

NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Chapter 107 of the Session Acts of 2022, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Thursday | August 11, 2022 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 198 3440

Please note that the Commission will conduct this public meeting remotely utilizing 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 the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

PUBLIC MEETING - #387

1. Call to Order

2. Approval of Meeting Minutes
 - a. February 10, 2022 **VOTE**

3. Administrative Update – Karen Wells, Executive Director
 - a. Table Games/Poker Update – Bruce Band, Assistant Director, IEB and Gaming Agents Divisions Chief


4. Community Affairs Division – Joe Delaney, Chief
 - a. Plainridge Park Casino Quarterly Report– North Grounsell, General Manager; Heidi Yates-Akbaba, VP of Finance; Kathy Lucas, VP of Human Resources; Lisa McKenney, Compliance Manager
 - b. Encore Boston Harbor Quarterly Report - Jenny Holaday, President; Jacqui Krum, Senior Vice President and General Counsel; Juliana Catanzariti, Executive Director- Legal

5. Research and Responsible Gaming – Mark Vander Linden, Director
 - a. Play My Way Update

6. Legal Division – Todd Grossman, General Counsel
 - a. 205 CMR 116.03: Waivers – and Small Business Impact Statement for approval to finalize the promulgation process – Carrie Torrisi, Deputy General Counsel **VOTE**
7. Licensing Division – David MacKay, Licensing Supervisor
 - a. Encore Boston Harbor Position Exemption Requests **VOTE**
8. Civil Administration Penalty Assessment - Loretta Lillios, Director of Investigations and Enforcement Bureau; Heather Hall; Chief Enforcement Counsel **VOTE**
9. Preparations for Matters Related to Sports Wagering - Karen Wells, Executive Director
10. Commissioner Updates –
 - a. Plan for Sports Wagering Roundtables with Licensees and Stakeholders – Cathy Judd-Stein, Chair
11. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: August 9, 2022 | 9:30 a.m.

August 8, 2022


Cathy Judd-Stein, Chair

*This meeting is open to all interested individuals.
If there are any questions pertaining to accessibility and/or further assistance is needed, please email
crystal.beauchemin@massgaming.gov.*



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 10, 2022, 9:00 a.m.
Place: Massachusetts Gaming Commission
 VIA CONFERENCE CALL NUMBER: 1-646-741-5292
 PARTICIPANT CODE: 111 609 5417

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

Commissioners Present:

Chair Cathy Judd-Stein
 Commissioner Gayle Cameron
 Commissioner Bradford Hill
 Commissioner Eileen O'Brien

1. [Call to Order](#) (00:02)

Chair Judd-Stein called to order the 370th Public Meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Approval of Meeting Minutes](#) (1:37)

Commissioner O'Brien began by noting that moving forward the minutes would emphasize the Commissioners' comments and questions rather than summarizing staff presentations. Commissioner O'Brien further commented that the current sets were sufficiently detailed to move forward to clear the backlog and then hearing no objection moved that the Commission approve the May 6, 2021 Public Meeting minutes included in the Commissioners' Packet subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner Cameron.

Roll call vote:

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

The motion passed unanimously.

Commissioner O'Brien moved that the Commission approve the November 4, 2021, Public Meeting minutes included in the Commissioners' Packet subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

3. [Administrative Update](#) (4:02)

a. On-Site Casino Updates

Executive Director Karen Wells introduced Assistant Director of Investigations & Enforcement Bureau and Gaming Agents Division Chief Bruce Band to give a report about ongoing operations at the gaming establishments. Assistant Director Band reported on MGM's re-opening of Top Golf and Encore's opening of its poker tables. The Commission thanked Assistant Director Band for his updates.

b. [Covid-19 Updates](#) (5:40)

Executive Director Wells stated that the Commission had previously voted to reopen the Boston offices on Monday, February 14th. She provided an update to the Commission on current Covid positivity rates in Suffolk County and Massachusetts at large and noted that while there has been a precipitous drop, the numbers are not quite where they were when the Boston office initially reopened in November. She noted, as well, that the Governor has lifted the school mask mandate as of February 28th. Executive Director Wells suggested, as discussed by the working group, that the office reopening be delayed two weeks and that upon reopening masks be required in common areas but not in individual offices or workstations. She further suggested that during that two-week period, staff could go into the office as desired, but it would not be mandated.

The Commission agreed with these recommendations and deferred to Executive Director Wells to implement.

4. [Commissioner Updates](#) (19:55)

a. Legislative Update

Chief Administrative Officer to the Chair and Special Projects Manager Crystal Howard provided an update on pending legislation that would extend the provisions of the Open Meeting Law allowing for remote technology, as well as updates on existing sports wagering legislation. Commissioner

O'Brien asked if the sports wagering legislation addresses overview of slot machines at veterans' organizations; Ms. Howard said that this is not included as currently drafted. The Commission thanked Ms. Howard for these updates.

b. [Annual Report Progress](#) (27:00)

Ms. Howard updated the Commission on the status of the Commission's Annual Report, noting that it is now moving into the design phase. She noted that she anticipates wrapping up the design edits by the end of February and getting it back to the Commission by early March. The Commission thanked Ms. Howard for her update.

c. [Independent Monitor: Work Plan Update](#) (33:23)

Chair Judd-Stein and Commissioner O'Brien provided an update on the independent monitor's work plan. Commissioner O'Brien explained that the contract with the independent monitor included an overall estimated cost, the first six months cost, and an annual thereafter. She noted that the contract requires the independent monitor to come back to the Commission and alert them if they are going to be greater than 15% over in terms of billing, and that the finance team recently realized that once January and February have been paid it will trigger that requirement. Commissioner O'Brien noted that this would not require any contract amendments but would simply require the independent monitor to report to the Commission as to whether this would change their work plan moving forward.

Chair Judd-Stein noted that the independent monitor is meant to send a notice when they are close to the 15% threshold but that the Commission had not yet received notice. Chair Judd-Stein further noted that they would return to this item before the conclusion of the meeting.

5. [Racing Division](#) (41:25)

a. Suffolk Downs Request for Approval of BetMGM Racing as an Account Wagering Provider

Director of Racing Dr. Alexandra Lightbown introduced Suffolk Downs' request for approval of BetMGM as an account wagering provider and recommended that the request be approved. Bruce Barnett, attorney for Suffolk Downs, offered his comments in support of the request.

Commissioner Cameron moved that the Commission approve Suffolk Downs license use of BetMGM horse racing as an account wagering service provider as discussed today provided, however, that this approval shall be limited solely to provision of horse racing ADW activity and shall not be construed so as to have an effect on any future determinations or approvals that may be required from the Commission. The motion was seconded by Commissioner Hill.

Roll call vote:

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

The motion passed unanimously.

6. [Administrative Updates](#) (1:02:06)

Executive Director Wells reported on the departures of Chris Kaczowski from the Gaming Agents team as well as Kate Muxie-Hartigan from the IEB. She also welcomed new additions to the Commission Tom Mills, Chief of Communications Division; John Scully, Finance and Budget Manager; Andrew DiManno, Gaming Agent; and Brittany Costello, IEB Paralegal.

7. [MA Cultural Council Report](#) (1:05:24)

a. Presentation by Director Michael Bobbitt

Chair Judd-Stein introduced Michael Bobbitt, Executive Director of the MA Cultural Council. Director Bobbitt presented an overview on the MA Cultural Council, which receives funding from gaming tax revenues, and presented the Commission with details as to how the funds it has received since January 2020 have been allocated to grantees.

Commissioner O'Brien asked if any grantees were shuttered or closed due to funds from the Council not being continued. Director Bobbitt explained that some organization did not survive the pandemic and closed, and other organizations did not produce and as the Council is a mitigation effort there was therefore nothing to mitigate. Commission O'Brien asked if the Commission could amplify the purpose and existence of the Council and Chief Joe Delaney of the Community Affairs Division agreed that they could collaborate in getting more word out about the Council's programing.

There was further discussion around the work of the Council and the communities that have benefited from its funding. The Commission thanked Director Bobbitt for the Council's excellent work.

8. [Community Affairs Division](#) (1:36:40)

a. Encore Boston Harbor Development Update

Chief of Community Affairs Joe Delaney noted that today's meeting begins the Commission's review of the proposed development across the street from Encore Boston Harbor and explained what the process will look like moving forward in terms of reviewing Encore's application. Notably, the next discussion on this topic would be at a public hearing on February 28, 2022 to ensure the opportunity for public comment on the proposed development. He then introduced Jacqui Krum, Senior Vice President and General Counsel; Chris Gordon, President of Wynn Development; Tony Starr, Attorney at Mintz Levin; and Katie Hill, Attorney at Mintz Levin to present Encore's application development update. A corresponding PowerPoint is included in the Commissioners' Packet.

Following the presentation, Chief Delaney provided a high-level overview of issues pertinent to the project, including determination as to whether the development is part of the "gaming establishment," the original host community ballot question, the size of the live entertainment venue,

the impact on ILEVs, MEPA status, and the proposed pedestrian bridge. A memorandum outlining these issues is included in the Commissioners' Packet.

Commissioner Hill sought clarification on where the point of egress would be for the pedestrian bridge on the Encore side because it appeared to enter directly onto the second floor of the gaming area. Ms. Krum noted that the bridge would exit into a non-gaming area on the Encore side at which there would be a check point to either show identification and enter the gaming floor or exit the property. The Encore team noted as well that they are continuing to work out the details of all egress options. There was lengthy discussion regarding this topic and the importance of check points between the new development and the gaming floor as well as the importance of ensuring means of egress from the pedestrian bridge before reaching the gaming floor. There was also further discussion regarding where the "gaming establishment" begins and ends.

Commissioner Hill sought further information on safety and security protocols related to the proposed parking garage, in particular ensuring that minors are not left unattended in vehicles. Ms. Krum confirmed that there will be security in the garage and that Encore will work closely with the Everett Police Department to ensure that the garage is a safe place.

Chair Judd-Stein asked which entity would be the lessor of the property. Mr. Starr confirmed that the owner and lessor would be East Broadway LLC. Chair Judd-Stein also inquired whether Encore had communicated with those entities connected to the ILEV agreement. Ms. Krum indicated that they had not yet had those communications but would do so. Chief Delaney confirmed the public hearing timeline was set to ensure that interested parties had sufficient time to respond to the proposal as the Commission continued its review of the project.

The Commission thanked the Encore team for their presentation.

9. [Investigations & Enforcement Bureau](#) (2:52:07)

a. Penn National Disclosure

IEB Director Loretta Lillios provided an update on recent disclosures from Penn National. Specifically, she noted that Penn National alerted the Commission to media articles about the founder of Barstool Sports, Mr. David Portnoy, containing assertions by several women about sexual activity and conduct involving them and Mr. Portnoy. She noted that this is relevant to Penn National as it has an ownership stake in, as well as a marketing arrangement with, Barstool Sports. Director Lillios noted that Barstool Sports is not a qualifier for the Plainridge Park Casino license nor are any of its owners or executives qualifiers. However, Barstool Sports is registered as a non-gaming vendor and the IEB did perform a background check according to its standard protocols for non-gaming vendors. Director Lillios explained that the background check did reveal some derogatory information pertaining to the company's founder, but nothing that would lead to the denial of the registration under the criteria established for non-gaming vendors by the Commission. Director Lillios stated that the IEB is monitoring and receiving appropriate information and updates from Penn National on this situation.

Commissioner O'Brien acknowledged the distinction regarding the background and qualifier process for non-gaming vendors and recognized that Barstool Sports is not an automatic qualifier under the Commission's statute. She noted, however, that this is an important issue to continue

discussing given that there is a suitability component that encompasses integrity, honesty, and good character, and that Penn National uses Barstool Sports in their quarterly reports and branding.

Chair Judd-Stein sought clarification on when the transaction in which Penn National made its purchase occurred. Director Lillios confirmed that it was January 2020 and that Barstool Sports has been a non-gaming vendor since the spring of 2020.

The Commission thanked Director Lillios for this update and agreed that continuing to monitor this issue is very important.

