



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 338**

March 11, 2021
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 177 7345**



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



**NOTICE OF MEETING and AGENDA
March 11, 2021**

PLEASE NOTE: Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology. If there is any technical problem with our remote connection, an alternative conference line will be noticed immediately on our website: MassGaming.com.

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, March 11, 2021
10:00 a.m.**

**Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 177 7345**

All documents and presentations related to this agenda will be available for your review on the morning of March 11, 2021 by [clicking here](#).

PUBLIC MEETING - #338

1. Call to order.
2. Approval of Minutes
 - a. November 5, 2020
 - b. November 19, 2020
 - c. November 25, 2020
3. Administrative Update – Karen Wells, Executive Director
 - a. On-site Casino Updates – Loretta Lillios, Director of Investigations and Enforcement Bureau; Bruce Band, Assistant Director, Gaming Agents Division Chief
 - b. Communications Division Review of Website Material for Commission



Massachusetts Gaming Commission

4. Licensing Division – Nakisha Skinner, Licensing Division Chief
 - a. MGM Service Employee Exemption Request (205 CMR 134.03(1)(b))
VOTE
5. Investigations and Enforcement Bureau – Loretta Lillios, Director of Investigations and Enforcement Bureau
 - a. Expanding Blackjack Style Tables to Include a 4th Position Request – Loretta Lillios, Director of IEB; Bruce Band, Assistant Director, Gaming Agents Chief
VOTE
 - b. Licensees Craps Reopening Request – Loretta Lillios, Director of IEB; Bruce Band, Assistant Director, Gaming Agents Chief
VOTE
 - c. Encore Boston Harbor Individual Qualifier Determination of Suitability – Katherine Hartigan, Senior Enforcement Counsel
VOTE
6. Executive Director Evaluation – Commissioner Eileen O’Brien
 - a. Executive Director Compensation Discussion – Chair Cathy Judd-Stein; Commissioner Gayle Cameron; Commissioner Eileen O’Brien; Commissioner Enrique Zuniga
VOTE
7. Commissioner Updates
8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

March 9, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: March 9, 2021 at 10:00 a.m.



Massachusetts Gaming Commission

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Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 5, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 216 6879

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to Order public meeting #325 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

Commissioner Cameron

Commissioner O'Brien

Commissioner Zuniga

Commissioner Stebbins

Chair Judd-Stein

Approval of Meeting Minutes

Commissioner Stebbins moved to approve the minutes from the Commission meeting of August 13, 2020, subject to correction for typographical errors and

other nonmaterial matters. Commissioner O'Brien and the Chair recommended edits. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Abstained.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed 4-0 with the edits.

Administrative Update

10:04 a.m. Job Listing Update

Executive Director Karen Wells advised of three critical positions that were necessary to fill: Licensing Division Chief, IEB Director, and Associate General Counsel. Commissioner Zuniga noted that the Commission has had a lean operation in the recent past causing others to assume duties beyond their primary roles. He also noted that this presents a good opportunity for internal candidates. The chair noted that these roles to not expand the Commission, these are existing positions.

10:09 a.m. Racing Overview

Director of Racing Dr. Alexandra Lightbown updated the Commission on the Sire Stakes program, which successfully allocated funds to owners and breeders in Massachusetts. The Sire Stakes had eight races, each with \$90,000 purses. She also reported on the functions carried out by the racing staff and current testing and programs. There have been 49 judges' rulings this year; this is on par with a typical year. At the request of the Standardbred association, all horses racing on the Sire Stakes finals day were drug tested. Dr. Lightbown discussed the Spirit of Massachusetts and Clara Barton stakes races as well. Commissioner Cameron noted the ability to run races in these times and the safety of the participants. Dr. Lightbown discussed the interest in racing at Plainridge Racecourse during COVID-19 in light of the significant amount of purse money available.

COVID-19 Developments and Related Minimum Standards, Protocols, and Plans

10:19 a.m. On-Site Casino Updates

Investigations and Enforcement Bureau (IEB) Interim Director/Chief Enforcement Counsel Loretta Lillios, with IEB Assistant Director/Gaming Agents Division Chief Bruce Band, reported current casino operations to the Commission. Ms. Lillios stated that all properties have been operating under the enhanced health and safety measures, and they have all performed well and been responsible with those measures. Guests that have been visiting the properties have had few incidents of noncompliance. Boards of Health had been conducting

inspections of the properties. There have been 20 active casino employees who reported testing positive for COVID-19 to date. Boards of health were notified in each incident. Each employee indicated a belief that their exposure occurred off-property. No concerning patterns have been noted. Ms. Lillios also confirmed that all employees that report to work wear masks and practice all health and safety measures. The Commission and licensees have been mindful and aware of upward trends in positive tests. Mr. Band concurred that the licensees have been doing well. Commissioner Cameron inquired about the Commission's own staff. Mr. Band indicated that a survey was conducted of employees and the results were positive.

Update Regarding COVID-19 Order No. 53

Ms. Wells noted the Governor's stay at home advisory. Ms. Lillios discussed Governor Baker's COVID-19 Order No. 53 as well as the DPH advisory. The order permits employees to be on premises during the closure period, as well as a prohibition on alcoholic beverage service, and a directive the Commission (and other agencies) amend industry specific orders as necessary to comply with the order.

Ms. Lillios reviewed the Order with the Commission where relevant to casinos and racing, and the plans submitted by each licensee in response. She then directed the Commissioners attention to the "Requirements to Ensure Compliance" document in the Commissioners' packet which outlines a proposal that the gaming licensees submit a plan supplementing their existing plans by adding provisions to:

1. Identify operational steps and measures that the licensee will take to achieve compliance with the mandatory closing period required by Order No. 53 in an orderly and safe manner,
2. Supplement its communications plan and website information to inform the public of closing times and expectations,
3. Identify measures to ensure compliance with restrictions related to the service of alcoholic beverages, and
4. Describe the training and communication the licensee will undertake with its employees, restaurants, vendors, lessees, amenities, and other partners to ensure compliance.

The licensees were thanked for putting their plans together so quickly. The chair then discussed her takeaways from the Governor's comments about instituting the new order and recognized the hardship it presents to the licensees in the name of the greater good. Each of the Commissioners commented on the impact.

State Police Captain Brian Connors discussed the monitoring of orderly exits from the casinos at closing time. He will report back to the commissioners as needed while working with the licensees and the Commission to execute plans in an orderly fashion. He will report back to the Commission with a status report.

The chair and others indicated that regular reports relative to the casino operations are welcome and helpful.

