



Meeting Minutes

Date/Time: January 7, 2016 – 10:30 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

[10:32 a.m.](#) Chairman Crosby called to order the 174th Commission Meeting.

Approval of Minutes

See transcript pages 2-3

[10:32 a.m.](#) *Commissioner Macdonald moved for the approval of the December 9, 2015 and December 17, 2015 minutes subject to any correction of typographical errors or other nonmaterial matters. Motion seconded by Commissioner Cameron. Motion amended by Chairman Crosby to include additional information about the experiences of the GameSense Advisors at Plainridge Park Casino. Motion passed unanimously.*

Administration

See transcript pages 3-58

[10:34 a.m.](#) Executive Director Edward Bedrosian, Jr. thanked the Commission for the opportunity to serve as Executive Director and for assigning him the best executive assistant. He stated that he looks forward to helping staff and the Commissioners to continue to do a great job.

- [10:35 a.m.](#) General Counsel Catherine Blue provided a summary of pending litigation pertaining to the award of the Wynn license in Region A, which included the following: the City of Boston's challenge to the Wynn's license was dismissed and no appeal has been filed to date; the City of Boston is challenging Wynn's MEPA Certificate; there has been no action in the City of Somerville's challenge to the Wynn license, they are also challenging Wynn's MEPA Certificate and the Commission is compiling the administrative record; and the court dismissed all of the claims in the Revere litigation (consisting of the City of Revere, Mohegan Sun, IBEW and four citizens) except for Mohegan Sun's Chapter 249 claim – which the Commission has filed an interlocutory appeal at the appeals court. General Counsel Blue noted that the issue in the interlocutory appeal is critical to the Commission because the statute is clear that applicants do not have a right to challenge the Commission's decision on an award. General Counsel Blue also noted that the City of Revere and the four citizens have filed an appeal of the dismissal of their claims.
- [10:42 a.m.](#) Executive Director Bedrosian reported on the Investigations and Enforcement Bureau ("IEB") supervisory delegation and requested that the Commission revisit authority delegation with the hiring of a new executive director.
- [10:44 a.m.](#) Chairman Crosby delegated authority to Executive Director Bedrosian to oversee the IEB.
- [10:44 a.m.](#) Executive Director Bedrosian reported on a letter the Commission received from the Office of the Attorney General responding to a request by the Commission to look at their meeting practices. He disclosed that he had worked at the Attorney General's Office and with the individuals associated with the letter. He stated that the Attorney General recognized that the Commission is a unique body but areas of concern include the Commissioner's lunches and the agenda setting meetings. He also stated that he has been in communication with the Attorney General's Office to set up training.
- [10:46 a.m.](#) Chairman Crosby stated that the Attorney General's Office noted that they saw some breaches of the Open Meeting Law but there was never any breach with respect to any important work, like licensing. Chairman Crosby stated that the Commissioner's lunches were designed to build relationships and they discussed personal activities, lessons learned from conferences, and staff morale. He stated that they did not think that these matters were public business but they were wrong. He also stated that they will do away with the Commissioner's lunches. Chairman Crosby stated that the directors and Commissioners are present at the agenda setting meetings which are designed to draft agenda items and ascertain readiness. The Attorney General determined that despite the Commission being careful, it is easy to inadvertently shift into the substance of a topic. Chairman Crosby noted that it is important to keep the agenda setting meetings and offered three alternatives: (1) continue with the current meeting format and be careful, (2) conduct the meetings where no more than two Commissioners are present, or (3) conduct the meetings in public as suggested by Commissioner Zuniga.
- [10:53 a.m.](#) Commissioner Cameron suggested that before they make a decision on the three meeting formats, they should take the open meeting law training offered by the Attorney General to get more information and ask questions about best practices.

