



Meeting Minutes

Date/Time: January 21, 2016 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts

Present: Chairman Stephen P. Crosby
Commissioner Gayle Cameron
Commissioner Lloyd Macdonald
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

**Time entries are linked to
corresponding section in
Commission meeting video**

Call to Order

See transcript page 2

[10:02 a.m.](#) Chairman Crosby called to order the 175th Commission Meeting.

Approval of Minutes

See transcript pages 2-4

[10:02 a.m.](#) *Commissioner Macdonald moved for the approval of the January 7, 2016 minutes subject to any corrections for typographical errors or other nonmaterial matters. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Administration

See transcript pages 4-12

[10:04 a.m.](#) Executive Director Edward Bedrosian, Jr. provided a general update which included the following: his transition with the Commission continues to go well, he is close to finalizing the open meeting law training with the Attorney General's Office, redline changes have been made to the hiring policy pertaining to references and recommendations, and the legal department is working on clarification of the voluntary self-exclusion rule, the contract and regulations.

[10:06 a.m.](#) Chairman Crosby stated that the Attorney General's Office suggested that the Commission conduct the open meeting law training in a public meeting. He also noted that a tentative training date has been scheduled for January 27th.

- [10:07 a.m.](#) Chairman Crosby provided an update on Daily Fantasy Sports (“DFS”) and stated that the white paper has been submitted to the Legislature and he thinks the Legislature may deal with DFS in this session. He also stated that this matter can be taken off the agenda for future dates.
- [10:08 a.m.](#) Chairman Crosby provided an update on the Tribal Compact which included the following: a third meeting has been scheduled with representatives of the Tribe and Gaming Commission staff, the Commission acknowledged the historical accomplishment of the Land in Trust, information from the Tribe about their plans is critical to informing the Commission’s decision on Region C, and the Commission is working to develop a regulatory partnership with the Tribal Commission.
- [10:10 a.m.](#) Ombudsman John Ziemba provided an update on Region C which included the following: evaluation teams continue with their review of the Mass Gaming & Entertainment (“MGE”) application, a public input hearing for surrounding communities has been scheduled in Holbrook on January 28th a date has not yet been set for the host community public input hearing, the Commission received seven executed surrounding community agreements (Abington, Avon, East Bridgewater, Holbrook, Pembroke, Stoughton and Whitman), two communities (Easton and West Bridgewater) have entered into arbitration with MGE, and parties in arbitration may file a fundamental inconsistency petition with the Commission by January 26th. He also stated that the projected date for the Commission to make a decision on Region C is March 31st.

Workforce, Supplier and Diversity Development

See transcript page 13

- [10:13 a.m.](#) Chairman Crosby called for the workforce, supplier and diversity agenda item and Director Jill Griffin responded that Ombudsman John Ziemba can proceed and that the Commission can skip this item.

Ombudsman

See transcript pages 13-144

- [10:14 a.m.](#) Vice President and General Manager Lance George presented on the **Plainridge Park Casino Quarterly Report** which included the following highlights: no material changes for employment; decrease in employees was due to seasonal racing; exceeded goal on diversity hiring; 13 promotions and 10 internal transfers for employees; priority on local, Massachusetts, and vendor diversity spend; revenue and taxes; LEED Gold certification awarded for an energy efficient facility; adjustments to the gaming floor based upon customer feedback; working with Dunkin Donuts to open in the facility; compliance with regulations; good cooperation with law enforcement; compliance with agreements; partnership with the lottery; positive customer satisfaction; events and promotions; current projects; Play Management update, and CMS installation. He also noted that the company remains in a strong financial position.

Mr. George also noted some highlights about Plainridge Park Casino written in an op-ed by Penn National Gaming CEO Timothy Wilmott which included: the Commonwealth has received over \$55 million in taxes and fees, harness horse

racing is being rejuvenated, donations to charities, purchase of goods and services from Massachusetts companies, host community benefits, and the creation of over 1600 construction and permanent jobs.