Commissioner Stebbins moved that the Commission supplement the Gaming Guidelines previously approved on June 23, 2020, by requiring each gaming licensee to comply with the “Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours at the Commonwealth’s Gaming Establishments” in the manner discussed at the meeting. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O’Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Review and Discussion Regarding Protocols for Conduct of Live Racing Under COVID-19 (the “Horse Racing Guidelines”)

Ms. Lillios stated that the Plainridge racing operation has reported that it is in compliance with the Governor’s Order, as the hours of live racing already fall within the required hours and timeline in the Order. Further, the season is scheduled to end the day after Thanksgiving. The chair thanked PPC for its immediate response.

Commissioner Cameron moved that the Protocols for the Conduct of Live Racing Under Covid-19 supplemented to incorporate the requirements set forth in COVID-19 Order No. 53 in the manner discussed at the meeting. Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O’Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Review and Discussion Regarding Plans for Reopening of Simulcast Facilities (PPC, Raynham, Suffolk Downs) (the “Simulcast Guidelines”)

Ms. Lillios advised that each of the three simulcasting facilities have submitted a written plan describing how they will comply with the new order. The documents were available in the Commissioners’ Packet. Raynham indicated it will close on or before 9:30 p.m. and are already informing patrons of the new closing time. Suffolk Downs indicated that they are not open past 8:00 p.m. and will not open

before the 10 a.m. hour. PPC has already implemented limited hours Sunday through Thursday from noon to 8, and Friday and Saturday from noon to 9 p.m. Each licensee was present at the meeting. The chair thanked everyone for their prompt and comprehensive responses.

Commissioner Stebbins moved that the Commission direct the simulcasting licensees to supplement their respective Plans for Reopening of Simulcast Facilities as discussed at the meeting to ensure compliance with Covid-19 Order No. 53, and to submit the updated plan to the Commission for approval. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Licensing Division

MGM-Springfield Gaming Beverage License Amendment Request – the addition of newly licensed area ("Smart Bar service bar")

Ms. Lillios outlined MGM-Springfield's request for a smart bar service bar. Daniel Miller, MGM Director of Compliance, and Abdallah Berry, MGM Vice President of Hospitality, were also present. Ms. Lillios explained that MGM requested the amendment because servers are required to bring patrons' beverages to them during the pandemic, there is no self-service, and this bar would increase service times and enhance social distancing.

Supervising Gaming Agent Andrew Steffen described the proposed Smart Bar operation system for MGM including the accessibility to staff, and that it only dispenses mixed drinks, and not beer and wine. Mr. Steffen and his team inspected the bar on property and confirmed the adequacy of surveillance coverage. Ms. Lillios confirmed that similar smart bar units are already in place at Encore Boston Harbor though this is the first for MGM. MGM would not expect to continue using this until in a post-Covid environment. Mr. Steffen confirmed for the chair that there is ample space to maintain social distancing for the servers, as typically only one server accesses the unit at a time. The IEB recommended approval of the request.

Commissioner Zuniga moved that the Commission approve MGM Springfield's request to amend the gaming beverage license, to add a newly licensed area for a "Smart Bar" service bar, as discussed at the meeting. Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Gaming Service Employee Exemption Requests

Chief Financial and Accounting Officer Derek Lennon, Acting supervisor of employee licensing Mary Pulgarin, and Acting supervisor of vendor licensing Lisa Brookner, discussed specific gaming service employees' exemptions at Encore Boston Harbor and MGM-Springfield. Mr. Lennon summarized the proposal and stated that the licensing team supports the licensees' requests. The first, as described in the Commissioners' Packet, pertained to Wahlburgers at MGM which of course is not connected to the gaming area. The 5 positions being requested for exemption are consistent with other positions that have previously been approved. The second request was for a position at Encore. It was noted that it was for a new position entitled 'security ambassador' the main responsibilities thereof will be to welcome guests, distribute masks and hand sanitizer, and monitoring thermal temperature equipment. The employee will not have access to sensitive systems or areas of the gaming establishment. Commissioner Zuniga expressed support for exemptions generally as it offers more opportunities to individuals who are sometimes otherwise shut out of opportunities for employment. Commissioner Stebbins inquired as to where the ambassadors will be located to which Mr. Lennon indicated that they will mostly be by the hotel entrance but will not be on the gaming floor. Commissioner O'Brien noted that the job description indicates that the ambassadors will not be on the gaming floor. Mr. Lennon indicated that he and the IEB verified that these positions, though they will report to security, will not be on the gaming floor. The chair noted that these are new positions created in response to the pandemic, so roles are limited to COVID-19 guideline compliance. Commissioner Cameron thought the requests were consistent with ones granted in the past. There was also discussion relative to the requested exemptions for several positions at Wahlburgers at MGM-Springfield. The chair commended Wahlburgers and asked whether it is known when Wahlburgers will open. Mr. Lennon indicated that it was not known. Commissioner Stebbins noted that these exemptions will assist Wahlburgers as it screens for the new jobs.

11:02 a.m. *Commissioner Zuniga moved that the Commission exempt the following positions from the registration requirements for the reasons described at the meeting:*

- 1. Wahlburgers Line and Prep Cook*
- 2. Wahlburgers Dishwasher*
- 3. Wahlburgers Hostess*
- 4. Wahlburgers Dining Room Attendant*
- 5. Wahlburgers Cashier*

6. *Encore Temporary Security Ambassador*
Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Investigations and Enforcement Bureau

Plainridge Park Casino Suitability Individual Qualifiers

Kate Hartigan, Senior Enforcement Counsel, presented two individual qualifiers for consideration for Commission's approval.

She described the IEB's investigations and associated findings relative to Christopher Soriano, Vice President and Chief Compliance Officer for Penn National Gaming, Inc., and David Williams, Executive Vice President and Chief Financial Officer for Penn National Gaming, Inc. The investigations were conducted by Massachusetts State Police Trooper Thomas Rodger, Director of Financial Investigations Monica Chang, and Financial Investigator Fei Zou. It was noted that Mr. Williams is approved in Ohio, Texas and West Virginia and Mr. Soriano has been approved in New Mexico. The IEB recommended that each be found to be suitable. Commissioner Cameron noted her belief that both investigations were clean and comprehensive without issues at all. The chair appreciated the thoroughness of the reports.

Commissioner Cameron moved that the Commission issue positive determinations of suitability to the following two Individual Qualifiers for Plainridge Park Casino:

1. *Christopher Soriano, Vice President and Chief Compliance Officer for Penn National Gaming, Inc.*
2. *David Williams, Executive Vice President and Chief Financial Officer for Penn National Gaming, Inc.*

Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Five Encore Boston Harbor Suitability Entity Qualifiers

Ms. Hartigan reviewed and described each of the five entity qualifiers for consideration by the Commission. She noted that all qualifiers were in good standing and that there is a helpful chart explaining the connection between these entities and Wynn MA, LLC. A financial analysis of each was conducted and it was determined that there were not any areas of concern. The IEB recommended a positive finding of suitability for each of the five entities.

