



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 16, 2017 – 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

[10:00 a.m.](#) Chairman Crosby called to order the 212th Commission meeting.

Approval of Minutes

See transcript pages 2-4

[10:03 a.m.](#) Commissioner Macdonald noted that he was not at the Commission meeting on March 2, 2017, so the minutes were deferred to Commissioner Zuniga.

Commissioner Zuniga moved for the approval of the March 2, 2017, Commission meeting minutes subject to any corrections, typographical errors, or other nonmaterial matters. Commissioner Stebbins stated that he wants to include two additions to the minutes – (1) add his comments on thoroughbred racing and (2) add his request that Wynn provide an update on FTE salary and benefits as a result of changes in their operations. Chairman Crosby stated that in the future he would like to have the numbers included in the minutes for licensee diversity updates. Motion seconded by Commissioner Cameron. Motion passed 4 to 0 with 1 abstention.

Administrative Update

See transcript pages 4-12

10:02 a.m. Executive Director Edward Bedrosian, Jr. reported that an IGT (International Game Technology) employee, Priya Gondotra, was recently selected as a Game Changer out of 12,000 employees. IGT is the vendor for the Commission's Central Monitoring System. The award was presented to seven individuals that exemplify the core values of the company. Commission staff provided input for the award.

Executive Director Bedrosian also reported that Commission staff will soon be wearing identification at the casinos to identify themselves to casino employees.

10:07 a.m. Ombudsman John Ziemba reported that the community mitigation fund review team became aware that one applicant did not show up on their list due to a technical issue with the submission of the application on the state CommBuys system. The application was from the City of Springfield for a continuation of the valet program. He stated that they will reach out to the applicant to confirm that they intend to proceed with their application.

Racing Division

See transcript pages 12-60

10:10 a.m. Dr. Alexandra Lightbown, Director of Racing, stated that they will present on a number of standard operating racing procedures. She reported on the Massachusetts Thoroughbred Breeders Association's ("MTBA") request to race at Finger Lakes in New York, which will provide more opportunity for Mass bred horses. George Brown, President of the MTBA, stated that they plan to race 11 races at Finger Lakes, 9 races at Suffolk Downs, and hopefully a few more races at the end of the season.

Commissioner Cameron moved that the Commission approve the request of the Massachusetts Thoroughbred Breeders Association to run six restricted Mass. Bred allowance races and seven restricted Mass. Bred claiming races at Finger Lakes racecourse this spring and summer. Motion seconded by Commission Macdonald. Motion passed unanimously.

Mr. Brown inquired if he would have to come back before the Commission to conduct more races in the fall. Commissioner Cameron advised him to give his plan to Director Lightbown.

Anthony Zizza, from the MTBA, thanked the Commission for their support of the Massachusetts breeders. Chairman Crosby noted the pending racing legislation and the need for everyone to work together on a long range plan. Commissioner Zuniga inquired about the use of the Race Horse Development Fund ("RHDF") by the MTBA. Mr. Brown stated that due to the change in the split and retroactive payments, they are trying to budget their money for the next two years. He stated that they will have a better idea of how much money is left after the Suffolk races and if they are able to race in the fall. Director Lightbown stated that the Horse Racing Committee will be meeting in May and the percentage of the RHDF may change, so it makes sense to go one step at a time and see what money is available.

[10:27 a.m.](#) Douglas O'Donnell, Senior Financial Analyst, presented on a request for reimbursement by Suffolk Downs from the Capital Improvement Trust Fund. He stated that 26 items have been reviewed and approved by the architect for a total of \$338,795.67.

Commissioner Cameron moved that the Commission approve the request for reimbursement for Suffolk Downs Capital Improvement Trust Fund dated March 16th as just outlined by Douglas O'Donnell. Motion seconded by Commissioner Stebbins. Motion passed unanimously.

Commissioner Zuniga inquired about the number of projects from 2012, 2013, and 2014, and if those projects get reviewed and reimbursed in chronological order. Mr. O'Donnell responded that the projects are not reviewed in chronological order; the architect's review is done sporadically. Director Lightbown stated that a spreadsheet is kept for all projects.

[10:32 a.m.](#) Mr. O'Donnell presented on a request for reimbursement by Suffolk Downs from the Promotional Trust Fund. He stated that the request is for projects in 2010 and 2011 for a total of \$206,952.57.

Commissioner Stebbins moved that the Commission approve the request for reimbursement for Suffolk Downs through the Promotional Trust Fund for the total balance of \$206,952.57. Motion seconded by Commissioner Macdonald. Motion passed unanimously.

[10:34 a.m.](#) Director Lightbown presented on payments to patrons, who couldn't produce a ticket, at Suffolk Downs for a total of \$471.00.

Commissioner Cameron moved that the Commission approve the request of Sterling Suffolk racecourse for ticket payments from 2015 for a total of \$471.20. Motion seconded by Commissioner Macdonald. Motion passed unanimously.