10. [Finance Division](#) (3:06:25)

a. MGC Mid-Term Finance Review

Chief Financial Officer Derek Lennon presented the FY22 second quarterly budget update, including details related to Gaming Control Fund, the Public Health Trust Fund, litigation costs, and adjustments and savings. A memorandum outlining the specific details is included in the Commissioners' Packet. In addition, Revenue Manager Doug O'Donnell provided an update on the change in assessments on the licensees based on revised gaming positions as of January 1st.

The Commission thanked the finance team for its thorough update.

b. [Encore Boston Harbor Expired Ticket Payment Request](#) (3:17:45)

Revenue Manager O'Donnell presented an expired ticket payment request from Encore Boston Harbor related to unclaimed patron winnings in the amount of \$9,347 from a poker tournament in March 2020. He noted that the patron was from the United Kingdom and left their winnings pending identification, but due to the pandemic's travel restrictions, was unable to return to the property within the required timeframe. Mr. O'Donnell stated that Encore is requesting permission to reduce a future expired gaming fund remittance by \$9,347 to disburse to the patron for his winnings.

Commissioner O'Brien asked if Encore could pay this amount themselves and if they have done so in the past without requiring the Commission's approval. Mr. O'Donnell confirmed that they can pay this amount out of their own funds and do not need Commission approval. John Stanton, Executive Director of Accounting at Encore, stated that Encore has paid out of its own funds in the past but in much smaller denominations. Commissioner O'Brien asked for more clarity on the past amounts and Mr. Stanton estimated \$200 at the most.

Commissioner Cameron stated that she believed the licensee could have done a better job of communicating with the patron and working towards alternative arrangements.

Chair Judd-Stein asked if there were any fiscal implications to this decision. Chief Lennon stated that there are no fiscal implications. There was additional discussion surrounding the specifics of the situation and the time period during which travel restrictions were in place.

General Counsel Grossman questioned whether there was legal authority to approve this request. Chair Judd-Stein agreed that there did not appear to be such legal authority. In addition, Commissioner O'Brien asked if Encore had all of the documentation that it needs in order to proceed, and Mr. Stanton responded that it did not. Commissioner O'Brien noted that this request may be premature. Commissioner Cameron noted again that the licensees did not make meaningful efforts to accommodate this circumstance.

The Commission did not take any action on this item.

11. [Revisiting Item 4\(c\) - Independent Monitor: Work Plan Update](#) (4:19:51)

Chair Judd-Stein noted that the Commission had received from the independent monitor the notice that is required under contract as to when they are approaching a threshold of over \$775,000 plus 15% on billings for the fiscal year. She stated that the monitor is requesting an adjusted estimate of \$1.125 million for the fiscal year. Commissioner O'Brien described the six reasons for the overage presented by the independent monitor. General Counsel Grossman reviewed what is expected under the contract and confirmed that the purpose of this notification is so that the Commission can review the work plan and determine if it should be adjusted.

The Commission did not have any additional questions or concerns.

Executive Director Wells interjected with a brief update on the process regarding live stream equipment for the public meeting room. She noted that the team reviewed several proposals and is moving forward with their top selection.

12. [Community Affairs Division](#) (4:28:00)

a. Encore Boston Harbor Quarterly Report

Chief of Community Affairs Joe Delaney introduced Jacqui Krum, Senior Vice President and General Counsel at Encore Boston Harbor; and Juliana Catanzariti, Executive Director- Legal at Encore Boston Harbor to present Encore Boston Harbor's Quarterly Report. In addition, Ms. Krum introduced Glenda Swain, Vice President of Diversity and Inclusion at Encore Boston Harbor. The report included updates on gaming taxes, revenues, and lottery sales; workforce numbers; diversity operating spend; local operating spend; compliance issues related to minors on the gaming floor; promotions and marketing; and special events and volunteerism. A PowerPoint presentation is included in the Commissioners' Packet.

Commissioner Hill noted that the employment numbers for veterans continue to be low and asked what Encore is doing in terms of outreach. Ms. Krum noted that Encore works closely with veterans groups and reaches out to community partners each time jobs are available, and that it is an area on which they continue to focus.

There was discussion regarding minors on the gaming floor and Chair Judd-Stein noted that perhaps a refresher as to where minors are permitted to travel throughout the property would be beneficial.

The Commission thanked the team from Encore Boston Harbor for their update.

b. [Plainridge Park Casino Quarterly Report](#) (5:12:13)

Chief Delaney introduced North Grounsell, General Manager; Kathy Lucas, VP of Human Resources; and Lisa McKenney, Compliance Manager to present Plainridge Park Casino's quarterly report. The report included updates on gaming revenue and taxes; lottery sales; spend by state and local spend; vendor diversity and diverse spend; compliance issues including minors on the gaming floor; employee diversity; and community. A PowerPoint presentation is included in the Commissioners' Packet.

Commissioner Hill asked what the status is of functions being held at Plainridge Park Casino. Mr. Grounsell noted that hiring in functions has been challenging but is an area in which they are continuing to work.

Chair Judd-Stein asked for clarification on which food and beverage options were currently available; Mr. Grounsell provided details regarding which outlets are open at the property.

Commissioner O'Brien asked what the local spend numbers were in Massachusetts in 2019 and 2020. Mr. Grounsell stated that he would research those numbers and get back to the Commission.

The Commission thanked the team from Plainridge Park Casino for their update.

c. [Executive Session](#) (5:29:41)

Chair Judd-Stein read the following into the record: The Commission anticipates that it will meet in consecutive executive sessions in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c.23K, §21(a)(7) for the specific purpose of reviewing the proposed multi-year capital expenditure plan described in 205 CMR 139.09, and any corresponding materials, submitted relative to Encore Boston Harbor and Plainridge Park Casino, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue is covered by a nondisclosure agreement.

Commissioner O'Brien moved that the Commission go into consecutive executive sessions for the reasons and exemptions stated. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated February 10, 2022
2. [Commissioners' Packet](#) from the February 10, 2022, meeting (posted on massgaming.com)

MGC

TABLE STATISTICS RFA2 – PRE-COVID – RE-OPENING – CURRENT STATUS

Encore and MGM

Prepared by Casino Regulatory Managers L. Lozano, A. Smith, and A. Steffen

Encore	Tables	Poker	Slots	Stadium Games	# Of Table Game Employees
RFA-2	150	25	3072	N/A	
March 2020	167	74	2804	40	1064
July 2020	186	0	1852	34	883
July 2022	184	15	2756	54	1001

MGM	Tables	Poker	Slots	Stadium Games	# Of Table Game Employees
RFA-2	100	25		N/A	
March 2020	79	22	1844	24	444
July 2020	43	0	869	15	210
July 2022	48	14	1525	15	269

PPC	Slots
RFA-2	1,500
March 2020	1,320
July 2020	789
July 2022	946

Encore Summary of RFA-2 application submitted by Wynn (Encore)

- "There will be an exclusive poker area with 25 dedicated poker tables covering all of the most popular poker games."
- The tall, grand space will consist of 3,072 slot machines and 150 table games, equating to a total of 3,972 gaming positions.
- *"The property's slot and table department will constantly refresh the mix of slot and table games on the floor, ensuring that the most recent and popular games that appeal to all customer segments, including premium international customers, will be available."*

Encore Pre-Covid Closure (March 2020)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	167	73 BJ, 37 MB, 7 Craps, 14 RO, 36 Other (Carnival/Asian)
Poker	74	Poker was open 24/7
Slots	2,804	
Stadium Games	40	

Reopening (July 2020)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	186	116 BJ, 37 MB, 0 Craps, 0 RO, 33 Other (Carnival/Asian)
Poker	0	
Slots	1,852	2,736 slot machines on floor. *Not all were active due to social distancing requirement
Stadium Games	34	

* Encore created additional gaming pits 35 and 36 to increase the amount of blackjack tables. Encore was only allowed 3 gaming positions on all BJ style games.

* October 2020: RO opened.

* March 2021: Craps and 4th gaming position on BJ style games opened.

* May 29th, 2021, all restrictions lifted, and Sic Bo opened.

Encore Post Covid (July 2022)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	184	79 BJ, 40 MB, 7 Craps, 16 RO, 42 Other (Carnival/Asian)
Poker	15	
Slots	2,756	
Stadium Games	54	

Encore Poker

EBH Poker Reopened January 2022

Days	Mon.-Thurs.
Time	10am-8pm
# Of tables	12 Tables

Starting 7/18/22

Days	Sunday-Thursday
Time	10am-2am
# Of tables	15 Tables

- Poker Atlas allows you sign in and add yourself to a waiting list.
- Poker is first come, first serve for the first hour (10am-11am). Patrons can add themselves to a waiting list after 11am.
- Encore's 15 poker tables fill to 100% capacity around 11am -12pm.
- When poker is at 100% capacity, the waiting list accumulates to around 30-40 people with an approximate wait time is 45 minutes and sometimes up to 1 hour.
- Poker Game options are: No Limit Hold'em & Pot Limit Omaha Hi
- **NEW HIGH HAND**
\$1000.00 for first hour 10 a.m.-11 a.m.
\$300 every 30 minutes from 11 a.m.-6 p.m.
- Rake is 10% of the pot up to \$10.
- Poker square footage was approximately 23,000 square feet at grand opening.
- Poker square footage is approximately 3,000 square feet now.

Encore Opening (June 2019)

Headcount

Poker Dealers –	224
Full time -	132
Part time –	92
Poker Floor Supervisors-	23
Poker Managers -	5
Table Games Dealers –	589
Full time -	486
Part time –	91
Table Games Floor Supervisors -	178
Table Games Managers -	34
	1,053

Encore Pre-Covid Closure (March 2020)

Poker Dealers –	212
Full time -	105
Part time –	107
Poker Floor Supervisors-	23
Poker Managers -	4
Table Games Dealers –	639
Full time -	449
Part time –	190
Table Games Floor Supervisors -	179
Table Games Managers -	34
	1,064

Reopening (July 2020)

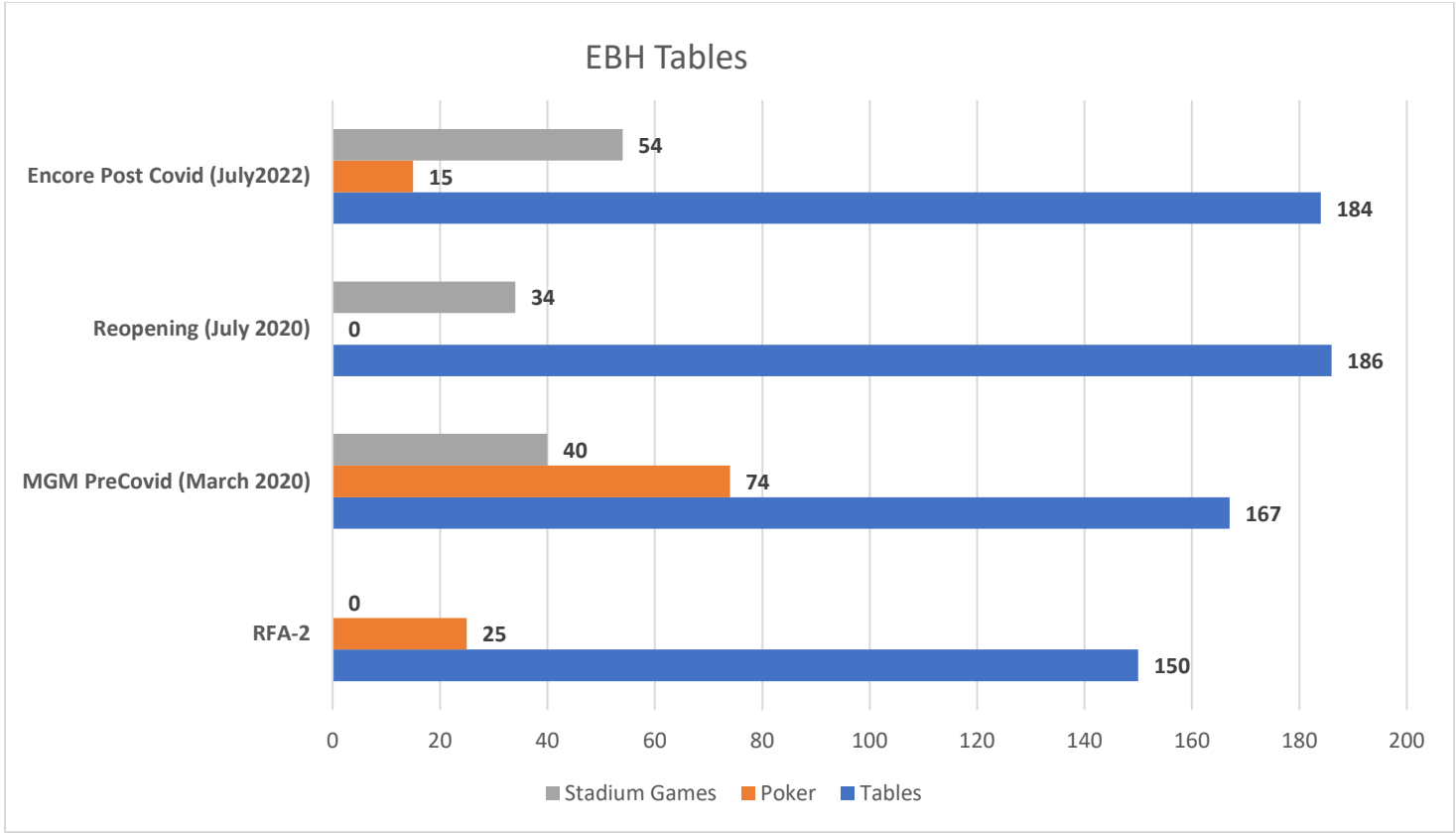
Poker Dealers –	0
Full time -	0
Part time –	0
Poker Floor Supervisors-	0
Poker Managers -	0
Table Games Dealers –	671
Full time -	439
Part time –	232
Table Games Floor Supervisors -	185
Table Games Managers -	27
32 Poker dealers transferred to tables.	883
6 Poker Supervisors transferred to tables.	