Commissioner Stebbins moved that the Commission issue positive determinations of suitability to the following five entity qualifiers for Encore Boston Harbor:

- 1. EBH MA Property, LLC*
- 2. EBH Holdings, LLC*
- 3. Wynn America Group, LLC*
- 4. Wynn Resorts Finance, LLC*
- 5. Wynn Resorts Holdings, LLC*

Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Community Affairs Division

Community Mitigation Fund – Foxborough/Plainville/Wrentham Grant Amendment

Community Affairs Division Chief Joseph Delaney described the request contained in the packet as well as the analysis done by the team for the Commission. Program Manager Mary Thurlow joined. The proposal stems from a request from the aforementioned communities to repurpose some of the funds that had been previously granted for so that a website could be developed to promote the towns and the area. He compared the proposal to the Northampton proposal to develop a new website and recommended that the Commission approve this proposal. A vote was required as the proposal was for more than 10% of the grant's value. Commissioner Stebbins commended the communities and associated individuals for their creativity, thinking outside the box, and the collaboration between the towns. Commissioner Cameron concurred with Commissioner Stebbins and appreciated the use of the funds for the purpose of highlighting the area and the collaborative work. The Chair concurred, noted a brown bag training, and inquired as to whether the development of a website was part of the strategic marketing plan that was done. Mr. Delaney indicated that it was not. Commissioner Stebbins mentioned PPC's new tourism plan and that this

may be discussed therein. The chair noted that the initial work was done under budget.

Commissioner Stebbins moved that the Commission allow for the amendment of the joint 2019 Non-Transportation grant instrument to reflect that the balance of \$27,200 can be used for the development of website/brand design services highlighting the connection of the casino with the towns of Foxborough, Plainville, and Wrentham. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Racing Division

2021 Racing Application

Director of Racing, Dr. Alexandra Lightbown, presented the application for the re-licensure of Plainridge Racecourse to conduct live racing for 2021. She noted the hearing that took place on November 3, 2020. Dr. Lightbown discussed the challenge of opening the track the previous season in the cooperation received from the licensee and staff. She commended the whole racing community and Commission racing staff. She discussed the protocols and plans and implementation in response to the pandemic and described efforts to facilitate the opening of racing.

Next, she reviewed the criteria that the Commission must consider for the re-licensure of Plainridge Racecourse and noted that Plainridge Racecourse meets all criteria and requirements therein. She noted that they have previously met the statutory requirements for the number of minimum racing days, but now that number is set by agreement with the horsemen which is why Plainridge has applied for 110 racing days. Dr. Lightbown recommended re-licensure with the condition that the track be subject to inspection by an independent reviewer prior to the commencement of racing. It was noted that there were no negative comments at the public hearing regarding this application. Commissioner Cameron noted that town officials are enthusiastic about the license, and discussed some of the comments at the public hearing. She also mentioned the safety of the track the previous year. The chair reiterated what she said at the hearing that the comments received were enthusiastic about re-licensure and that the town valued the relationship with Penn National and PPC. She also noted that there were not any negative comments about the re-licensure.

11:36 p.m. Commissioner O'Brien *moved that having conducted a public hearing on November 3, 2020 to review the Application to Hold or Conduct a Live Racing Meeting in 2021, that the Commission find that the factors described in section 3(i) of chapter 128A have been satisfied. Accordingly, the Commission award a Racing Meeting license to Plainville Gaming and Redevelopment, LLC, for a racing meeting located at Plainridge Park Casino for 110 days during the 2021 racing season.* Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

MGC Administration

Internal Compliance and Audit Discussion

Ms. Wells presented a PowerPoint presentation relative to the Commission's compliance and audit functions and specifically discussed how the IEB ensures on-site casino compliance, the roles of the gaming agents, I.T., finance, and the annual audit pursuant to G.L. c. 23K, §65. She also discussed compliance with Commission requirements, the host and surrounding community agreements, G.L. c. 23K, § 61 findings, license conditions, RFA-2 application commitments, licensee capital expenditure requirements, ILEV agreements, and quarterly and annual reports. Commission staff contributed to this discussion and offered perspectives as well.

The discussion included a recognition of the internal control questionnaire and the important role it plays in ensuring compliance with statutory requirements. There was also discussion as to what the Commission's internal compliance structure should look like. There was an ultimate recognition that reviewing and discussing this topic in this forum periodically is a helpful way to ensure that an adequate compliance program is in place under the direction of the Executive Director.

Commissioner Zuniga noted that compliance is critical to the Commission's mission. He emphasized the notion of coordination amongst the internal departments and with external groups. It is an area of focus that he suggested is important. Commissioner Cameron noted how comprehensive the commission's compliance work is and how well the internal expertise has been developed. She has received positive input from the licensees.

Commissioner Stebbins noted that in the years the commission has been in operation the ILEV agreements have not presented any issues but should be part

of compliance review. Commissioner Zuniga noted there are a number of license conditions in effect that were meaningful at the time the licenses were awarded but have since been resolved or sun-setted.

Commissioner Zuniga noted that he keeps apprised of the finance compliance activities and invited other commissioners to review the materials as well. The chair noted that the internal control plan is a statutory requirement. Commissioner Zuniga discussed how the internal control officer was initially designated as the CFAO and that after consultation with the Commission's auditor that perhaps there should be someone independent of the CFAO serving in that capacity. He is of the belief that a commissioner should be involved in that role.

The chair indicated that the Internal Control Questionnaire is a critical tool that the state uses to check statutory compliance. She described the process for completing the last ICQ and that the comptroller advised that the head of the agency, that being the chair, had to sign the document. The chair reviewed every question with Mr. Lennon, then Mr. Lennon reviewed the questions with appropriate team members to ensure the questions were answered accurately. She noted that it will likely be a repeat effort next year. Mr. Lennon described the 80 plus question questionnaire.

