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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** October 21, 2021, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 620 8934

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 Brad Hill  
Commissioner Eileen O'Brien

#### 1. [Call to Order](#) (0:00)

Chair Judd-Stein called to order the 358<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

#### 2. [Administrative Update](#) (1:04)

##### a. [On-Site Casino Updates](#)

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band provided a brief update on the properties noting that poker is scheduled to open at MGM Springfield on October 29<sup>th</sup> with 13 tables and that all of the dealers are rehires from pre-Covid. The Commission thanked Director Band for his update.

##### b. [Internal Re-Opening Plan Update](#) (3:26)

Executive Director Karen Wells provided an update on the anticipated November 1<sup>st</sup> Boston office reopening. She noted that staff is working on a process for the return of necessary office equipment and reminded everyone that the offices will still not be open to the public. She also

suggested that the office maintain “Casual Friday” attire throughout the work week. She further stated that the Human Resources Division would recirculate the Commission’s Covid-related policy to staff. Chair Judd-Stein asked if the policy applies to independent contractors. Executive Director Wells stated that the vaccination policy does apply to independent contractors. The Commission thanked Executive Director Wells for the update.

c. [Executive Director Hybrid Work Schedule Request](#) (7:56)

Executive Director Wells noted that the hybrid work option required staff to submit their requests for hybrid work consistent with the policy and given that the Executive Director reports directly to the Commission, she has submitted her request form for the Commission’s consideration.

Commissioner O’Brien moved that the Commission approve the hybrid work schedule requested and submitted by Director Karen Wells as included in the packet. 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.*

The Commission also discussed their own hybrid work schedules, noting that they would remain flexible in terms of when they will be in the office and when they will be remote.

d. [Equity and Inclusion Update](#) (13:30)

Executive Director Wells provided the Commission with an update on the equity and inclusion working group. She noted that Commissioner Skinner and Crystal Howard have joined the working group and that there are five areas that the group is focusing on: culture, regulation review, customer service, hiring and retention, and procurement practices. She noted that the agency has joined the pacesetters program to intentionally increase diverse spending. Chair Judd-Stein stated that pacesetters is a highly regarded program and Finance Director Derek Lennon further explained its benefits. The Commission thanked the working group for its efforts.

3. [Hiring Process Policy Development](#) (21:48)

Executive Director Wells explained that G.L. c. 23K, §20 requires the Executive Director to appoint employees subject to the approval of the Commission and that historically the Commission has complied with this mandate through the budget process as the Commission approves the Executive Director hiring a certain number of full-time employees. Executive Director Wells sought guidance on what positions the Commission would like to be delegated and recommended that the Executive Director notify the Commission of any potential hire that would be designated as a major policymaking position under G.L. c. 268B and the Commission

could then waive its involvement on a case-by-case basis. She further noted that after a decision is made this can be memorialized in a written policy.

Chair Judd-Stein asked for clarification on the major policymaking position definition. General Counsel Todd Grossman explained that G.L. c. 268A oversees the major policymaking position process for the purposes of filing statements of financial interest, and that a major policymaking position is essentially defined as someone who is the head of an organization, or someone who reports directly to the head of an organization, or someone who is the head of a major division within the organization.

Commissioner O'Brien suggested that this process include a review of what exact positions are being included in the event the Commission wants to tighten or broaden the group. Commissioner Hill and Commissioner Cameron agreed with these suggestions and with implementing this policy related to Commission involvement with major policymaking position hiring.

#### 4. [Research and Responsible Gaming](#) (33:18)

Director Vander Linden introduced Long Banh, the Research and Responsible Gaming division's new Responsible Gaming Manager, and the Commission welcomed him to the team.

##### a. [Commercial Real Estate Report](#) (34:21)

Marie-Claire Flores-Pajot introduced a commercial real estate report presented by the economic side of the SEIGMA team, a copy of which is included in the Commissioners' Packet. She introduced speakers Thomas Peake, Senior Research Manager, and Dr. Mark Melnik, Director of the Economic and Public Policy Research Group at the UMass Donahue Institute. She noted that the Gaming Act recognizes the importance of tracking the changes that the new casinos and slot parlor could have in local economies and that part of that is looking at the commercial real estate market.

