

NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 107 of the Session Acts of 2022, notice is hereby given of a meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Wednesday | November 8, 2023 | 10:00 a.m.
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 767 0600

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.massgaming.com.


PUBLIC MEETING #156

1. Call to Order – Cathy Judd Stein, Chair
2. Minutes from Commission Agenda Setting Meetings
 - a. October 11, 2023
 - b. October 25, 2023
3. Agenda Planning for Upcoming Public Commission Meetings. (See following pages.)
4. Commissioner Updates
5. Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.

VOTE

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us. **Date Posted to Website:** November 6, 2023 | 10:00 a.m. EST

November 6, 2023



Cathy Judd-Stein, Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please contact Gertrude Lartey at gertrude.lartey@massgaming.gov.

**MASSACHUSETTS GAMING COMMISSION
AGENDA PLANNING**

UPCOMING MEETING SCHEDULE

Date	Type	Topic
7-Nov	Public Meeting	Penn-ESPN Branding Deal
8-Nov	Agenda Setting	
16-Nov	Public Meeting	General
20-Nov	Agenda Setting	
27-Nov	Public Meeting	Cat. 3 Sports Wagering Reports
30-Nov	Public Meeting	General
6-Dec	Agenda Setting	
7-Dec	Public Meeting	Cat. 3 Sports Wagering Reports
14-Dec	Public Meeting	General
20-Dec	Agenda Setting	
4-Jan	Public Meeting	General

Note: On November 6, 2023, the MGC will hold an Adjudicatory Hearing for Racing Applicant Plainville Gaming and Redevelopment, LLC at 9:30 a.m. The Public Meeting on November 16, 2023 will be followed by an Adjudicatory Hearing regarding the EBH Realty REIT.

MEETING DATE

NOVEMBER 16, 2023

#	Agenda Item Topic	MCG Representative
1	Administrative Update: MGC Information Security Plans	Grossman T; Jagroop- Gomes, K.
2	Meeting Minutes	Maynard, J; Wang, Y
3	Legislative Update	Hill, B.; Mills, T. Grossman, T.
4	Regulations: 205 CMR 152: Court-ordered Exclusions 205 CMR 2.00: Racing Regulations	Grossman, T.
5	Sports Wagering	Band, B.

	205 CMR 257 Data Privacy Regulation: Waivers (Reserve Possible Ex. Session)	
6	Proposal for Procedures Re Sports Wagering Non-Compliance	Grossman, T.; Hall, H.
7	PPC & EBH Q3 Quarterly Reports	Delaney, J.
8	CMF Guidelines Modifications	Delaney, J.
9	Public Safety Update: MGM Springfield (Reserve Possible Ex. Session)	Hall, H.

MEETING DATE

NOVEMBER 27, 2023

#	Agenda Item Topic	MCG Representative
1	Category 3 Sports Wagering Quarterly Reports	Band, B.; Beauchemin, C.

MEETING DATE

NOVEMBER 30, 2023

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Grossman, T.
2	Meeting Minutes	Young, J.
3	Legislative Update	Hill, B.; Robinson, G.
4	Regulations	Grossman, T.
5	Sports Wagering	Band, B.
6	Noncompliance Matter re DraftKings Universal Wallet	Hall, H.

MEETING DATE

December 7, 2023

#	Agenda Item Topic	MCG Representative
1	Category 3 Sports Wagering Quarterly Reports	Band, B.; Beauchemin, C.

MEETING DATE

DECEMBER 14, 2023

#	Agenda Item Topic	MCG Representative
1	Administrative Update	Grossman, T.
2	Meeting Minutes	Young, J.
3	Legislative Update	Hill, B.
4	Regulations	Grossman, T.
5	Sports Wagering	Band, B.
6	Mission Statement Working Group Report	O'Brien, E; Maynard, J.
7	MGC Internship Program	O'Brien, E.; Maynard, J.; Muldrew, G
8	Economic Impact Report: EBH Report	Andrews, B.

UNDER REVIEW

#	Agenda Item Topic	MCG Representative
1	ILEV Review Process	Delaney, J.; Grossman T.; Hill, B.
2	Compliance Committee	O'Brien, E.
3	HCA compliance update (All Properties)	Skinner, N.; Delaney, J.
4	90 Day Audit	Band, B.