Commissioner O'Brien discussed the compliance group and expressed an interest in hearing from other commissioners about preference of structure of the function going forward specifically as to whether it should fall to an individual compliance officer type or to a committee. Commissioner Zuniga noted that the group is a function of the executive director who is responsible for commission compliance. He mentioned the importance of coordination among the members and reporting out information. He discussed the options for the best mechanism to test the Commission's own internal compliance. Commissioner Zuniga also noted many other agencies may not do the level of internal compliance testing that is being discussed but is a great thing to do. Commissioner Cameron inquired as to whether the question must be answered immediately or more in the long term. Commissioner O'Brien reviewed the options: individual versus group compliance. She does not favor a third party coming in to perform this function. Commissioner Cameron indicated that it makes sense to have someone perform the function though the agency may not be big enough for a full-time compliance officer. Commissioner Stebbins was interested in exploring the reporting mechanisms and whether there is anyone internally who is interested in such a position so the Commission can look at the Commission's own processes. He thought it might be interesting to have someone come in from the outside to test the Commission's systems. The chair appreciated the compliance review exercise and considered it an excellent first step. She discussed the Commission's legal framework and noted the executive director's statutory functions relative to compliance. The Commission, though, has the responsibility to set the tone from the top and those extend to the internal environment. Given the statutory framework, prior to expressing her own opinion as to the best course of action, the

Chair was interested in the executive director's recommendation as to her preference and would likely defer to her. Commissioner Zuniga found this to be an appropriate approach. The chair noted the value of using the compliance working group to assess divisional risk and identifying the tools necessary to mitigate risk. Commissioner O'Brien agreed with the chair's assertion that there should likely be one or two commissioners who serve as a channel for reporting of compliance matters.

Legal Division

Licensee Non-Disclosure Agreement Discussion

General Counsel Todd Grossman presented an issue regarding the Non-Disclosure Agreement (NDA) executed between MGM Springfield and the Commission, as it pertains to the public disclosure of non-gaming revenue figures provided by MGM as contained in a research report. He reviewed the relevant sections of the statute and the regulations that discuss confidentiality of information. There was specific discussion as to how financial statements and disclosures are described in the NDA provision that MGM has pointed to. There was extensive discussion as to how this information may or may not be protected by the NDA in the context of the use of the information by Commission in contrast to the actual publication of the material. The discussion included the interpretation of the term 'use' in the NDA.

There was discussion as to the general understanding as to whether this type of financial information is generally covered by the NDA. The question as to whether there was a way in which the data could be described and/or estimated without disclosing the actual number provided by MGM was also discussed.

Commissioner Zuniga noted that the information at issue is an aggregate number and questioned whether it was a financial statement of the sort addressed in the NDA. He further discussed the balance between recognizing MGM's sensitivity towards the competition in a tight gaming market versus the Commission's need to conduct and report its research. He recognized that the disclosure of the information at issue could be disadvantageous though there may be mitigating factors. Particularly, since this is an aggregate number the concern may be mitigated. Commissioner O'Brien discussed the forum and manner in which the information is disclosed and whether this is just a narrow question or a broader question as to how we move forward in the future, and whether a decision relative to this issue could bind the Commission relative to subsequent decisions.

Commissioner Zuniga indicated that he views the analysis in the context of looking at the information as aggregate data as opposed to being specific. To him, the inquiry turns on how much detail would be released. The chair advanced the discussion on the assumption that the information is protected under the NDA whether the 'use' exemption would control the outcome. She asked the question as to whether there is a distinction between using the material and publishing it.

Commissioner Zuniga raised the prospect of using estimated figures in the report instead of the exact numbers presented by MGM. Mark Vander Linden the researched were not particularly satisfied with the methodology or outcome associated with the use of the estimated figure. The feeling was that the actual number strengthens the report.

Commissioner Cameron opined that the information at issue is covered by the NDA. The chair indicated a discomfort with publishing the information in the report where we otherwise would not disclose the information pursuant to a public records request. And further, she asserted that use should not mean publication for these purposes as that would frustrate the whole purpose of the NDA.

Commissioner O'Brien suggested that if it is determined that using encompasses publishing then the exception swallows the rule and the purpose of the NDA. The chair noted that the NDA language includes the word use, not disclosure in the applicable section. Commissioner Zuniga indicated that he was of the assumption that the use of the data in this context included publishing it for public consumption. Commissioner Cameron indicated that she did not so assume.

Commissioner O'Brien inquired as to whether there is a way to claw back the actual data, and use the figure estimated by the researchers in a reliable way that would not violate the NDA as discussed at the meeting. Mr. Vander Linden indicated that assessing the accuracy of the estimated data is a complicated issue. Commissioner Stebbins was of the opinion that he would not consider the use of the information necessary. Commissioner Cameron was not convinced that use of the information was necessary. The chair recognized the potential public interest in the information but concurred with the opinions that the public use was not necessary given the competing interests.

The consensus as to whether the use would be considered necessary (versus whether there may be public interest in the information) was that use of the non-gaming revenue figure provided by MGM via publication was not necessary. It was agreed that the report could be published without the specific non-gaming revenue number in it. The further consensus was that there should be a future discussion as to the NDA provision describing the appropriate use of such financial information.

Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Stebbins: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated November 5, 2020
2. Draft Commission Meeting Minutes of August 13, 2020
3. Gaming Supplemental Requirements dated November 5, 2020
4. Encore Boston Harbor Compliance Plan for COVID-19 Order No. 53
5. Live Racing Supplemental Requirements dated November 5, 2020
6. Live Racing Track Plan dated November 4, 2020
7. Simulcast Guidelines Supplemental Requirements dated November 5, 2020
8. Memorandum Re: Addendum to Raynham Park Reopening Plan dated November 3, 2020
9. Memorandum Re: MGM Springfield Application for Gaming Beverage License Amendment dated October 30, 2020
10. Blue Tarp reDevelopment, LLC d/b/a MGM Springfield Gaming Beverage License Amendment Application dated October 22, 2020
11. Smart Bar Floor Plan
12. Smart Bar Photos
13. Encore Boston Harbor Registration Exemption Request dated November 5, 2020
14. Wahlburgers Registration Exemption Request dated November 5, 2020
15. Memorandum Re: Foxborough 2019 Non-Transportation Grant dated November 2, 2020
16. Memorandum Re: Application to conduct live horse racing in 2021 dated November 5, 2020
17. PowerPoint Presentation: Compliance Overview dated November 5, 2020



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 19, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 111 147 0284

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order public meeting #327 of the Massachusetts Gaming Commission (Commission). She thanked the Commission staff for their vigilance and described the current state of affairs concerning COVID-19.

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O'Brien
Commissioner Zuniga
Commissioner Stebbins
Chair Judd-Stein*

Approval of Meeting Minutes

Commissioner Stebbins moved to approve the minutes from the Commission meeting of August 27, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion. Commissioner Cameron noted that an edit might need to be made regarding the Racehorse Development Fund split.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously with the potential amendment.

Administrative Update

On-Site Casino Updates

IEB Interim Director Loretta Lillios and Assistant IEB Director and Gaming Agents Chief Bruce Band reported on the COVID-19 health and safety measures being employed at the casinos to comply with the recently updated order from the Governor to mitigate the risk of transmission of COVID-19, specifically the 9:30 p.m. closing time. It was reported that licensees have developed communications programs through public service announcements, social media, signage, floor sweeps, and verbal announcements from dealers and other staff. Mr. Band stated that licensees are doing an excellent job at compliance and closing early. He noted that things went much smoother than anticipated.

