



Meeting Minutes

Date/Time: November 12, 2015

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

[10:31 a.m.](#) Chairman Crosby called to order the 169th Commission Meeting.

Other Business

See transcript page 2-6

[10:31 a.m.](#) Chairman Crosby noted that after the agenda was published there was a development in fantasy sports which has caused interest and inquiry. Chairman Crosby stated that the Commission has no statutory responsibility in this area but is reaching out to experts and coordinating with the Attorney General to inform decision makers as quickly as possible. He also stated that they hope to create a template to guide decision makers on future internet gaming matters.

Approval of Minutes

See transcript pages 6-8

[10:35 a.m.](#) *Commissioner Zuniga moved for the approval of the October 29, 2015 minutes with reservation of power to correct mechanical and typographical errors. Motion seconded by Commissioner Cameron. Commissioner*

Macdonald abstained from the vote as he was not present for the meeting. Motion passed unanimously.

Commissioner Zuniga moved for the approval of the November 5, 2015 minutes with reservation of power to correct mechanical and typographical errors. Motion seconded by Commissioner Cameron. Chairman Crosby noted that the minutes need to be corrected to reflect that Larry DiCara is a former Boston City Councilor not a current City Councilor. Motion passed unanimously.

Administration

See transcript pages 8-38

[10:37 a.m.](#) Derek Lennon, Chief Financial and Accounting Officer, provided a summary of the FY15 closeout and an update on the FY16 first quarter budget.

[10:47 a.m.](#) Agnes Beaulieu, Finance and Budget Officer Manager, provided a report on the supplier diversity spending benchmarks for FY15 and FY16.

[10:50 a.m.](#) Trupti Banda, Human Resources Manager, provided a report on Commission employee statistics which included: number of employees, new hires, diversity goal, gender, ethnicity, veteran status, and diversity efforts.

[10:56 a.m.](#) Trupti Banda, Human Resources Manager, presented on a new policy – workplace flexibility; and revised policies for office closure during inclement weather/essential employees, and holiday compensation.

[11:10 a.m.](#) *Commissioner Zuniga moved that the Commission approve the workplace flexibility policy, the holiday policy, and the inclement weather policy as submitted and discussed. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

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

[11:16 a.m.](#) The meeting resumed.

Ombudsman

See transcript pages 39-89

[11:17 a.m.](#) Ombudsman John Ziemba provided an update on the Mass Gaming & Entertainment (MG&E) surrounding community petitions and noted that the Town of Pembroke and MG&E have reached an agreement and therefore no hearing will be necessary.

Ombudsman Ziemba provided a report on the draft 2016 mitigation fund request application. He provided a summary of the fund application process and noted changes to the fund guidelines.

[12:11 p.m.](#) The Commission took a short recess.

[12:19 p.m.](#) The meeting resumed.

Workforce, Supplier and Diversity Development

See transcript pages 90-130

[12:19 p.m.](#) Director Jill Griffin provided an overview of the MG&E impacted live entertainment venue (“ILEV”) petitions and process. She noted that two petitions have been received on behalf of six facilities. She also noted that two venues have come to mutual agreements with MG&E and have withdrawn their applications.

[12:23 p.m.](#) Attorney Peter Martin, representing the Mass Performing Arts Coalition (“MPAC”), presented on a request for ILEV designation for four venues. He highlighted points made in a letter dated November 9, 2015 by President Tony Siebel to the Commission.

[12:27 p.m.](#) Vincent Longo, representing the Cape Cod Melody Tent and South Shore Music Circus, noted that the prospect of a Taunton casino will change the landscape because they will have the ability to book acts and have no restrictions on advertisement. Mr. Longo stated if two casino venues are put in the region his venues will not do well and the agents are going to go where the money is – at the casinos.

[12:49 p.m.](#) Attorney Jack Yunits, representing MG&E, reported that they will continue to work with MPAC and they are doing everything they can to resolve this matter out of respect for the arts and entertainment. He noted that the company has a history of supporting the community. He also noted that the four venues are not within their competitive arena.

[12:55 p.m.](#) Charles LeRay, representing MG&E, noted that they are working hard to reach an agreement. He also noted that MG&E is looking for a multiuse facility that is different from the Lynn and Cape Cod entertainment venues. He noted that the physical difference of space will accommodate different acts.

[1:01 p.m.](#) George Carney noted his experience with agents and the entertainment business. He stated that acts going to Brockton will have no effect on Cape Cod as they have two different audiences.

[1:05 p.m.](#) The Commission took a short recess.

[1:11 p.m.](#) The meeting resumed.