5	Economic Impact Reports	Andrews, B.
6	Bet Restriction by Operator	Band, B.; Beauchemin, C.
7	Diversity Audit	Skinner, N.; Muldrew, D.; Sundai, B.
11	Recommendation Letter to Legislature	Judd-Stein, C.; Hill, B.; Grossman, T.; Mills, T.
13	Player Risk Identification and Response	Vander Linden, M.
14	EBH Floor Plan Expansion	Hall, H.

Assigned meeting dates are subject to change



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: October 11, 2023 – 11:30 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 215 1802

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #154 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 Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Meeting Minutes

(a) September 27, 2023

Commissioner Maynard moved to approve the minutes from the September 27, 2023 agenda setting meeting included in the Commissioners’ packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Hill seconded.

Roll Call Vote:

<i>Commissioner O’Brien</i>	<i>Aye.</i>
<i>Commissioner Hill</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

The motion passed unanimously 5-0.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – October 19, 2023 – 10:00 AM

Item #1 – Administrative Update – Interim Executive Director and General Counsel Todd Grossman confirmed this agenda item. Chair Judd-Stein requested a DEI update from DEI Program Manager Boniswa Sundai.

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

Item #3 – Legislative Update – Commissioner Hill confirmed he would like to keep this as a standing agenda item. Commissioner Hill noted he would like to update the Commissioners on what the MGC working subcommittee would like to see being legislatively done.

Item #4 – Regulations: 205 CMR 219, 205 CMR 231, 205 CMR 258 – Deputy General Counsel Caitlin Monahan confirmed the Legal Division would present several regulations: 205 CMR 219, 205 CMR 231, 205 CMR 258, 205 CMR 238.12 205, and 205 CMR 2.00.

Item #5 – Sports Wagering – Business Manager of the Sports Wagering Division Crystal Beauchemin confirmed the Sports Wagering Division would like to reserve this agenda item in case any issues arise.

Item #6 – FY 24 Budget Update – Chair Judd-Stein confirmed that Chief Financial and Accounting Officer Derek Lennon requested to postpone this agenda item to the November 2, 2023 public meeting.

Item #7 – Draft CMF Guidelines – Chief of the Community Affairs Division Joseph Delaney confirmed this agenda item.

Item #8 – GameSense Quarterly Report Responsible Gaming Education Month – Director of the Research and Responsible Gaming Division Mark Vander Linden confirmed this agenda item.

Add-On Item – Executive Director Search Update – Commissioner O’Brien requested time during this meeting date to provide an update about the Executive Director search.

Add-On Item – Executive Session: Boston Office Lease – Interim Executive Director and General Counsel Grossman and Lead Executive Assistant Maryann Dooley requested time during this meeting date to discuss the lease of the Boston office location in an executive session.

Add-On Item – Interim Executive Director’s Scope of Authority - Interim Executive Director and General Counsel Grossman requested time during this meeting date to discuss a recommendation

and proposal with regards to the scope of the Interim Executive Director's authority to make personnel decisions.

Add-On Item – IEB Director Job Description – Commissioner Skinner requested time during this meeting date to review and discuss the job description for the IEB Director position.

Add-On Item – PENN Partnership with ESPN – Deputy General Counsel Monahan requested time during this meeting date to present a legal overview of potential next steps with regards to that transfer and change.

Items For Public Meeting – November 2, 2023 – 10:00 AM

The Commissioners discussed logistical information regarding the November 2, 2023 meeting and the costs associated with hosting the meeting at the Mass Mutual Center in Springfield, MA. Commissioner Hill inquired about using a city property as a venue for this meeting. Chair Judd-Stein and Chief of the Communications Division Thomas Mills confirmed they will look into this issue.

Item #9 – Administrative Update – Interim Executive Director and General Counsel Grossman confirmed this agenda item.

Item #10 – Meeting Minutes – Commissioner Maynard confirmed this agenda item.

Item #11 – Legislative Update – Commissioner Hill confirmed this agenda item.

Item #12 – Regulations – Associate General Counsel Ying Wang confirmed that the Legal Division will present on amendments to 205 CMR 152 regarding court-ordered exclusion.

Item #13 – Sports Wagering – Business Manager Beauchemin confirmed the Sports Wagering Division may have house rules to discuss on this meeting date.

Item #14 – MGM Quarterly Report (Q2 & Q3) – Chief Delaney confirmed this agenda item.