Community Affairs Division

Encore Boston Harbor Quarterly Report

Senior Vice President and General Counsel Jacqui Krum presented Encore's third-quarter report. The Commission viewed a PowerPoint presentation led by Ms. Krum. She described the third quarter gaming and revenue taxes, lottery sales, employment, and operating spend (in the context of diversity requirements, and local spending). She also highlighted a new MBE vendor- Quintana Supply. She also reviewed Encore's compliance regarding minors prevented from gaming. Next, she provided the Commission with a marketing and entertainment update and describing the Hero Program. Ms. Krum also reviewed Encore's special events with the Commission. Notably, Encore has created a new event, "micro weddings," that Ms. Krum described for the Commission.

Ms. Krum clarified that there were 2600 active employees during the third quarter. However, there are another 1000 that are impacted by the pandemic. Ms. Krum also described Encore's plan to bring back employees who are furloughed. She said that Encore keeps communication lines open with these employees but

keeps them aware that they cannot guarantee their positions back at this point. Encore is trying not to furlough employees if possible; however, every department has been impacted. She stated that all employees' performance during this has been outstanding and that they are proud of their employees.

Workforce, Supplier and Diversity Development

Plainridge Park Casino (PPC) Operations Goods and Services

Ms. Wells introduced North Groundsell as the new general manager at PPC, replacing Lance George. Ms. Wells described Mr. Groundsell's credentials preceding his onboarding with PPC and welcomed him. Mr. Groundsell made remarks and thanked the Commission for the warm welcome.

Workforce, Supplier, and Diversity Development Director Jill Griffin described the revised Operational Goods and Services procurement plan to the Commission on November 13, 2020 by PPC. Approval of the plan is a requirement by the MGC for PPC's license renewal.

PPC Vice President of Finance Dale Fortney reviewed PPC's Diverse-Spend goals with the Commission. She described relationships they established and maintained with diverse vendors. She then reviewed updates made to the plan with the Commission. Notably, a new WBE vendor called Boston Purify helps clean businesses in response to COVID-19.

Ms. Griffin described an accelerated payment program that is set to launch to benefit small businesses.

Ms. Griffin recommended that the Commission approve the updated Operational Goods and Services procurement Plan.

Commissioner Stebbins moved that the Commission approve the Diversity Plan for the procurement of goods and services at Plainridge Park Casino as discussed at the meeting. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Plainridge Park Casino Tourism Plan

Workforce, Supplier, and Diversity Development Director Jill Griffin described the updated Regional Tourism Marketing and Hospitality Plan submitted by PPC. Approval of the plan is a requirement by the MGC for PPC's license renewal.

PPC submitted a draft updated Hospitality Plan on September 20, 2020, and a revised plan on November 13, 2020, following feedback from MGC staff and meetings with Keiko Orall, Director of MA Office of Travel and Tourism, and Martha Sheridan, President, and CEO of the Greater Boston Convention and Visitors Bureau. In the plan, PPC pledges to work collaboratively with various entities within Massachusetts' travel and tourism sector, including the Greater Boston area, Bristol County, Plymouth County, Cape Cod, Metro West, and others. Michelle Collins, Vice President of Marketing, described PPC's efforts concerning travel and tourism, and their focus on keeping business within Massachusetts.

PPC was commended for their leadership during this time, encouraging people to buy and spend local. Commissioner Stebbins gave his endorsement of this plan for PPC's new license period.

Ms. Griffin recommended that the Commission approve the PPC Tourism Plan.

Commissioner Stebbins moved that the Commission approve the Tourism Plan submitted by Plainridge Park Casino, as discussed at the meeting. Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Community Affairs Division

Community Mitigation Fund (CMF) Guidelines

Community Affairs Division Chief Joseph Delaney and Program Manager Mary Thurlow presented an updated draft of the 2021 CMF guidelines for review and approval by the Commission. He noted that the initial draft had been released for public comment to which the Metropolitan Area Planning Council responded. Many of the MAPC recommendations were incorporated into the draft.

Mr. Delaney described three workshops planned for the grantee communities that have not used their reserves. Also, a session for Workforce grant applicants and one for other grant category applicants will be held in January.

Commissioner Cameron moved that the Commission approve the final version of the 2021 Community Mitigation Fund Guidelines as provided in the Commissioners' Packet, subject to any grammatical or immaterial changes. Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

MGC Administration

Follow-Up on Equity and Inclusion Working Group

Ms. Wells and Ms. Griffin presented the five-item action plan that the Equity and Inclusion Working Group developed.

Ms. Griffin described culture initiatives, such as diversity training via LinkedIn Learning and online workplace harassment training. It was noted that Robert Lewis Jr of BASE will be a guest speaker at the scheduled Commission staff town hall on December 4. There was discussion about this presentation.

Ms. Griffin noted that Human Resources will be issuing an internal newsletter containing diversity information and other initiatives as well as a planned series of programs to include a "culture club working group."

Ms. Wells described the regulatory review that will be conducted every three years, stating that there will be items folded into the process that deals with Equity and Inclusion.

Next, Ms. Wells discussed a third action item, an agency-wide initiative, involving an ongoing evaluation as to how the MGC does business. Feedback from the entire agency and the Commissioners was invited. There was discussion about the customer service efforts of the entire agency, and a note that this work needs to be reviewed on an ongoing basis.

There was discussion about making use of Director Griffin's skills to maximize the agency's efforts and focusing on communications and reporting.

Ms. Wells then reviewed the MGC's hiring and retention initiative. She stated that she added Ms. Griffin to the group to gather some additional resources concerning diversity. She has been immersed in the hiring process to increase diversity in the MGC's applicant pool.

Ms. Griffin noted that job descriptions are now going to be written so that a broader range of people will see themselves as eligible and decide to apply.

Ms. Wells then reviewed the fifth item with the Commission, which relates to Procurement Procedures. The Commission will be asking Ms. Griffin to analyze diversity spend. To that end, she recently met with the Commonwealth's supplier diversity office.

The Commission reviewed the document in the Commissioner's Packet entitled, "Massachusetts Gaming Commission Equity and Inclusion Working Group Statement of Purpose."

Commissioner Updates

Annual Report Draft Review

Commissioner Zuniga discussed the draft MGC annual report for 2020 and advised that it was produced as a collaboration with directors in each department. It was noted that FY 2020 was a very different year in terms of disbursements of casino revenues. Consequently, the Race Horse Development Fund (RHDF) allocations were almost half of what they were in 2019. He stated that MGC's diversity has gone up from 17% to 21%. He then noted that there is a section about significant milestones that he would like to develop further.

