



MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 341

April 8, 2021
10:00 a.m.

VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 481 6373



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
April 8, 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, April 8, 2021
10:00 a.m.**

**Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 481 6373**

All documents and presentations related to this agenda will be available for your review on the morning of April 8, 2021 by [clicking here](#).

PUBLIC MEETING - #341

1. Call to order.
2. Approval of Minutes
 - a. February 17, 2021
 - b. February 25, 2021
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. Financial Investigations Update – Monica Chang, Financial Investigations Supervisor
 - c. Racing Opening Day Update – Dr. Alex Lightbown, Director of Racing
 - d. Staff Recognition – Karen Wells, Executive Director



Massachusetts Gaming Commission

4. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Quarterly GameSense Update – Mark Vander Linden, Director of Research and Responsible Gaming; Teresa Fiore, Program Manager of Research and Responsible Gaming

5. Community Affairs Division – Joe Delaney, Community Affairs Division Chief
 - a. Community Mitigation Fund Workforce Application Reviews – Joe Delaney, Community Affairs Division Chief; Mary Thurlow, Program Manager; Jill Griffin, Director of Diversity and Legislative Affairs; Crystal Howard, Program Manager **VOTE**

6. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. Qualifications for Jockeys to Receive Health and Welfare Benefits **VOTE**

7. Executive Update – Karen Wells, Executive Director
 - a. Audit and Compliance Group Update and Process

8. Commissioner Updates - Chair Cathy Judd-Stein, Commissioner Eileen O’Brien
 - a. Independent Monitor Update

9. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

10. 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.

April 6, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: April 6, 2021 at 10:00 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: February 17, 2021, 11:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 232 9216

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Enrique Zuniga

Call to Order

Chair Judd-Stein called to order the 336th public meeting. She noted that given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor 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, and that in keeping with the guidance provided, the Commission would conduct this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

Legal Update (1:55)

Executive Director Karen Wells explained that the Supreme Judicial Court of Massachusetts ("SJC") issued a solicitation for amicus briefs concerning litigation around blackjack rules in the Commonwealth determined by the Massachusetts Gaming Commission ("MGC").

General Counsel Todd Grossman explained that there are two ongoing cases concerning this solicitation: DeCosmo v. Blue Tarp reDevelopment, LLC and Shuster v. Wynn Resorts Holdings, LLC. Both cases concern blackjack rules formerly set by the MGC. The DeCosmo case was dismissed by the Massachusetts Superior Court ("MSC") but the Shuster case was not dismissed by

the United States District Court of Massachusetts (“USC”). The DeCosmo matter is being appealed before the SJC. Since these two cases are essentially about the same question, the SJC is asking for an amicus brief on the Shuster case to help resolve them both.

The Shuster case is scheduled to go before the SJC on April 7, 2021. The question on which these cases are founded is whether the blackjack rules published by the MGC on February 11, 2019 (in accordance with 205 CMR section 147.02) permitted casinos to pay 6:5 odds to winners while not otherwise playing by the 6:5 rule variation.

At an October 2020 meeting, the MGC amended the blackjack rules and post them on their public website. Ms. Wells noted that the MGC’s Investigations and Enforcement Bureau (“IEB”) had not taken enforcement action against the casinos for violations of these rules at any point.

Mr. Grossman was contacted by the firm that represents both defendants to inquire whether the MGC was interested in filing an amicus brief. Executive sessions on January 14 and 27, 2021 resulted in the MGC deciding not to file one, with the expectation that if a general request were issued by the SJC, the MGC would reconsider filing. The SJC subsequently invited such general submissions.

The amicus brief would be due by March 17th. If the MGC decides to file, the Attorney General’s Office (“AGO”) would need to authorize the request to file.

Commissioner O’Brien asked about the SJC’s general practice when certifying questions. Mr. Grossman indicated that the SJC frequently makes general requests for amici, and though it does on occasion issue a request that a specific party file a brief, it is not common. Commissioner O’Brien asked if any other entity had filed an amicus brief, to which Mr. Grossman answered that none had, as far as he knew. She then asked Mr. Grossman to elaborate on the AGO’s consideration of the “Commonwealth maintaining credibility in appellate courts”, when deciding whether to approve amicus brief filings. Mr. Grossman reflected that the AGO essentially just tries to ensure that all Commonwealth entities take consistent positions in matters before the courts.

Commissioner Cameron indicated that she did not necessarily consider the SJC’s general request a sufficient reason for the Commission to reconsider its earlier decision not to file a brief.

Commissioner Zuniga opined that as an agency with technical expertise in this matter, there could be a benefit to the public by offering perspective on the issue. Commissioner Cameron agreed.

Chair Judd-Stein opined that with the opportunity to illuminate this industry matter, the Commission could be of public service and provide helpful expertise.

Commissioner O'Brien and Cameron agreed that the Commission could be helpful to the public in this way, with Chair Judd-Stein and Commissioner Zuniga pointing out that their concern over remaining neutral *vis-a-vis* the gaming licensees was ameliorated by the fact that the SJC asked for an amicus brief and that ultimately the request to file had to be approved by the AGO.

Ms. Wells stated that if the Commission agreed, she and Mr. Grossman would begin the process of submitting a request to the AGO. Director of the IEB Lillios supported filing.

Commissioner O'Brien moved that the Commission submit a request to the State Solicitor General for authorization to file an amicus brief in the Shuster matter as discussed. Commissioner Zuniga seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Chair Judd-Stein and Ms. Wells agreed that Ms. Wells would update the Commission on this effort next meeting.

11:34 a.m. *Having no further business, Commissioner Zuniga moved to adjourn. Commissioner Cameron seconded the motion.*

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, notice of meeting and agenda dated February 17, 2021



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: February 25, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 102 8083

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Enrique Zuniga

Call to Order

Chair Judd-Stein called to order the 337th public meeting. She noted that given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor 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, and that in keeping with the guidance provided, the Commission would conduct this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

Approval of Minutes

Commissioner O'Brien moved to approve the minutes from the Commission meeting of November 3, 2020 subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner O'Brien suggested that the Commission refrain from approving the November 5, 2020 meeting minutes until all commissioners have had a chance to review them. Chair Judd-Stein explained that these minutes were not sufficiently detailed.

Administrative Update

Executive Director Karen Wells announced that Director of Workforce, Supplier, and Diversity Development Jill Griffin's role would now be entitled Director of Diversity and Legislative Affairs. She will now be looking at legislation and policy, working closely with the legislature as a liaison, and monitoring internal diversity development. She also introduced the new Associate General Counsel Caitlin Monahan.

Director of the IEB Loretta Lillios updated the Commission on casino operations. Since the 25% capacity limit was lifted on February 8, all casinos are operating at 40%, all day, every day, with all Covid related safety measures in place. They have been able to bring back furloughed staff and Encore Boston Harbor has opened its hotel, with MGM Springfield set to open theirs next week. Encore has continued to monitor for room capacity violations. Gaming Agents Division Chief Bruce Band added information about casinos' occupancy levels. Chair Judd-Stein asked about compliance with masks and social distancing, to which Mr. Band answered that the casinos have been effectively monitoring and enforcing those rules.