- [10:22 a.m.](#) Chairman Crosby noted that money from Plainridge Park Casino has been an extraordinary economic benefit for the Commonwealth.
- [10:23 a.m.](#) Commissioner Zuniga suggested that future reports contain testimonials from businesses and employees as they provide a story behind the numbers.
- [10:36 a.m.](#) Executive Director Bedrosian noted for the record that he and MGM Attorney Jed Nosal had worked together at the Attorney General's Office.
- [10:37 a.m.](#) Brian Packer, Vice President of Development for MGM, presented on the **MGM Quarterly Report** which included the following highlights: schedule update, diversity project goals for design and construction, outreach activities, meetings with community organizations, launching of construction portal on MGM website to connect folks to unions, targeted Veteran outreach, and workforce diversity statistics. He also provided a design and construction update which included the following: executed contracts for Friedmutter and Chursciel Group Consulting, occupancy in new Mission building, abatement, salvage at historical locations, demolition, utility work, garage bid status, site plan, archival photography of historical structures, and road safety audits for intersection improvements.
- [10:58 a.m.](#) Commissioner Stebbins asked for information about the construction workforce task force. Mr. Packer responded that the concept of the task force is in the early stages and it is intended to help facilitate dialogue between the unions and community groups.
- [11:00 a.m.](#) Michael Mathis, President and COO of MGM Springfield, introduced the MGM team, congratulated Executive Director Bedrosian on his appointment, noted that construction is ongoing, and restated the goals of the casino project which are - commitment to a \$950 million project, jobs, and local and regional spend. He also noted that it's the first time that Springfield, and the region, will be at the top of the list for the largest construction project in Massachusetts.
- [11:06 a.m.](#) Chairman Crosby inquired about the status of the housing units. Mr. Mathis responded that they are committed to 54 market rate units, they are working to identify locations about a half-mile from the project site, and discussions are in process. He also noted that the City of Springfield has embraced bringing the residential project off-site to bring economic development outside the casino borders.
- [11:09 a.m.](#) Albie Colotto, Art and Design Director for the Friedmutter Group and representing MGM, stated that he took officials and the Mayor of Springfield on a tour to view the site and construction activity. He also stated that the project is a destination project that will offer shopping, food & beverage outlets, outdoor experiences, and hotel rooms. He also provided an overview of the floor and landscape plans, aerial and street views of project, and an outdoor entertainment plaza view. Commissioner Macdonald inquired about the size of the plaza and how they intend to keep the plaza space active and not fall dormant. Mr. Mathis responded that he

expects the plaza will be active with restaurant patio space, programs, and events. Mr. Colotto also presented on the pedestrian view, marketplace, entertainment plaza, and bus drop-off area.

[11:36 a.m.](#) Mr. Mathis reported on the proposed MGM sign that will sit above the garage. He stated that they took inspiration from iconic signage and it will include a steel structural support with three panels, and the center panel will be a video board.

[11:43 a.m.](#) Commissioner Zuniga inquired about abutter concerns. Mr. Packer responded that they are committed to the abutters, they send emails to notify them of activities, and they have met with them to review designs. He also provided examples of responses to abutter comments on issues such as pavement extension, noise, vibrations, bus drop-off, and curb cut concerns.

[11:56 a.m.](#) The Commission took a short recess.

[12:09 p.m.](#) The meeting resumed.

[12:09 p.m.](#) Robert DeSalvio, President of Wynn MA, noted that Chris Gordon has joined the Wynn team as President of Wynn Design Development MA.

[12:10 p.m.](#) Chris Gordon, President of Wynn Design Development MA, presented on the **Wynn Quarterly Report** which included the following highlights: permitting status, site remediation, removal of contaminated soil, excavation, PCB removal, no detection of dust migration from the on-site air monitoring stations, design under review by the City of Everett for a building permit, off-site infrastructure, Sullivan Square meetings, selection of Suffolk Construction as the contractor, and projected project schedule. Mr. Gordon also noted that if permits are in place, they anticipate a construction start date in April or May.

[12:25 p.m.](#) President DeSalvio reported on progress made with diversity efforts and noted the selection of the Charter Company, a minority-owned business in Boston; and Alliance Security, a female-owned business in Everett. He also highlighted some of their events and community outreach which included public meetings on remediation, contributions to the Krystal Campbell Peace Garden and Boston Bruins Foundation to provide helmets for high school hockey players, and meetings with the building trades and chamber of commerce.

Legal Division

See transcript pages 144-169

[12:38 p.m.](#) Deputy General Counsel Todd Grossman presented on requests from Plainridge Park Casino for a nondisclosure agreement and recommendations from the legal department.

