



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING# 354**

September 9, 2021
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 593 9063**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
September 9, 2021**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Section 20 of Chapter 20 of the Acts of 2021, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, September 9, 2021
10:00 a.m.**

**Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 593 9063**

Please note that the Commission will conduct this public meeting remotely utilizing remote collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.MassGaming.com. All documents and presentations related to this agenda will be available for your review on the morning of September 9, 2021 by [clicking here](#).

PUBLIC MEETING - #354

1. Call to order
2. 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. Internal Re-Opening Plan Update – Karen Wells, Executive Director
 - c. Investigations and Enforcement Bureau Recognition of New Chief Enforcement Counsel, Heather Hall – Loretta Lillios, Director of Investigations and Enforcement Bureau
3. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. Race Horse Development Benefits for Drivers and Jockeys – Dr. Alex Lightbown, Director of Racing; Todd Grossman, General Counsel **VOTE**



Massachusetts Gaming Commission

4. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Public Health Trust Fund Update – Mark Vander Linden, Director of Research and Responsible Gaming; Marie-Claire Flores-Pajot, Research Manager
 - b. Play My Way Update – Mark Vander Linden, Director of Research and Responsible Gaming; Marie-Claire Flores-Pajot
 - c. Addictive Services Sub-Committee Update – Mark Vander Linden, Director of Research and Responsible Gaming; Marie-Claire Flores-Pajot, Research Manager
5. Commissioner Updates – Commissioner Gayle Cameron
 - a. IAGR Conference Update
6. 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.

September 7, 2021

Cathy Judd-Stein, Chair

Date Posted to Website: September 7, 2021 at 10:00 a.m.



Massachusetts Gaming Commission



Division of Racing

MEMORANDUM

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: August 19, 2021

RE: Race Horse Development Fund Benefits for Jockeys and Drivers

Regarding benefits from the Race Horse Development Fund for jockeys and drivers, Massachusetts General Laws Chapter 23K Section 60(c)iii states the following (emphasis added):

“4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission; provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice; and provided further, that of this amount, the commission shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization”.

The Harness Horseman's Association of New England, Inc. (HHANE) provides a Retirement Savings Plan (RSP), vision benefits, third party liability insurance, etc. to all members, which includes drivers. There is no separate standardbred drivers' organization for the commission to “determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance...”.



Massachusetts Gaming Commission

Recommendation: It appears the standardbred drivers are adequately provided for under the current HHANE benefit plans, so there does not appear to be a need for the Commission to determine an amount above what the HHANE is already providing to the drivers.

The New England Horsemen's Benevolent and Protective Association, Inc. (NEHBPA) is an organization of Thoroughbred trainers and owners and provides benefits such as old age assistance, life insurance, benevolence, and eyeglasses to its members.

Jockeys are not members of this Association. There is a separate benefit for retired, disabled, and active jockeys of \$65,000 under Massachusetts General Laws 128A. At the February 25, 2021 Commission meeting, the Massachusetts Gaming Commission voted to approve the Jockeys' Guild as the organization who represented the majority of the jockeys licensed by the Massachusetts Gaming Commission and who regularly rode in the commonwealth, in accordance with Massachusetts General Law 128A Section 5 (h) (4). The new qualifications were presented at the April 8, 2021 meeting, clearing the way for the money to be disbursed by the Jockey Guild to 15 disabled or retired jockeys. With no live racing in Massachusetts, qualifications for active jockeys were not able to be determined, so the Guild is not planning any distribution of funds to that category at this time. There is no similar amount of money under chapter 128A that goes to standardbred drivers. When there was live Thoroughbred racing at Suffolk Downs, the NEHBPA funded an excess coverage policy for the jockeys. They are no longer doing that.

NEHBPA Executive Director Paul Umbrello has outlined how the organization spends its Race Horse Development Fund benefit funds, and the recent reductions in benefits to its members the NEHBPA has had to make due to declining revenues. At present, it appears most NEHBPA members will not receive as much as the jockeys did from their share of the \$65,000. The eligible jockeys individually are due to receive \$4,333. The largest single benefit a NEHBPA member might presently qualify for is the old age assistance, which tops out at \$4,800. Many NEHBPA members currently only qualify for the \$200 eyeglass benefit. As a reminder, any funds from the Race Horse Development Fund 4% that would be paid by the NEHBPA to the jockeys, takes money away from the horsemen. Unfortunately, the needs of the jockeys and horsemen are greater than the available funding. Several options have been discussed. The NEHBPA and Jockey Guild have discussed the possibility of the NEHBPA changing their bylaws to allow the disabled jockeys to join some of their plans. Alternatively, the Commission could determine a dollar amount to go to the Guild to disperse to the 4 jockeys who would qualify as a disabled jockey. (Recall that the language in section 60 does not include retired jockeys, only disabled and active). A third option is to have this issue discussed at the Race Horse Committee meetings, and perhaps a slight increase in the amount of money the NEHBPA receives could be targeted towards the jockeys. This decision on the split would of course be a decision made by the Horse Racing Committee, not the Gaming Commission.