Community Affairs Division- MGM Quarterly Report

Community Affairs Division Chief Joe Delaney introduced MGM Springfield representatives to present their fourth quarter report. MGM Director of Finance Arlen Carballo presented the gaming revenue and tax performance. MGM Director of Compliance Daniel Miller presented on compliance performance, starting with how many minors had been intercepted that quarter. Commissioner O'Brien inquired about how many of the two minors were actual minors younger than 18 years of age as opposed to underage individuals under the age of 21. Mr. Miller answered that the minor intercepted drinking had been underage. Commissioner Cameron asked whether the underage drinker looked to be of age, to which Mr. Miller answered that the person looked of age, however they have a policy to card patrons who look under thirty years of age, which had not been done. He explained the TIPS program for training staff. Chair Judd-Stein inquired about the main skills TIPS trains for, to which Mr. Miller answered that they are: identifying underage drinkers, learning physiological symptoms of overdrinking, and making sure patrons remain safe while drinking. Ms. Carballo presented MGM's diversity and local spending. MGM Director of Human Resources Jason Randall presented their diversity employment numbers. Commissioner Cameron asked about the decrease in women's employment numbers. Mr. Randall answered that, anecdotally, many women are home with their children for home

schooling. Commissioner O'Brien asked about whether there is a seniority basis for staff they call back in, and whether women who are unable to return to work and decline the recall because they are caring for children lose their seniority. Mr. Randall answered that calls to return are based on seniority, and that during the first round of recalls, the seniority is maintained, but employees lose that status if they decline or do not respond the second time recalls are made. The employee relations team does work with the employee to determine whether any accommodations are available for them, but that it is a case-by-case review. MGM Vice President and General Counsel Seth Stratton clarified that depending on an employee's position there are different accommodations, and that they are encouraging remote work except in positions for which that is not possible. Commissioner O'Brien expressed discomfort at former employees with seniority having to go through the hiring process again and whether people would be dissuaded from doing so. Mr. Stratton explained that they will reexamine that policy and follow up with the Commission, especially regarding their women's employment numbers. Commissioner Cameron pointed out that the pandemic has changed everything profoundly, so their reapplication process should change to reflect that. Chair Judd-Stein commented that the pandemic has been especially tough on women, minorities, and veterans, and asked whether employees who must reapply remain licensed or if they must get re-licensed when returning to work. Ms. Wells answered that their licenses stay active.

Mr. Stratton presented MGM's recent community events and development updates. There was discussion around how the pandemic had affected the 31 Elm St. property. Chair Judd-Stein commended MGM on their community service and commitment to revitalizing Springfield.

Racing Division-

a. [Harness Horsemen's Association Pension Plan Update](#)

Director of Racing Dr. Alexandra Lightbown introduced the Harness Horsemen's Association's ("HHA") Managing Director Alice Tisbert to present their updated pension plan. M.G.L. c.23K, Section 60 established the Racehorse Development Fund ("RHDF") from which horsemen receive funds for benefits, including pension related funding. Due to the reduced number of race days last year because of the pandemic, the money in that fund was greatly reduced. Ms. Tisbert presented the changes to the pension plan, which were deemed appropriate by the Commissioners.

b. [Pari-Mutuel Taxes for Benefits to Jockeys](#)

M.G.L. c.128A and c.128C includes provisions describing how the Commission is required to spend money collected through simulcasting and live wagering. A portion of it described in section chapter 128A, section 5(h)(4) goes to health and welfare benefits of active, disabled, or retired jockeys. Dr. Lightbown introduced a representative from the Jockey's Guild to discuss the organization and the process utilized for the distribution of funds. General Counsel Todd Grossman

explained that according to the statute, \$65,000 can be given annually to an organization identified by the Commission that “represents the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockey.” However, since there has been no thoroughbred racing in the Commonwealth this past year, there is a question as to whether the Guild still meets the statutory definition and should be the organization authorized to receive these funds.

Mindy Coleman, legal counsel for the Jockeys Guild, presented information about the organization. There was discussion about who should qualify for jockey benefits, how to address all qualified jockey’s needs, how the pandemic affected jockeys and their benefits, and statutory interpretation. Dr. Lightbown suggested that the Guild present further information as to what the qualifications would be for the different jockey categories described in the statute. The Commissioners agreed that the Jockeys Guild is the appropriate repository for the funds but further information from the Guild as to its disbursement criteria would be required prior to authorizing payments given the statutory language relative to active jockeys.

Commissioner Cameron moved that the Commission find the Jockey’s Guild meets the requirements of chapter 128A, section 5(h)(4) as discussed at the meeting. Commissioner Zuniga seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O’Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

The Jockeys Guild agreed to provide information relative to the criteria within 4 weeks.

Research and Responsible Gaming- Problem Gambling Awareness Month Kickoff and Problem Gambling Helpline Transition

Program Manager of Research and Responsible Gaming Teresa Fiore presented on Problem Gambling Awareness Month, which begins in March and during which her team works with licensees to highlight the importance of collaboration in mitigating possible adverse effects of gambling in the Commonwealth. Initiatives include weekly quizzes and casino raffles, signage, promotional events, a digital campaign, and other items. Casino staff will also be trained on Asian and Pacific Islander gambling risk factors. At the end of March, she, and her team plan to release preliminary results of the Massachusetts Gaming Impact Cohort (“MAGIC”) study, which can eventually be used to inform services.

Director of Research and Responsible Gaming Mark Vander Linden introduced his guest from the Department of Public Health (“DPH”), the Director of Problem Gambling Services Victor Ortiz, to present on gambling in the Commonwealth. He described how the DPH funded a substance abuse helpline and a separate line for problem gambling in the Commonwealth. Based on evaluations of data collected by the DPH, determinations were made recently to integrate these services, training counselors to identify both issues and adding a clinician on site.

Executive Director Evaluation

All four commissioners lauded Executive Director Karen Wells for her leadership transitioning the agency into a remote work model during the pandemic, her tremendous work ethic, and the trust she has cultivated with the staff. Ms. Wells was cautioned against potential work-life imbalances. Ms. Wells thanked the commissioners and staff for their support.

Commissioner O’Brien thought Ms. Wells’ goals of increasing diversity spend, pay practice review, and transitioning to in-person work for the following year were appropriate. Commissioner Cameron agreed and suggested Ms. Wells could work on planning how to integrate sports betting into the organization’s responsibilities. Commissioner Zuniga mentioned Ms. Wells’ goal of increasing resources for high level management, clarifying that perhaps she and other senior staff could consider reaching out to staff and seeing if anyone needs extra support or resources. Chair Judd-Stein noted that Ms. Wells’ desire to work on general compensation, compliance and procurement are appropriate and good ideas. She suggested that Ms. Wells identify long term goals and thanked her for guiding her through her first year as Chair.

Commissioner O’Brien presented historical information on compensation for MGC’s executive directors and for those of other jurisdictions’ gaming agencies, noting that they would have to factor in their reduced revenue due to the pandemic. The Commission decided to discuss compensation at a later date where any increase in compensation would not presently be appropriate given the circumstances.

Legal Division-Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 205 CMR 146

Associate General Counsel Carrie Torrisi presented amendments to the gaming equipment regulation for consideration. After the MGC amended blackjack rules in fall of 2020, three references to the now nonexistent 6:5 variation of blackjack persisted in 205 CMR, which must now be amended. The legal team proposed removing references to 6:5 variations from 146.13 (blackjack table characteristics), 146.49 (playing cards), and 146.51 (dealing shoes and automatic shuffling devices) all as outlined in the Commissioners’ Packet.

