



Meeting Minutes

Date/Time: April 17, 2014 – 10:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 152
Boston, Massachusetts

Present: Commissioner Stephen P. Crosby, Chairman
Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: None

Clicking on the time posted in the margin will link directly to the appropriate section of the video.

Call to Order

See transcript pages 2.

10:31 a.m. Chairman Crosby opened the 117th public meeting.

Approval of Minutes

See transcript pages 2-6.

10:31 a.m. Commissioner McHugh stated that the minutes for the March 20 and April 3 public meetings are ready for approval.

Motion made by Commissioner McHugh that the minutes of March 20, 2014 be accepted subject to any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Cameron. The motion passed unanimously.

Motion made by Commissioner McHugh that the minutes of April 3, 2014 be accepted subject to the two clarifications discussed and any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Zuniga. The motion passed unanimously.

Ombudsman Report

See transcript pages 6-141.

- 10:35 a.m. Commissioner Zuniga presented and the Commission discussed the inclusion and exclusion of certain costs in the definition of minimal capital investment as it applies to Region C.
- 11:38 a.m. *Motion made by Commissioner Zuniga that the Commission waive 205 CMR 122.04(4) for Region C gaming applicants. Motion seconded by Commissioner Crosby. The motion passed by a 3-2 vote with Commissioners Crosby, Stebbins, and Zuniga voting aye and Commissioners Cameron and McHugh voting nay.*
- 11:41 a.m. Ombudsman Ziemba presented and the Commission discussed possible modifications to the Region C schedule.
- 11:59 a.m. Ombudsman Ziemba introduced Blue Tarp Redevelopment's request relative to license timing. Michael Mathis, Jed Nosal, and Martin Nastasia presented the request on behalf of Blue Tarp Redevelopment.
- 12:13 p.m. Ombudsman Ziemba introduced the requests of the Town of Winthrop and Blue Tarp Redevelopment for a variance from the arbitration process and recommended that the Commission grant the extension requested.
- 12:16 p.m. *Motion made by Commissioner McHugh that the Commission grant the requests of the Town of Winthrop and Blue Tarp Redevelopment to extend the arbitration commencement deadline to May 1, 2014. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 12:17 p.m. Ombudsman Ziemba introduced petitions from the Town of Chelsea and the City of Somerville to extend the deadlines for the surrounding community process.
- 12:19 p.m. Frank Wright and Jason Grossfield presented the Town of Chelsea's petition. Tony Starr presented Wynn's response.
- 12:50 p.m. The Commission took a brief recess.
- 12:59 p.m. Ombudsman Ziemba and General Counsel Blue described the staff's proposed approach for handling Region A arbitration extension requests.
- 1:16 p.m. *Motion made by Commissioner McHugh that the Commission authorize Ombudsman Ziemba to grant mutually acceptable extensions to the arbitration deadlines so long as the total number of days of the extension does not exceed 14 days. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

Legal Report

See transcript pages 141-157.

- 1:18 p.m. Executive Director Day provided the Commission with the latest version of the project monitoring regulations and requested that the Commission adopt the regulations on an emergency basis.
- 1:36 p.m. *Motion made by Commissioner Zuniga that the Commission adopt by emergency 205 CMR 135 subject to the amendments discussed. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 1:37 p.m. General Counsel Blue and Deputy General Counsel Grossman provided a general overview and status of the public comment process relative to premises of the gaming establishments for which Mohegan Sun Massachusetts, LLC and Wynn MA, LLC seek approval in their RFA-2 applications.
- 1:38 p.m. Commissioner Zuniga left the public meeting. The Commission took a recess for lunch.

Racing Division

See transcript pages 158-194.

- 2:26 p.m. Director Durenberger provided an administrative update relative to the start of the Plainridge racing season, the post time change request from Suffolk Downs, and the Racehorse Development Fund.
- 2:28 p.m. Director Durenberger presented to the Commission a list of racing officials that the Racing Division will be approving.
- 2:31 p.m. Director Durenberger presented her recommendation for split sample laboratories and requested Commission approval.
- 2:33 p.m. *Motion made by Commissioner Cameron that the Commission accept the list of four laboratories outlined in Director Durenberger's memo to conduct split sample testing. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 4-0 vote.*
- 2:34 p.m. Director Durenberger presented the controlled substance schedule advisory.
- 2:36 p.m. Director Durenberger presented her memo relative to horse welfare.