Item #15 – CMF Modifications Discussion – Chief Delaney confirmed this agenda item was a placeholder and may not be needed.

Item #16 – FY23 Research Agenda Summary – Director Vander Linden confirmed this agenda item.

Add-On Item – FY 24 Budget Update – Chair Judd-Stein confirmed this agenda item previously scheduled for the October 19, 2023 public meeting.

Add-On Item – Race Horse Development Fund Benefits for Jockeys and Drivers – Director of the Racing Division Alexandra Lightbown requested time on the agenda to discuss the Racehorse Development Fund benefits for jockeys and drivers.

Items For Public Meeting – November 16, 2023 – 10:00 AM

Item #17 – Administrative Update – Interim Executive Director and General Counsel Grossman confirmed this agenda item. Chair Judd-Stein requested a potential update from Chief Information Officer Katrina Jagroop-Gomes and Information Technology Services.

Item #18 – Meeting Minutes – Commissioner Maynard confirmed this agenda item.

Item #19 – Legislative Update – Commissioner Hill confirmed he would like to keep this as a standing agenda item.

Item #20 – Regulations – Deputy General Counsel Caitlin Monahan confirmed the Legal Division may not have any regulations to present at this meeting.

Item #21 – Sports Wagering – Business Manager Beauchemin confirmed the Sports Wagering Division would bring forward a data privacy waiver issue.

Add-On Item – PPC and EBH Quarterly Reports – Chief Delaney confirmed that he planned to bring forward the quarterly reports for Plainridge Park Casino and Encore Boston Harbor on this meeting date. Business Manager Beauchemin inquired about the Commissioners’ preference for the frequency of presentations from the operators. The Commissioners discussed the desired cadence.

Add-On Item – Final Community Mitigation Fund Guidelines – Chief Delaney requested time during this meeting date to discuss the final Community Fund Mitigation Fund guidelines for a final vote.

Items Under Review for Future Meetings:

Item #22 – ILEV Review Process – Chief Delaney requested to keep this agenda item under review.

Item #23 – Compliance Committee – Commissioner O’Brien requested to keep this agenda item under review.

Item #24 – HCA Compliance Update (All Properties) – Chief Delaney requested to keep this agenda item under review.

Item #25 – 90-Day Audit – Interim Executive Director and General Counsel Grossman requested to keep this agenda item under review on behalf of the Director of the Sports Wagering Division Bruce Band.

Item #26 – Economic Impact Reports – Research Manager of the Research and Responsible Gaming Division Bonnie Andrews requested to keep this agenda item under review.

Item #27 – Bet Restriction by Operator – Chair Judd-Stein confirmed that Director Band and Interim Sports Wagering Operations Manager and Casino Regulatory Manager Andrew Steffen are currently working on this matter and that this agenda item will remain under review.

Item #28 – Diversity Audit – Commissioner Skinner requested to keep this agenda item under review.

Item #29 – Licensing Management System RFI Update – Finance and Budget Office Manager John Scully requested to keep this agenda item under review.

Item #30 – Race Horse Development Fund Benefits for Drivers and Jockeys (Continued Discussion) – Chair Judd-Stein confirmed this agenda item has been moved to the November 2, 2023 public meeting date.

Item #31 – Mission Statement Working Group Report – Commissioner O’Brien requested to keep this agenda item under review.

Item #32 – Recommendation Letter to Legislature – Commissioner Hill requested to keep this agenda item under review.

Item #33 – MGC Internship Program – Commissioner Maynard requested to keep this agenda item under review.

Item #34 – RFI for Player Risk Identification and Response – Director Vander Linden requested to keep this agenda item under review.

Item #35 – Further Updates/Next Steps re Penn and ESPN Deal – Chair Judd-Stein confirmed this agenda item has been moved to the October 19, 2023 public meeting date.

Add-On Item – EBH Work Plan Amendment – Interim Director of the IEB and Chief Enforcement Counsel Heather Hall requested time during a future meeting to discuss the EBH work plan amendment.

Add-On Item – IEB Presentation on EBH Realty Income REIT Transaction – Interim Director of the IEB and Chief Enforcement Counsel Hall requested time during a future meeting to discuss the IEB presentation on the full investigation of the EBH Realty Income REIT transaction.