Racing Division

See transcript page 130-186

[1:11 p.m.](#) Director Alexandra Lightbown presented on the following applications received by the Commission to conduct horse racing in 2016: Plainville Gaming and Redevelopment (Plainridge Racecourse) to conduct 115 days of harness racing, Sterling Suffolk Racecourse (Suffolk Downs) to conduct

six days of running horse racing, Brockton Agricultural Society (Brockton fair) to conduct 15 days of running horse racing, and the Middleborough Agricultural Society to conduct 15 days of horse racing.

- [1:12 p.m.](#) General Counsel Catherine Blue presented on the simulcast rules and clarified that there is a possibility that racing days scheduled after July 2016 will not be valid if the legislature does not extend the statute.
- [1:15 p.m.](#) Director Lightbown reported on the Plainridge Racecourse application for harness racing and recommended that the Commission approve the application with a condition to have an independent review of the track surface prior to racing.
- [1:25 p.m.](#) *Commissioner Cameron moved that the Commission approve the 2016 license application for Plainridge Gaming and Redevelopment, Plainridge Racecourse for 115 days of racing with the condition that a safety check of the track is conducted before racing on the track. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*
- [1:26 p.m.](#) Director Lightbown noted that the Commission will not be addressing the splinter horsemen's groups and recognition today. The Commission will take up this matter at a later date.
- Director Lightbown presented on the Suffolk Downs application and stated that they meet the requirements of 128A. She also noted that she is currently reviewing the purse distributions for the 2015 meet.
- [1:38 p.m.](#) Director Lightbown presented on the Brockton Agricultural Society and Middleborough Agricultural Society applications for thoroughbred horse racing in 2016. She noted that the applications meet the requirements of 128A but that some parts of the application are incomplete. She also noted that the facility needs upgrading and the track is small. Dr. Lightbown stated that the two applications would give the Commonwealth 30 racing days.
- [1:53 p.m.](#) Director Lightbown recommended that the Commission approve the Suffolk Downs racing application with conditions.
- [1:57 p.m.](#) Commissioner Cameron commented on the racing public hearings and public comments received.
- [2:03 p.m.](#) *Commissioner Cameron moved that the Commission approve the application of Sterling Suffolk Racecourse, LLC Suffolk Downs for live running horse racing in 2016 with the following conditions: Suffolk Downs will have an independent expert review the track surface prior to racing for safety; every effort will be made to limit the number of steeplechase races; after each two days of racing, Suffolk will report to the Commission the number and percentage of recent Suffolk horsemen and horses that benefit from their races; Suffolk Downs will work with Brockton and Middleborough so that they race on different days; and Suffolk Downs will*

request in writing to the Commission how much money they would like from the Race Horse Development Fund and how that money will be spent. Motion seconded by Commissioner Macdonald. Motion passed unanimously.

2:05 p.m. Director Lightbown reported on recommendation to approve, with conditions, the racing applications for the Brockton Agricultural Society and the Middleborough Agricultural Society.

2:06 p.m. *Commissioner Cameron moved that the Commission approve the application for the Brockton Agricultural Society (Brockton) for live running horse racing in 2016 with the following conditions: at least 30 days before the first race they provide the Commission with the information needed to complete their application; Brockton will have an independent expert review the track surface prior to racing for safety; a good faith effort will be made toward obtaining NTRA safety and integrity alliance accreditation; after 15 days of racing, Brockton will report to the Commission the number and percentage of recent Suffolk horseman and horses that benefit from their races; Brockton will work with Suffolk Downs so they race on different days; and Brockton will request in writing to the Commission how much money they would like from the Race Horse Development Fund and how it will be spent. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Commissioner Cameron moved that the Commission approve the application for the Middleborough Agricultural Society (Middleborough) for live running horse racing in 2016 with the following conditions: at least 30 days before the first race they provide the Commission with the information needed to complete their application; Middleborough will have an independent expert review the track surface prior to racing for safety; a good faith effort will be made toward obtaining the NTRA safety and integrity alliance accreditation; after 15 days of racing, Middleborough will report to the Commission the number and percentage of recent Suffolk horseman and horses that benefited from their races; Middleborough will work with Suffolk Downs so they race on different days; and Middleborough will request in writing to the Commission how much money they would like from the Race Horse Development Fund and how it will be spent. Motion seconded by Commissioner Macdonald. Motion passed unanimously

2:09 p.m. The Commission recessed for lunch.

2:48 p.m. The meeting resumed.

Investigations and Enforcement Bureau

See transcript pages 187-213

2:48 p.m. Investigations and Enforcement Bureau (“IEB”) Director Karen Wells introduced a new employee, Marlon Polite, who will serve as the Financial Investigations Supervisor in the IEB. Director Wells also provided a summary of his professional background.