Massachusetts Gaming Commission

Recommendation:

Based on the facts before us, I recommend that the Massachusetts Gaming Commission determine that the NEHBPA pay from their Race Horse Development Funds to the Jockey Guild \$4,000 to be used by the four qualified jockeys for health insurance, life insurance or other benefits for this year (\$1,000 each). The Commission might request that the Horse Racing Committee consider factoring in a small increase in the split of the 4% funding for health and pension benefits next year for the HBPA to go to jockey benefits. Such a small increase in the percentage they receive from the Fund could help the jockeys, preserve funding for the Thoroughbred horsemen, and not cause a significant impact on the benefits for Standardbred horsemen and drivers.



Massachusetts Gaming Commission



P.O. Box 1811, Plainville, MA 02762

Website: www.hhane.com

Email: president@hhane.com

508.316.3364

A Request for Public Comment:
Health and Pension Distribution from the Race Horse Development Fund
mgccomments@massgaming.gov

Subject: RHDF Jockey and Driver Benefits

This is in response to the Massachusetts Gaming Commission's (MGC) request for comment from any interested party or stakeholder relative to how much funding, if any, it should direct of the four percent of the health and pension distribution from the Race Horse Development Fund (RHDF) to be paid by the respective horsemen's organization which receive the funds for active and disabled thoroughbred jockey or standardbred drivers for health insurance, life insurance or other benefits. Information regarding how the four percent is currently being distributed by the horsemen's organizations, what funds are received by those organizations for the jockeys/drivers from other sources, how many jockey/drivers would benefit from such funding, and any other relevant information that would be helpful to the Commission in making its determination.

Response of the Harness Horseman's Association of New England, Inc.:

May 18, 2021

The Harness Horseman's Association of New England, Inc. (HHANE) represents the Standardbred Industry racing at Plainridge Park Racecourse (PRC), and its members including the Standardbred drivers.

The Board of the HHANE had many meetings and ideas on how the money from the RHDF, as outlined by the legislation, could best be used to benefit our members. After reviewing programs offered at several other racetracks, we concluded one benefit that would be invaluable to trainers and drivers would be a Retirement Savings Plan (RSP). There were few if any trainers or drivers racing at PRC with any money saved for retirement. A participant in the RSP that has met the requirements for five consecutive years and/or is 65 years or older is automatically vested. Should a permanent disability occur, the funds in their account are paid out immediately regardless of age or vesting years.

The HHANE has received many compliments regarding the RSP, as it has exceeded our expectations. The RSP was presented to and approved by the MGC.

While most of the funds from the RHDF have been used for the RSP, other benefits are available for all our members. The vision benefit affords owners, trainers, grooms, and drivers the ability to have annual eye exams and purchase eyewear or contact lens with little or no out of pocket costs. This is especially important for drivers as a yearly vision exam is a licensing requirement.

Another paid benefit offered to all members, including drivers, is third-party liability insurance. This insurance pays for any damage caused by a horse off the racetrack. It is part of a group policy which provides insurance for Standardbred horse organizations across the country and it would be difficult for an individual to obtain this type of policy on their own.

Also offered to all members is a charitable giving policy available to any member experiencing financial distress.

As for other source contributions, through our contract agreement with our host track, the track provides at its expense accident and disability insurance for trainers and drivers who are injured or killed while participating in training or live racing at Plainridge.

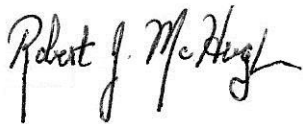
HHANE also offers a self-funded program where member drivers can obtain race bike insurance up to \$1,000 at no cost.

The four percent of the RHDF currently received by the HHANE benefits all our members. As stewards of the money received, HHANE is proud of the benefits designed and offered to our members, including our 73 Standardbred drivers.

We welcome any questions you may have.

Sincerely,

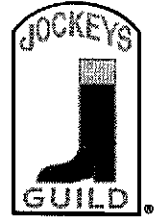
HARNESS HORSEMAN'S ASSOCIATION OF NEW ENGLAND, INC.

A handwritten signature in black ink that reads "Robert J. McHugh". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert J. McHugh
President

May 18, 2021

Massachusetts Gaming Commission
101 Federal Street 12th Floor
Boston, MA 02110



Sent via email mgccomments@massgaming.gov

RE: Public Comment Regarding RHDF Jockey and Driver Benefits

Dear Commissioners,

On behalf of the Jockeys' Guild, and our members who regularly rode in Massachusetts, we are submitting this letter regarding Race Horse Development Fund ("RHDF") Jockey and Driver benefits. On behalf of our qualifying jockeys, we are respectfully requesting the Massachusetts Gaming Commission's consideration for distribution of the funds pursuant to G.L. c.23K, §60(c)(iii). Under the legislation, the Commission must determine what portion, if any, of the 4% health and pension distribution from the RHDF shall be paid by the respective horsemen's organizations which receive the funds to active and disabled thoroughbred jockeys or standardbred drivers for health insurance, life insurance or other benefits.

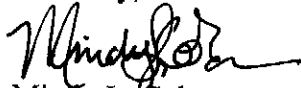
As the Commission is aware, the Guild is the organization representing professional jockeys in American Thoroughbred and Quarter Racing and has approximately 1,270 active, retired, and permanently disabled members. The purpose of the organization is to represent jockeys and to monitor developments in local, state and federal laws affecting the racing industry, and in particular, the jockeys. In addition to being a voice for jockeys in the industry, the Guild is currently providing its members with various benefits including life insurance, AD&D insurance and temporary disability for the active members, as well as life insurance and aid to the permanently disabled members, which is separate from the benefits provided to qualifying members by the Permanently Disabled Jockeys Fund (PDJF).