Commissioner Zuniga moved to approve the small business impact statement for 205 CMR 146.13, 146.49, and 146.51. Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner Zuniga further moved to approve the amendments to the aforementioned regulations and authorize staff to begin the promulgation process.

Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Community Mitigation Fund

a. Community Mitigation Application Update Review

Chief of Community Affairs Joe Delaney noted that in November the Community Mitigation Fund ("CMF") updated guidelines were issued and that the spending target for 2021 was \$12.5M. 2021's applications totaled \$6.5M, a large decrease from last year's total. He noted that he has asked communities to spend all previous awards and funds from MGC before applying for another grant. He asked the commissioners if they should expand eligibility parameters to include communities who want to capitalize on the presence of casinos, which would require a legislative change. He then laid out the application evaluation process that culminates in a presentation to the Commission in June before officially notifying communities of their decisions. Commissioner Zuniga commented that casinos seemingly contribute mainly to traffic issues but that the Commission may not be able to award individual communities enough money to mitigate them, therefore applicants should ideally have stakeholders other than the Commission. Chair Judd-Stein wondered if the Commission should have a public comment meeting to educate communities about the program and determine their barriers to applying. Mr. Delaney answered that the guidelines open for public comments before being finalized, but that there have not been many comments in the past. He suggested they could have a roundtable discussion with communities to determine their difficulties with the application process. Commissioner Zuniga agreed. Mr. Delaney noted that CMF subcommittee and committee meetings will be scheduled for the spring. Commissioner Zuniga commented that perhaps it would be better to conduct shorter sessions with the commissioners to discuss applications by category instead of one long meeting for all of them, which the other commissioners agreed with.

b. Community Mitigation Fund City of Medford Grant Review

Mr. Delaney explained that Medford received grants in 2015 and 2016 to hire a transportation planner and consultant, and to fund a water study of the Malden and Mystic rivers, respectively. However, Medford has only been able to carry out a portion of both projects. Mr. Delaney recommended their funds from past awards be reallocated to their 2019 project, the design and planning of a boardwalk under Route 28. All commissioners agreed with the recommendation.

Commissioner Cameron moved that the balance of Medford's previously awarded funds totaling \$260,806.80 be reallocated to the underpass project discussed at the meeting and described in the Commissioners' packet, and that staff be authorized to execute amendments to the applicable grant instrument to reflect the change. Commissioner Zuniga seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner Updates

Chair Judd-Stein mentioned that she, her fellow commissioners, and Ms. Wells must work together to ensure that a sound onboarding approach is in place when a fifth commissioner is appointed.

2:36 p.m.

Having no further business, Commissioner Cameron made a motion to adjourn.

Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, notice of meeting and agenda dated February 25, 2021
2. Minutes from the November 3, 2020 Massachusetts Gaming Commission public meeting
3. Commissioner's packet for the February 25, 2021 Massachusetts Gaming Commission public meeting

The background of the slide is a golden-yellow color with a repeating pattern of various international currency symbols, including the dollar sign (\$), euro (€), pound sterling (£), and yen (¥). The symbols are rendered in a 3D, embossed style, creating a textured effect. The central text is set against a plain white background.

IEB - Financial Investigations

April 8, 2021

Core Function of IEB Investigations Team

The IEB's investigatory unit is staffed with members of the Massachusetts State Police and Financial Investigators, who completes law enforcement checks and ongoing suitability evaluations on casinos, vendors and employees of the gaming establishments.

- *Integrity, honesty and good character*



Financial Investigations Team Composition

Professional Tiers

- FI 1
- FI 2
- FI 3

Inter-disciplinary team

- Collaborative approach
- Peer reviews
- Brainstorming sessions

Background and Experience

- Tax (audit and preparation)
- Accounting/audit
- Financial reporting/analysis

Staying Current

- Industry news and changes
- Learn rules from foreign countries

Financial Investigations

Working alongside MSP investigators, the Financial Investigations unit performs financial background reviews of individuals and entities

- **Review, validation, and analysis** of information to determine a casino's, vendor's, and individual's financial stability, integrity and background, and business practices.
- **Examine and evaluate** *personal financial records*, as well as *business financial documents* from a variety of domestic and international businesses to determine source and adequacy of funds
- **Monitor** casino operators/vendors for ongoing suitability



Types of Financial Investigations

Individuals

- Casino qualifying individuals
- Key employees
- Junket representatives
- Vendor qualifying individuals