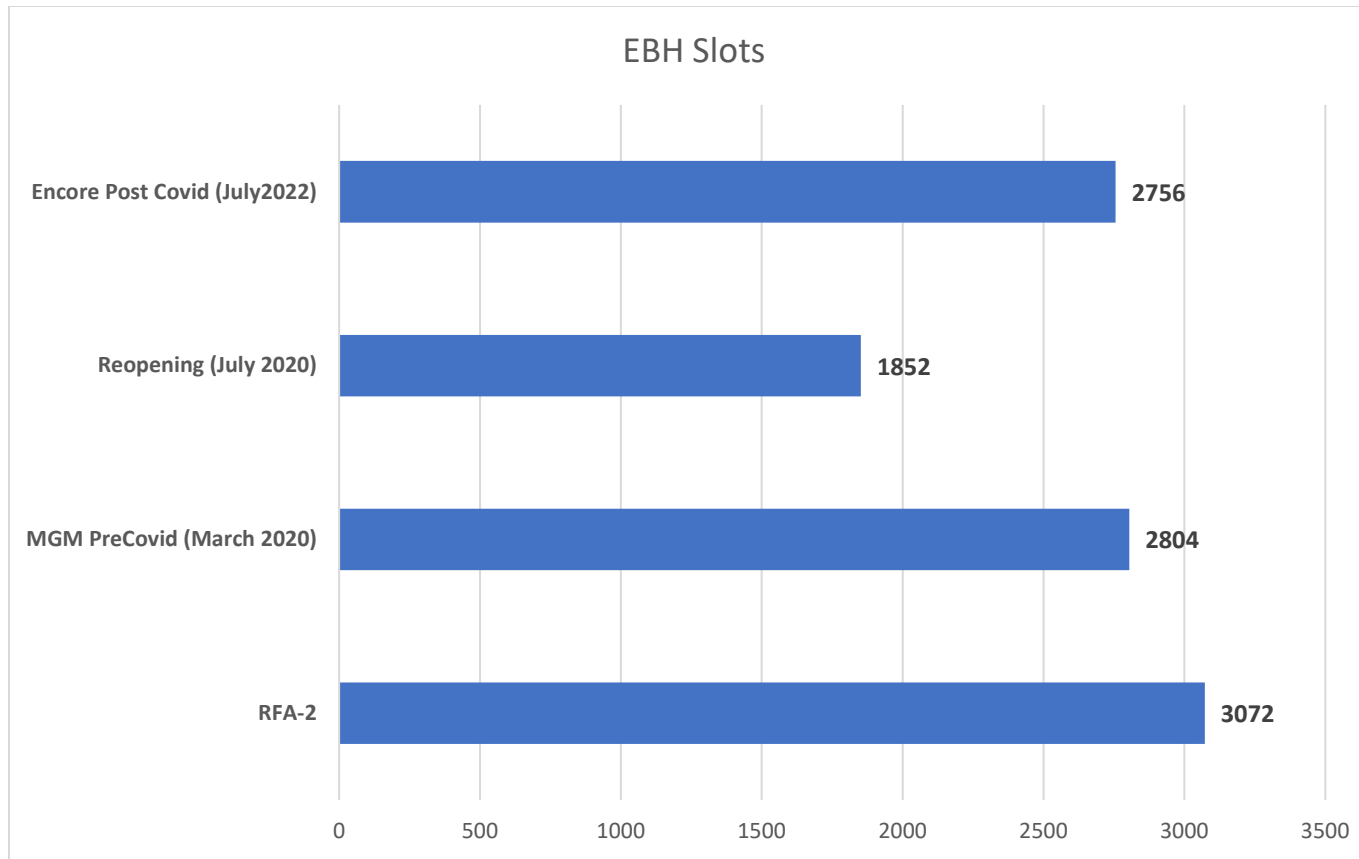
Encore Post Covid (July 2022)

Poker Dealers –	45
Full time -	23
Part time –	22
Poker Floor Supervisors-	6
Poker Managers -	2
Table Games Dealers –	759
Full time -	435
Part time –	324
Table Games Floor Supervisors -	161
Table Games Managers -	36
	1,001

<u>Observation Time:</u>	<u>Number of patrons on waitlist</u>	<u>How many patrons were called to play on waitlist</u>	<u>Average wait time</u>
2-3pm	55	4	60
2-3pm	100	15	45
2-3pm	0	0	0

<u>Observation Time:</u>	<u>Number of patrons on waitlist</u>	<u>How many patrons were called to play on waitlist</u>	<u>Average wait time</u>
6-7pm	80	20	30
6-7pm	117	25	30
6-7pm	7	7	5





MGM

Summary of RFA-2 application submitted by MGM

Blue Tarp Development

- In attachment 3-29-01 there's mention of attracting a World Poker Tour tournament to MGMS. This document is confidential.
- In attachment 4-05-01 there's reference in the schematics to poker occupying 4,026 feet of total gross floor area.
- In attachment 4-10-01 it says, "At the heart of MGM Springfield will be approximately 125,000 square feet of gaming excitement, which will feature approximately 100 table games, including a 25-table poker room and a high-limit area reserved for VIP customers." It also indicates that there'd be 250 poker positions at those 25 tables. The same statement appears in the answer to question 4-10 on the RFA-2 application itself.

Point of reference, the RFA-2 applications are dated December 2013.

MGM Pre-Covid Closure (March 2020)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	79	BJ-38, Craps-5, Bacc-8, RO-8, SP21-6, PG Poker-2, Other-12
Poker	22	
Slots	1,844	
Stadium Games	24	

Reopening (July 2020)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	43	BJ-24, Bacc-5, Spanish 21-6, Carnival Games –8 BJ style games opened with seating for 3 players.
Poker	0	
Slots	869	1830 slots machines on the gaming floor *Not all were active due to social distancing requirement
Stadium Games	15	

* RO opened October 9th, 2020

*MGM added fourth position to BJ style games 3/12/2021

*Craps opened on 4/9/2021

* Poker opened 10/29 - 14 games opened hours 11a-3a

MGM Post Covid (July 2022)

<u>Type</u>	<u>Amount</u>	<u>Breakdown</u>
Table Game	48	BJ-22, Pontoon 21-6, Craps-2, RO-7, Bacc-5, Other- 6
Poker	14	Hours 10a - 3a
Slots	1,525	
Stadium Games	15	

MGM Poker Reopened October 2021

Patrons can call into the poker room to add their name to a wait list or sign up on the wait list in person at the casino. No online sign-up option.

Days	7
Time	Hours 11a-3a
# Of tables	14

May 29th, 2021, all restrictions were lifted.

However, the city of Springfield implemented mask mandates from 9/13/2021-11/1/2021 and 1/3/2022-2/28/2022.

Poker Wait Time Averages

Date	10:00	6PM	Midnight	
7/14/2022	0	1.5hrs	0	
7/15/2022	0	0	10 minutes	
7/16/2022	0	15 minutes	0	
7/17/2022	0	0	0	
7/18/2022	0	1	0	
7/19/2022	0	20 minutes	0	
7/20/2022	0	1 hour	0	
7/21/2022	0	1 hour	1 hour 15 mins	
7/22/2022	0	1 hour	2 hours	
7/23/2022	0	20 minutes	0	
7/24/2022	10 minutes	1 hr	0	
7/25/2022	0	0	0	
7/26/2022	0	0	0	
7/27/2022	0	45 minutes	0	

MGM Pre-Covid Closure (March 2020)

Headcount

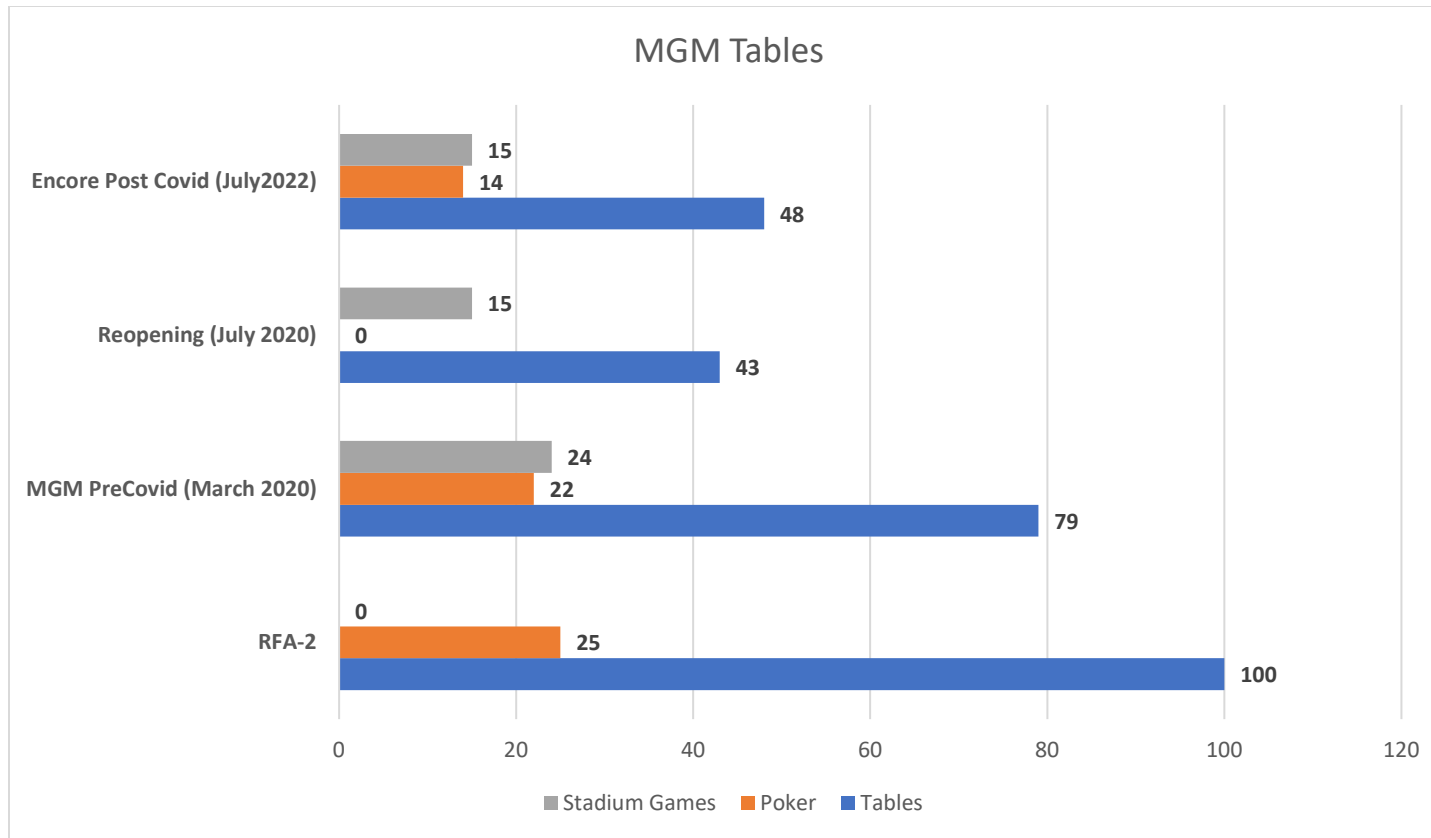
Poker Dealers –	59
Full time -	
Part time –	
Poker Floor Supervisors-	11
Poker Managers -	1
Table Games Dealers –	293
Full time -	242
Part time –	51
Table Games Floor Supervisors -	66
Table Games Managers -	15
	445

