



Massachusetts Gaming Commission Meeting Minutes

Date/Time: January 10, 2022, 9:30 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 342 7828

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](#) (00:19)

Chair Judd-Stein called to order the 366th Public Meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Consideration of Payment of Legal Costs Associated with subpoena issued to Ed Bedrosian in the matter of Schuster et al. v. Wynn Resorts Holdings, LLC, et al.](#) - (01:40)

General Counsel Grossman provided a summary of the litigation before the Commission. There were two separate lawsuits filed in August of 2019. The lawsuits concerned the application of the Commission's rules governing Blackjack that took place at both MGM Springfield and Encore Boston Harbor respectively. General Counsel Grossman added that both aspects of the cases concerning Blackjack had subsequently been resolved after the date of filing. However, the matter before the Commission today pertains to the case filed against Encore Boston Harbor, Wynn Resorts Holdings, LLC, and Wynn MA, LLC the company that owns and operates the Encore Boston Harbor. General Counsel Grossman explained that this matter relates to the kiosks that patrons can redeem the tickets they are provided upon cashing out from a slot machine within the gaming establishment. The plaintiffs allege that the kiosks in question failed to pay out a patron's change when a patron inserted a ticket to receive their cash.

General Counsel Grossman explained that the plaintiffs have recently served two subpoenas pertaining to this matter: the first upon the Commission seeking deposition testimony, and provision of documents; and the second upon former Executive Director of the Gaming Commission, Edward Bedrosian, for deposition testimony and provision of documents. The immediate issue before the Commission to determine is whether they support covering the costs of legal fees incurred by Mr. Bedrosian, relative to addressing and complying with the subpoena. General Grossman added that Anderson and Kreiger, the law firm representing the Commission in this matter, have agreed to represent Mr. Bedrosian as well; and there does not appear to be any conflict emanating from the firm's dual representation, in this instance. General Counsel Grossman assured the Commission that if that if a conflict did arise, they would in fact need to secure separate counsel.

The Commission does not currently have a policy about covering legal expenses but has covered legal fees in the past for former employees engaged in litigation, relating to their work or duties at the Commission. General Counsel Grossman noted with significance that neither the Commission, nor Mr. Bedrosian had been accused of wrongdoing, nor were they a party to the litigation in its current form. He added that the question before the Commission pertains solely to the coverage of costs of Mr. Bedrosian's response to the subpoena. With that, General Counsel Grossman accepted questions from the Commissioners.

Chair Judd- Stein sought clarification whether the subpoena was seeking information pertaining to Mr. Bedrosian's formal capacity as Executive Director, or in a personal capacity. General Grossman confirmed that the subpoena is seeking materials and information pertaining to his role as Executive Director and he believed that Plaintiff was aware Mr. Bedrosian is no longer the acting Executive Director of the Commission. Chair Judd-Stein thanked General Grossman for the clarification.

Hearing no other questions from Commissioners, Commissioner O'Brien moved that the Commission authorize the payment of reasonable legal fees on behalf of former Executive Director Edward Bedrosian, related to the deposition subpoena issued in the matter of Schuster v. Wynn Resorts Holdings LLC.

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Cameron: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

Motion passed Unanimously.

3. [Other Business](#) (6:40)

There were no other matters presented.

4. [Executive Session](#) (6:50)

Chair Judd-Stein read the following language into the record on behalf of the Commission, “ The Commission anticipates meeting in executive session in accordance with G.L. c. 30A, §21(a)(3) to discuss strategy with respect to Schuster et al. v. Wynn Resorts Holdings, LLC, et al., as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.”

With that Commissioner O’Brien moved to enter executive session for the reasons articulated on the record by Chair Judd-Stein. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioners entered executive session. The public session of the Commission meeting did not reconvene at the conclusion of the executive session.

List of Documents and Other Items Used

1. Revised Notice of Meeting and Agenda dated January 7, 2022
2. Revised [Commissioners’ Packet](#) from the January 10, 2022 meeting