Entities

- Casinos
- Primary gaming vendors
- Secondary gaming vendors

Types of Financial Documents Reviewed

Personal

Net worth statements

Bank, brokerage, retirement or pension statements

Real estate documents

Trust agreements

Loan or debt agreements

Credit reports

Tax returns, tax transcripts

Investigative reports from other gaming jurisdictions

Corporate

Financial statements/annual reports

Public filings, court documents, financial contracts

Organization/ownership structures

Board/committee charters and minutes

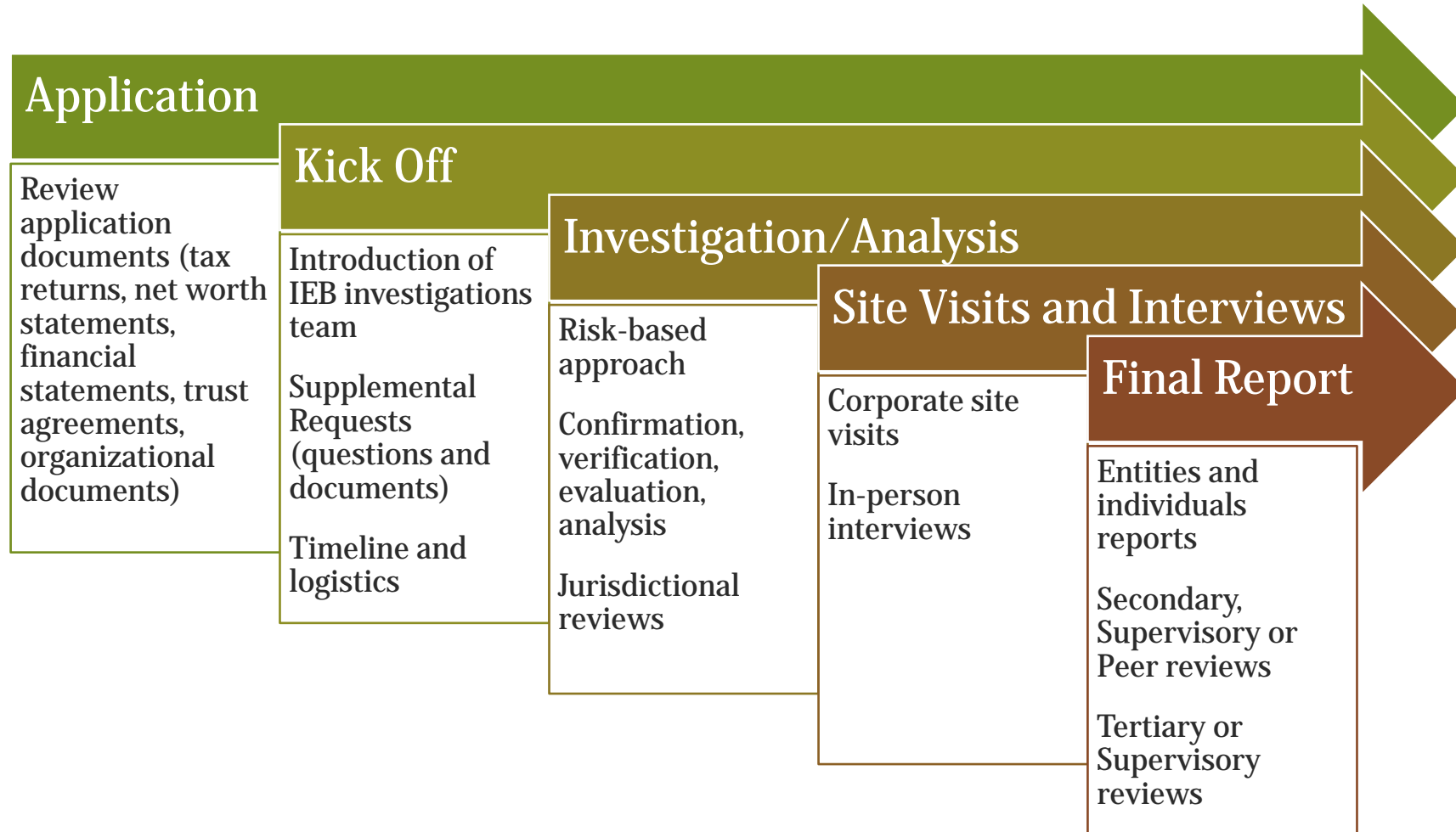
Loan or debt agreements

Credit reports, debt rating reports

Tax returns, tax transcripts

Investigative reports from other gaming jurisdictions

General Process of an Investigation



A decorative vertical bar on the left side of the slide, featuring a gold color and a pattern of embossed currency symbols including the dollar sign (\$), pound sign (£), yen sign (¥), and euro sign (€).

Foreign Accounts and Tax Returns

- Austria (€)
- Australia (AUD)
- Belgium (€)
- Canada (CAD)
- France (€)
- Germany (€)
- India



Since March 2020

Financial Investigations Unit has not slowed down!

- Continued to conduct investigations

Office Suite HD, Zoom, Microsoft Teams, Blue Jeans Meetings, Cisco Webex, GoTo Meeting, WeConnect, SFTS Site (old Interchange)

- Assisted and helped complete statutory casino audits w/ Eide Bailly LLP
- Completed Plainridge Park Casino Renewal
- Created casino parent company on-going monitoring program
- Worked closely with Licensing, Enforcement, Gaming Agents divisions
- Part of Equity and Inclusion Working Group
- Hosted various trainings
 - Tax and Accounting/Audit update
 - SEC forms and filings
 - Company organization structure
 - Trusts
 - Junkets

Who are we?

Accountant

[ac·coun·tant] 

1. Someone who solves a problem you didn't know you had in a way you don't understand.

See also: wizard, magician

Tax Accountant

Noun: tax ac·coun·tant | \ 'taks ə-'kaun-tənt

A person who takes numbers on pieces of paper, rearranges them & puts them on other, different pieces of paper

auditor

(noun) \ 'o-de-ter \

An accountant with an opinion

FINANCIAL ANALYST

noun.[fi-nan-shuh | an-l-ist]

Someone who does precision guesswork based on unreliable data provided by those of questionable knowledge.



GameSense Quarterly Report

Teresa Fiore, MGC

Chelsea Turner, MACGH

Odessa Dwarika, MACGH

Charlie Ordille, MACGH

APRIL 8, 2021

GameSense



Agenda

- Introductions
- Interaction Numbers
- PGAM
- Excellence Awards
- Communications Highlights
- Outreach & Engagement
- Wrap up

Third Quarter Interaction Numbers

Type of Interaction	PPC			MGM			EBH		
	Jan.	Feb.	Mar	Jan.	Feb.	Mar	Jan.	Feb.	Mar
Simple Interaction 2021:	2734	2170	3276	3320	3380	4479	4876	6907	10794
2020	4750	4382	1594	7534	6002	2711	15016	11779	4036
2019	5426	3976	3676	8620	7583	8079			
Demonstration 2021:	193	156	415	908	739	1405	213	679	4952
2020	233	139	65	581	413	123	1208	528	100
2019	141	215	145	33	11	33			
Exchange 2021:	291	177	295	204	165	424	266	383	614
2020	1112	897	318	384	346	67	878	733	189
2019	207	208	153	1387	1436	824			
Casino Related 2021:	437	394	565	1049	1027	1314	1665	2588	3188
2020	788	749	352	4308	3645	1267	6983	6460	1596
2019	607	589	439	-	-	784			
VSE Enrollment 2021:	4	5	5	7	5	7	8	12	22
2020	12	5	0	17	11	4	26	23	9
2019	7	6	6	4	7	7			
Reinstatement 2021:	4	3	1	8	2	3	6	8	3
2020	6	3	1	3	4	1	1	1	1
2019	-	-	-	-	-	-			

Pre and post pandemic is not an apples to apples comparison.



Some things to keep in mind:

- Fewer staff
- Shutdown started mid March 2020; casinos reopened around July 12, 2020 so the numbers will be off these months, in part for these reasons
- In early November 2020, the hours at the casinos were reduced; they resumed 24-7 operations late January, 2021
- Capacity has been limited
- Traffic patterns at the casinos changed
- Interactions are harder
- Some games have been closed
- **GOOD NEWS: Getting good quality Interactions and starting to tick up!**



PGAM



PROBLEM GAMBLING
AWARENESS MONTH


→ AWARENESS + ACTION

GameSense


PGAM OVERVIEW MARCH 2021

AWARENESS PLUS ACTION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28	1 Governor's Proclamation Press Release	2	3	4	5 Digital Ads	6
Positive Play Quiz (digital for casino staff & monitors and flashcards with patrons); distribution of "Chips Tips" to casino staff						
GS @ MGM Promos	8	Gambling Disorder Screening Day	10	GS @ EBH Promos	12	13
Digital Ads						
VSE Quiz (digital for casino staff & monitors and flashcards with patrons; distribution of "Chips Tips" to casino staff)						
14	15	16	17	18	19	20
GS @ MGM Promos			GS @ EBH Promos		Digital Ads	
March Madness Quiz (digital for casino staff & monitors and flashcards with patrons)						
21	22	23	24	25	26	27
GS @ MGM Promos			GS @ EBH Promos		Digital Ads	
Problem Gambling Resources Quiz (digital for casino staff) & Superstitions Quiz (monitors and flashcards with patrons)						
28	29	30	31	1	2	3
GS @ MGM Promos	LiveChat Launched					

 = Inside Casino

 = Public Awareness

 = Communications

(Daily Social Media Activity Not Illustrated)



Employee & Patron Educational Quiz Schedule

GameSense



Week 1

Positive Play

Learn about gambling literacy, pre-commitment and other elements of positive play.



Week 2

VSEs

Learn about the voluntary self-exclusion program and how it can help folks that might be struggling with their gambling.



Week 3

March Madness

More people bet on March Madness in the U.S. than any other sporting event. Learn some tips to help keep your gambling in the safe zone.



