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## Meeting Minutes

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**Date/Time:** February 4, 2016 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts

**Present:** Commissioner Gayle Cameron  
Commissioner Lloyd Macdonald  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** Chairman Stephen P. Crosby

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

### **Call to Order**

See transcript page 2

[10:00 a.m.](#) Commissioner Zuniga called to order the 178<sup>th</sup> Commission Meeting and noted the absence of Chairman Crosby.

### **Approval of Minutes**

See transcript pages 2-3

[10:00 a.m.](#) *Commissioner Macdonald moved for the approval of the January 21, 2016 meeting minutes subject to any corrections, typographical errors, or other nonmaterial matters. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

### **Presentation of Wynn/Boston Agreement and License Amendment and Related Actions**

See transcript pages 3-31

[10:01 a.m.](#) David Mackey, from the law firm of Andersen and Kreiger and Special Assistant Attorney General, representing the Massachusetts Gaming Commission in the litigation matters pertaining to the Region A licensing process, summarized the history of the litigation with the City of Boston and the context of the draft motion before the Commission. Attorney Mackey stated that there has been a resolution of the issues raised by Boston pertaining to the Wynn Everett project. In the spring of 2014, the Commission determined that Boston was not a host community but a

surrounding community to the Wynn project. Boston did not reach a surrounding community agreement with Wynn, Boston declined to participate in arbitration, and the Commission determined that Boston waived its status as a surrounding community. The Commission conditionally awarded Wynn the casino license in the fall of 2014 and provided mitigation provisions for Boston. Litigation was brought by Boston challenging the conditional license award. The Commission moved to dismiss Boston's complaint and the court granted the Commission's motion. Wynn on its behalf filed a lawsuit alleging defamation against the City of Boston. Attorney Mackey stated that within the past week, Boston and Wynn have agreed to terms of a surrounding community agreement and want to resolve all litigation. Boston and Wynn signed a settlement agreement and release resolving claims, litigation and a surrounding community agreement. Attorney Mackey described the provisions of the settlement agreement and release. He also highlighted the draft motion for the Commission's consideration which contained the following: determination by the Commission to reinstate Boston as a surrounding community, acceptance of the newly negotiated surrounding community agreement, reservation of the Commission's authority to impose additional conditions on the license when it issues its Section 61 Findings, release to Boston of the check for \$1 million that was issued by Wynn and held by the Commission, and authorize the Commission's Executive Director or General Counsel to sign the settlement agreement and release on behalf of the Commission.

- [10:12 a.m.](#) Attorney Jacqui Krum, representing Wynn Resorts, presented on the surrounding community agreement for the Commission's consideration. She noted Wynn's commitment to the project and mitigating traffic impacts. She stated that it is a collaborative process and they are anxious to move the project forward.
- [10:18 a.m.](#) Eugene O'Flaherty, Corporation Counsel for the City of Boston, stated that he appreciates the hard work of the Commission and that Boston is looking forward to developing a new relationship with Wynn and the Commission. He also noted that the Mayor sends his goodwill.
- [10:22 a.m.](#) General Counsel Catherine Blue noted that Commissioner Macdonald will abstain from voting on the motion because he did not participate in the Wynn Everett licensing process.
- [10:27 a.m.](#) Executive Director Edward Bedrosian, Jr. recommended that General Counsel Blue sign the agreement on behalf of the Commission.
- [10:31 a.m.](#) *Commissioner Cameron moved that the Commission approve the agreement found on page ten in the packet which includes: surrounding community agreement, a settlement agreement, a release request for amendment to license condition, request for execution of release, request for release of the check, and the reinstatement of Boston as a surrounding community. Motion seconded by Commissioner Stebbins. Roll call vote: Commissioner Cameron – Aye, Commissioner Macdonald – Abstain, Commissioner Stebbins – Aye, and Commissioner Zuniga – Aye. Motion passed three to zero and one abstention. SEE MOTION ATTACHED*
- [10:32 a.m.](#) The Commission took a short recess.
- [10:44 a.m.](#) The meeting resumed.