According to the §60(c)(iii), distribution of funds is applicable to the active and permanently disabled jockeys for "health insurance, life insurance, and other benefits." As previously advised, unfortunately due to the fact no live racing was conducted in 2020 nor scheduled to be conducted in 2021, we were unable to establish a standard for active jockeys. However, based on the qualifications previous presented for qualifying members disabled as a result of an on-track accident in Massachusetts, there would be four (4) individuals who would qualify for funds in the event that the Commission deems appropriate. Please note that any funds received by the Guild would be provided directly to qualifying individuals to be used in addition to the benefits currently provided by the Guild.

In light of the current circumstances with no live thoroughbred racing being conducted in 2020 or 2021, the Guild recognizes that there are many factors that must be considered by the Commission pertaining to how much the New England HBPA should contribute for the benefits of the thoroughbred jockeys in Massachusetts. Over the years, the Guild has had a longstanding working relationship the New England HBPA, which has always looked out for the interest of the jockeys. Prior to 2020, please note that the New England HBPA provided an additional temporary disability policy covering jockeys who were injured during an on-track accident. Therefore, the Guild had not sought additional benefits under the RHDF. It should be noted there has been an initial conversation with the two organizations considering an agreed proposal to provide some funding or benefit to the qualifying individuals. If the Commission deems appropriate, the Guild is willing to work with the Commission and the New England HBPA to achieve a fair and reasonable solution.

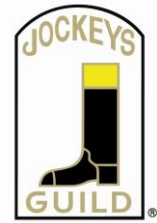
The Guild sincerely appreciates the Commission's consideration regarding this issue. If you have any questions or concerns that need to be addressed prior to the Commission meeting, please feel free to contact me in the office at (859) 523-5625 or via email at mcoleman@jockeysguild.com.

Sincerely,



Mindy L. Coleman
Counsel

CC: Dr. Alex Lightbown, MGC, Director of Racing
Terence Meyocks, Jockeys' Guild, President & CEO



August 10, 2021

Massachusetts Gaming Commission
101 Federal Street 12th Floor
Boston, MA 02110

RE: Regarding Consideration for Jockey Benefits through RHDF

Dear Commissioners,

On behalf of the Jockeys' Guild ("the Guild"), and our members who regularly rode in Massachusetts, we are submitting this letter as a follow up to our May 18, 2021 letter regarding Race Horse Development Fund ("RHDF") Jockey and Driver benefits in which we respectfully requested the Massachusetts Gaming Commission's consideration for distribution of the funds pursuant to G.L. c.23K, §60(c)(iii).

As stated in our previous letter, we recognize that there are many factors that must be considered by the Commission pertaining to the amount of funds, if any, it may determine to be allocated to the Guild in order to contribute for benefits of Thoroughbred jockeys in Massachusetts. In assisting the Commission in making its determination, we write to provide background of the Guild and its purpose, as well as a brief history of the relationship with the New England HBPA.

As previously advised, the Guild is the organization representing professional jockeys in American Thoroughbred and Quarter Horse racing. Our organization was founded in May 1940 and has approximately 1,270 members, including active, retired and permanently disabled riders. The purpose of the organization is to represent jockeys and to monitor developments in local, state and federal laws affecting the racing industry, and in particular, the jockeys.

In addition to being a voice for jockeys in the industry, the Guild is currently providing its members with various benefits including life insurance, AD&D insurance and temporary disability for the active members, as well as life insurance and aid to the permanently disabled members, which is separate from the benefits provided to qualifying members by the Permanently Disabled Jockeys Fund (PDJF). The money for these benefits comes from primarily two sources, the *jockeys, as members of the Guild, who contribute on each mount they ride*, as well as racetrack contributions.

The Guild was, and continues to be, recognized as the organization representing the majority of the Massachusetts jockeys for decades, with the exception of the years of reorganization, which began in October of 2007. In 2012, we regained the majority of the membership in Massachusetts and were once again recognized by the Commission as the representative of the jockeys. Although there is currently no live Thoroughbred racing in Massachusetts, in April of 2021, the Commission continued to recognize the Guild in that capacity.

With all of the uncertainty regarding Thoroughbred racing in Massachusetts, and in general, the one thing that has remained constant is the injuries, some of which are temporary and some of which are career ending. The costs to those injuries are on-going and the funds are limited. Regardless, the Guild continues to provide benefits. For the past few years, on average, approximately 20% of our members suffered injuries that prevented them from riding and earning a living for weeks at a time.

We also assist 51 permanently disabled jockeys, who have been injured on-track, with the cost of prescriptions, co-pays and necessities like breathing tubes, oxygen, replacement parts for their wheelchairs and the like. Of the number of our permanently disabled members, approximately 70% of them are either paralyzed or have significant head injuries. Since 2007, the Guild has paid out over \$14.5 million in benefits to our members.

According to the G.L. c.23K §60(c)(iii), distribution of funds is applicable to the active and permanently disabled jockeys for "health insurance, life insurance, and other benefits." As previously advised, unfortunately due to the fact no live racing was conducted in 2020, nor any scheduled to be conducted in 2021, we were unable to establish a standard for active jockeys. Additionally, unlike MLGA 128A §5(h)(4), the language of §60(c)(iii), does not include retired jockeys. Therefore, the potential benefits would only be available to disabled jockeys. Based on the qualifications previously presented to Commission for qualifying members who are disabled as a result of an on-track accident in Massachusetts after 2008, there would be four (4) individuals who would qualify for funds in the event that the Commission deems distribution appropriate.

With regards to the current benefits that are provided to jockeys who qualify as permanently disabled by the Jockeys' Guild, we offer the following:

1. 50% reimbursement of Rx co-pays w/original receipt (**monthly submittals preferred**). No reimbursement can be made if date of prescription is older than 90 days from date of submittal.
2. 50% reimbursement of medical co-pays with Medicare Explanation of Benefit.
3. 100% reimbursement of balance approved by but not paid by Medicare on durable medical equipment with Medicare Explanation of Benefit.
4. \$1,500 annual cap reimbursement on Medical and Durable Medical Benefits.
5. Term life insurance policy (currently \$15,000.00) for those individuals who did not apply or qualify for the Waiver of Premium
6. Waiver of annual Jockeys' Guild dues
7. Waiver of Jockeys' Guild life insurance annual fee

Any funds received by the Guild under the RHDF would be provided to qualifying individuals to be used in addition to the funds that have been distributed under MLGA 128A §5(h)(4). While the distribution by the Commission for fiscal year 2020 was most appreciated, there are always additional needs for those jockeys who were disabled during racing in Massachusetts.

With that being said, the needs of those who have committed their lives and careers to racing in Massachusetts, including those trainers who receive benefits from the New England HBPA, are also recognized by the Guild. While we have respectfully requested that the Commission consider designating an amount from the RHDF to be used for the disabled jockeys based on the need and under the premise of the possibility for additional benefits for those individuals, the Guild also recognizes that there has been a substantial decrease in the funds going to the New England HBPA due to no live Thoroughbred racing in Massachusetts, with the majority being distributed to the Standardbred organizations.

It should be emphasized that the Guild has had a longstanding working relationship the New England HBPA, which has always looked out for the interest of the jockeys. After the RHDF was established, the Guild submitted a letter requesting that additional funds be made available to active, retired and disabled jockeys. There were discussions between both organizations, track management, and

representatives of the Commission during the latter part of 2014 and 2015, about several items, including funds being provided to the Guild, especially in light of the fact there was a “sunset clause” on MLGA 128A §5(h)(4) which was set to expire in 2016. However, it was obviously continued through adoption of legislation.

Also during this time, the New England HBPA was funding an excess coverage policy that provided benefits for jockeys in the event of an on-track accident, which was in addition to the on-track accident policy provided for by Suffolk Downs. This policy was established in the late 1990s with the input of the jockeys at the time and was regularly discussed with the colony of jockeys over the years as changes occurred. Additionally, several jockeys have received benefits under this policy, including temporary disability, excess medical coverage, and lump sum payments for permanent disability. It should also be noted and recognized that the NE HBPA was the only horsemen’s organization to provide for such additional coverage and benefits for the jockeys.

In light of the fact that the Guild was still receiving the \$65,000 annually for the qualifying jockeys under MLGA 128A §5(h)(4) and these additional benefits were being provided by New England HBPA through the excess coverage to active and disabled jockeys, as well as the uncertainty of the future of racing in Massachusetts, it was the opinion of the Guild at the time this was a reasonable exchange for the portion of the money Commission may have deemed that the Guild was to receive on behalf of the active and disabled jockeys under the RHDF. It should be noted, this excess policy was provided by the New England HBPA until 2020 and only ceased due to the fact there is currently no live Thoroughbred racing.

While we would request for consideration of the additional funds for the qualifying permanently disabled jockeys, we do not wish for such funding to be at the detriment of the horsemen and the limited benefits that they are receiving. Upon recommendation of the Commission, there have been several conversations between the representatives of both the Guild and New England HBPA, discussing possible ways of providing benefits to the qualifying jockeys and we had potentially reached an agreement in which the qualified disabled jockeys could receive some additional benefits. However, we are awaiting further direction from the Commission.

The Guild sincerely appreciates the Commission’s consideration of our request. If you have any additional questions or concerns, I will be presenting to the MGC during the agenda item pertaining to the RHDF to be discussed at the Commission meeting scheduled for August 19th. In the event you have a question or concern that needs 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,



Mindy L. Coleman
Counsel

CC: Dr. Alex Lightbown, MGC, Director of Racing
Terence Meyocks, Jockeys’ Guild, President & CEO

New England Horsemen's Benevolent and Protective Association, Inc

A National Organization



P.O. Box 550247 Waltham, MA. 02455 617-744-3603

www.newenglandhbpa.com

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Susan Clark, Shirley Dullea, Chris Trakas Robert Manning, Joseph Lewko

Directors Trainers – Tim Kirby, Matthew Clarke, Kevin McCarthy, Leona McKanas George Saccardo

August 13th, 2021

Mass Gaming Commission

Dear Commission,

Discussion regarding the 4% distribution to Jockeys from the RHDF

First a little background

The NEHBPA was the first and only Horsemen's Organization to offer Jockey Insurance for New England Jockeys since the early 1990's right up to the last year of racing at Suffolk Downs.