[10:35 a.m.](#) Director Lightbown presented on unclaimed winnings (Outs) from Suffolk Downs for a total of \$208,279.26. She stated that the money will go to the purse accounts.

Commissioner Macdonald moved that the Commission approve the recommendation of the payment of \$208,279.26 from the Sterling Suffolk Racecourse to the Commonwealth for 2015 unclaimed winnings otherwise known as outs. Motion seconded by Commissioner Cameron. Motion passed unanimously.

[10:37 a.m.](#) Director Lightbown presented on unclaimed winnings (Outs) from Wonderland Park for a total of \$17,261.75.

Commissioner Cameron moved that the Commission approve the payment of \$17,261.75 from Wonderland Greyhound Park to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Stebbins. Motion passed unanimously.

[10:38 a.m.](#) Director Lightbown presented on unclaimed winnings (outs) from Plainridge Park for a total of \$158,701.82.

Commissioner Stebbins moved that the Commission approve the payment of \$158,701.82 from Plainridge Racecourse to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Cameron. Motion passed unanimously.

10:39 a.m. Director Lightbown presented on unclaimed winnings (outs) from Raynham Park for a total of \$180,953.94.

Commissioner Cameron moved that the Commission approve the payment of \$180,953.94 from Raynham Taunton Massasoit Greyhound Association to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Stebbins. Motion passed unanimously.

10:39 a.m. Director Lightbown requested approval for key operating personnel and racing officials at Plainridge Park for 2017. She noted that they have been licensed with the Commission in the past and some are still undergoing their background checks.

Commissioner Stebbins moved that the Commission approve the request of Plainridge Park Casino to approve their March 11, 2017 list of key operating personnel and racing officials pending satisfactory completion of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of the background checks by the Massachusetts State Police. Motion seconded by Commissioner Cameron. Motion passed unanimously.

10:42 a.m. Director Lightbown presented on a request from Plainridge Park to reduce the take out to 20 percent on Pentafecta wagers. Steven O'Toole, General Manager of Plainridge Park Racecourse, reported that the objective of the Pentafecta rollover is to grow a jackpot. He stated that the object of the wager is to pick the first five horses in exact order. He also stated that you have to be the only person that day that picks the correct order in order to win the jackpot. If no one wins, the money will rollover. He stated that they put in the (Pentafecta wager) regulation late last season and this will be the first time that they will use it.

Commissioner Cameron moved that the Commission approve the request of Plainridge Park to reduce the takeout to 20 percent on the Pentafecta wagers. Motion seconded by Commissioner Macdonald. Motion passed unanimously.

10:49 a.m. Commissioner Cameron inquired about a racing season update. Mr. O'Toole reported that he will provide a formal update at the next Commission meeting. He noted that they will be hosting an open trotter's race on July 28th that will be conducted by the Hambletonian Society. He stated that this is considered a grand circuit race which has been missing in Massachusetts for almost 20-25 years.

Legal Division

See transcript pages 61-84

10:54 a.m. General Counsel Catherine Blue stated that the Commission is required by statute to elect a secretary and treasurer every year. Chairman Crosby recommended retaining the current officers, Commissioner Macdonald and Commissioner Zuniga.

Commissioner Stebbins moved to approve the nomination of Commissioner Zuniga as the treasurer and Commissioner Macdonald as the secretary for one year. Motion seconded by Commissioner Cameron. Commissioner Cameron, Commissioner Stebbins, and Chairman Crosby voted aye. Commissioners Macdonald and Zuniga abstained from the vote. Motion passed 3 to 0 with 2 abstentions.

[10:57 a.m.](#) Staff Attorney Carrie Torrisi stated that the draft rules of the games regulations (205 CMR 147) were put out for informal comment and we received comments from Scientific Games and MGM Springfield that are included in the Commission's packet. Bruce Band, Assistant Director and Gaming Agents Division Chief, provided a summary of the comments received and recommendations. Staff Attorney Torrisi stated that the next step is to move the draft regulations into the formal promulgation process and to approve the small business impact statement.

Commissioner Stebbins moved that the Commission approve the small business impact statement for 205 CMR 147 as included in the packet and authorize the staff to take all the steps necessary to begin the regulation promulgation process. Motion seconded by Commissioner Cameron. Commissioner Stebbins inquired if the draft will include the changes. Staff Attorney Torrisi responded yes. Motion passed unanimously.