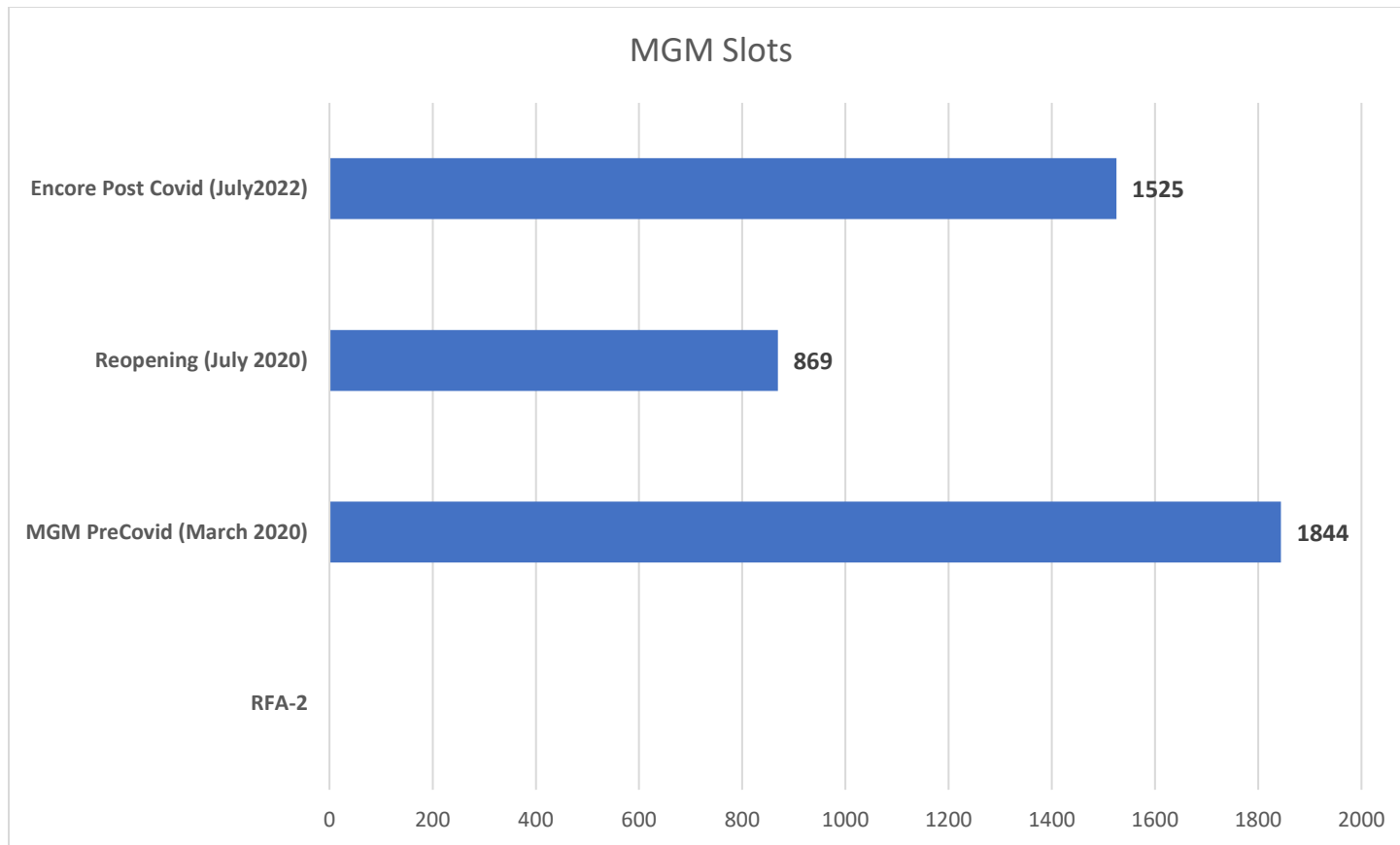
<u>MGM Reopening (July 2020)</u>	Headcount
Poker Dealers –	0
Full time -	0
Part time –	0
Poker Floor Supervisors-	0
Poker Managers -	0
Table Games Dealers –	175
Full time -	175
Part time –	
Table Games Floor Supervisors -	30
Table Games Managers -	5
	210

*The 138.05 report listed all dealers as full time

Headcount

Poker Dealers –	29
Full time -	
Part time –	
Poker Floor Supervisors-	5
Poker Managers -	1
Table Games Dealers –	179
Full time -	154
Part time –	25
Table Games Floor Supervisors -	38
Table Games Managers -	1
	253





A few provisions from chapter 23K:

G.L. c. 23K, §1

“The General Court finds and declares that:

(9) any license awarded by the commission shall be a revocable privilege and may be conditioned: suspended or revoked upon: (i) a breach of the conditions of licensure: including failure to complete any phase of construction of the gaming establishment or any promises made to the commonwealth in return for receiving a gaming license.

(10) "the power and authority granted to the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter."

G.L. c. 23K, §2

"Category 1 license": a license issued by the commission that permits the licensee to operate a gaming establishment with table games and slot machines.

"Table game": a game: other than a slot machine: which is authorized by the commission to be played in a gaming establishment.

G.L. c. 23K, §21(a)

"The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:

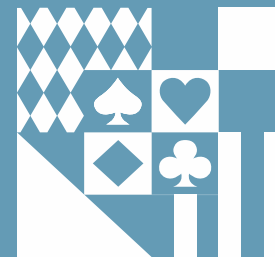
1. have an affirmative obligation to abide by every statement made in its application to the commission, including all evaluation criteria and eligibility requirements;"

G.L. c. 23K, §21(c)

"The commission may include any reasonable additional requirements to the license conditions."

Plainridge Park

Q2 2022 Report



BARSTOOL
SPORTSBOOK



Gaming Revenue and Taxes

Year	Quarter	Net Slot Revenue	State Taxes	Race Horse Taxes	Total Taxes
2021	Q1	\$31,572,862	\$12,629,145	\$2,841,558	\$15,470,703
	Q2	\$36,329,149	\$14,531,660	\$3,269,623	\$17,801,283
	Q3	\$37,682,927	\$15,073,171	\$3,391,463	\$18,464,634
	Q4	\$33,762,844	\$13,505,137	\$3,038,656	\$16,543,793
	Total	\$139,347.782	\$55,739,113	\$12,541,300	\$68,280,413
2022	Q1	\$33,730,006	\$13,492,002	\$3,035,701	\$16,527,703
	Q2	\$36,607,522	\$14,643,009	\$3,294,677	\$17,937,686
	Q3				
	Q4				
	Total	\$70,337,528	\$28,135,011	\$6,330,378	\$34,465,389

Lottery Sales

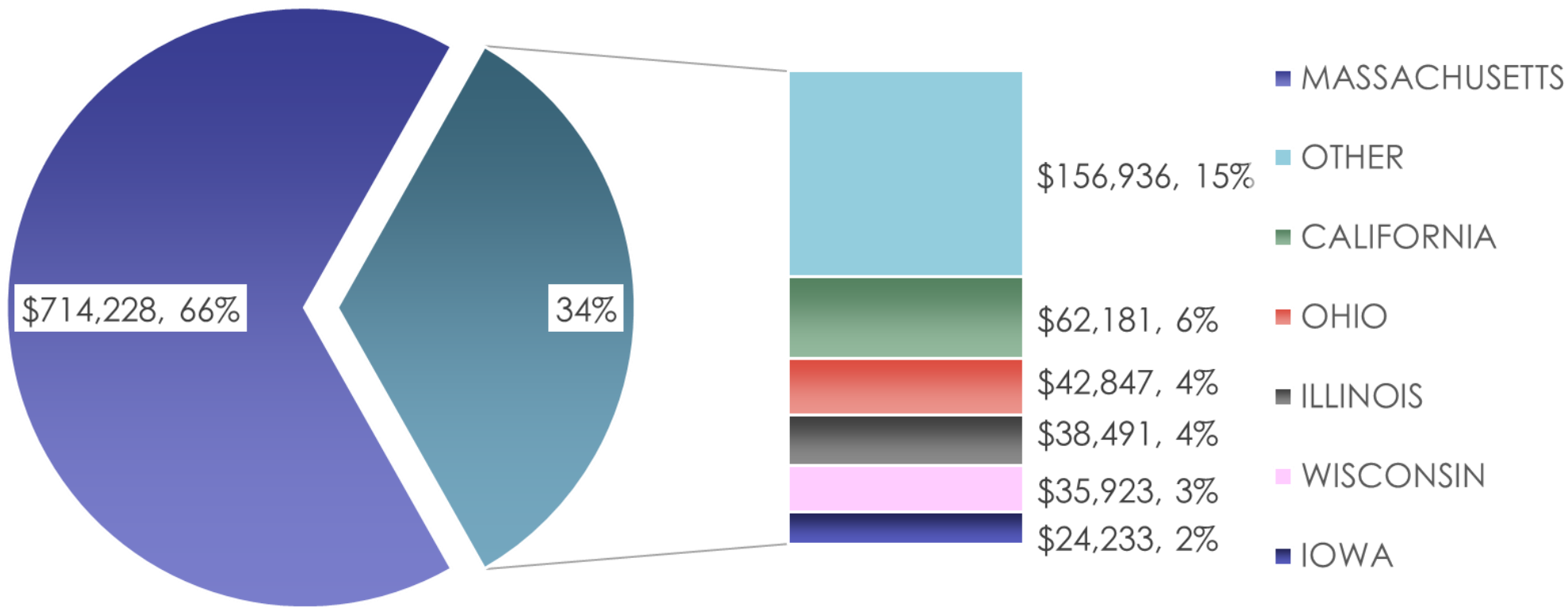
Quarter	2022	2021	\$ Difference	% Difference
Q1	\$507,710	\$458,540	\$49,170	10.7%
Q2	\$485,744	\$578,739	\$(92,995)	-16.07%
Q3		\$582,981		
Q4		\$503,875		
Total		\$2,124,135		

- PPC currently has five instant ticket machines and four online terminals
- Prior to the casino opening the property had one instant ticket machine and two online machines