The NEHBPA thru its agreements with Suffolk Downs have paid over \$4 million dollars in premiums to provide insurance for the Jockey's that have raced in New England. Over those years the policy has paid out over \$23 million dollars in payments to said Jockeys

Some Jockeys including those currently under the Guild have received in excess of \$100,000 dollars in benefit payments.

The agreement between the NEHBPA and the Guild was that between the Insurance Policy provided and the \$65,000 from 128A Pari-Mutual wagering was the only funding available and more than fair.

If you read 23K Section 60 below our interpretation was that it left the opportunity open for distribution of funding as it also states for Owners, and would replace 128A at some point in the future (when 128A and 128C get rewritten) and believe it was the intent of those writing the language at the time that most likely Suffolk Downs if awarded a gaming license that enough funding would be available for our organization to offer more with only a bylaw change and not a legislative change

23K Section 60

“(iii) 4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing **the owners and trainers at a horse racing facility** for the benefit of the organization's members, their families, employees and others **under the rule and eligibility** requirements of the organization, as approved by the commission; provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice; and provided further, that of this amount, **the commission shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the horse racing facility for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization.**”

The NEHBPA today and based on eligibility requirements offer benefits to our Trainers We would love to help others but the program and funding does not allow. I read the last highlighted paragraph above that while the Commission will determine the amount it clearly states **under the rules and eligibility requirements of that organization”**

Please keep in mind that over the last several years the adjustment in the SPLIT between the Standardbred and Thoroughbreds has caused financial strain on the NEHBPA

The use of the funding is as follows;

Health Insurance: \$0.00 allocated for health insurance; Recently had to cancel policy for lack of RHDF revenue.

Old Age Assistance: We budget for \$300,000 per year for Old Age Assistance with new applications always coming in for review. Due to inadequate funding the program was forced to reduce benefits for new enrollees based on years in training and number of starts.

Life Insurance: We budget for \$20,000 per year for Life Insurance for over 100 Trainers

Benevolence: We budget for \$20,000 per year towards benevolence. Maximum Benefit allowed per year is ONLY \$750 in comparison to what a Jockey might benefit from

Eyeglasses: We budget for \$2,400 per year for eyeglass benefits. With a \$200 max payment per pair of eyeglasses

New Participants: Based on our program today we receive multiple requests each month to sign-up new members. If more funding was available, we obviously would have the potential to offer more to our members.

So today our BUDGET is roughly \$340,000 and we are currently taking in on average \$25,000 per month from Gaming or \$300,000 so we have a shortage. Covid and the adjustments in the SPLIT with the Standardbreds have put a strain on our program as well

We are fortunate enough to have reserve funding at this time but if things do not improve and a track is not built, we will have to make more drastic cuts as early as next year

Thank you
NEHBPA

New England Horsemen's Benevolent and Protective Association, Inc

A National Organization



P.O. Box 550247 Waltham, MA. 02455 617-744-3603

www.newenglandhbpa.com

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Susan Clark, Shirley Dullea, Chris Trakas Robert Manning, Joseph Lewko

Directors Trainers – Tim Kirby, Matthew Clarke, Kevin McCarthy, Leona McKanas George Saccardo

Commissioners,

5/18/2021

Thank you for the opportunity to provide our thoughts on the MGC's decision to discuss and evaluate benevolence funding for injured and permanently disable jockeys that were members of the jockey colony at Suffolk Downs.

The NEHBPA has held a longstanding commitment to the jockeys that have provided their services to our membership of owners and trainers. In 1991 the NEHPPA was the first horseman's group in the nation to offer catastrophic injury and disability insurance to the Suffolk downs jockey colony.

Between 1991 and 2019 the NEHBPA membership paid premiums in excess of \$5 million dollars to secure these benefits for our jockeys. Payments made by the insurer during the same period exceed \$18 million to 23 jockeys who suffered career ending injuries and have received substantial compensation for them and their families along with many others who have received assistance with loss of earnings benefits and medical bills.

Additionally, our membership in partnership with Sterling Suffolk racecourse LLC have made substantial annual payments to the jockeys Guild in addition to the legislative payments to the Jockey Guild in the amount of \$65,000 thousand dollars per year including 2020 and 2021 even though no live racing was held in the Commonwealth.

While the language in 23K does mention other industry participants access to some amount of the 4% of the health and welfare portion of the RHDF it was our assumption that the insurance provided by the NEHBPA in addition to the \$65,000 paid annually the Guild by Sterling Suffolk LLC and the NEHBPA, while technically funded from a different source, was the same as the benefits the Guild has received in 2020 & 2021 from the MGC.

We are currently funding many programs for the benefit of our membership including but not limited to life insurance, old age assistance, vision and eyeglass, emergency benevolence and funeral coverage

In 2020 due to the emergence of the COVID-19 pandemic and the subsequent substantial reduction in revenue received from the RHDF, the NEHBPA was compelled to terminate its health Insurance program and used reserve funding to meet our commitments. As with any program, additional funding would mean we could potentially offer more diverse programs to our horsemen.