Commissioner Cameron commended the team for the extensive work on this report. She then shared her remarks and recommendations for edits on this report for Commissioner Zuniga. He acknowledged her suggestions and addressed her concerns regarding the RHDF item.

Commissioner O'Brien noted that the report should stay specific to 2020 fiscal year activity. There was discussion about the Commission's legislative initiatives, and around rewriting the introductory phrase to the report.

Commissioner O'Brien noted that she would like a reference in item number one on page three to the amount of work conducted in the production of the guidelines. She will provide the language for this to Commissioner Zuniga. Further formatting edits were discussed.

Commissioner Stebbins noted that he would like the PPC renewal to be highlighted in the report. It is an anticipated milestone for 2021 and a great team effort involving many folks in a very public process. He stated that he can provide Commissioner Zuniga with language for this as well.

The Commissioners will each submit their suggested edits to Commissioner Zuniga. There was agreement to review an updated version of the report at its December 3rd Commission meeting.

Commissioner Updates

Commissioner Stebbins stated that he met with Research and Responsible Gaming Director Mark Vander Linden, Program Manager Teresa Fiore, and others to discuss Game Sense. There was discussion about the operational cooperation of the licensees and others as well as the Game Sense Awards.

[Commissioner O'Brien had to excuse herself from the meeting.]

The Chair announced that Governor Baker appointed a new Gaming Policy Advisory Committee (GPAC) Chair as Meg Mainzer-Cohen and discussed her credentials and the importance of the committee.

Commissioner Zuniga noted that he attended the virtual symposium for the National Council on Problem Gambling. He noted a session regarding the targeting marketing of customers via social media and other algorithms, and how this raises questions concerning responsible gaming.

With no further business, Commissioner Stebbins moved to adjourn.

Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed 4-0 unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated November 17, 2020
2. Draft Commission Meeting Minutes of August 27, 2020
3. Encore Boston Harbor PowerPoint Presentation – Q3 Quarterly Report
4. Memorandum: PPC Hospitality and Supplier Diversity Plan dated November 19, 2020
5. Addendum 1 AGA Minority Purchasing Guidelines
6. Plainridge Diversity Supplier Plan
7. Tourism Plan License Condition #6
8. CMF Draft Guidelines dated November 13, 2020
9. CMF Draft Guidelines 0 Small Business Needs Assessment
10. Equity and Inclusion Statement of Purpose
11. MGC Annual Report 2020Draft



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 25, 2020 – 10:45 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 005-6913

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

[10:45 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #328 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call. The following commissioners were present:

Commissioner Cameron

Commissioner O'Brien

Commissioner Zuniga

Commissioner Stebbins

Chair Judd-Stein

Investigations and Enforcement Bureau (IEB)

**Encore Boston Harbor Gaming Beverage License Amendment Request –
Takeout Service during the COVID-19 State of Emergency**

Encore Boston Harbor requested an amendment to their gaming beverage license, based on Chapter 53 of the Acts of 2020 (An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19). Expressly, three of the restaurants located in the gaming establishment (Red 8, Rare Steakhouse, and Mystique) be permitted to sell alcoholic beverages with takeout orders for off-premises consumption. Interim Director of IEB/Chief Enforcement Counsel Loretta Lillios reviewed the special act that presumptively allows alcoholic beverages to be served with takeout orders under certain conditions (buyers over 21 years of age, product be in a “sealed container,” a food transaction required, specified limits as to amounts of alcoholic beverages sold, limited to hours of operation of restaurant). There was a full description of the proposal in the Commissioner’s packet.

There was discussion as to whether any difficulties brought on by this amendment are contemplated regarding COVID-19, particularly relative to patrons congregating before the exit time of 9:30 p.m. It was noted that patrons typically call-in for takeout orders in advance and that there have not been any significant issues. Encore Boston Harbor General Counsel Jacqui Krum joined the discussion and addressed the impact of the requested amendments. Ms. Krum stated that there have been no issues, and staff at Encore have placed marked spots where people stand to pick up takeout before closing. Ms. Krum indicated that it was expected that amendment would largely be used so that sealed wine could be included with take-out meals.

It was clarified that per the special act, mixed drinks are allowed for takeout as well. Ms. Krum noted that Encore is focused on wine and beer bottle service though mixed cocktails in appropriately sealed containers is a possibility for Mystique.

Ms. Lillios confirmed that she was not aware of any widespread abuses elsewhere upon the implementation of takeout beer and wine and mixed drinks that have been available to all restaurants since April. The request before the Commission at the meeting included allow beer, wine and mixed drinks to be sold for carry-out service.

Commissioner O'Brien moved that the Commission amend the Encore Boston Harbor gaming beverage license consistent with Section 13 of Chapter 53 of the Acts of 2020 and Senate Bill 2812 amending Section 53 of the Acts of 2020. Commissioner Zuniga seconded the motion.

Roll Call Vote:

<i>Commissioner Cameron:</i>	<i>Aye.</i>
<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Stebbins:</i>	<i>Aye.</i>
<i>Commissioner Zuniga:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

The motion passed unanimously.

The Chair asked that this topic be part of the update at the December 3rd Commission meeting.

*With no further business, Commissioner O'Brien moved to adjourn.
Commissioner Cameron seconded the motion.*

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated November 25, 2020
2. Encore Boston Harbor Appendix to Gaming Beverage License Application
3. Wynn MA, LLC dba Encore Boston Harbor Gaming Beverage License Amendment Application Form dated November 20, 2020

What is the Commission's mission?

The mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011.

The Commission strives to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of expanded gaming, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

What are the Commission's responsibilities?

The Commission is responsible for developing and managing the process to select, license, oversee, and regulate all expanded gaming facilities in the Commonwealth. To accomplish this, the Commission must build an administrative infrastructure; hire staff; retain appropriate legal and gaming advisors; draft and adopt strict ethics rules to govern the conduct of commissioners and staff; develop the criteria upon which casino proposals are selected; select the proposals that best serve the public interest; and regulate casino operators to help them maintain their financial stability, minimize negative consequences, assure the integrity of the gaming system, and return revenues to the Commonwealth.

The Commission's regulatory responsibilities are supported in part by a Division of Gaming Enforcement within the Office of the Attorney General and enforcement units within the Massachusetts State Police and the Alcoholic Beverages Control Commission.



MEMORANDUM

TO: Chair Judd-Stein and Commissioners Cameron, O'Brien, and Zuniga
FROM: Nakisha Skinner, Licensing Division Chief
DATE: March 8, 2021
RE: Gaming Service Employee (SER) Exemption Request: MGM Springfield

SUMMARY

The following request for a registration exemption at MGM Springfield is being presented to the Commission for consideration and approval. The position will be employed by MGM Springfield, a Category 1 Casino Licensee.