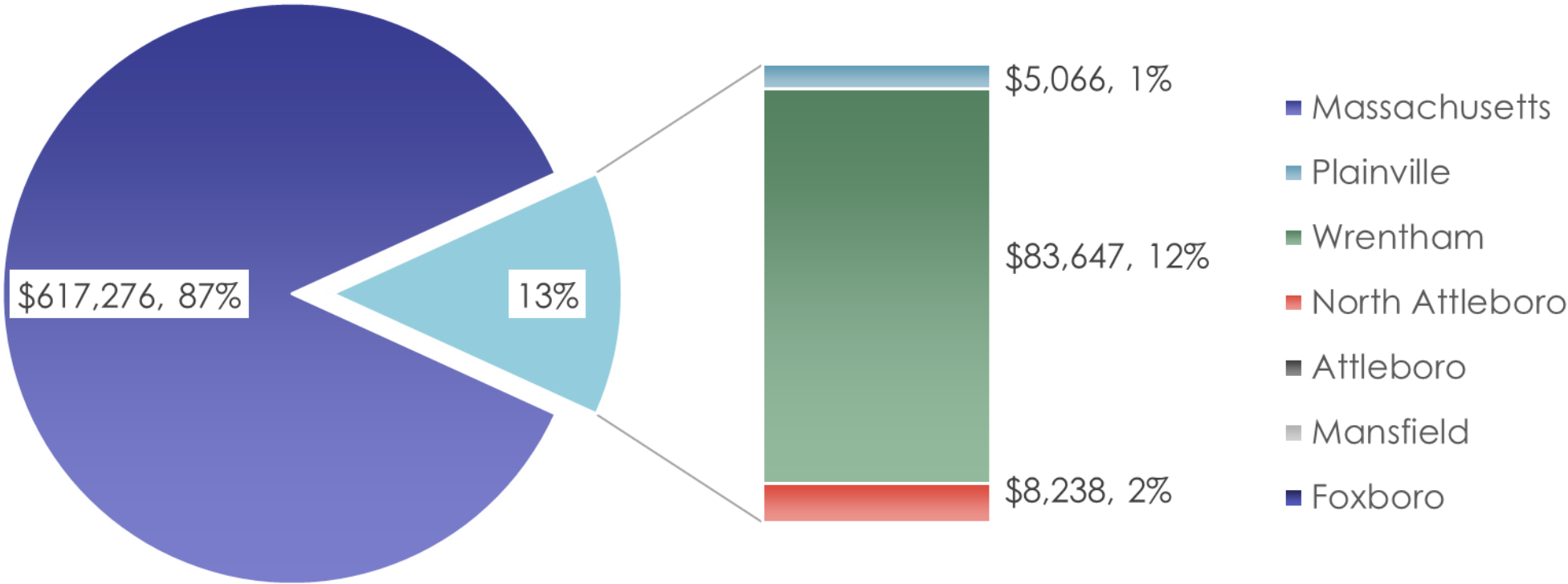
Spend by State



Q2 2022 Total Qualified Spend By State



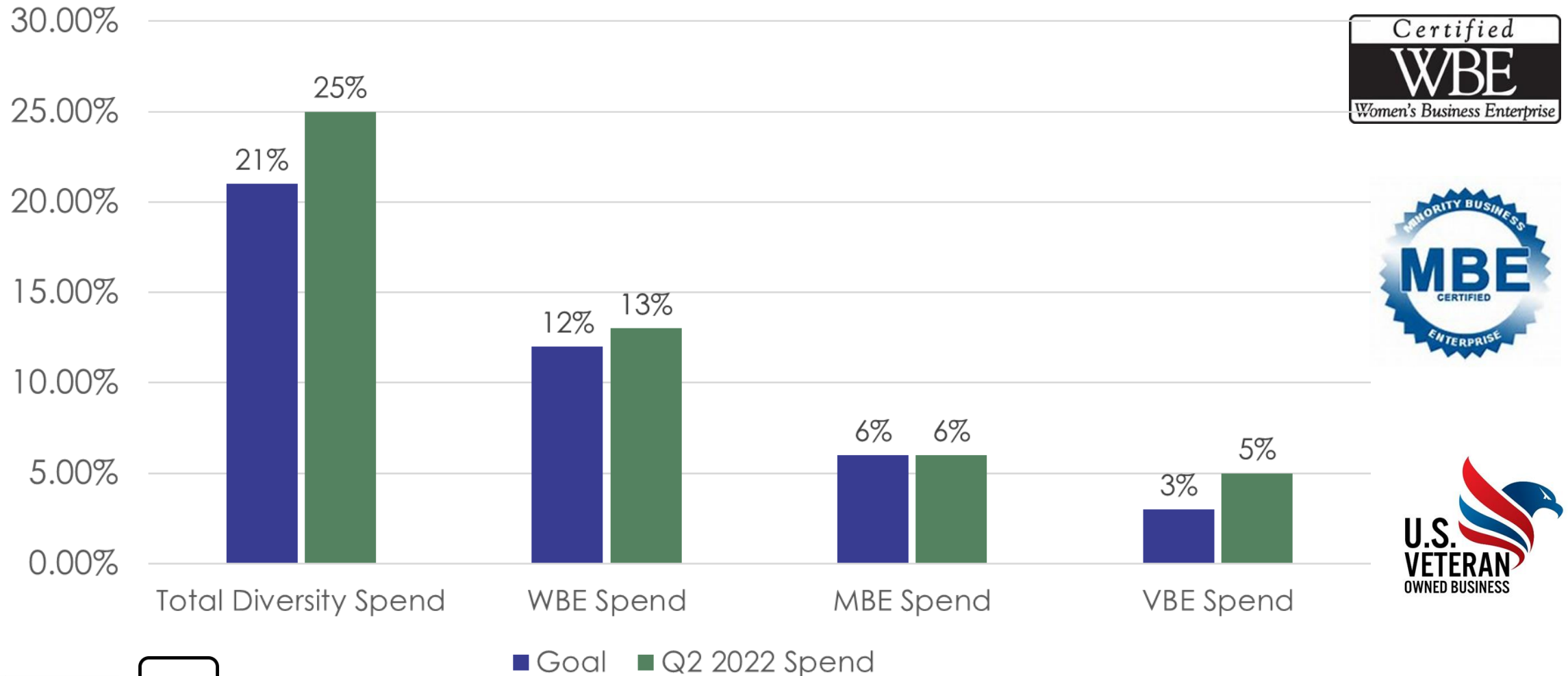
Q2 2022 Massachusetts vs Host & Surrounding Community Qualified Spend



\$96,951 Total Community Spend

Vendor Diversity

Q2 2022 vs. Goal



Diverse Spend

Category ¹	Q2 2022	Q1 2022	\$ Difference	% Difference
WBE	\$144,034	\$141,463	\$2,571	1.78%
MBE	\$67,710	\$96,570	(\$28,860)	-42.62%
VBE	\$55,829	\$24,731	\$31,098	55.7%
Total Diverse Spend	\$267,573	\$262,764	\$4,809	1.80%
Qualified Spend	\$1,074,839	\$1,201,263	(\$126,424)	-11.76%

¹ Includes vendors that are certified in multiple diversity categories. Spend is reported in all qualified categories.

Compliance

Month	Prevented from Entering Gaming Establishment			Expired, Invalid, No ID	Fake ID	Minors and Underage Escorted from the Gaming Area	Minors and Underage Gambling at Slot Machines	Minors and Underage Consuming Alcoholic Beverages
	Total	Minors ¹	Underage ²					
April	79	7	15	57	0	0	0	0
May	85	9	19	57	0	0	1	0
June	62	2	11	49	0	0	0	0
Total	226	18	45	163	0	0	1	0

¹ Person under 18 years of age

² Person 18-21 years of age

Employment¹: All Employees²

Employee Category	Percentage Goal	Total # of Employees in Category	Q2-22 Actual Percentage of Total Employees	Q1-21 Actual Percentage of Total Employees
Diversity	15%	74	22%	24%
Veterans	2%	17	5%	6 %
Women	50%	143	42%	42%
Local ³	35%	122	36 %	34 %
MA Employees		218	64 %	66 %

¹ All employees referenced in this slide were current as of Q2 2022

² Total number of employees Q2 2022: 342

³ Local includes Attleboro, Foxboro, Mansfield, North Attleboro, Plainville & Wrentham

	Employees	Full-Time	Part-Time	Seasonal
Total	342	231	109	0
% of Total	100%	68%	32%	0%

Employment¹: Supervisor and Above²



Employee Category	Total # of Employees in Category	Actual Percentage of Total Employees
Diversity	13	21 %
Veterans	2	3 %
Women	19	31 %

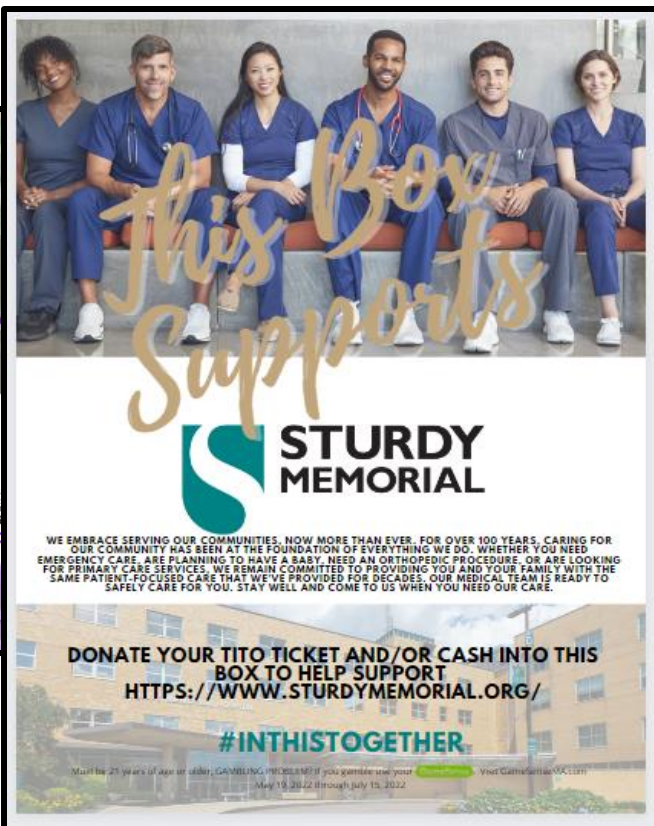
¹ All employees referenced in this slide were current as of Q2 2022

² Total number of Supervisor and Above Q2 2022: 62

PPC Cares: Community and Team

TITO Boxes – Q2 2022

- New Hope
- Sturdy Memorial Hospital



Tri – Town Chamber of Commerce Casino Night Fundraiser



Habitat for Humanity
Old Colony Presentation



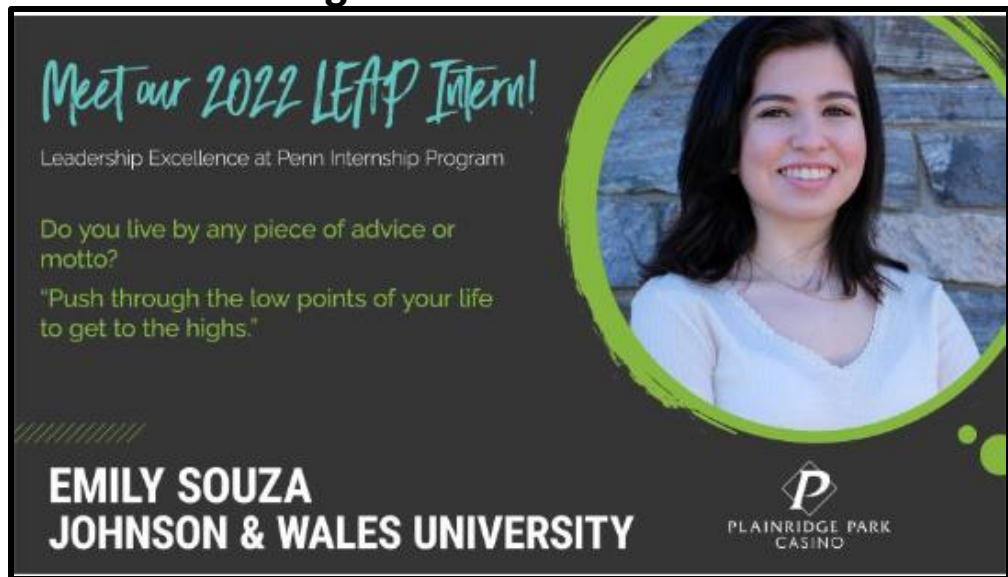
Rolling Thunder
Memorial Day Event
2022
#ThisIsPenn
#PennGivesBack