Sincerely

NEHBPA

-----Original Message-----

From: Edwin Molinari <edwin.molinari@aol.com>

Sent: Monday, May 17, 2021 12:02 PM

To: MGCcomments <MGCcomments@massgaming.gov>

Subject: Comments about RHDF

Hi my name is Edwin Molinari, first I want to say thank you to the commissioners and Alexandra Lightbown for helping the jockeys. My comments for the RHDF 23k section 60 is that we just want to be treated equal to the horsemen organization and the standard bred organization. To do that we have to see what we received from the MGC and what the other organization receive.

Since 2013 the jockeys received \$65,000 dollars from 128 A section 5 (h) (4) that was divided between around 24 to 27 jockeys active, disabled and retired for a payment of around \$2,407 dollars. Some years a little more but not more than \$2,900 dollars from that amount we have to provide the Jockeys Guild evidence that we spend the same amount or more in medical expenses even wen the rules explain that is for help and other welfare, if we do not spend the same amount or more on medical expenses the Jockeys Guild send us a 1099 form to report that money as an income. I don't understand why, because the money comes from MGC and not from the Jockeys Guild. I want to explain this because sometimes we do have to pay taxes from this grants. That is the total of what we received from the MGC.

One of the other organization received payments of around \$400 dollars a month for 54 members total of \$275,000, health insurance for \$90,000, 130 members are provided with life insurance at the total cost of \$18,000. The harness organization created a retirement plan for their members with money from the 23k section 60. I don't know what happened since the 23k section 60 was created but jockeys they were never involved in the conversation, not even the Jockeys Guild knew about the 23k section 60. If we knew about the 23k section 60 we would have commented at the time because I think we deserve something from the 4% of the 23k section 60.

I trust the MGC will make the best decision with the information from this comments.

I appreciate your help, sincerely
Edwin Molinari

Sent from my iPhone

May 18,2021

Dear Commission:

I have sent numerous Communications to this Commission since January 2021, regarding jockey benefits for the Massachusetts jockeys, retired, disabled and active. I am aware you approved and sent the \$65,000 from M.G.L.c. 128a Sec5(h)(4) to the Jockey Guild for distribution to the retired, and disabled jockeys. As of this date jockeys have not received that money. I have asked to give input to this, but have been evaded.

Some jockeys receive SSI and medicaid to survive. For those who do, they cannot provide receipts for medical expenses since medicaid is the recipient of those bills. The Guild letter of July 21, 2020, states for medical expenses, therefore, this welfare money (by definition: physical, material, happiness and well-being of a person in need,) is sent with a 1099, from the payer's name **The Jockey Guild**, we do not work for the Jockey Guild, This should be like a pension same as the HBPA gives the trainers, for other expenses. Even though medicaid pays medical bills there is still a need for many things necessary for retired and disabled that they cannot pay for, and is needed by those jockeys, for their welfare. It's a shame that people who spent years dedicated to racing and risking their lives on a daily basis are treated so badly, jockeys are the very core of racing. Other athletes such as football and basketball are revered and paid exorbitant amounts to play, we as jockey's are barely able to achieve fair wages (unless you are in the top ten) Some jockey's that are called retired have severe enough injuries they are unable to hold a job, you do not necessarily need to be in a wheelchair to be disabled.

Regarding M.G.L.c. 23k., I am aware your meeting on May 20, 2021 is going to address this law. Myself and other jockeys want to know what are you planning to do about the portion of the 4% RHDF money awarded to HBPA , and what amount the Commission shall determine will be distributed to jockeys annually per M.G.L.c. 23k sec 60(c)(iii) . **The fund was established in 2011. These monies have been mandated to be distributed, but were not? Are you going to see we receive that back money?**

and receive it going forward? The NEHBPA and the Mass Gaming Commission, also the Jockeys Guild should have recognized this earlier and corrected the problem. We are hopeful to receive a fair and decent amount. As it says in the law," it shall be determined by the Commission." 23k sec60(c)(iii) The Commission shall determine how much the NEHBPA shall give to the Jockeys.

In several of those letters I have also requested to speak at an open Commission

meeting, on behalf of the Massachusetts jockeys. I know you have the meeting coming up on May 20th, and again, I ask to speak on our behalf. May 14, 2021 I spoke with Dr. Lightbown (Commission Representative), on the phone and made a formal request for her to introduce me at the meeting on May 20th so I can speak. To deny me is not being transparent. I continue to request to be heard at a public held hearing or at a public meeting.

Our belief is, we dedicated ourselves, and are not being treated in the correct manner, according to the laws/mandates. In this matter please make it right.

Other states have by far more and larger benefits for their riding colony. We are advocating for Massachuttes Jockeys and our families with gratitude, but want fairness for what we are promised, for the many years of work and dedication to racing. Nationwide a select few jockeys receive money from the PDJF, The Jockey Guild, and The Safety Net Foundation, **but not to all that need help.**

Regards,

A handwritten signature in cursive script, appearing to read "Abad Cabassa".