## **Administration**

See transcript page 31-56

- [10:45 a.m.](#) CFAO Derek Lennon provided an update on the Commission's fiscal year 2016 second half budget which included the following: Gaming Control Fund projected expenditures and revenues, budget adjustments from CMS late start will result in decreases to spending, licensing revenues will exceed projections, and areas to watch for possible future underspending (licensing management system, document management project, and ISA for the Attorney General's Office). He also reported on the potential exposure of the indirect rate and stated he is working with the Executive Office for Administration to try and get it either decreased or waived.
- [10:55 a.m.](#) Agnes Beaulieu, Finance and Budget Office Manager, provided a second quarter supplier diversity update which included the following: reached and surpassed the small business benchmark, behind on minority and woman owned businesses benchmark, and trouble with reaching the disabled veterans benchmark. CFAO Lennon noted that Director Jill Griffin has been sitting in on the procurements to provide guidance and help identify vendors which has made a positive impact.
- [11:02 a.m.](#) Ombudsman John Ziemba provided an update on the Region C schedule which included the following: March 31<sup>st</sup> is still the potential date for a determination regarding a Region C award; the host community meeting has been scheduled for March 1<sup>st</sup> in Brockton, from 4:00-6:00 p.m., at the Conference Center at Massasoit Community College; neither of the parties in arbitration (Easton and West Bridgewater) filed fundamental inconsistency petitions; and arbitrations are due to conclude with a report on February 8<sup>th</sup>.
- [11:04 a.m.](#) Commissioner Zuniga noted for the record that it was unintended to schedule the host community meeting on a primary voting date, March 1st.
- [11:06 a.m.](#) Commissioner Stebbins noted that the Commission received a letter from the Town of Berkley indicating that they want to speak at the host community hearing.
- [11:07 a.m.](#) Commissioner Macdonald urged all Commissioners to read the letter from the Town of Berkley. He stated that the letter raised the potential dilemma that if the Commission approves a casino in Brockton, the surrounding communities of a Taunton casino would not be in line for mitigation funds from the Tribe.
- [11:09 a.m.](#) Commissioner Zuniga noted that the Community Mitigation Fund guidelines can be revised depending upon the actions the Commission takes.
- [11:10 a.m.](#) Executive Director Bedrosian, on behalf of Director Karen Wells, reported on temporary key gaming employee licenses that were issued to the following individuals at Plainridge Park Casino: Daniel Connors, Assistant Count Team Supervisor; Alyssa Hines, Surveillance Supervisor; John Kent, Lead Surveillance Supervisor; James Frank Hood, Security Shift Supervisor; and Russell Lizotte, Security Shift Supervisor.
- [11:11 a.m.](#) Executive Director Bedrosian requested that agenda item number six be moved up because someone for the racing presentation is not present.

## Legal Division

See transcript pages 57-66

[11:12 a.m.](#) Deputy General Counsel Todd Grossman presented on the Plainridge Park Casino nondisclosure agreement for the Commission's consideration. He noted that two items have been added to the agreement - inventory of locks and keys and compliance report on RFA-2 conditions. Deputy General Counsel Grossman stated that Plainridge Park Casino submitted an application for nondisclosure of information that they considered a trade secret or detrimental if made public, MGC staff reviewed the application, and he recommended that the Commission approve execution of the agreement.

[11:22 a.m.](#) *Commissioner Macdonald moved that the Commission approve the nondisclosure agreement. The motion was amended by Commissioner Stebbins to authorize the Executive Director to sign the agreement. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[11:23 a.m.](#) The Commission took a short recess.

[11:29 a.m.](#) The meeting resumed.

## Racing Division

See transcript pages 66-125

[11:30 a.m.](#) Dr. Alexandra Lightbown, Director of Racing, stated that she would like to update the racing regulations, by emergency, to bring them in accordance with the Association of Racing Commissioners International ("RCI") regulations. She reported on the changes to the medication rules and helmet guidelines for both the Standardbred and thoroughbred regulations.

[11:39 a.m.](#) *Commissioner Stebbins moved that the Commission adopt on an emergency basis and begin the formal regulatory promulgation process for 205 CMR 3.29(5)(a)(3), 205 CMR 3.29(8)(b), 205 CMR 4.52(5)(a)(1) and 205 CMR 4.52(8)(b). Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[11:40 a.m.](#) *Commissioner Stebbins moved that the Commission adopt on an emergency basis the appropriate change to 205 CMR 4.11(6)(c)(7) and 205 CMR 3.11(5), the helmet regulations, and begin the formal regulatory promulgation process. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[11:41 a.m.](#) Steve O'Toole, General Manager of Racing at Plainridge Park Casino, recognized Dr. Lightbown and Doug O'Donnell and commended them for what they do for racing. He provided an update on the 2015 Plainridge Park Casino Harness Racing season which included highlights on the following: operational changes and challenges, racing renovations and improvements, economic impact, racing highlights, and new projects for 2016.

[12:06 p.m.](#) Commissioner Cameron noted that recent appointments from the Governor's Office and Treasurer's Office have been made for the Horse Race Committee.

- [12:09 p.m.](#) Bill Abdelnour, Director of the Harness Horseman's Association of New England, reported on the owner's seminar conducted by the United States Trotting Association in collaboration with Penn National. He noted the event had a great turnout and provided exposure for investors and a tour of the barn.
- [12:18 p.m.](#) Commissioner Cameron commended Mr. O'Toole on a smooth transition. She noted that the patrons were patient and the facility looks great. She also noted that she has received comments about the potential of using casino advertising to promote racing, including racing in the casino entrance signage, and utilization of the upper room as a viewing area for track patrons. Mr. O'Toole noted that he is working on those issues.
- [12:30 p.m.](#) Ed Noak, President of the Standardbred Owners of Massachusetts, noted that it was an interesting transition year, they more than tripled their purses, and they have taken steps to encourage breeding in Massachusetts.
- [12:36 p.m.](#) A video was shown showcasing the breeding program in Massachusetts.
- [12:41 p.m.](#) Dr. Lightbown recommended that the Commission approve the request of the Standardbred Owners of Massachusetts to be recognized as the group to do the Standardbred Sire Stakes program.
- [12:41 p.m.](#) *Commissioner Cameron moved that the Commission approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2016. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

### **Other Business Not Reasonably Anticipated**

See transcript page 125

- [12:42 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 February 4, 2016
2. Massachusetts Gaming Commission, Draft Meeting Minutes, dated January 21, 2016
3. City of Boston and Wynn's Settlement Agreement and Release with exhibits
4. Massachusetts Gaming Commission, Memorandum, dated February 4, 2016, regarding Fiscal Year 2016 (FY16) Second Budget Update with attachments
5. Region C Southeastern Massachusetts Estimated Category 1 (Resort-Casino) Timeline, last updated 2/1/16
6. Massachusetts Gaming Commission, Memorandum, dated February 4, 2016, regarding Temporary Key Gaming Employee Licenses Issued
7. Amendments to 205 CMR 3.00: Harness Horse Racing
8. Amendments to 205 CMR 4.00: Rules of Horse Racing
9. Plainridge Park Casino 2015 Racing Season Update, PowerPoint presentation
10. Massachusetts Gaming Commission, Memorandum, dated January 29, 2016, regarding the Standardbred Owners of Massachusetts Recognition

11. Letter from Standardbred Owners of Massachusetts to the Massachusetts Gaming Commission, dated January 25, 2016, regarding request for recognition
12. Nondisclosure Agreement between the Massachusetts Gaming Commission and Plainville Gaming and Redevelopment
13. Plainville Gaming and Development Request for Nondisclosure Agreement, dated 2/01/16
14. Plainville Gaming and Development Request for Nondisclosure Agreement, dated 1/29/16
15. Letter from the Town of Berkley to the Massachusetts Gaming Commission, dated January 27, 2016, regarding the Taunton casino

/s/ Catherine Blue

Catherine Blue, Assistant Secretary