Investigations and Enforcement Bureau

See transcript pages 84-105

[11:16 a.m.](#) Assistant Director Band introduced the Commission staff (Eric Cantell, Angela Smith, Jay Lindroos, and Sterl Carpenter) who were involved with the drafting of the rules of the games. He presented on the next set of game rules (13) for the Commissioner's review, which included: Mini Baccarat, Sic Bo, Pai Gow, Pai Gow Poker, Baccarat-Chemin de Fer, Poker, Caribbean Stud Poker, Double Down Stud, Let it Ride Poker, Spanish 21, Three Card Poker, Fast Action Hold'em and Colorado Hold'em Poker. Commissioner Cameron stated that we are fortunate to have experienced staff and they are willing to teach other staff. Chairman Crosby inquired about the process for developing the rules. Assistant Director Band stated that staff conducted research and they looked at rules from other jurisdictions. Commissioner Macdonald inquired about the next steps. Assistant Director Band stated that they will put this set of rules out for public comment and they will have one more set of rules for the Commission to review.

[11:26 a.m.](#) Staff Attorney Torrisi presented on the draft gaming equipment regulations (205 CMR 146). She stated that the draft will be put out for informal public comment. Executive Director Bedrosian stated that this regulation is structurally different from the rules of the games regulation. He stated that the gaming equipment draft will be promulgated just as regulations and not a regulation and publication of the rules. He stated that we should ask our licensees for feedback on their preference. Assistant Director Band provided a summary of the draft regulations.

Commissioner's Updates

See transcript pages 105-117

11:36 a.m. Commissioner Stebbins provided an update on the Gaming Economic Development Fund report. He stated that he had a conversation with Robert DeSalvio on his experience in Bethlehem, an economically challenged area. He also reported that he has a meeting set up with the senate chair within the next two weeks.

Chairman Crosby reported that he was asked by Senator Pat Jehlen to testify before the marijuana committee and share the Commission's experience with creating a gaming regulatory agency. In addition to responsible gaming research and mitigation money, he asked the Commissioners and staff to share any thoughts. Commissioner Cameron suggested sharing best practices for investigations. Commissioner Zuniga stated that the Public Health Trust Fund was set up to conduct research and establish baseline studies, which is unique in the gaming industry. Chairman Crosby stated that if they are going to have full-time Commissioners they may want to look at thoughtful ways to not inhibit them administratively. Commissioner Cameron stated that they may also want to look at our licensing management system. Commissioner Stebbins stated they may want to look at our licensing process for site selection and public hearing process. Commissioner Macdonald stated that we can provide significant helpful input for a new commission. Chairman Crosby stated that there is no pending bill; they are just reviewing the marijuana referendum that was passed and considering if there should be other changes.

Chairman Crosby also noted that he and Commissioner Zuniga attended the Greater Boston Chamber of Commerce Public Affairs breakfast. He stated that he met Paul Paranova who is blind and with the MIT Government Community Affairs Office. He stated that Mr. Paranova inquired about the use of voice activated slots for patrons who are visually impaired. Chairman Crosby stated that he spoke to Steve Wynn, he was interested, and Mr. Wynn had a conversation with Mr. Paranova. He stated that Mr. Paranova will be meeting with Robert DeSalvio to put together a working group.

Chairman Crosby stated that Jacki Krum reported at a DFS Commission meeting that Wynn took the position that they were not interested in online gaming, but if online gaming was legal, they would want it attached to brick and mortar casinos. Chairman Crosby stated that Steve Wynn called him and told him that his personal opinion is not that. He stated that he is against online gaming and it is a bad idea. Chairman Crosby stated that he conveyed Mr. Wynn's position to the legislative (DFS) Commission.

Other Business Not Reasonably Anticipated

See transcript page 117

11:47 a.m. *Having no further business, a motion to adjourn was made by Commissioner Cameron. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated March 16, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated March 2, 2017
3. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Massachusetts Thoroughbred Breeders Association Request to Race at Finger Lakes, with attachment
4. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Request for Reimbursement, Suffolk Downs Capital Improvement Trust Fund, with attachments
5. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Request for Reimbursement, Suffolk Downs Promotional Trust Fund, with attachment
6. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Sterling Suffolk Racecourse Unclaimed Ticket (“Outs”) Payments for 2015, with attachments
7. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Sterling Suffolk Racecourse
8. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Wonderland Greyhound Park
9. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Plainridge Racecourse
10. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Raynham/Taunton/Massasoit Greyhound Associations
11. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Plainridge Key Operating Personnel and Racing Officials, with attachment
12. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Plainridge Park Take Out Reduction Request for Pentafecta Wager, with attachment
13. Draft 205 CMR 147: Uniform Standards of Rules of the Games, with public comments received from Scientific Games dated March 3, 2017, and MGM Springfield, dated March 10, 2017.
14. 205 CMR 147: Uniform Standards of Rules of the Games, Small Business Impact Statement
15. Draft Table Games/Rules of the Games: Mini Baccarat, Sic Bo, Pai Gow, Pai Gow Poker, Baccarat-Chemin de Fer, Poker, Caribbean Stud Poker, Double Down Stud, Let it Ride Poker, Spanish 21, Three Card Poker, Fast Action Hold'em and Colorado Hold'em Poker.
16. Draft 205 CMR 146.00: Gaming Equipment

/s/ Catherine Blue

Catherine Blue, Assistant Secretary