[2:52 p.m.](#) IEB Assistant Director and Gaming Agents Division Chief Bruce Band, and Licensing Director Paul Connelly, provided a report on the Plainridge Park Casino Performance Metrics which included the number of active employees and vendors, the number of patron complaints, and the number of minors and underage youth. They noted that the slot machine revenue is already posted on the website and the metrics will be posted on a monthly basis.

[3:12 p.m.](#) Director Wells reported on Plainridge Park Casino temporary key gaming standard licenses issued to Sherry Baker, Player Services Supervisor; and Michael Miliano, Lead Surveillance Agent. Director Wells also reported on recommendation for key gaming executive license for Jason Gittle.

[3:15 p.m.](#) *Commissioner Cameron moved that the Commission license as a key gaming executive Mr. Jason Gittle. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Information Technology Division

See transcript pages 213-257

[3:17 p.m.](#) Deputy General Counsel Todd Grossman and Gaming Technology Manager Floyd Barroga presented on skill based gaming which included: an overview of the different types of skill based games, legal definitions, and need to develop regulations.

[4:05 p.m.](#) Chief Information Officer John Glennon provided an update on the CMS (Central Management System) which included start up on October 19th and they expect all of the systems to be online by November 20th. He also reported they are working on the backup data center.

Research and Responsible Gaming

See transcript pages 258-269

[4:07 p.m.](#) Director Mark Vander Linden and Jason Gittle provided an update on the Play Management timeline which included successful installation, user acceptance and content testing, training of super users, installation of software, and go live date on January 12th.

Other Business Not Reasonably Anticipated

See transcript pages 270-273

[4:22 p.m.](#) Commissioner Zuniga provided a summary of his testimony before the Joint Committee of the Legislature for Economic Development and Emerging Technologies pertaining to a proposed bill on charitable gaming.

[4:26 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Cameron. 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 November 12, 2015
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated October 29, 2015
3. Massachusetts Gaming Commission, Draft Meeting Minutes dated November 5, 2015
4. Massachusetts Gaming Commission, Memorandum dated November 12, 2015 regarding Fiscal Year 2016 (FY16) First Budget Update with attachments
5. Massachusetts Gaming Commission, Supplier Diversity Program FY15 Benchmarks Calculation Forms
6. Massachusetts Gaming Commission Presentation Slides: Employee Statistics, Diversity Goal, Gender Demographics, Ethnicity of Employees, and Diversity Efforts.
7. Massachusetts Gaming Commission Policies: Essential Personnel Designation and Notification Form, Workplace Flexibility, Holidays, and Office Closure/Inclement Weather.
8. Letter from Pembroke Board of Selectmen to the Massachusetts Gaming Commission, dated October 8, 2015 regarding surrounding community petition.
9. Letter from Charles Le Ray to the Massachusetts Gaming Commission, dated October 19, 2015 regarding Request by the Town of Pembroke for Designation as Surrounding Community with attachments
10. Letter from the Brockton 21st Century Corporation to the Massachusetts Gaming Commission, dated October 13, 2015 regarding Impacted Live Entertainment Venue
11. Letter from the Massachusetts Performing Arts Coalition to the Massachusetts Gaming Commission, dated October 8, 2015 regarding Impacted Live Entertainment Venue
12. Letter from Charles Le Ray to the Massachusetts Gaming Commission, dated October 23, 2015 regarding Request by MPAC for ILEV Designations
13. Letter from President Tony Siebel, Massachusetts Performing Arts Coalition, to the Massachusetts Gaming Commission, dated November 9, 2015 regarding Impacted Live Entertainment Designation
14. Massachusetts Gaming Commission, Memorandum dated November 9, 2015 regarding Draft 2016 Mitigation Fund Guidelines with attachment
15. Massachusetts Gaming Commission Charts, Plainridge Park Casino Performance Metrics
16. Massachusetts Gaming Commission, Memorandum dated November 12, 2015 regarding Temporary Key Gaming Employee Licenses Issued
17. Massachusetts Gaming Commission, Skill Based Electronic Gaming Devices Presentation, dated November 12, 2015
18. Massachusetts Gaming Commission, Central Management System (CMS) Project Update Presentation
19. Massachusetts Gaming Commission, Memorandum dated November 12, 2015 regarding Update on Play Management Timeline with attachment
20. Massachusetts Gaming Commission, Memorandum dated November 9, 2015 regarding Applications to Conduct Live Horse Racing in 2016
21. Public Comments regarding Horse Racing Applications (email submissions)

/s/ Catherine Blue
Catherine Blue, Assistant Secretary