- [10:54 a.m.](#) Commissioner Zuniga stated that he agreed with Commissioner Cameron. He also noted that the letter from the Attorney General mentioned that the Commissioners went above and beyond with recording, live streaming, and providing transcripts for all the meetings. He stated that many media outlets watch the video streams and it has served the public interest.
- [10:58 a.m.](#) Commissioner Stebbins stated that a training by the Attorney General's Office will be extremely helpful as the Open Meeting Law is very challenging for public bodies. Commissioner Stebbins stated that he agrees with eliminating the lunches but he values being part of the agenda setting meetings. He also stated that he agrees with putting off selecting a meeting format until they have received additional training.
- [10:59 a.m.](#) Commissioner Macdonald commented on how he was struck by how strictly his colleagues keep to the rule of no more than two Commissioners present in discussions outside of a public meeting. He noted that the open meeting law poses a constraint on public officials dealing with complex issues and it is difficult to comply with. He also noted that he is in agreement to postpone a decision on the agenda setting meeting format until they have had further training with the Attorney General's Office.
- [11:04 a.m.](#) Chairman Crosby suggested that the Commissioners, and eventually the staff, take the open meeting law training offered by the Attorney General's Office.
- [11:04 a.m.](#) Executive Director Bedrosian stated that he will schedule an open meeting law training with the Attorney General's Office for the Commissioners, General Counsel, and Executive Director. He also noted that the Statehouse News recognized Elaine Driscoll, Director of Communications, as press person of the year and also recognized the Commission for its streaming efforts.
- [11:05 a.m.](#) Chairman Crosby provided an update on Daily Fantasy Sports ("DFS"). He noted that the Commission sought guidance from the Attorney General's Office and they recommended the Commission adhere to the open meeting law in DFS discussions. He also noted that the white paper should be completed by the end of the week. The Commissioners delegated authority to Chairman Crosby to sign off on the final draft of the white paper. Chairman Crosby raised, and Commissioners discussed, issues pertaining to licensing, fees, and taxation and whether to include in the white paper recommendations on these issues for the Legislature.

Legal Division

See transcript pages 58-89

- [11:35 a.m.](#) Human Resources Manager Trupti Banda provided an overview of the hiring process and explanation of the following terms: letter of recommendation, reference check, and verification of employment.
- [11:40 a.m.](#) General Counsel Blue clarified the distinction between references and recommendations and noted the statutory requirements. The statute states that recommendations submitted in support of candidates shall not be considered by the hiring authority until the applicant has met all qualifications and requirements for the position. General Counsel Blue noted that a reference is usually a name and a

contact that comes from a candidate and the statute states that you can check references. General Counsel Blue stated that recommendations are held by the human resources director until a candidate is identified as a finalist, and then the recommendations are released to the hiring manager for review.

[11:57 a.m.](#) Executive Director Bedrosian asked Chairman Crosby if he would like staff to work on a proposed modification. Chairman Crosby stated yes. Chairman Crosby clarified that once a candidate has met the threshold of being qualified, then human resources and the hiring manager should be free to reach out, under the proper rules, and read recommendation letters. Commissioner Zuniga stated that we should clarify the paragraph that refers to references and recommendations. Chairman Crosby agreed that it has to be changed.

[11:59 a.m.](#) The Commission recessed for a break.

[12:06 p.m.](#) The meeting resumed.

[12:06 p.m.](#) Deputy General Counsel Todd Grossman presented on the variance report. He stated that the Commission delegated authority to the executive director to grant variances from the internal control regulations and to provide a report to the Commission to ensure they are aware of reasons why variances were granted. Deputy General Counsel Grossman presented on the variances that were granted at Plainridge Park Casino. He also presented on variance report format options and asked the Commissioners how often they want to receive a report. Commissioners agreed to receive a variance report every six months in the format presented. Chairman Crosby asked about the redactions to the report and Deputy General Counsel Grossman stated that the redactions were for security and internal control matters.

Investigations and Enforcement Bureau

See transcript pages 89-98

[12:13 p.m.](#) Director Karen Wells presented on key gaming executive licenses for the following individuals: Roberta Gregoire, Compliance Manager at Plainridge Park Casino; and Seth Stratton, Vice President and General Counsel for MGM Springfield. Director Wells provided a summary of their educational and professional backgrounds, stated that they were found suitable by the IEB, and recommended that the Commissioners grant them key gaming executive licenses.

[12:19 p.m.](#) Chairman Crosby stated that the issue of when a person should be licensed – upon hiring or when an establishment is built – should be placed on the pending list of matters to go on the agenda.

[12:21 p.m.](#) Commissioner Zuniga requested that the IEB report back on how long the licensing process takes.

[12:21 p.m.](#) *Commissioner Stebbins moved that the Commission approve the key gaming executive licenses for Roberta Gregoire at Plainridge Park Casino and Seth Stratton with MGM Springfield. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Research and Responsible Gaming

See transcript pages 98-143

[12:22 p.m.](#) General Counsel Blue provided a summary of the Voluntary Self-Exclusion (“VSE”) regulation and described a fact pattern of what happens when someone on the VSE list goes into a casino, puts money into a slot machine, and is escorted out. General Counsel Blue noted that our regulations state that you can’t keep your winnings. General Counsel Blue stated that she is seeking guidance from the Commission on what to do with the money that is put into the machine and not played.