Abad Cabassa



TO: Chair Judd-Stein, Commissioners Cameron, O'Brien, Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming

CC: Karen Well, Executive Director, Marie-Claire Flores-Pajot, Research Program Manager

DATE: September 9, 2021

RE: Public Health Trust Fund Memorandum of Understanding

The G.L. c. 23K, s. 58 establishes the Public Health Trust Fund to assist social service and public health programs dedicated to addressing problems associated with compulsive gambling including, but not limited to, gambling prevention and addiction services, substance abuse services, educational campaigns to mitigate the potential addictive nature of gambling, and any studies and evaluations necessary, including the annual research agenda, to ensure the proper and most effective strategies. The Trustee of the Fund is the Secretary of Health and Human Services (EOHHS).

In 2014 the MGC and EOHHS entered into a Memorandum of Understanding (MOU) to memorialize the shared interests, goals and responsibilities relative to addressing problem gambling and promoting responsible gaming. In the years that followed, the MA Department of Public Health (MDPH), acting on behalf of EOHHS, has built considerable capacity to serve Massachusetts residents who are impacted by gambling-related harms with a focus on communities disproportionately impacted by gambling. At the same time, the MGC implemented several innovative initiatives aimed at promoting responsible gaming and reducing gambling-related harm. Additionally, the MGC established a comprehensive research program to study, assess and prepare for the social and economic impacts of gambling.

Recognizing changing needs of each agency, while maintaining a shared commitment to mitigating gambling-related harm, the MGC, MDPH and EOHHS set forth to update the 2014 MOU. As an attachment to this memo, I include the latest version.

I would like to thank Chair Judd-Stein, Commissioner Zuniga, Secretary Sudders, and Associate Commissioner Tucker for their leadership to building the public health infrastructure to prevent and treat problem gambling.



Massachusetts Gaming Commission

FIRST AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
MASSACHUSETTS GAMING COMMISSION
AND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

WHEREAS, the Massachusetts Gaming Commission (hereinafter, “MGC”) and the Executive Office of Health and Human Services (hereinafter “EOHHS”) (collectively, the “Parties”) entered into a Memorandum of Understanding (hereinafter “2014 MOU”) on July 24, 2014 to memorialize shared interests, goals and responsibilities relative to addressing problem gambling and promoting responsible gaming and attached as *exhibit 1*; and

WHEREAS, paragraph 11. of the 2014 MOU provides that the Parties may amend the agreement by mutual written consent; and

WHEREAS, the Parties now mutually desire and agree to amend the 2014 MOU;

The 2014 MOU shall be amended as follows:

1. Paragraph 1: The Executive Committee of the Public Health Trust Fund (Committee) created by the 2014 MOU shall sunset upon the execution of this First Amendment to the 2014 MOU and the paragraph shall be deleted.
2. Paragraphs 2-9 shall be deleted and replaced by the following:

As trustee of the Public Health Trust Fund (“PHTF”) the Secretary of EOHHS agrees to expend monies in the PHTF in accordance with G.L. c.23K, §58 and consistent with the following:

- A. The Parties agree that on an annual basis 75% of the monies in the PHTF shall be expended for initiatives funded by the Department of Public Health (hereinafter, “DPH”), and 25% shall be expended for MGC initiatives, unless otherwise agreed upon in writing by the Parties. The Parties agree to discuss the total amount available in the PHTF, including the projected and actual available balance, on at least an annual basis and may amend this provision by mutual agreement.
- B. Notwithstanding paragraph A, for FY21, the Parties agree to an even 50%/50% distribution of the PHTF monies to be split between the MGC and DPH.
- C. Notwithstanding paragraph A, for FY22, the Parties agree to a distribution of 60% of the PHTF funds for DPH and of 40% for the MGC.

3. Notwithstanding paragraph A, for FY 23, the Parties agree to a distribution of 70% of the PHTF funds for DPH and 30% for the MGC.
4. The Parties agree that, in order to advance the Commonwealth's best interests, intent of the PHTF, and the missions of both EOHHS and the MGC, they will seek from time to time to collaborate on certain initiatives of mutual interest. At such time, interests and resources will intersect and the Parties may coordinate any budgetary implications through mutual written agreement amending this MOU.
5. Both the MGC and DPH shall coordinate ISA requests to EOHHS for funds and provide a copy of the ISA requests minimum of 30 days written notice in advance of submission of such requests.
6. All notices may be provided by email, hand delivery or first class mail, to the following representatives:

For MGC:

Executive Director
Massachusetts Gaming Commission
101 Federal Street, 12th floor
Boston, MA 02110

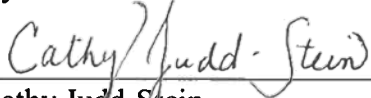
For DPH:

Chief Financial Officer
Department of Public Health
250 Washington St.
Boston, MA 02108

7. The Parties understand and agree that this MOU and its attachments or amendments constitute the entire agreement between the Parties and supersede all other verbal and written agreements and negotiations by the Parties.

Massachusetts Gaming Commission

By:

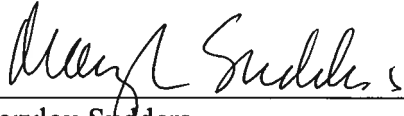


Cathy Judd-Stein
Chair

Date: August 30, 2021

Executive Office of Health and Human Services

By:



Marylou Sudders
Secretary

Date: 20 August 2021



MGM SPRINGFIELD
ONE MGM WAY
SPRINGFIELD, MA 01103

413.273.5000
MGMSPRINGFIELD.COM

September 3, 2021

Via Email

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02119
Attn: Karen Wells, Executive Director

Re: Request for Extension of Implementation Timeline for PlayMyWay

Dear Commissioners:

As you are aware, MGM Springfield previously committed to implement the PlayMyWay player management system by September 2021. While we have continued to work diligently and were on the verge of rolling the live product out, unforeseen technical issues are preventing us from delivering within this timeframe.