VENDOR EMPLOYEE POSITION			
Job Profile Number	Position	Department	Property Access Level
11469	Driver Attendant	Warehouse/Receiving	N ¹

The Licensing Division worked with MGM Springfield in developing this recommendation and supports the position contained in this packet. This position does not receive or handle gaming equipment or slot machines. That work is completed by the appropriate Table Games or Slots employees.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



Massachusetts Gaming Commission

- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: _____

JOB POSITON (AND UNIQUE JOB CODE): _____

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

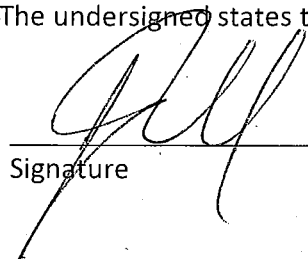
JOB POSITON (AND UNIQUE JOB CODE): _____

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	
Managerial responsibilities in any department	
Supervisory responsibilities in Human Resources or Sales and Marketing	
Responsibilities for alcohol sales, distribution, service, and/or storage	
Access to secure casino back-of-the house areas (including executive offices) without security escort	
Responsibilities for accounting and/or finance relating to the gaming establishment	
“Write” access to gaming-related casino databases	
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	
Other (please set forth other relevant information for exemption consideration)	

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): 11469

The undersigned states that the information herein is true and accurate.



Signature

/ Jason Randall

/ Printed Name

02/19/2021

Date

Job Profile #:	11469	Job Band:	06
Job Profile Title:	Driver Attd Warehouse/Receiving	FLSA Status:	Non-Exempt
Business Title:	Driver Attendant Warehouse/Receiving	Uniform Requirement (Yes/No):	

Become one of the stars behind The SHOW and become part of the world's most powerful entertainment brands. Our Company has one exciting mission: **To entertain the human race.**

PRIMARY PURPOSE:

It is the responsibility of the Driver Attendant Warehouse/Receiving to perform a variety of tasks related to the successful operation of the warehouse, including accurately receiving, performing the put-away function, picking merchandise for outlet delivery, and transporting merchandise. All duties are to be performed in accordance with federal, state, local laws, regulations, and ordinances, as well as department and Company policies, practices, and procedures.

PRINCIPAL DUTIES AND RESPONSIBILITIES:

- Receives all merchandise, including verifying merchandise against receiving documents, performing counts, and inspecting for damage.
- Prepares orders for delivery to outlets, including palletizing and shrink wrapping totes/boxes and loading orders onto trucks.
- Performs the put-away function using the fork lift, electric pallet jack, and/or manual pallet jack.
- Picks and packages the outlet orders while using the electric order pickers.
- Detail counts all incoming merchandise and verifies to the packing list, merchandise order, or receiving document.
- Verifies accuracy of merchandise (e.g., description).
- Receives and unpacks merchandise.
- Records data (i.e. shipment information, delivery records, maintenance logs).
- Transports merchandise where applicable.
- Loads and unloads delivery trucks.
- Prepares the warehouse for inventory taking.
- Completes necessary paperwork and maintains area files.
- Maintains clean and orderly work areas.
- Ensures all equipment is in working order.
- Ensures applicable security measures are maintained.
- Interacts with management to ensure that all related goals of the department are achieved.
- Keeps senior management informed on all pertinent information related to the warehouse and reports any irregularities or problems as they occur.
- Perform other job related duties as requested.

SUPERVISION:

None

MINIMUM REQUIREMENTS:

- High School diploma or equivalent

PREFERRED:



- Minimum of one (1) year warehouse and/or shipping and receiving experience.
- Experience operating a forklift

CERTIFICATIONS, LICENSES, REGISTRATIONS:

- Gaming Registration as applicable.
- Health Card where applicable.
- Valid Driver's License.
- Valid transportation authority certifications or registrations as applicable.

KNOWLEDGE, SKILLS, AND ABILITIES:

1. Communication: The ability to communicate information clearly and politely to coworkers, supervisors, and guests when speaking, writing, and reading English. This includes targeting the amount, style, and content of the information to the needs of the receiver.

2. Listening: The ability to understand key pieces of spoken information, separating relevant from irrelevant information, and following verbal instructions and explanations. This includes listening attentively to spoken information to ensure that the intended message has been accurately received, holding responses until the person has finished making his/her point, and repeating information to ensure accuracy.

3. Interpersonal Skills: The ability to develop and maintain professional, trusting, and positive working relationships with managers, supervisors, staff, coworkers, guests, and vendors. This includes being cooperative, approachable, and taking time to listen to and address others' questions or concerns; treating others with kindness, respect, and dignity; and expressing empathy and compassion when dealing with the needs and problems of others.

4. Detail Orientation: The ability to attend to and verify the accuracy and completeness of details in work activities. This includes focusing on the small details of work activities and taking the necessary time to ensure that all the details of completed work are correct and of high quality.

5. Stress Tolerance: The ability to work productively and effectively when faced with stressful work situations and time pressures. This includes maintaining stamina, patience, and effective interactions with others under stressful working conditions, and maintaining a calm, controlled, professional manner when facing high pressure and demanding situations.

6. Planning and Organizing: The ability to set priorities, plan and coordinate work activities, and obtain and manage resources so that work objectives are accomplished efficiently.

7. Computer Skills: The willingness to learn and ability to use handheld technology, computer systems, and software packages to input, access, modify, store, or output information or to execute programs or analyses. This includes the ability to enter and retrieve data from computer systems using a keyboard, mouse, or trackball.

8. Agility: The ability to bend, stretch, twist, or reach out with the body, arms, or legs to perform job tasks.

9. Stamina: The ability to exert oneself physically over long periods of time. This may include performing repetitive or strenuous tasks such as standing and sitting for long periods.

10. Safety Orientation: The ability to work safely. This includes clearly understanding and following company safety policies and procedures, completing work in a safe manner, caring about safety of self and others, responding appropriately in an emergency, and reporting unsafe conditions.

11. Integrity and Company Policies Knowledge: The ability and willingness to uphold ethical standards and comply with all federal, state, and local laws and company policies, procedures, and regulations. This includes maintaining confidentiality of all sensitive and proprietary information and avoiding conflict of interest situations.

12. Warehousing: The ability and willingness to learn and obtain a working knowledge of the structures and systems of warehousing.

13. Warehouse Equipment: The ability to properly and safely operate and maintain various types of warehouse equipment, including forklift, order picker, pallet jack and drexel.

14. Work Conditions: The ability to perform job activities under difficult work conditions such as in extreme cold, heat, inclement weather, or at extreme heights.