[12:26 p.m.](#) Director Mark Vander Linden stated that he looked at nine jurisdictions and found that seven of them would keep the money that hasn’t been played. Director Vander Linden noted that when they were developing the regulation they did not want it to be punitive. He stated that an individual that signs up for the VSE program is taking an active step to addressing a problem and that should be celebrated.

[12:30 p.m.](#) Commissioner Cameron stated that the GameSense Advisors need to be clear when advising individuals about the VSE program and its consequences as she believes that giving money back sends the wrong message.

Director Vander linden stated that they are redrafting the self-exclusion agreement and working with individuals who administer the VSE to do it in a specific manner and method.

[12:43 p.m.](#) Deputy General Counsel Grossman stated that there are two jurisdictions that allow an individual on the list to cash out but not for actual winnings. He stated that the VSE is a tool to allow people to help themselves and is not designed to be punitive. He also stated he believes it is wrong and unfair to keep the money as it is inconsistent with this theme, unless they can be certain that its actual winnings. He also noted that relapses occur with addiction and oftentimes there are multiple attempts that an individual has to undertake to combat issues they face.

[12:50 p.m.](#) Commissioners discussed VSE and if an individual who signed up for the VSE program puts money into a machine but does not play - should they get the money back. Commissioners Cameron, Zuniga and Stebbins stated that they do not believe that individuals should get their money back. Chairman Crosby and Commissioner Macdonald stated that they believe that individuals should get their money back.

[12:59 p.m.](#) *Commissioner Cameron moved that the intent of the Commission is for any time an individual who has voluntarily excluded themselves enters the casino, puts money into a machine, it’s our intent that that money be confiscated as part of this self-exclusion policy. That the Commission direct staff to make sure that training is appropriate, clear up the regulations so that it is clearly stated, and report back to the Commission with a draft that is clear to understand as well as policy for gaming agents that make it very clear to the individual excluding that that is the policy. Motion seconded by Commissioner Zuniga. Commissioners discussed motion. Chairman Crosby opposed the motion. Motion passed four to one.*

[1:05 p.m.](#) Executive Director Bedrosian suggested that now that the intent of the Commission is known, they will take the pending case(s) to the staff level to work out a resolution or process. The Commissioners agreed to his suggestion.

Racing Division

See transcript pages 143-151

[1:06 p.m.](#) Dr. Alexandra Lightbown, Director of Racing, presented on a request from Plainridge Park Casino for reimbursement from the Capital Improvement Trust Fund for tractors.

[1:07 p.m.](#) Douglas O'Donnell, Senior Financial Analyst, reported that the Commission previously approved the purchase of equipment, the equipment has been inspected, and the project is complete.

[1:08 p.m.](#) Commissioner Zuniga asked how much money is in the Capital Improvement Trust Fund. O'Donnell stated approximately \$300,000 will be left in the Fund after the disbursement.

[1:10 p.m.](#) Chairman Crosby stated that the money comes from the track and they are spending their money on their track. He also stated that there is too much regulation attached to the approval process.

[1:13 p.m.](#) Director Lightbown suggested that the Commission could delegate this approval process to the executive director.

[1:14 p.m.](#) *Commissioner Cameron moved that the Commission approve the request for reimbursement for Plainridge Racecourse Capital Improvement Trust Fund dated January 7, 2016 for the new tractors. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

Other Business Not Reasonably Anticipated

See transcript page 152

[1:15 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated January 7, 2016
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated December 9, 2015
3. Massachusetts Gaming Commission, Draft Meeting Minutes dated December 17, 2015, with attachments (Vote to Adopt Section 61 Findings Pursuant to M.G.L. c. 30, § 61 and M.G.L. c. 23 K, and Vote to Take Final Agency Action on Region B Category 1 Gaming License)
4. Massachusetts Gaming Commission Hiring Policy
5. Massachusetts Gaming Commission, Memorandum dated November 23, 2015 (Draft) regarding Variance Report for FY 2015 - 205 CMR 138.02 (6)
6. M.G.L. c. 23 K, § 45: Regulation and Procedure for the Exclusion and Self-Exclusion of

Persons from Gaming Establishments

7. 205 CMR 133.00: Voluntary Self-Exclusion
8. Massachusetts Gaming Commission, Racing Division, Memorandum dated January 7, 2016 regarding Request for Reimbursement, Plainridge Racecourse Capital Improvement Trust
9. Letter from Dixon Salo Architects, Inc. to Douglas O'Donnell, Massachusetts Gaming Commission/Racing Division, dated January 4, 2016 regarding Plainridge Racecourse Request for Reimbursement with attachments

/s/ Catherine Blue

Catherine Blue, Assistant Secretary