Workforce Development and Diversity

See transcript pages 194-273.

- 3:05 p.m. Director Griffin presented the second draft of the Penn National Gaming and Turner Construction Diversity Plan for the Commission's consideration. Karen Bailey,

Emil Giordano, John Rauen, and Alison Stanton, representing Penn National Gaming and Turner Construction, responded to the Commission's questions.

- 3:56 p.m. *Motion made by Commissioner Stebbins that the Commission give preliminary approval to the diversity plan for the design and construction phase of Plainridge Park Casino with subsequent issues to be addressed which are discussions around enforcement penalties and an expanded definition of pre- and post-design work for MBEs, WBEs and VBEs. Motion seconded by Commissioner Cameron. The motion passed unanimously by a 4-0 vote.*
- 3:57 p.m. The Commission took a brief recess.
- 4:06 p.m. Director Griffin discussed the proposed changes relative to the 10 year mandatory disqualification period for gaming service employees.
- 4:27 p.m. *Motion made by Commissioner Stebbins that the Commission encourage the inclusion of an amendment to G.L. c. 23K, § 16, which would eliminate the automatic disqualifier language for a gaming service employee. Motion seconded by Commissioner Cameron. The motion passed unanimously by a 4-0 vote.*
- 4:28 p.m. Director Griffin presented the preliminary draft of the Commission's gaming school regulations.

Administration

See transcript pages 273-287.

- 4:46 p.m. The Commission briefly discussed the remaining topics on the agenda.
- 4:51 p.m. Jennifer Pinck described the OPM Project Management Plan for the slots parlor development.
- 4:59 p.m. Meeting adjourned.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission April 17, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission Meeting March 6, 2014 Meeting Minutes
3. Massachusetts Gaming Commission Meeting March 20, 2014 Meeting Minutes
4. Massachusetts Gaming Commission Meeting April 3, 2014 Meeting Minutes
5. Massachusetts Gaming Commission 3/31/2014 Licensing Schedule Update Region B
6. Massachusetts Gaming Commission 3/31/2014 Licensing Schedule Update Region C Scenario 1
7. Massachusetts Gaming Commission 3/31/2014 Licensing Schedule Update Region C Scenario 2
8. Massachusetts Gaming Commission 3/31/2014 Licensing Schedule Update Region C Scenario 3

9. Comment Letters Summary Issues
10. April 14, 2014 Massachusetts Gaming Commission Memorandum Regarding Discussion of Eligible Costs for Minimum Investment Amount – Region C with attachments
11. April 15, 2014 City of Somerville Memorandum
12. April 15, 2014 Mintz Levin Memorandum
13. April 16, 2014 Mintz Levin Memorandum
14. Massachusetts Gaming Commission April 16, 2014 Memorandum Regarding Region A Arbitration Extension Requests
15. Plainridge Racecourse March 14, 2014 Memorandum Regarding Key Operating Personnel
16. Plainridge Racecourse April 7, 2014 Memorandum Regarding 2014 Racing Officials
17. Massachusetts Gaming Commission April 17, 2014 Memorandum Recommendation Regarding Split Sample Laboratories for 2014
18. Massachusetts Gaming Commission Horses First and Attachments
19. Model Legislation for a National Racing Regulatory Entity
20. Massachusetts Gaming Commission April 17, 2014 Memorandum Regarding Horses First
21. RCI Medication Advisory
22. 205 CMR 135
23. Diversity Plan for the Design and Construction Phase of Plainridge Park Casino
24. Coastal Construction & Management Memorandum
25. DRAFT 205 CMR 141
26. DRAFT 205 CMR 138
27. DRAFT 205 CMR 139
28. DRAFT 205 CMR 140
29. Massachusetts Gaming Commission Gaming Lab Operating Model Roles
30. Pinck and Company Oversight Project Management Program Management Plan
31. Massachusetts Gaming Commission April 17, 2014 Memorandum Regarding FY14 Third Quarter Budget Update
32. Massachusetts Gaming Commission Employee Handbook
33. Massachusetts Gaming Commission April 10, 2014 Memorandum Regarding Proposed Legislative Changes Regarding Chapter 23K, Section 16

/s/ Catherine Blue
Catherine Blue
Assistant Secretary