Week 4

PG & RG Resources Quiz for casino staff; Superstitions Quiz for Patrons

Learn about various MA gaming resources while patrons debunk some gambling superstitions.



Highlight: March 9, National Gambling Disorder Screening Day



HARVARD MEDICAL SCHOOL
TEACHING HOSPITAL

	MA Casino:	<u>EBH</u>	<u>MGM</u>	<u>PPC</u>
Total # of Individuals Invited to be Screened:		77	129	49
Total # of Individuals Screened:		38	89	37
Total # of Individuals w/ a Positive Screen (i.e. answered "yes" to at least one question):		1	6	8
If individual had a positive screen, what's gender?:	1 female	4 male; 2 female	6 male; 2 female	
If individual had a positive screen, what's age?:	1 age 26-40	1 age 41-55; 5 age 56+	2 age 41-55; 6 age 56+	



Highlight: Enhanced Links to PG and RG Resources

Helpline



Safer Gaming Education Line

1-800-426-1234

- Questions about Games
- VSEs
- Referrals to Helpline

Live Chat



GameSense

Highlight: PPC Exemplary Efforts

- RG Tip of the Day
- St. Patrick's Day Scavenger Hunt
- PGAM Ribbons
- Extra Quiz
- Special Shout Out: Lisa McKenney!





Excellence Awards



3rd Quarter Excellence Awards, EBH:

- *Matthew O'Brien, Security*
- *Phillip Wakefield, Slots*
- *Alberto Rodriguez, Security*



3rd Quarter Excellence Awards, MGM:

- *Daniel Miller, Director of Compliance*
- *Paige Machiski, Marketing/Assistant Manager Special Events*
- *Jeremy Paine, Sound/Video and Production Manager*



3rd Quarter Excellence Awards, PPC:

- *Stephanie Rosenberg, Slot Shift Manager*
- *Derek Wilson, Human Resources Coordinator*
- *Tom Motekaitis, Security Officer*

3rd Quarter Communications Highlights

PGAM

- Lots as woven throughout above
- Press release
- Geofencing

Social Media:

- Created, modified, and or prepared 180+ GameSense social media graphics, videos, and copy for use on the MGCs GameSense social media platforms

Race Season Prep:

- Giant Pull-up Banner
- Full-page Ad in Program Book
- Additional ideas underway

Like to WAGER?

Let GameSense be your
RUNNING MATE!



Visit the GameSense Info
Center for helpful advice on how
to keep your gambling fun and
safe or visit GameSenseMA.com.

GameSense

A photograph of a smiling man with a beard and short hair, wearing a grey sweater over a dark polo shirt. He is wearing a GameSense ID badge. The background is a blurred GameSense logo.

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YOUR GAMBLING FUN AND SAFE.**

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Outreach & Community Engagement FY'21

14 Presentations (reach = 405)

- 5 for the Veterans community
- 4 for the elderly community
- 6 for the Asian community

3 Tabling Events (reach = 754)

13 Public Access TV Screenings

- 13 stations ran full GS Elder Presentation , *potential* total reach = 432,890
- 7 stations ran PSA's, *potential* total reach = 280,890

Current GOAL:

Conduct an additional 44 educational events by the end of June to reach 75



Outreach & Community Engagement FY'21

Capacity Building:

- Special outreach to AAPI community-based organizations
- Providing scholarships to clinical trainings
 - 21 staff members attended Dr. Tim Fong's Update on Asian American Treatment at no cost
 - 8 scholarships given (so far) to clinicians who offer services in Asian languages to attend the Spring training Institute
- Example: Asian American Civic Association



Additional Community Supports

VSE Recovery Liaison

- 34 VSE follow-ups, 123 follow-ups from GS and Helpline referrals
- 25 people engaged in ongoing VSE Telephone Recovery Support
- 15 VSE Awareness Trainings at peer led Recovery Centers across the state
- “Building Your Recovery Toolbox” was the first in a 3-part webinar series designed for the Recovery community and included information about the VSE process

VSE Designated Agent Trainings:

Trainings for community providers have been scheduled monthly from now through September with the goal of increasing geographic, linguistic and cultural capacity of agents. These regularly scheduled one-hour trainings also serve agents who have been trained in the past and have been notified that they need an annual refresher course.

On the Horizon: PlayMyWay Coming to MGM

- Casino Partner: MGM
- Research Partner: Carleton University
- Onsite Partners: MGC and GameSense
- Promotions in Summer '21
- Enrollment in Fall '21



PlayMyWay

Thank you, and any questions?





TO: Chair Cathy Judd-Stein, Commissioners Gayle Cameron, Eileen O’Brien, and Enrique Zuniga

FROM: 2021 Community Mitigation Fund Review Team

CC: Karen Wells, Executive Director

DATE: April 2, 2021

RE: 2021 Community Mitigation Fund Workforce Development Program Applications

This memorandum provides an analysis of the Workforce Development Program applications for funding under the 2021 Community Mitigation Fund (“2021 CMF”). Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>.

The Community Mitigation Fund Review Team (“Review Team”) reviewed the applications to ensure that the applications are in compliance with the 2021 CMF Guidelines. As part of this review process, copies of the applications were sent to the licensees for their review and comment. Requests for supplemental information were submitted to the applicants so they could provide further clarification on their application. Numerous meetings were held by the Review Team to ensure a thorough review of every application.

Recommendations of the Review Team

To effectuate a consistent and efficient system to analyze the applications, the Review Team utilized the review criteria specified in the 2021 Guidelines. Among the criteria are:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The potential for the proposal to maximize the economic impact of the gaming facility; and
- The feasibility and reasonableness of the proposed mitigation measure.

This summary will mention some significant factors for these applications.

Guidelines Targeted Spending		Applications Received	Proposed Awards
Workforce Development (2 regional programs of \$300,000)	\$800,000.00	\$692,551.00	\$700,000.00

Applicant	Region A	Region B	Recommendation of Review Team
Workforce Development (2 Regional programs of \$300,000, maximum \$400,000 with incentive): \$800,000.00			
Holyoke Community College		\$342,551.00	\$350,000
MassHire MetroNorth REB	\$350,000.00		\$350,000
Total:	\$350,000.00	\$342,551.00	\$700,000.00

Holyoke Community College

Summary: “Work Ready 2021 is an enhancement of the collaborative effort of HCC, STCC, and SPS to provide a continuum of adult education, career readiness, and occupational training to connect un- and underemployed residents to education, training, and employment opportunities to meet the workforce needs of MGM Springfield and the region.”

Analysis:

The Holyoke Community College (HCC) proposal looks to build upon the Work Ready program funded in previous years. As in the past, HCC, the lead applicant partners with Springfield Technical Community College (STCC) and Springfield Public Schools (SPS) to submit the proposal. STCC will continue Hampden Prep emphasizing job readiness, entry-level skills development and increasing reading, comprehension and math skills. Additionally, the program will offer the ability to obtain various certifications, such as OSHA, CPR and First Aid as well as a new offering this year, Guest Service Gold.

SPS will continue Ahead of the Game, focusing on advancing students through adult basic education courses (including English for speakers of other languages (ESOL) programming) and completing their GED/HiSET tests. Some funding will go toward scholarships for those testing fees. Funding for Ahead of the Game has also been allocated to bus tokens, increasing accessibility for students.