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. Notice of Meeting & Agenda, dated October 11, 2023
2. Agenda Setting Meeting Minutes, dated September 27, 2023

FUTURE SCHEDULED MEETING DATES:

October 19 (Public)
October 24 (Public)
October 25 (Agenda)
November 2 (Public)
November 8 (Agenda)
November 13 (Agenda)
November 16 (Public)
November 30 (Public)
December 6 (Agenda)
December 14 (Public)
December 20 (Agenda)
January 4 (Public)



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: October 25, 2023 – 10:00 a.m. EST

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 551 2022

Call to Order

Chair Judd-Stein called to order Agenda Setting Meeting #155 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 Eileen O’Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard*

Approval of Meeting Minutes

(a) October 11, 2023

The meeting minutes were not discussed during this meeting and have been rolled over to the next agenda setting meeting on November 8, 2023.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agendas for the upcoming meetings scheduled and additional agenda items for subsequent meetings described in the attached agenda planning notice, as follows:

Items For Public Meeting – November 2, 2023 – 10:00 AM

The Commissioners discussed logistical information regarding the November 2, 2023 meeting.

Item #1 – Administrative Update – Interim Executive Director and General Counsel Todd Grossman confirmed that Director of the Racing Division, Dr. Alexandra Lightbown would present on the ongoing Massachusetts Sire Stakes at Plainridge Park.

Item #2 – Meeting Minutes – Commissioner Maynard confirmed that there would be two sets of meeting minutes for the commissioners’ review on this date.

Item #3 – Legislative Update – Commissioner Hill confirmed he would like to keep this as a standing agenda item.

Item #4 – Regulations: 205 CMR 2.00 (Court Ordered Exclusion) – Interim Executive Director and General Counsel Grossman confirmed that the correct citation for court ordered exclusion is 205 CMR 152 and that 205 CMR 2.0 concerning the racing application and process would be on for the November 16, 2023 public meeting.

Item #5 – Sports Wagering – Interim Sports Wagering Operations Manager and Casino Regulatory Manager Andrew Steffen confirmed the Sports Wagering Division would have two house rule updates from Fanatics and PSI. Director of Communications Thomas Mills confirmed there would be a remote link for sports wagering operators to join.

Item #6 – MGM Quarterly Report (Q2 & Q3) – Chief of the Community Affairs Division Joseph Delaney confirmed this agenda item and requested for this item to be moved towards the end of the meeting.

Item #7 – CMF Modifications Discussion – Chair Judd-Stein requested a summary presentation on what the Community Mitigation Fund has done for the Region B Springfield area. Chief Delaney confirmed that he would present a chart showing the number of grants and total dollar value.

Item #8 – Race Horse Development Fund Benefits for Jockeys and Drivers – Director of the Racing Division Lightbown confirmed this agenda item.

Item #9 – FY23 Research Agenda Summary – Director of the Research and Responsible Gaming Division Mark Vander Linden confirmed this agenda item.

Item #10 – FY 24 Budget Update – Chief Financial and Accounting Officer Derek Lennon confirmed this agenda item.

Items For Public Meeting – November 19, 2023 – 10:00 AM

Chair Judd-Stein confirmed this meeting date should have stated November 16, 2023, not November 19, 2023.

Item #11 – Administrative Update – Chair Judd-Stein confirmed this agenda item.

Item #12 – Meeting Minutes – Chair Judd-Stein confirmed this agenda item.

Item #13 – Legislative Update – Chair Judd-Stein confirmed this agenda item.

Item #14 – Regulations – Interim Executive Director and General Counsel Grossman confirmed that the Legal Division would present on 205 CMR 2.00 concerning the racing application and process. Chair Judd-Stein confirmed that 205 CMR 257 would also be discussed on this meeting date concerning waivers and data privacy.

Item #15 – Sports Wagering (205 CMR 257 Data Privacy Regulation: Waivers) – Director of the Sports Wagering Division Bruce Band confirmed this agenda item.

Item #16 – FY 24 Budget Update – Chief Lennon confirmed this is a placeholder and does not anticipate having to use this meeting time for this agenda item.

Item #17 – PPC & MGM Springfield Quarterly Reports – Chief Delaney confirmed this agenda item and noted that this would be for PPC and Encore and would not include MGM Springfield.

Item #18 – CMF Modifications Discussion – Chief Delaney confirmed this would be the vote date.