PPC Cares: Community and Team



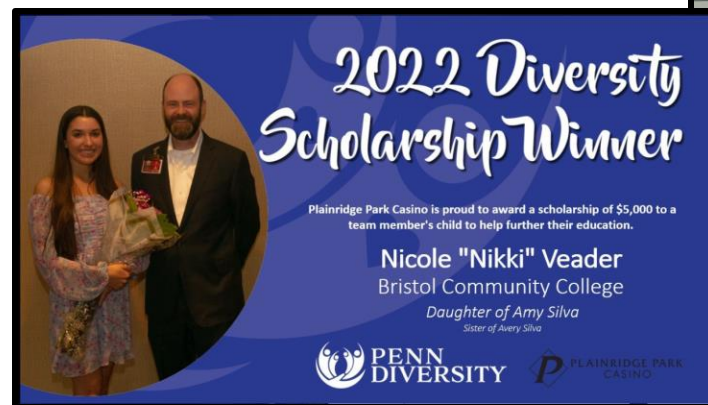
LEAP Intern Program



PRIDE & AAPI Month Celebrations



Aces of Penn Awards Above & Beyond



2022 Diversity Scholarship Recipient

Quarterly Report Q2 2022

August 11, 2022

Massachusetts Gaming Commission

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Gaming Revenue, Taxes & Lottery Sales

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Gaming Revenue & Taxes: Q2 2022

Year	Month	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2022	April	\$29,620,598.98	\$34,118,122.32	\$63,738,721.30	\$15,934,680.33
	May	\$25,408,848.58	\$32,624,183.92	\$58,033,032.50	\$14,508,258.13
	June	\$28,589,032.87	\$31,468,282.71	\$60,057,315.58	\$15,014,328.90
	Total	\$83,618,480.43	\$98,210,588.95	\$181,829,069.38	\$45,457,267.36

Gaming Revenue & Taxes: Year-Over-Year

Year	Quarter	Table Games GGR	Slots GGR	Total GGR	State Taxes Collected
2021	Q1	\$51,147,252.30	\$72,828,463.99	\$123,975,716.29	\$30,993,929.07
	Q2	\$66,827,652.69	\$88,842,261.01	\$155,669,913.70	\$38,917,478.42
	Q3	\$76,480,254.77	\$97,903,798.73	\$174,384,053.50	\$43,596,013.38
	Q4	\$86,322,321.24	\$94,064,782.51	\$180,387,103.75	\$45,096,775.94
	Total	\$280,777,481.00	\$353,639,306.24	\$634,416,787.24	\$158,604,196.81
2022	Q1	\$79,459,213.78	\$94,110,326.79	\$173,569,540.57	\$43,392,385.14
	Q2	\$83,618,480.43	\$98,210,588.95	\$181,829,069.38	\$45,457,267.36
	Q3	-	-	-	-
	Q4	-	-	-	-
	Total (to date)	\$	\$	\$	\$

Lottery Sales: Q2 2022*

Year	Month	Lottery Sales	% Change 2021
2022	April	\$315,236.50	48.5%
	May	\$259,642.00	-10.0%
	June	\$254,016.00	12.2%
	Total	\$828,894.50	14.0%

*The periods for which relevant sales are reported are based upon week-end totals, and may not correspond precisely to calendar month periods.

Lottery Sales: Year-Over-Year

Year	Quarter	Lottery Sales	% Change from Previous Year
2021	Q1	\$613,578.00	-13.3%
	Q2	\$727,269.25	11354.1%
	Q3	\$777,725.00	84.4%
	Q4	\$908,165.00	43.5%
	Total	\$3,026,737.25	71.2%
2022	Q1	\$818,421.75	33.4%
	Q2	\$828,894.50	14.0%
	Q3	-	-
	Q4	-	-
	Total (to date)	\$1,647,316.25	-

Workforce

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Employment: All Employees

Sector	Goal	Q1% ¹	Q1 Total # of Employees	Q2% ²	Q2 Total # of Employees	Q3%	Q3 Total # of Employees	Q4%	Q4 Total # of Employees
Minority	40%	54%	1,879	51%	1,725	-	-	-	-
Veteran	3%	2%	82	2%	82	-	-	-	-
Women	50%	45%	1,550	45%	1,529	-	-	-	-
Local/Host/Surrounding Community Resident ³	75%	87%	3,030	88%	2,992	-	-	-	-
MA Residents	-	90%	3,144	91%	3,097	-	-	-	-
Total Number of Employees ⁴			3,482				-		-
Full-time			2,403		3,390		-		-
Part-time			1,079		2,349		-		-
On-call			0		1,041		-		-

1 All Q1 figures are as of April 1, 2022.

2 All Q2 figures are as of July 1, 2022.

3 “Local/Host/Surrounding Community Residents” include residents from communities within thirty (30) miles of Encore Boston Harbor.

4 Please note that an employee may fall into more than one sector (e.g.: minority and local) and, as such, totals may not be reflective of the sum of previous columns.

Employment: Supervisory and Above

	Minority	Women	Veteran	Total Head Count (including non-minority employees)
ALL EMPLOYEES				
Number of Employees	1,725	1,529	82	3,390
% Actual	51%	45%	2%	-
MANAGER AND ABOVE				
Number of Employees	99	94	15	212
% Actual	47%	44%	7%	-
SUPERVISORS AND ABOVE				
Number of Employees	319	229	27	529
% Actual	60%	43%	5%	-

Operating Spend

Operating Spend¹: Diversity

Diversity Category	Annual Goal	Q2%	Q2 Spend
MBE Vendor Spend	8%	9%	\$3,701,399.30
VBE Vendor Spend	3%	2%	\$511,187.98
WBE Vendor Spend	14%	18%	\$1,833,079.59
Total Diverse Spend	25%	29%	\$6,045,666.87

¹ All spend figures referenced herein are based upon Encore Boston Harbor's Q2 discretionary spend amount of **\$20,779,951.07**.

Operating Spend: Local

Locality	Annual Goal	Q2%	Q2 Spend
Boston	\$20,000,000.00	9%	\$1,807,191.31
Chelsea	\$2,500,000.00	3%	\$695,110.93
Everett	\$10,000,000.00	13%	\$2,798,843.46
Malden	\$10,000,000.00	1%	\$137,115.02
Medford	\$10,000,000.00	0%	\$97,671.39
Somerville	\$10,000,000.00	5%	\$1,075,020.44
MA (Statewide)	-	52%	\$10,733,984.80

Compliance

Compliance: Minors¹ Prevented from Gaming

Month	Minors Intercepted on Gaming Floor and Prevented from Gaming	Minors Intercepted Gaming	Minors Intercepted at Slot Machines	Minors Intercepted at Table Games	Minors Intercepted Consuming Alcohol	Number of IDs NOT Checked that Resulted in Minor on Gaming Floor	Number of Fake IDs Provided by Minors that Resulted in Minor on Gaming Floor	Numbers of Minors on Gaming Floor Under 18 Years of Age
April	2	3	3	0	2	4	1	2
May	4	2	2	0	0	5	1	1
June	2	0	0	0	0	1	1	0
Total	8	5	5	0	2	10	3	3

¹ A “minor” is defined as a person under 21 years of age, provided however, that the last column of the above specifically refers to persons under 18 years of age.

- The average length of time spent by a minor on the casino floor was 38 minutes.
- The longest length of time spent by a minor on the casino floor was 3 hours, 21 minutes.
- The shortest length of time spent by a minor on the casino floor was 3 minutes.

Promotions, Marketing, Special Events and Volunteerism

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Q2 TRU Patron Charitable Contributions

Charitable Organization	Dollar Amount	Number of Tickets
Boston Area Rape Crisis Center	\$9,011.32	49,727
Bread of Life	\$9,299.04	50,476
Disabled American Veterans	\$14,827.98	64,069
Mystic River Watershed Association	\$5,711.20	40,916
Total	\$38,849.54	205,188

Wynn Employee Foundation Scholarships

- ❖ Two Encore Boston Harbor employees and one dependent of an employee were awarded Wynn Employee Foundation Scholarships.
- ❖ The scholarships are up to \$7,500 per year, for up to 4 years.
- ❖ Applicants underwent a rigorous review by the Wynn Employee Foundation's Employee Advisory Council – which is comprised of employees across stateside properties, departments and position types. Semi-finalist applications are then reviewed by an independent external committee.
- ❖ Recipients include an employee pursuing a career in hotel administration, an employee attending the University of Massachusetts – Lowell, and a dependent of an employee attending Salem State University.

Launch of Monthly STARS Dinner

- ❖ Re-launch of a monthly recognition program for nominated employees.
- ❖ Winners receive a prize package that includes dinner at Rare with Jenny Holaday.



Baby Formula Giveaway

- ❖ 2,000 cans of formula were sourced by Purchasing Team and given to team members with infant children.



Leadership Development Training Program

- ❖ In May, Encore Boston Harbor launched a new, property-wide Leadership Development Training program for managers and above.
- ❖ The purpose of the program is to identify and hone the expertise, knowledge, and skills needed to be an effective leader, improve feedback, manage conflict, and develop a collaborative and engaging work environment.
- ❖ The program offers eight total modules, each which focus on a different, specific topic. Leaders have the option to take each module separately, or to attend full-day workshops where four modules may be completed at once.

Poker/Table Games Update

Presented by Jenny Holaday, President

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RFA-2 Application for Category 1 Gaming Licensee – Originally Submitted December 2013

4-10 Gaming

Describe the proposed gaming area, including the square feet of gaming area, the number and types of table games and slot machines it will contain, the number of gaming positions, as defined in G.L. c. 23K, §2, it will contain and the specific location of the games and machines in the proposed gaming establishment. Further, please discuss any plans for special high limit or VIP areas.

Please attach a detailed, written response to this question as attachment 4-10-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a brief summary of the description specifically including the number and types of table games and slot machines, and the number of gaming positions. The response provided in this box will be released to the public.

The 167,880 square feet of gaming area in the Wynn Resort in Everett will be located beyond the Winter Garden Lobby across from the main entrance. The tall, grand space will consist of 3,072 slot machines and 150 table games equating to a total of 3,972 gaming positions. The property will include a high-limit slot area of 72 slot machines and a VIP table area of 10 tables (these slot and table units are included in the previous totals) for premium domestic and international customers. Although the entire integrated resort will offer five-star levels of customer service, these high-limit/VIP areas will offer a higher level of personal customer service.

There will be an exclusive poker area with 25 dedicated poker tables covering all variations of the most popular poker games. The property will also house eight Massachusetts Lottery machines located conveniently on the gaming floor near ATM/NRT machines.

Development of Poker and Table Games

- ❖ Based upon initial projections of demand, Encore Boston Harbor opened in **June 2019** with:
 - ❖ 144 table games
 - ❖ 88 poker tables
- ❖ In **March 2020**, prior to the mandated shutdown of Encore Boston Harbor due to Covid-19, there were:
 - ❖ 167 table games
 - ❖ 72 poker tables
- ❖ **Today**, following Covid-19 related challenges and a stabilization of business demand, there are:
 - ❖ 184 table games
 - ❖ 15 poker tables, open Sunday through Thursday, 10:00 a.m. – 2:00 a.m.

Wait Times for Poker

❖ Poker Room Wait Lists

- ❖ Wait lists in poker rooms are standard and most poker rooms use utilize a wait list through a poker-specific wait list system (EBH uses Poker Atlas).
- ❖ Players log into their account and are able to see the number of games open and how many people are on the wait list.

❖ For low-limit tables:

- ❖ The maximum wait time has been between 60 and 90 minutes.
- ❖ Average wait time is 20-30 minutes, between the hours of 11:00 a.m. and 10:00 p.m.
- ❖ There is no wait upon the opening of the poker room.