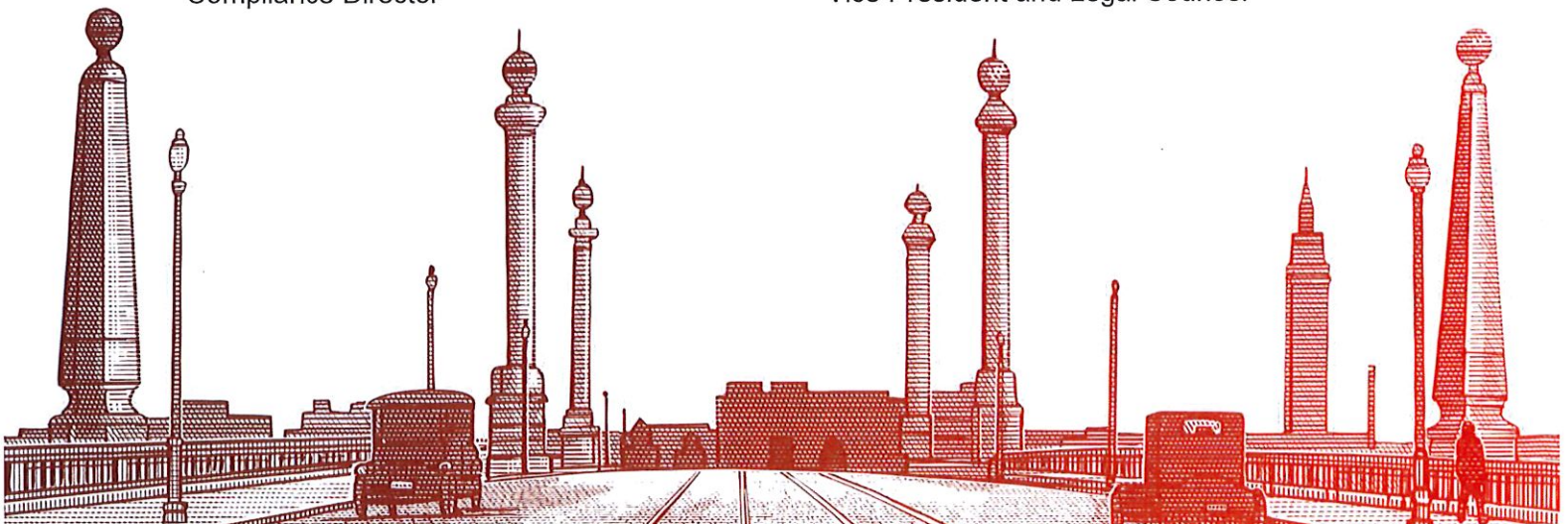
MGM Springfield and the Commission's Research and Responsible Gaming Division were made aware through the vendor that the current version of the program is including freeplay in the calculation of a player's budget. This type of promotional play should not be counted in the budget, so the vendor needs to upgrade the system to remove this unwanted feature. Exact turnaround times for the upgrade, along with adequate testing by all stakeholders, are tentative at this time.

Accordingly, we respectfully request that the timeline set forth in the MOU between our company and the Commission be extended until April 1, 2022. Please note that this request supersedes the prior extension of this timeline requested by MGM Springfield. We are happy to address any questions or concerns.

Sincerely,

Daniel Miller
Compliance Director

Augustine Kim
Vice President and Legal Counsel





TO: Chair Judd-Stein, Commissioners Cameron, O'Brien, Zuniga
FROM: Mark Vander Linden, Director of Research and Responsible Gaming
CC: Karen Well, Executive Director, Marie-Claire Flores-Pajot, Research Program Manager
DATE: September 9, 2021
RE: Gaming Policy Advisory Committee Sub-committee on Addiction Services

The G.L. c. 23K, s. 68 establishes the Gaming Policy Advisory Committee to discuss and provide recommendations on gaming policy. The same section also establishes a sub-committee on addiction services to develop recommendations to address issues related to addictions services as a result of the development of gaming establishments in the commonwealth including, but not limited to, prevention and intervention strategies.

The addiction sub-committee consists of five members representing the MGC, Department of Public Health, MA Council on Gaming and Health and two appointees by Governor Baker. Last week Governor Baker announced his two appointees to the committee, completing and activating this subcommittee for the first time. Members include:

Mark Vander Linden, MGC Director of Research and Responsible Gaming

Victor Ortiz, MDPH Director of Problem Gambling Services

Marlene Warner, Executive Director of MA Council on Gaming and Health

Dr. Roldopho Vega, Senior Consultant at JSI

Man Yung Yau (Yoyo), Director of Programs at Boston Chinatown Neighborhood Center

I'm thrilled to engage with this talented group to continue our work building a public health structure to mitigate gambling related harms.



Massachusetts Gaming Commission