Add-On Item – Protocol Proposal for Sports Wagering Non-Compliance Matters - Interim Executive Director and General Counsel Grossman requested time during this meeting to bring forward a proposed protocol, which addresses the handling of non-compliance matters in sports wagering.

Add-On Item – MGM Public Safety Update – Chair Judd-Stein confirmed that the Commission anticipates an executive session for the public safety update from MGM Springfield.

Add-On Item – Review of DraftKings Non-Compliance Matter – Senior Enforcement Counsel Kathleen Kramer requested time during this public meeting or the November 30, 2023 public meeting for the IEB to brief the Commission on a non-compliance matter related to DraftKings. Chair Judd-Stein confirmed that this would be put on the November 30, 2023 public meeting agenda.

Add-On Item – Update on Independent Monitor – Chair Judd-Stein suggested adding a brief update on the independent monitor for this meeting date. Commissioner O’Brien agreed.

Items Under Review for Future Meetings:

Item #19 – ILEV Review Process – Chief Delaney requested to keep this agenda item under review.

Item #20 – Compliance Committee – Commissioner O’Brien requested to keep this agenda item under review.

Item #21 – HCA Compliance Update (All Properties) – Chief Delaney and Commissioner Skinner requested to keep this agenda item under review.

Item #22 – 90-Day Audit –Director Band requested to keep this agenda item under review.

Item #23 – Economic Impact Reports – Research Manager of the Research and Responsible Gaming Division Bonnie Andrews requested to put the Encore Boston Harbor operations report on the agenda for the December 14, 2023 public meeting.

Item #24 – Bet Restriction by Operator –Director Band requested to keep this agenda item under review.

Item #25 – Diversity Audit – Commissioner Skinner requested to keep this agenda item under review.

Item #26 – Licensing Management System RFI Update – Commissioner Maynard and Finance and Budget Office Manager John Scully confirmed that the responses must be sent to COMMBUYS by October 30, 2023.

Item #27 – Race Horse Development Fund Benefits for Drivers and Jockeys (Continued Discussion) – Chair Judd-Stein confirmed this agenda item has been moved to the November 2, 2023 public meeting date.

Item #28 – Mission Statement Working Group Report – Commissioner O’Brien requested to put this on the agenda for the December 14, 2023 public meeting.

Item #29 – Recommendation Letter to Legislature – Commissioner Hill requested to schedule an internal meeting to discuss this topic.

Item #30 – MGC Internship Program – Commissioner Maynard requested to put this on the agenda during a public meeting in mid-December, 2023.

Item #31 – RFI for Player Risk Identification and Response – Director Vander Linden requested to keep this agenda item under review.

Item #32 – EBH Work Plan Amendment – Senior Enforcement Counsel Kramer requested to keep this agenda item under review.

Add-On Item – Voluntary Self-Exclusion Reinstatement Process – Chair Judd-Stein requested Director Vander Linden provide an overview of the VSE reinstatement process during a future public meeting.

Add-On Item – MGC Research Conference Update –Director Vander Linden confirmed he would like to add an update on the MGC Research Conference.

Add-On Item – Springfield Public Safety Report – Director Vander Linden requested to add the Springfield public safety report for a future public meeting.

Add-On Item – Quarterly Reports – Business Manager of the Sports Wagering Division Crystal Beauchemin requested to add the dates for the quarterly reports (five reports on November 27, 2023 and five reports on December 7, 2023).

Add-On Item – Continuation on PENN and ESPN Deal – Senior Enforcement Counsel Kramer confirmed that the IEB Division expected to get responses from PENN with regarding the Commissioners’ questions, which will be discussed on November 6, 2023.

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

Roll Call Vote:

<i>Commissioner O'Brien</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner</i>	<i>Aye.</i>
<i>Commissioner Maynard</i>	<i>Aye.</i>
<i>Chair Judd-Stein</i>	<i>Aye.</i>

The motion passed unanimously. Meeting adjourned.

List of Documents and Other Items Used

1. Notice of Meeting & Agenda, dated October 24, 2023

FUTURE SCHEDULED MEETING DATES:

November 2 (Public)
November 8 (Agenda)
November 16 (Public)
November 20 (Agenda)
November 30 (Public)
December 6 (Agenda)
December 12 (Public)
December 20 (Agenda)
January 4 (Public)