❖ For high-limit tables:

- ❖ Highest wait time has been 90 minutes.
- ❖ Average wait time is approximately 45 minutes.
- ❖ Less turnover than on lower-limit tables can mean a higher wait time.



Questions?



TO: Chair Judd-Stein, Commissioners O'Brien, Hill, Skinner, and Maynard

FROM: Mark Vander Linden, Director of Research and Responsible Gaming
Long Banh, Responsible Gaming Program Manager

DATE: August 11, 2022

RE: PlayMyWay Update

A key priority of the Massachusetts Gaming Commission (MGC) is to reduce to the maximum extent possible the potentially negative and/or unintended consequences of expanded gaming. To this end, the MGC has developed a comprehensive Responsible Gaming Framework which includes the availability of play management tools that enable players to track their play, manage their gambling decisions, and obtain individualized play feedback. PlayMyWay (PMW) is a first-of-its-kind voluntary play management tool that allows slot machine players to set a daily, weekly, or monthly budget and track their play.

PlayMyWay at Plainridge Park Casino: PMW launched at Plainridge Park Casino (PPC) in June 2016. There were over 1,000 new enrollments each month for the first three months, followed by decreasing enrollment month over month. As of August 1, 2022, there are 28,949 active PMW enrollees and 4,482 patrons who unenrolled.

PlayMyWay at MGM Springfield: On March 31, 2022, PMW launched at MGM Springfield (MGM). In the first month of the PMW launch at MGM, there were 1,279 new enrollees. Like PMW enrollments at PPC, PMW enrollments at MGM have generally leveled off at a lower level in the following months. As of August 1, 2022, there are 2,542 active enrollees and 170 patrons who are unenrolled.

PlayMyWay at Encore Boston Harbor: The MGC, in close collaboration with Encore Boston Harbor (EBH), IGT, and the GameSense team, has been working diligently for the past several months to assure a successful launch of PMW at EBH the week of September 12, 2022.

The addition of EBH will mark the completion of the MGC's goal of offering a uniform platform for slot machine players to set a budget and track their play at any Massachusetts casino.

Evaluation: MGC is dedicated to enhancing and improving PMW as a responsible gaming tool for casino patrons in Massachusetts. Dr. Michael Wohl of Charlton University with funding from the International Center for Responsible Gaming, is currently leading an evaluation of PMW at MGM Springfield. This study will examine the effectiveness of achieving program goals: 1) Sustain recreational gambling by establishing feasible parameters, and 2) Eliminate the regret arising from loss of control.



Massachusetts Gaming Commission

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
CMR Number	205 CMR 116.03	
Regulation Title	Waivers	
<input type="checkbox"/> Draft Regulation		<input checked="" type="checkbox"/> Final Regulation
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in the current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 1/29/16		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
The proposed amendment will change the phrase “less than” to “up to” to make it consistent with the language in G.L. c. 23K, §14(c)
Nature of and Reason for the Proposed Action
G.L. c. 23K, §14(c) states that “[t]he Commission may waive the licensing requirements for institutional investors holding <i>up to</i> 15 per cent of the stock of the applicant company or holding, intermediary or subsidiary company of the applicant company.” (emphasis added)
The current regulations reads <i>less than</i> rather than <i>up to</i> ; this change will make the regulation consistent with the statute.

--

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of the proposed amendment to the regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as-is
<input type="checkbox"/> Text of statute or other legal bases for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

205 CMR 116.00: PERSONS REQUIRED TO BE LICENSED OR QUALIFIED

116.03: Waivers

(1) The commission may in its discretion waive qualification requirements for the following persons under the following conditions:

(a) In the case of applicant corporations and holding, intermediary and subsidiary corporations, those persons holding less than 5% of the common stock of the company;

(b) In the case of institutional investors, if the institutional investor holds ~~less than~~ up to 15% of the stock of the applicant, holding, intermediary or subsidiary company;

(c) In the case of persons involved in the financing of the gaming establishment provided:

1. A lender to an applicant or licensee that is obtaining financing for the construction or operation of a Category 1 or Category 2 facility shall be required to be licensed unless the following apply:

a. The lender is in the business of providing debt or equity capital to individuals or entities;

b. The loan is in the ordinary course of the lender's business; and

c. The lender does not have the ability to control or otherwise influence the affairs of the applicant or licensee.

2. A lender that is required to be licensed may lend to an applicant or licensee if the lender has filed a completed application in accordance with 205 CMR and has received lender authorization from the commission or bureau.

3. A person that acquires a debt instrument issued by an applicant or licensee in a public or exempt private offering shall not be required to be licensed if:

a. The person does not have any right or ability to control or influence the affairs of the licensee; and

b. The person's acquisition of the debt instrument is in the ordinary course of business and is not part of a plan or scheme to avoid the requirements of this section.

4. Notwithstanding any provision to the contrary in 205 CMR 116.00, the commission may require the licensure of any person that holds a debt instrument issued by an applicant or licensee if the commission has reason to believe that the person would not satisfy the requirements of 205 CMR or M.G.L. c. 23K; or

(d) In the case of any person that, in the opinion of the commission cannot exercise control or provide direction to a gaming licensee or applicant for a gaming licensee or a holding, intermediary or subsidiary company thereof.

(2) In determining whether to waive qualification requirements under 205 CMR 116.03(1), the commission shall consider whether the person seeking the waiver obtained its interest for investment purposes only and does not have any intention to influence or affect the affairs of the applicant or any affiliated companies thereof.

(3) Any person may seek a waiver under 205 CMR 116.03(1) by filing a petition with the Commission pursuant to 205 CMR 102.03(4): *Waivers and Variances*; provided, however, that the commission or the bureau may require the submission of any such information deemed necessary to act on the request for a waiver or, at any time, if the commission or the bureau has reason to believe that the person would not satisfy any of the requirements of 205 CMR or M.G.L. c. 23K.

(4) Any party granted a waiver under 205 CMR 116.03 which subsequently anticipates engaging in any activity that will or could influence or affect the affairs or operations of the applicant or the holding, intermediary or subsidiary company thereof, shall provide not less than 30 days' notice to the commission of such intent and the party shall not exercise any influence or effect on the affairs or operations of the applicant or the holding, intermediary or subsidiary company thereof unless and until the commission issues a determination of suitability under 205 CMR 115.00: *Phase I and New Qualifier Suitability Determination, Standards and Procedures* for said party.

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c.30A, § 5 relative to the proposed amendments to **205 CMR 116.03: Waivers**, for which a public hearing was held on August 11, 2022.

205 CMR 116.03 was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The proposed will update specific language to comport with G.L. c. 23K.

The amendment to 205 CMR 116.03 applies to licensee institutional investors. Accordingly, this regulation is unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be negatively impacted by this amendment as it solely relates to licensees and their employees. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This amendment does not impose any reporting requirements.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

There are no design or operational standards required in the proposed amendment.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is not likely to deter or encourage the formation of new businesses in the Commonwealth as it is limited in its likely impact on the business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

/s/ Carrie Torrissi

Carrie Torrissi

Associate General Counsel

Legal Division

Dated: August 4, 2022

TO: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner

FROM: David MacKay, Licensing Supervisor

CC: Loretta Lillios, IEB Director and Acting Licensing Division Chief, MGC

DATE: August 11, 2022

RE: Gaming Service Employee (SER) Exemption Request: Encore Boston Harbor

Overview: This request for exemption for four (4) positions at Encore Boston Harbor from service employee registration is presented by the Licensing Division to the Commission for consideration and approval. (Further detail is available in the attached Exemption Request Summary).

Pursuant to G.L. c. 6, § 172(o) and 205 CMR 134.03(4), the Commission may exempt a job position from categorization as a gaming service employee.

Action Requested: The Licensing Division is asking the Commission for a vote on the matter.

Recommendation: The Licensing Division recommends that the Commission support the exemption.

TO: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner

FROM: David MacKay, Licensing Supervisor

CC: Loretta Lillios, IEB Director and Acting Licensing Division Chief, MGC

DATE: August 11, 2022

RE: Encore Boston Harbor Exemption Request Summary

Summary: The Horticulture and Floral department at Encore Boston Harbor would like to request one new title for a specialized skillset and three new titles for the purpose of creating a career progression plan as follows:

- Currently, the department has a Florist and Florist SE position, both already exempt. The department would like to add a Lead Florist and Florist 2 position. These positions would offer a promotional track for the two existing Florist positions.
 - Lead Florist - Position #: 00011382, Department: Horticulture and Floral, Property Access Level: N¹
 - Florist 2 - Position #: 00011383, Department: Horticulture and Floral, Property Access Level: N¹
- Currently, the department has a Gardener I and Gardener 2 position, both already exempt. The department would like to add a Lead Gardener position. This position would offer an additional promotional opportunity for the two existing Gardener positions.
 - Lead Gardener - Position #: 00011380, Department: Horticulture and Floral, Property Access Level: N¹
- The department is seeking to create an Irrigation Tech position, which would require the employee to have specific experience in irrigation and sprinkler systems.
 - Irrigation Tech – Position #: 00011381, Department: Horticulture and Floral, Property Access Level: N¹

The Licensing Division worked with Kara Henson, Asst. Director of Recruiting & Employment, Encore Boston Harbor, to obtain the necessary information to develop this

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

request, including: the required Exemption Identification Forms, complete job descriptions, and complete the Gaming Licensee Certifications.

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

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



MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt request

JOB POSITON (AND UNIQUE JOB CODE): Lead Gardener 00011380

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 07/15/2022 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>The Encore Boston Harbor Lead Gardener is responsible for installing, maintaining, and cultivating the plant life located on the property.</p> <p>JOB RESPONSIBILITIES:</p> <ul style="list-style-type: none"> • Plant Propagation and cultivation to improve plant growth, yields and quality • Maintains an assigned area with minimal supervision • Works with safety as a priority and follows department and company safety standards. • Articulates and reports the plants/flowers/shrubs/trees/irrigation etc. in the assigned area that need replacement or refurbishment to management • Leading projects, assigning tasks and monitoring the work of horticulture employees • Insuring tasks are completed timely • Maintains relevant knowledge of industry through continuing education and training. • Performs any other job-related duties as assigned. <p>JOB REQUIREMENTS.</p>	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

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

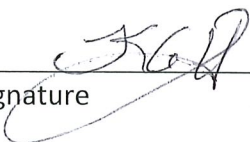
JOB POSITON (AND UNIQUE JOB CODE): Lead Gardener 00011380

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Lead Gardener 00011380

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



Signature

/ Kara Henson
/ Printed Name

07/25/2022

Date



MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt request

JOB POSITON (AND UNIQUE JOB CODE): Lead Florist 00011382

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 07/15/2022 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>The Encore Boston Harbor Lead Florist is responsible for installing, maintaining, and cultivating the plant life located on the property.</p> <p>JOB RESPONSIBILITIES:</p> <ul style="list-style-type: none"> • Knowledge of different flower types, arrangement styles, and flower conditioning. • Ability to design sample arrangements for floral staff • Works with safety as a priority and follows department and company safety standards. • Maintains records of floral orders, special requests, setup/strike and delivery information. • Order inventory from vendors, maintain supply & adjust based on season and department needs • Leads tasks and projects, providing direction to floral team • Maintains relevant knowledge of industry through continuing education and training. 	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

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


JOB POSITON (AND UNIQUE JOB CODE): Lead Florist 00011382

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Lead Florist 00011382

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


Signature

/ Kara Henson
/ Printed Name

07/22/2022
Date



MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt request

JOB POSITON (AND UNIQUE JOB CODE): Florist 2 00011383

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 07/15/2022 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>The Encore Boston Harbor Florist 2 is responsible for installing, maintaining, and cultivating the plant life located on the property.</p> <p>JOB RESPONSIBILITIES:</p> <ul style="list-style-type: none"> • Knowledge of different flower types, arrangement styles, and flower conditioning. • Ability to design without the use of a sample arrangement. • Completes work with minimal supervision • Works with safety as a priority and follows department and company safety standards. • Maintains records of floral orders, special requests, setup/strike and delivery information. • Order inventory from vendors, maintain supply & adjust based on season and department needs • Maintains relevant knowledge of industry through continuing education and training. 	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