[12:48 p.m.](#) General Counsel Catherine Blue presented options for the Commissioners consideration which included: requests for nondisclosure agreements will go directly to the Commissioners, or the Commissioners could delegate authority to staff to address them. Commissioner Zuniga stated that he was comfortable with the legal department making the call. Commissioner Macdonald stated that he is reluctant at this stage to delegate this matter to staff and stated that it is important

for the Commissioners to be personally familiar with what is being asked. Chairman Crosby agreed with Commissioner Macdonald and stated that he would like the Commissioners to retain the authority to make approvals of the recommendations.

12:52 p.m. General Counsel Blue stated that she will prepare a formal nondisclosure agreement for the Plainridge Park Casino request and submit it at the next meeting for review and approval by the Commissioners.

12:53 p.m. General Counsel Blue presented on the amendment to the Race Horse Development Fund and noted the Commission will pay purse money to the licensee and the licensee will enter into a purse agreement with the horseman's group. She noted that there can be separate horseman's group per track. She stated that the Commissioners are not recognizing a particular horseman's group but will honor a group's purse agreement. She also noted that if there is more than one horseman's group then health and wellness benefits will be split evenly between the groups. General Counsel Blue stated that this is a gaming regulation and it will be put on our website for informal comment.

1:00 p.m. Chairman Crosby inquired about amended language pertaining to the ability of the Commission to distribute less than the entire amount of the fund and requested that it be rewritten so that the Commission can make distributions as determined by the Commission to be beneficial. General Counsel Blue stated that she will make the change and then post for informal comment.

Investigations and Enforcement Bureau (IEB)

See transcript pages 169-200

1:02 p.m. Director Karen Wells presented on qualifier suitability for two individuals: Stephen Cootey at Wynn Resorts and Ronald Naples at Penn National. She provided a summary of their educational and professional backgrounds, noted that the IEB found no issues, and recommended that the Commission find them both suitable.

1:06 p.m. *Commissioner Cameron moved that the Commission approve suitability for licensure for Mr. Cootey and Mr. Naples. Motion seconded by Commissioner Macdonald. Motion passed unanimously for both nominations.*

1:06 p.m. Director Wells provided information to the Commission on the process for licensing employees as the regulation is not clear as to when key gaming and gaming employees should be licensed. She noted that the priority of the IEB has been to get Penn National up and running. She stated that over the next several months licensing of primary vendors will be a priority. She recommended that key MGM and Wynn employees submit their application now so that the IEB can start working on them.

1:14 p.m. General Counsel Blue clarified the context of the question which is – at what point would we prefer to have an individual, who is working before a gaming establishment is built, start the licensing process?

1:29 p.m. President DeSalvio noted that senior folks who are coming in have a high probability of passing licensure and may already be licensed in other jurisdictions.

He recommended that a person be able to start employment and then formally require them to turn in paperwork within a certain timeframe. Director Wells stated that this sounded like a reasonable interim solution while they determine next steps.

[1:33 p.m.](#) Executive Director Bedrosian stated that staff will consult with licensees and work on this matter to develop a proposal.

[1:34 p.m.](#) Chairman Crosby recommended changes to 205 CMR 134.03 pertaining to gaming service employees and misplacement of the temporary employees section. General Counsel Blue stated that they are looking at this regulation as a whole and will be making changes.

Other Business Not Reasonably Anticipated

See transcript page 200

[1:36 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Cameron and passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated January 21, 2016
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated January 7, 2016
3. Plainridge Park Casino's Quarterly Report to the Massachusetts Gaming Commission
– Q4 2015
4. MGM Springfield's Quarterly Report to the Massachusetts Gaming Commission
– Q4 2015
5. MGM Springfield Site Plan Presentation dated January 19, 2016
6. Wynn Everett Quarterly Report as of December 31, 2015
7. Massachusetts Gaming Commission, Certificate of Appreciation for Ron Marlow
8. Massachusetts Gaming Commission, Draft Nondisclosure Agreement Pursuant to 205 CMR 139.02
9. Plainridge Park Casino Request for Nondisclosure Agreement and Massachusetts Gaming Commission Legal Department Recommendations
10. 205 CMR 149.00: Race Horse Development Fund (Amendment)
11. 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations

/s/ Catherine Blue

Catherine Blue, Assistant Secretary