The proposal for 2021 includes an emphasis on technology and digital literacy, which the review team commends. The applicants have embraced necessary changes to accommodate social distancing via remote learning throughout the pandemic and ensured students had access to internet and technology (via Chromebooks and Hot Spots). Additionally, enhancements to the curriculum include a “Survey of Hospitality Careers” course in collaboration with MGM and the Greater Springfield Convention and Visitors Bureau.

HCC would also like to utilize funding for 2021 to revisit culinary training, which was eliminated from last year’s award due to the pandemic. The application requests \$100,000 to train at least 50 students. In the proposal, HCC identifies that culinary positions continue to be a recruitment and retention challenge for MGM Springfield, as well as utilizing data from the Pioneer Valley Blueprint which anticipates great increases in hospitality job openings. The application also states that when full employment returns, MGM intends to hire at least 50 cook positions. The culinary course work, which was developed in tandem with MGM, will also now include “a new component of online job interviewing, using MGM’s HireVue system or a mock version,” which will be a great asset to increasing direct hires. In response to MGM’s indication that challenges with the English language have been a barrier to hiring, HCC has indicated that they intend to use leveraged funds to offer ESOL Culinary classes, focusing on introductory culinary skills combined with English for Speakers

of Other Languages classes. Given the direct communication with the licensee and response to the licensee's needs, as well as the current state of the reopening plan for MA, there is strong support for reviving the culinary training and funding that portion of the proposal this round.

Conversations with MGM described in the application also demonstrate the need for the other programming proposed, especially given all MGM Springfield jobs require a high school diploma or equivalency. MGM continues to experience high turnover, mandating a new pipeline of entry-level individuals. Additionally, the hiring process at MGM Springfield is almost entirely online, requiring digital literacy and technical skills. MGM stated "the greatest need will be for job readiness, customer service skills, cash handling, and cooks." The STCC and SPS programs aim to respond to ensuring the pipeline of entry-level talent meet those needs.

Lastly, the HCC proposal requests the supplemental award funding for regional collaboration in the amount of \$42,551 which will fund a part-time Assistant Project Coordinator to coordinate recruitment and cross-referrals, track and document outcomes, analyze data and make recommendations to partners for continuous program improvement. It also includes funding for marketing efforts for the Work Ready 2021 program. A similar request for this regional collaboration funding under the workforce development guidelines was approved by the Commission last year.

Licensee Response: "Holyoke Community College (in collaboration with Springfield Technical Community College and Springfield Public Schools) is applying for \$300,000 in mitigation funds to help with workforce development efforts in the region. MGM continues to support our local community colleges as they have been strong partners in our pre-opening efforts as well as the Massachusetts Casino Career Training Institute. This grant will continue to bolster the collaborative effort in helping to elevate the skillsets of the unemployed and underemployed in the region. MGM supports this request, as further evidenced by our letter to the Commission dated February 1, 2021."

Recommendation: The review team felt this was a very strong application and recommends full funding of \$300,000 (\$100,000 each to HCC/Culinary, STCC/Hampden Prep and SPS/Ahead of the Game.) We also recommend providing a full supplemental award of \$50,000 for regional collaboration. Although the applicant only requested \$42,551, for which a very specific and appropriate budget was provided, the review team feels the full funding will be beneficial for marketing efforts on the heels of a pandemic. Total - \$350,000.

Given that the combined Workforce Grant applications total less than the amount targeted in the 2021 CMF Guidelines, we also ask that Commission authorize an award of up to \$400,000 should additional eligible work be identified by the applicant and Commission staff. Staff will keep the Commission updated on any proposed use of these additional funds.

MassHire Metro North Workforce Board and City of Boston

Summary: “MBRGHC [Metro Boston Regional Gaming and Hospitality Consortium] is a regional project aimed at addressing the workforce needs of the hospitality sector impacted by the Encore Boston Harbor gaming facility. A consortium of partners will provide career and employment services, ESOL, and digital literacy trainings targeted at hospitality industry workers who have been impacted by the COVID-19 induced economic downturn.”

Analysis:

MassHire Metro North and the City of Boston look to continue funding the existing structure of interconnected regional service offerings to community-based organizations, which has been building for the past three years. With the \$300,000 base grant requested, the Metro Boston Regional Gaming and Hospitality Consortium (MBRGHC) proposes to engage and serve at least 1,000 COVID-19-impacted hospitality workers from Encore, vendors of Encore, and other regional hospitality employers across the Metro North and Boston region through an integrated sequence of services, additional skills development and reemployment. Services include career advisement, English for speakers of other languages (ESOL) classes, connection to supports such as unemployment, Supplemental Nutrition Program (SNAP) and housing security. The proposal also includes convening a regional career advisor network on a regular basis to focus on the needs of the entire hospitality sector in Greater Boston.

According to the grant applicant, the “Encore Boston Harbor gaming facility’s layoffs have caused a major impact on the region’s labor market and workforce development system.” Prior to the COVID-19 pandemic, EBH hired more than 4,000 employees impacting the workforce needs of hospitality and other employers across the Greater Boston area. Encore’s reduced operations significantly impacted hospitality workers in the greater Boston area as layoffs increased and job opportunities were reduced. “While Encore is projected to add new jobs in 2021, their workforce levels will not be at the same capacity as their opening year. Our proposed project aims to address the immediate employment needs of laid off Encore workers, casino vendor laid off workers, and hospitality workers by providing a sequence of services that will allow local partners to tailor services to needs of the laid-off hospitality workers.”

The review team was pleased to see that this year’s proposal included an expansion of digital literacy training through NorthStar Digital Literacy’s curriculum (\$7,200), which was already in use by some of the grant partners. The applicant stated, “the effort will be expanded throughout the consortium’s region through this grant,” and have provided reporting components to demonstrate the NorthStar program’s outputs and successes. Northstar will be expanded for use at La Colaborativa in Chelsea, The Neighborhood Developers for use in Chelsea and Revere, and La Comunidad in Everett, as well as the organization providing services in Malden.

MBRGHC also requests \$50,000 in supplemental funding for the regional collaboration award which would be allocated to the local career advisor organizations in each of the partner communities. If approved, the applicant indicates each entity will see a 20% increase of individuals served (from 1,000 to 1,200.) The career advisors include:

- Everett –La Comunidad
- Malden –TBD
- Chelsea –La Colaborativa
- Revere –The Neighborhood Developers/CONNECT
- Somerville –Somerville Community Corporation

- Cambridge –Office of Workforce Development
- Boston –BEST Hospitality

The applicant stated that indicators of success in this proposal would be to engage at least 1,000 impacted workers and place 800 individuals into employment through the sequence of services.

Licensee Response: “Encore Boston Harbor supports MassHire’s efforts to continue providing career and employment services to local residents in preparation for careers in hospitality, especially during the trying economic times in our industry created by the COVID-19 pandemic. We have had the pleasure of successfully collaborating with MassHire in the past and look forward to continuing this collaboration in the future.”

Recommendation: The review team supports continuation of this workforce program, and recommends full funding of this grant request, including the supplemental award of \$50,000 for regional collaboration, for maximum impact. Total - \$350,000.

