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## Meeting Minutes

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**Date/Time:** May 29, 2014 – 10:30 a.m.

**Place:** Boston Convention and Exhibition Center  
415 Summer Street, Room 107A  
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 page 2.

10:30 a.m. Chairman Crosby called to order the 122nd public meeting.

### Approval of Minutes

See transcript pages 2-4.

10:30 a.m. Commissioner McHugh stated that the minutes for May 15 are ready for approval.

*Motion made by Commissioner McHugh that the minutes of May 15, 2014 be accepted subject to the two corrections discussed and any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*

### Design Excellence

See transcript pages 4-30.

10:32 a.m. John Nunnari, on behalf of the American Institute of Architects, presented his comments on the process for reviewing the design of the three Category 1 proposals.

**Administration**

See transcript pages 30-124.

- 11:02 a.m. Executive Director Day presented a proposed schedule for deliberations and making the licensing determination in Region B.
- 11:07 a.m. Executive Director Day, Jennifer Pinck, Bill Perry, John Rauen, Mike McGrew, and Emil Giordano presented to the Commission the preliminary schedule for the construction of the Plainridge Park Casino.
- 11:41 a.m. *Motion made by Commissioner McHugh that the Commission preliminarily approve the project schedule presented for the Plainridge Park Casino, with the understanding that the Commission will vote for a final approval of the schedule on June 26, 2014. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 11:43 a.m. The Commission took a brief recess.
- 11:55 a.m. Executive Director Day and Director Lennon provided an overview of the Commission's draft budget for fiscal year 2015.
- 12:53 p.m. The Commission took a recess for lunch.
- 1:33 p.m. Chairman Crosby discussed making a change in the section relative to the \$600 tax withholding contained in the letter that the Commission sent to the legislature. It was agreed that the change would be made and the letter recirculated.

**Racing Division**

See transcript pages 124-167.

- 1:37 p.m. Director Durenberger presented an administrative update relative to construction at Plainridge, website enhancements, regulatory initiatives, and the race horse development fund.
- 1:44 p.m. Director Durenberger presented her memo on horse welfare values and the public comments that the Commission has received. She recommended that the Commission adopt the resolution included in the packet and endorse the guidelines.
- 2:21 p.m. Director Durenberger provided a brief overview of the National Racing Regulatory Compact and the future discussions she plans to have.
- 2:22 p.m. Director Durenberger discussed Suffolk Down's request to amend the live racing schedule and informed the Commission that she has approved the request.

**Legal Division**

See transcript pages 168-196.

- 2:23 p.m. Director Wells and Attorney Lillios presented the 205 CMR 141 draft regulations on surveillance and the 205 CMR 142 draft regulations on administrative searches. Both regulations are being posted for informal public comment.
- 2:39 p.m. Deputy General Counsel Grossman discussed the legal division's research relative to whether the provisions of the banking laws would affect a gaming licensee's ability to place ATMs in the gaming establishment.
- 2:41 p.m. General Counsel Blue discussed the legal division's research relative to the state of the law to determine the standard of review for disadvantaged business enterprises and research relative to enforcement mechanisms.
- 2:53 p.m. Chairman Crosby left the meeting. The Commission took a brief recess.

### **Ombudsman Report**

See transcript pages 197-246.

- 3:10 p.m. Ombudsman Ziembra provided an update on the master licensing schedule for Region A and the current progress in reaching surrounding community agreements.
- 3:22 p.m. Ombudsman Ziembra presented a joint request from Wynn MA, LLC and the City of Chelsea for a variance from the Commission's arbitration regulations to provide an additional 7 days to complete the arbitration process as a supplement to the flexible 14 days that staff has already provided.
- 3:25 p.m. *Motion made by Commissioner Stebbins that the Commission grant a variance as requested by the city of Chelsea and Wynn MA, LLC to the time constraints of section 125.01(6)(c) to allow the arbitrator to issue his report on June 9, 2014. Motion seconded by Commissioner Zuniga. The motion passed unanimously with a 4-0 vote.*
- 3:26 p.m. The Commission discussed the decision making process in Region A.
- 4:04 p.m. Meeting adjourned.

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission May 29, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission May 15, 2014 Meeting Minutes
3. May 27, 2014 AIA Massachusetts Memorandum Regarding Request Seeking Public Comment: Design for Category 1 Applications
4. Emails Regarding Public Comments on Building Design of Category 1

5. Plainridge Park Casino Project Summary Schedule Submitted to MGC May 27, 2014
6. Preliminary Schedule Review – Perry and Associates, LLC
7. May 27, 2014 Massachusetts Gaming Commission Memorandum Regarding FY15 Initial Budget Recommendation with attachments
8. May 29, 2014 MGC Division of Racing Memorandum Regarding Welfare Initiatives with Attachments
9. May 22, 2014 Suffolk Downs Letter Regarding Live Racing Schedule
10. DRAFT 205 CMR 141
11. DRAFT 205 CMR 139
12. DRAFT 205 CMR 142
13. Massachusetts Gaming Commission 5-21-2014 Licensing Schedule Update
14. Wynn MA, LLC and City of Chelsea Variance Request

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary