6th agenda.

Items For Public Meeting – October 27, 2022 (1:00PM)

Item #11 – MGM Springfield Quarterly Licensee Reports – Chief Delaney requested an agenda item for the presentation of the second and third quarterly reports for the licensee.

Item #12 – Community Mitigation Fund Draft Guidelines – Ms. Thurlow requested an agenda item to discuss the policy questions from the Community Mitigation Fund in to remain on schedule with their timeline.

Add-on Item – Legal Division – Regulations – Deputy General Counsel Torrisi requested an agenda item to present final drafts and amended small business impact statement for 205 CMR 103, and the related Commission policies that contain references to the regulation for approval.

Add-on Item – MGC Officer Succession Planning – *this item was moved from the October 6th meeting.*

Items Under Review for Future Meetings:

Item # 13 – Sports Wagering Technical Component Review – Commissioner Skinner and CIO Jagroop-Gomes requested that this matter remain under review for the time being.

Item # 14 – FY Budge Close-Out – CFAO Lennon confirmed that this item was ready to go forward on October 13th.

Item# 15 – FY 23 First Quarter Update – CFAO Lennon confirmed that this item was also ready to go forward on October 13th.

Item #16 – Responsible Gaming – Commissioner Research Priorities – Director Vander Linden requested that this item remain under review until November or December.

Item #17 – Public Records Request Policy and IT – Deputy General Counsel Torrasi and Chief Information Officer Jagroop-Gomes requested that this matter be added under review until they gather more information.

Item #18 – ILEV Review Process – Chief Delaney requested that this matter remain under review but confirmed an update will occur at the next meeting.

Item #19 – Community Mitigation Fund Final Guidelines– Ms. Beauchemin confirmed that a presentation of the final guidelines to the Commission was set to take place in November.

Item #20 – MGC Compliance Committee – Commissioner O’Brien requested this item remain under review, but asked that it be placed on an agenda to discuss the establishment of the MGC Compliance Committee.

Item # 21 – Office Lease Expiry Update – Executive Director Wells asked that this agenda item remain under until after the Sports Wagering budget discussion, given the hiring needs of specific divisions will be discussed further.

Having no further business, Commissioner O’Brien moved to adjourn. Commissioner Hill seconded.

Roll Call Vote:

Commissioner O’Brien Aye.

Commissioner Hill: Aye.

Commissioner Skinner Aye.

Commissioner Maynard Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously. Meeting adjourned.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting & Agenda, September 16, 2022
2. Agenda Setting Meeting minutes, August 3, 2022, August 17, 2022, and September 7, 2022

FUTURE SCHEDULED MEETING DATES:

[October 5 – Agenda Setting](#)
[October 19 – Agenda Setting](#)
[October 27 –Public Meeting](#)
[November 2 – Agenda Setting](#)
[November 10 – Public Meeting](#)
[November 16 – Agenda Setting](#)
[December 1 – Public Meeting](#)