Given that the combined Workforce Grant applications total less than the amount targeted in the 2021 CMF Guidelines, we also ask that Commission authorize an award of up to \$400,000 should additional eligible work be identified by the applicant and Commission staff. Staff will keep the Commission updated on any proposed use of these additional funds.

The following application is for a Community Planning Grant. While it is a planning project, the subject matter falls within the purview of workforce and therefore, was grouped with the Workforce Development Grants.

COMMUNITY PLANNING			
Applicant	Region A	Region B	Recommendation of Review Team
Chelsea/Revere-ESOL & Digital Literacy	\$97,500.00		\$97,500.00
Total:	\$97,500.00		\$97,500.00

CHELSEA/REVERE – ESOL & Digital Literacy

Summary: “Our municipalities, in partnership with local community led organizations, are seeking funding to develop tailored curricula for Contextualized ESOL Programs & Adult Digital Literacy classes. Curricula will be geared towards industries at the casino’s nexus, including hospitality, logistics, IT, healthcare and complemented by adult digital literacy programs for non-English speakers.”

Analysis:

This Community Planning grant is focused on skills planning, particularly workforce development skills. The cities of Chelsea and Revere request \$97,500 in funding which will allow them to commission a consultant to develop curriculum aimed at English for Speakers of Other Languages (ESOL) and Adult Digital Literacy programs across four identified pathways: hospitality, logistics, healthcare, and IT.

The application references the host and surrounding community agreements with Encore Boston Harbor and the challenges the casino has had in meeting their hiring commitments prior to the pandemic, identifying “the level of fluency in English and the digital skills needed to navigate the application process and succeed in the workplace” as the core connection requiring mitigation. The furloughs during the pandemic further impacted the communities of Chelsea and Revere, which had some of the highest unemployment rates in the state. The applicant also utilized data from MGC’s reports showing regional impacts from PPC studies which demonstrated “that new employees spend new wages in their communities, supporting new economic activity.” Using the 4-3 multiplier as an example of the study, the applicant approximates the true impact that fulfilling the commitment to local employment could have. The proposal states that such curricula design would aide the casino in meeting its workforce commitments in the future, especially in the surrounding communities, and ensure the local economic impact of the casinos reaches its full potential. “Unfortunately, without robust programs that help to enable residents overcome special language needs and digital literacy skill sets, the occupations offered by the casino could not be met with competitive applications and interests by Chelsea & Revere’s most disenfranchised residents.”

Chelsea and Revere propose “four distinct contextualized ESOL pathways that would be carried out through classes offered twice (2) a week for fifteen (15) weeks, each totaling one hour and forty minutes, for a total of 30 classes per curricula pathway.” In total, there would be 100 hours of curricula developed for each pathway. The adult digital literacy program would be approximately

160 hours. In a supplemental response, the applicant stated that after development, “The City of Chelsea will collaborate and transmit the curriculum plans to Chelsea Community Schools, La Colaborativa, TND Connect, Revere Community Schools, Women Encouraging Empowerment and any other educational and/or ESOL entities that can utilize the curriculum.” The review team finds this to be a strong list, and commends the intent, but would like to monitor further development of a strategic implementation plan.

The review team requested further information about the pathway for healthcare and how the applicant felt it was connected to the casino. The applicant's response was that they intend for the workforce curricula to address the employment pipelines both into and out of the casino, due to the pandemic resulting in the casino not being able to return to full employment at this point. “Healthcare represents a promising career path with opportunities for advancement for some of the now unemployed workforce, and therefore an inclusion of this curriculum in our program is an effective way of providing support within this career pathway.” The review team determined that some consideration should be given to those employees of Encore laid off due to the pandemic as well as prospective employees, and that all four pathways should be funded.

Licensee Response: “Encore Boston Harbor supports the Cities of Chelsea and Revere’s development of an English to Speakers of Other Languages curricula. Encore Boston Harbor is committed to hiring individuals from its host and surrounding communities and is heartened by the commitment of the Cities of Chelsea and Revere to the continued development of their community members.”

The Review Team recommends full funding of this planning grant in the amount of \$97,500, with the condition that the applicant work to strengthen the implementation plan as the curricula development comes to fruition and communicates that with MGC.



Division of Racing

TO: Cathy Judd-Stein, Chair
Gayle Cameron, Commissioner
Eileen O'Brien, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director
Todd Grossman, General Counsel

DATE: April 8, 2021

RE: Requirements for Jockeys to Receive Benefits

Dear Commissioners:

Mindy Coleman, Counsel for the Jockey Guild, has worked with other members of the Guild and I to review the qualifications for jockeys to receive benefits through 128A Section 5 (h)(4). Please refer to her letter to the Massachusetts Gaming Commission dated April 5, 2021.

The health and welfare benefits are for active, disabled, or retired jockeys. Unfortunately, due to the decrease in live Thoroughbred racing in Massachusetts over the last several years, and no racing last year, we were not able to determine qualifications for active jockeys, so the Guild is not planning any distribution of funds to that category at this time. After reviewing the current qualifications for disabled jockeys, it is felt that no changes need to be made to those qualifications. For retired jockeys, there are some changes in the number of mounts and the timing of Jockey Guild membership to reflect the decrease in available racing in Massachusetts.

It is estimated that 17 jockeys would qualify for the \$65,000 fund using these qualifications. This would be about \$3,823 each, for reimbursements as described in Counsel Coleman's letter.

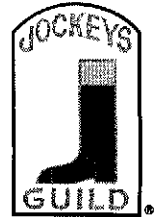
I have no objections to these qualifications and would like to thank Counsel Coleman and the Jockey Guild for their work on this matter.



Massachusetts Gaming Commission

April 5, 2021

Dr. Alexandra Lightbown
Massachusetts Gaming Commission
101 Federal Street 12th Floor
Boston, MA 02110



Sent via email alexandra.lightbown@state.ma.us

Dear Dr. Lightbown,

On behalf of the Jockeys' Guild, the organization which represents professional jockeys in American Thoroughbred and Quarter Horse racing and has approximately 1,270 active, retired, and permanently disabled members, we are respectfully requesting to be included on the agenda for the Commission meeting scheduled for April 8, 2021. The purpose of the request is to request the Commission's consideration for distribution of the funds under MLGA 128A §5(h)(4) which authorizes for \$65,000 annually to be paid to the "organization, as determined by the commission that represents the majority of the jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and welfare benefits to active, disabled or retired jockeys."

To assist with the Commission in deciding whether to distribute the above referenced funds to the Guild, for purposes of providing the funds to qualifying jockeys, we have attached the proposed modified qualifications for the retired and permanently disabled jockeys who were regular jockeys in Massachusetts. Unfortunately, due the decreased racing in Massachusetts over the past several years, and no live racing conducted in 2020 or scheduled to be conducted in 2021, we were unable to determine a qualification for active jockeys. However, based on the proposed qualifications, there would be approximately 17 jockeys who would be eligible to receive the benefit, including 13 retired and 4 permanently disabled jockeys. The distribution amount would be based on pro rata share of the \$65,000 to the qualifying individuals. It is the intention of the Guild that these monies be used to reimburse jockeys for their medical expenses. This can include any out of pocket expenses for health care premiums, deductibles, medical expenses and/or prescription expenses, dental expenses and/or temporary disability insurance policy premiums.