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

JOB POSITON (AND UNIQUE JOB CODE): Florist 2 00011383

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Florist 2 00011383

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


Signature

/ Kara Henson
/ Printed Name

07/25/2022
Date



MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt request

JOB POSITON (AND UNIQUE JOB CODE): Irrigation Tech 00011381

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 07/15/2022 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>The Encore Boston Harbor Irrigation Technician will be responsible for the maintenance and operation of the property irrigation system and other supporting systems. This position requires an understanding of automatic irrigation system installation, operations, and system maintenance. This position also when required provides leadership for other team members. Additionally, this position collaborates with the Facilities and Engineering team members to ensure that the entire irrigation system is working properly.</p>	
<p>JOB RESPONSIBILITIES:</p> <ul style="list-style-type: none"> • Manage and oversee the property irrigation system, responsibilities include but are not limited to: <ul style="list-style-type: none"> ○ Performing system turn-ons in the spring and system winterizations in the fall ○ Working with contractors and vendors on system installations and upgrades ○ Monitoring and making needed coverage and watering schedule adjustments ○ Troubleshoot system problems and perform repairs to restore full system operations. ○ Conducting and recording detailed inspections and planning/executing upgrades ○ Coordination of contracted repairs ○ Monitoring the performance of the drainage system to track problematic areas and provide recommendations for cleaning, repair or replacement of catch basins and drainage pipes ○ Maintaining, cleaning, or replacing filters, and monitoring operation of pumps and 	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

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


JOB POSITON (AND UNIQUE JOB CODE): Irrigation Tech 00011381

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Irrigation Tech 00011381

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

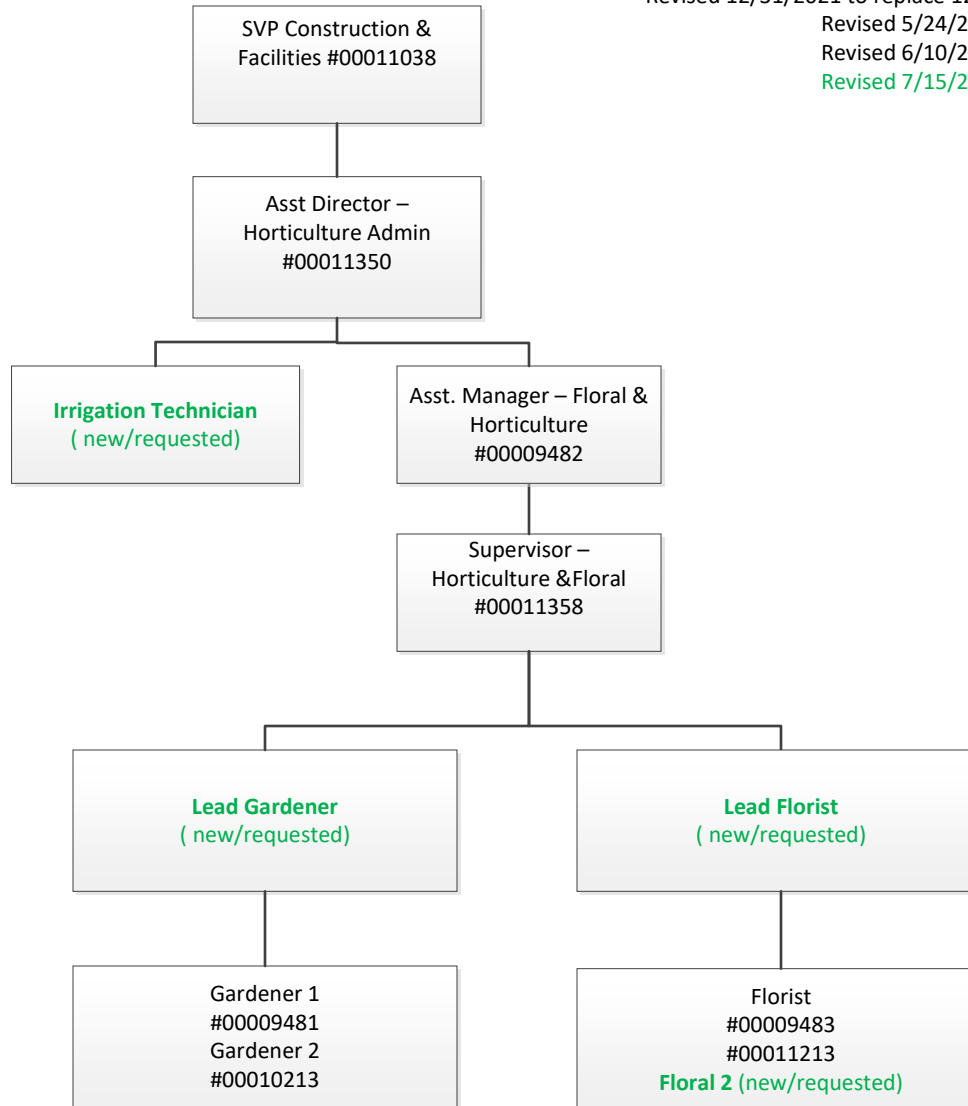

Signature

/ Kara Henson
/ Printed Name

07/25/2022
Date

Horticulture & Floral

Original Submission Date: 09/28/2018
Revised 11/20/2019 to replace 09/28/2018 submission
Revised 12/01/2020 to replace 11/20/2019 submission
Revised 12/31/2021 to replace 12/01/2020 submission
Revised 5/24/2022
Revised 6/10/2022
Revised 7/15/2022





Florist 2

POSITION SUMMARY

The **Encore Boston Harbor Florist 2** is responsible for installing, maintaining, and cultivating the plant life located on the property.

JOB RESPONSIBILITIES:

- Knowledge of different flower types, arrangement styles, and flower conditioning.
- Ability to design without the use of a sample arrangement.
- Completes work with minimal supervision
- Works with safety as a priority and follows department and company safety standards.
- Maintains records of floral orders, special requests, setup/strike and delivery information.
- Order inventory from vendors, maintain supply & adjust based on season and department needs
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

Age, Gaming and Certifications:

18 years of age or above.

Will be required to obtain and maintain registration, or a license issued by the Massachusetts Gaming Commission.

Drivers License

Education and/or Experience:

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents.

Must be able to interact with internal and external guests in a professional manner.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.

Team members may be expected to work outside and may be subject to all weather conditions. Operates in a working environment that is subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration.



Irrigation Technician

POSITION SUMMARY

The **Encore Boston Harbor Irrigation Technician** will be responsible for the maintenance and operation of the property irrigation system and other supporting systems. This position requires an understanding of automatic irrigation system installation, operations, and system maintenance. This position also when required provides leadership for other team members. Additionally, this position collaborates with the Facilities and Engineering team members to ensure that the entire irrigation system is working properly.

JOB RESPONSIBILITIES:

- Manage and oversee the property irrigation system, responsibilities include but are not limited to:
 - Performing system turn-ons in the spring and system winterizations in the fall
 - Working with contractors and vendors on system installations and upgrades
 - Monitoring and making needed coverage and watering schedule adjustments
 - Troubleshoot system problems and perform repairs to restore full system operations.
 - Conducting and recording detailed inspections and planning/executing upgrades
 - Coordination of contracted repairs
 - Monitoring the performance of the drainage system to track problematic areas and provide recommendations for cleaning, repair or replacement of catch basins and drainage pipes
 - Maintaining, cleaning, or replacing filters, and monitoring operation of pumps and piping
- Provide hands on support & training for team members in the proper use of the system as required
- Learning, understanding, and adhering to all safety rules and company policies
- Leading projects, assigning tasks and monitoring the work of horticulture employees

JOB REQUIREMENTS:

Age, Gaming and Certifications:

18 years of age or above.

Will be required to obtain and maintain registration, or a license issued by the Massachusetts Gaming Commission.

Drivers License

Education and/or Experience:

High School Diploma or GED required.

3-5 years of related experience required

Experience installing and maintaining irrigation systems; including standpipes, drip lines, and pop-up heads preferred.

Experience in irrigation system design, installation, and maintenance.

Ability to thrive in a fast-paced environment

Excellent written and communication skills

Strong leadership qualities

Some knowledge and experience with Microsoft Office applications is required.

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents.

Ability to communicate in English (spoken and written) with staff, vendors and clients is required. Ability to communicate in Spanish is a plus.

Must be able to interact with internal and external guests in a professional manner.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.
- Team members may be expected to work outside and may be subject to all weather conditions. Operates in a working environment that is subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration.



Lead Florist

POSITION SUMMARY

The **Encore Boston Harbor Lead Florist** is responsible for installing, maintaining, and cultivating the plant life located on the property.

JOB RESPONSIBILITIES:

- Knowledge of different flower types, arrangement styles, and flower conditioning.
- Ability to design sample arrangements for floral staff
- Works with safety as a priority and follows department and company safety standards.
- Maintains records of floral orders, special requests, setup/strike and delivery information.
- Order inventory from vendors, maintain supply & adjust based on season and department needs
- Leads tasks and projects, providing direction to floral team
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

Age, Gaming and Certifications:

18 years of age or above.

Will be required to obtain and maintain registration, or a license issued by the Massachusetts Gaming Commission.

Drivers License

Education and/or Experience:

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents.

Must be able to interact with internal and external guests in a professional manner.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

Work Environment:

The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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Team members may be expected to work outside and may be subject to all weather conditions. Operates in a working environment that is subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration.



Lead Gardener

POSITION SUMMARY

The **Encore Boston Harbor Lead Gardener** is responsible for installing, maintaining, and cultivating the plant life located on the property.

JOB RESPONSIBILITIES:

- Plant Propagation and cultivation to improve plant growth, yields and quality
- Maintains an assigned area with minimal supervision
- Works with safety as a priority and follows department and company safety standards.
- Articulates and reports the plants/flowers/shrubs/trees/irrigation etc. in the assigned area that need replacement or refurbishment to management
- Leading projects, assigning tasks and monitoring the work of horticulture employees
- Insuring tasks are completed timely
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

JOB REQUIREMENTS:

Age, Gaming and Certifications:

18 years of age or above.

Will be required to obtain and maintain registration, or a license issued by the Massachusetts Gaming Commission.

Drivers License

Education and/or Experience:

Language Skills:

Ability to read, analyze, and interpret documents, such as policy and procedure manuals, maintenance instructions, and other related documents.

Must be able to interact with internal and external guests in a professional manner.

Physical Demands:

The physical demands described here are representative of those that must be met by the Team Member to successfully perform the essential functions of this job.

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The work environment characteristics described here are representative of those that exist while Team Members are performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Due to the unpredictable nature of the hospitality/entertainment industry, Team Members must be able to work varying-schedules to reflect the business needs of the property.
- Team members may be expected to work outside and may be subject to all weather conditions. Operates in a working environment that is subject to varying levels of cold, heat, humidity, precipitation, wind, noise, and vibration.

MEMORANDUM

TO: Chair Cathy Judd-Stein
Commissioner Eileen O'Brien
Commissioner Bradford Hill
Commissioner Nakisha Skinner
Commission Jordan Maynard

FROM: Heather E. Hall, Chief Enforcement Counsel/Assistant Director, IEB

COPY: Loretta M. Lillios, Director, IEB
Bruce E. Band, Gaming Agent Division Chief/Assistant Director, IEB

RE: Assessment of Civil Administrative Penalty in an Agreed-Upon Amount

Date: August 4, 2022

At the Commission's August 11, 2022 open meeting, the Investigations and Enforcement Bureau ("IEB") will report to the Commission on the IEB's assessment of a civil administrative penalty (fine) in an agreed-upon amount, as well as agreed-upon corrective actions, stemming from instances of alcohol overservice by a leased outlet at Encore Boston Harbor ("EBH"). The IEB will also report to the Commission on the IEB's Directive to EBH in conjunction with this matter.

Commission Action Requested: The IEB is not looking for a vote from the Commissioners, but does wish to brief them on the matter.



Massachusetts Gaming Commission