WORKING CONDITIONS:

*This is not intended to include every duty or responsibility of the job nor is it intended to be an all-inclusive list of the skills and abilities required to do this job.

This position may require strenuous physical activities and exposure to pipe, cigar and/or cigarette smoking. An ability to work a flexible schedule, including extended hours, weekends and holidays may also be required.

If you are an individual with a disability and need a reasonable accommodation for any part of the application process, or to perform the essential functions of a position, please click the following link: <http://www.mgmresortscareers.com/careers/contact-us.aspx>

We are an Equal Opportunity Employer. We are also committed to protecting the privacy of visitors to our employment application site, including the protection of any personal information provided to us. For more information about MGM Resorts International, including our privacy policy and commitment to diversity and inclusion, please visit <http://www.mgmresortscareers.com/>.

Physical/Sensory Requirements & Work Environment Form

This is a required checklist for attachment to Position Descriptions. It clarifies the smallest components of the mental and physical requirements of the job. Check all areas that are essential in performing the job, according to the essential functions section in the position description guidelines. Signatures are to be obtained at the time of interview for the position.

	Physical Requirements		Work Environment		Mental Requirements
	Balancing		Communication		Analytical
x	Bending	x	<i>Verbal</i>	x	Clerical
x	Carrying		<i>Written</i>	x	Comprehension
x	50 pounds		Confined area		Crisis incidents
	Clear speech		Contacts	x	Customer service
x	<i>simple</i>	x	<i>works alone</i>	x	Decision making
	<i>complex</i>	x	<i>works around others</i>	x	Fatigue
x	Climbing	x	<i>works with others</i>	x	High pressure
x	Crawling	x	Exposure to dust / dirt	x	Judgment



Standardized Job Description

x	Crouching	x	Exposure to fumes / odors		Long hours
	Distant vision	x	Extreme cold		Math skills
	Driving	x	Extreme heat		<i>advance</i>
x	<i>auto/van</i>	x	Fast pace	x	<i>basic</i>
	<i>limousine</i>		Hazardous conditions	x	Memorization
	Flexibility	x	<i>Chemicals</i>	x	Organization
x	<i>upper body</i>	x	<i>high structures</i>	x	Perception
	<i>lower body</i>		<i>high voltage</i>		Reading
x	Hearing/Listening	x	Indoors	x	<i>simple</i>
x	Kneeling	x	Noise levels		<i>complex</i>
x	Lifting		<i>low to moderate</i>	x	Repetition
	<i>50 pounds</i>		<i>high</i>	x	Safety hazards
	Near vision		Office conditions	x	Tight deadlines
x	Normal vision	x	Outdoors	x	Working conditions
x	Pushing/Pulling	x	Restricted area		Writing
x	Reaching	x	Shifts	x	<i>simple</i>
x	Sitting	x	Smoke		<i>complex</i>
x	Standing		____% Travel		
	<i>5 hours minimum</i>				
x	Stooping		Vibration		
x	Typing	x	Wet/Humid		
	Minimal w.p.m.				
x	Walking				



Minimum Requirements for (1) Expanding Blackjack-Style Tables to Include a 4th Player Position and (2) the Reintroduction of Craps at the Category 1 Gaming Establishments

Background:

On June 23, 2020, the Commission approved the “Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments” in the Commonwealth. Item 10.b of those Minimum Requirements provides that no more than 3 player positions at each blackjack-style table are allowed, with chairs for unavailable positions to be removed. Item 10.c. of those Minimum Requirements provides that no craps or roulette are to be allowed “until further notice.”¹ Now, the two Category 1 Gaming Licensees, Encore Boston Harbor and MGM Springfield, have requested to reintroduce a 4th player position at blackjack-style tables, and to reintroduce the game of craps at their respective gaming establishments. If approved by the Commission, the addition of the 4th player position at blackjack-style tables and the reintroduction of craps shall be accompanied by the health and safety measures set forth below.

1. Minimum Requirements for Expanding Blackjack-Style Tables to Include a 4th Player Position:

- a. Player positions would continue to be separated by plexiglass dividers not less than 5’10” tall separating the dealer from players and between player positions.
- b. There shall be a minimum of approximately 3 feet between player positions, measured from center to center of seats, with chairs for unavailable positions removed.
- c. Overall capacity limits shall continue to be capped at approximately 40%, despite the increase in player positions.

2. Minimum Requirements for Craps:

- a. There shall be a maximum of 6 players per craps table, 3 players maximum on each side of the table.
- b. Players are required to remain seated while gambling.
- c. No patrons are permitted to stand or congregate around craps tables.
- d. Players shall be separated from one another and from the table itself by plexiglass barriers not less than 6 feet high, with a distance of approximately 4 feet separating seats, measured from the center of each chair.

¹ At its public meeting on October 8, 2020, the Commission determined to allow the re-opening of roulette, subject to certain Minimum Requirements.

- e. The 3 dealers at each craps table shall be separated from the players by a plexiglass barrier not less than 6 feet high.
- f. Dice shall be sanitized each between shooters.
- g. Compliance with layout requirements shall be approved by the IEB before becoming operational.
- h. Overall capacity limits shall continue to be capped at approximately 40%, despite the increase in player positions.
- i. The reintroduction of craps shall be accompanied by the following temporary change to the licensee internal controls to be applicable in conjunction with Covid-19-related health and safety measures: *All bets must be placed before the dice are sent out. Signage to the same effect is required on each craps table.*



TO: Commission

FROM: Trupti Banda, Human Resources Manager

DATE: February 23, 2021

RE: Executive Director Compensation

Below is the salary history for the Executive Director position at the Massachusetts Gaming Commission, as well as a sampling of Executive Director salaries at other jurisdictions. Our salary structure has this position in a pay band with a minimum of \$129,600 and a maximum of \$207,400, with a midpoint of \$168,500.

Past MGC Executive Director Salaries:

Executive Director #1:

Hired – 3/17/2013: \$185,000

Merit Increase – 4/19/2015: \$190,550

Salary at Departure on 9/12/2015: \$190,550

Executive Director #2:

Hired – 1/3/2016 \$185,000

One Time Bonus –

12/11/2016: \$2,683

4/1/2018: \$3,700

11/25/2018: \$5,550

Salary at Departure on 1/10/2020: \$185,000

Executive Director Salaries in sampling of other Gaming Jurisdictions:

PA - \$213,165 (2018, and they started in the position in 2009)

MI - \$151,528 (2019, and they started in the position in 2007)

OH - \$173,910 (2020)

MD - \$184,000 (2019)

IN - \$166,251 (2020)

MS - \$120,539 (2019)

NV – \$274,000+ (2020 – ED left in November NEW ED started on 11/18/20)



Massachusetts Gaming Commission