While we recognize currently there are not any licensed jockeys in Massachusetts, as of the most recent time of live racing, the majority of jockeys who were licensed by the Commission and regularly rode in Massachusetts, were members of the Jockeys' Guild. Additionally, the vast majority of jockeys who would qualify under the proposed qualifications are either currently, or at one time, a member of the Jockeys' Guild.

The Guild sincerely appreciates the Commission's consideration regarding this issue. If you have any questions or concerns that need to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeysguild.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Mindy L. Coleman". The signature is fluid and cursive, written over a horizontal line.

Mindy L. Coleman
Counsel

Enclosures

**MASSACHUSETTS JOCKEYS HEALTH AND WELFARE DISTRIBUTION
ELIGIBILITY QUALIFICATIONS
Effective April 1, 2021**

RETIRED MEMBER QUALIFICATIONS

The JOCKEY is eligible if the following qualifications are met:

1. Must have been a member of the Jockeys' Guild, AND
2. Retired from racing on or after January 1, 2008, AND
3. Must have ridden in the State of Massachusetts since January 1, 2008, AND
4. Must have ridden at least two thousand five hundred (2,500) career mounts in legal pari-mutuel races conducted by the State of Massachusetts OR ten (10) years as a licensed Massachusetts jockey.
5. For the purposes of this section, an individual, who meets the aforementioned qualifications, shall be considered to be retired from racing if the individual has ridden in fewer than fifty (50) races, in the previous calendar year, at any track in the United States licensed to conduct pari-mutuel wagering.

PERMANENTLY DISABLED QUALIFICATIONS

A QUALIFYING JOCKEY is eligible if the following qualifications are met:

1. Must have been a member of the Jockeys' Guild at the time of the injury, AND
2. Must not hold a license as a jockey in any racing jurisdiction, AND
3. Must have suffered a career-ending injury at a Massachusetts racetrack recognized by the Massachusetts Gaming Commission OR must achieve the retired member qualifications if injured at a track outside of Massachusetts, AND
4. Must be permanently disabled under the Social Security Act and must qualify for Medicare benefits under Part A, B, and D.

It is the intention of the Guild that these monies be used to reimburse jockeys for their medical expenses. This can include any out of pocket expenses for health care premiums, deductibles, medical expenses and/or prescription expenses, dental expenses and/or temporary disability insurance policy premiums.

The above qualifications are effective as of 2021 and will remain effect until further notice when live racing returns to Massachusetts. Jockeys' Guild reserves the right to make modifications to the qualifications once live racing resumes in Massachusetts.

Funding for this benefit is only available upon receipt of the monies from the Massachusetts Gaming Commission.

WYNN MA, LLC AND WYNN RESORTS, LTD.
INDEPENDENT COMPLIANCE MONITOR
PHASE THREE WORK PLAN

MAY CONTAIN SENSITIVE INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

March 31, 2021
Alejandra Montenegro Almonte

Miller & Chevalier

900 16th Street NW
Black Lives Matter Plaza
Washington, DC 20006
202.626.5800
www.millerchevalier.com

Independent Compliance Monitor Draft Work Plan

This work plan is submitted by Alejandra Montenegro Almonte, the Independent Compliance Monitor (the Monitor) for Wynn MA, LLC (Wynn MA) and its parent Wynn Resorts, Limited (Wynn Resorts or WRL) (collectively, the Company) and her team (the Monitor Team)¹ pursuant to the April 30, 2019 Decision and Order, *In the Matter of Wynn MA, LLC* (the Decision and Order) of the Massachusetts Gaming Commission (the Commission or MGC).

From September 2019 to April 2020, the Monitor Team conducted a Baseline Assessment of the Company's Human Resources Compliance Program (HRCP). On May 8, 2020, the Monitor issued her Baseline Assessment Report (Baseline Assessment) on the status of the HRCP and recommended enhancements. The Decision and Order requires the Monitor to continue to "report to the Commission no less than annually in accord with a mutually agreed upon schedule between the independent monitor and the Commission" and to "make such additional recommendations to the Company that the monitor deems appropriate on an ongoing basis over the course of its engagement."² Consistent with that mandate, the Monitor Team continued its review of the Company's HRCP and issued a Phase II Report on January 29, 2021. That Phase II Report focused primarily on the Company's implementation of the Baseline Assessment observations and recommendations.

In this and future phases, the Monitor Team will continue to conduct ongoing review, monitoring, and testing of all elements of the Company's HRCP, including implementation of Baseline and Phase II recommendations. This work plan provides an overview of the Monitor Team's planned activities. However, the Monitor must necessarily remain flexible to adjust testing activities in response to particular issues that may arise.

I. OVERALL APPROACH AND WORK PLAN METHODOLOGY

The Monitor Team will continue to assess the Company's HRCP through steps similar to those followed in Phase II:

First, we will continue to review relevant documents, data, and other information relevant to the HRCP to determine the current status of the Company's Human Resources risk profile, specifically with respect to harassment and discrimination.

Second, we will review and evaluate the Company's implementation of the Monitor Team's recommendations from the Baseline Assessment and from the Phase II Report.

¹ The Monitor Team for Phase III will consist of the same personnel. From Miller & Chevalier Chartered, the Monitor Team will include Alejandra Montenegro Almonte, Ann Sultan, Katherine E. Pappas, and Nicole D. Gökçebay. Preston L. Pugh joined Crowell & Moring LLP following submission of the Baseline Assessment but continues to work with the Monitor Team as a consultant for Internal Reporting and Investigations.

² Decision and Order at 51.

Third, we will review and evaluate new or updated materials related to all other aspects of the HRCP, including areas generally reviewed in the Baseline Assessment or Phase II and areas not fully reviewed in those phases.

Fourth, we will use (1) interviews of the Board of Directors, the Compliance Committee, senior management, and other personnel, (2) targeted testing of selected procedures and related controls, (3) attendance of training programs, (4) testing of the reporting channels and investigations process (from intake to resolution) related to sexual harassment and discrimination, as well as harassment and discrimination related to other protected classes, (5) review of investigations files and facilitation of employee focus group, (6) testing of the handling of Patron misconduct, (7) review of separation and settlement agreements, and (8) review of HRCP risk assessment and monitoring activities, to determine whether the HRCP as implemented is functioning effectively and whether gaps remain between the HRCP as written and as implemented in practice. The Monitor has also requested to participate in a Board and Compliance Committee meeting to observe compliance-related discussions and expects to do so by the submission of the interim report.

Fifth, we will develop additional recommendations on an as-needed basis regarding the Company's HRCP, considering the ongoing implementation work by the Company.

The Monitor Team will coordinate with the Company to minimize any business disruption from these efforts.

II. SCHEDULE

A tentative schedule for the Monitor Team's Phase III review and reporting is as follows.

Activity	Tentative Dates
Review of Recommendation Implementation	February – July 2021
Review of HRCP-related Documents and Data	February – August 2021
Interviews of Company Personnel	July – August 2021
Phase III Interim Reporting	September 2021
Facilitation of Employee Focus Groups	October – November 2021
Submission of Phase III Report	January 2022

This schedule is subject to adjustment based on the availability of personnel and documentation, logistics, and other factors that may impact the Monitor Team's ability to sufficiently evaluate the Company's progress during this Phase. Given on-going COVID-19 related restrictions, we anticipate that on-site activities will be limited during this Phase.