Mr. Peake and Dr. Melnik presented findings on a research study tracking how commercial real estate conditions have changed over time in the host and surrounding communities of the three casinos in Massachusetts, a report of which is included in the Commissioners' packet. There was discussion regarding the ways in which the specific regional and local locations of the gaming establishments may impact real estate conditions in a broader sense given the variable ecosystems of each community.

The Commission thanked the presenters for their report.

##### b. [GameSense Quarterly Report](#) (1:41:43)

Director Vander Linden introduced the Mass Council on Gaming and Health and a team of GameSense Advisors from each property to present the GameSense quarterly report. Chelsea Turner, the Mass Council's Director of Responsible Gaming, along with GameSense Advisors Linh Ho, Amy Gabriela, and Rhonda Martins, presented the report including quarterly numbers;

voluntary self-exclusion, reinstatement, and remote enrollment; property employee awards; responsible gaming education week; recovery month; and new live chat technology used to engage with patrons. A copy of the presentation is included in the Commissioners' Packet.

Commissioner Cameron asked if the team has data regarding the percentage of men versus women enrolled in the voluntary self-exclusion program. Director Vander Linden noted that while he did not have specific data on this it was a very interesting question. There was additional discussion regarding the report's indication that women tend to have more casual interactions with the advisors than signups. Director Vander Linden noted that the baseline general population survey indicated that the prevalence rate of problem gambling among males is 3.1% and among females is 1.1%.

The Commission thanked the presenters for their report.

## 5. [Racing Division](#) (3:32:24)

### a. Quarterly Local Aid Update

Director of Racing Dr. Alexandra Lightbown presented the local aid for the quarter ending September 30<sup>th</sup>. Specifically, she noted that this quarter, using handles from January, February, and March of 2021, the City of Boston would receive \$118,265.85, the Town of Plainville would receive \$16,676.15, the Town of Raynham would receive \$18,688.49, and the City of Revere would receive \$59,131.53 for a grand total of local aid for the third quarter of \$212,761.02. She noted that there is a detailed breakdown and calculation of all amounts included in the Commissioners' Packet.

Commissioner O'Brien moved that the Commission authorize the local aid payments to the City of Boston, the Town of Plainville, the Town of Raynham, and the City of Revere in the amounts reflected in the memo included in the Commissioners' Packet and discussed here today. 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.*

## 6. [Legal Division](#) (3:36:20)

- a. Revisions to 205 CMR 134.01: Key Gaming Employee Licensees; 205 CMR 134.02: Gaming Employee Licensees; 205 CMR 134.03: Gaming Service Employees

General Counsel Grossman presented updates to 205 CMR 134.01, 134.02, and 134.03, which would allow the gaming establishments to bring employees from sister properties to work at the properties in Massachusetts for limited time periods for the purposes of training or similar needs.

General Counsel Grossman noted that the regulations currently allow this use only during emergency situations, and that the amendments remove the emergency requirement to allow for broader use. He further noted that the regulations allow an initial time period of 60 days for such use and require Commission authorization for extensions up to six months, with the exception of 205 CMR 134.03, which does not require Commission authorization for the six-month extension.

Commissioner O'Brien asked why the Commission authorization is not included in 205 CMR 134.03 and also raised the question as to whether the language allowing for a six-month time period in one twelve-month period is sufficient to ensure that permanent jobs are being filled by Commonwealth residents; she suggested updating to one six-month time period within an 18-month or 24-month time period. Chair Judd-Stein asked for reasoning related to the difference in 205 CMR 134.03. General Counsel Grossman noted that the gaming service employee jobs are unrelated to gaming, which perhaps could be the distinction. Chair Judd-Stein asked how often the IEB receives these types of requests. Chief Enforcement Counsel Heath Hall noted that the IEB does not receive these requests often, and that such requests have mainly been limited to staffing issues related to Covid and if a property is looking to expand the gaming area. Assistant Director Bruce Band also noted that if sports betting passes or if a new table game becomes available for use, the properties might want to bring someone with expertise in the area from a sister property to provide training.

Commissioner Cameron suggested that this type of situation might never apply to gaming service employees and perhaps this group should not be included in these regulation amendments.

There was further discussion regarding the appropriate time periods as raised by Commissioner O'Brien.

General Counsel Grossman summarized the Commission's discussion as follows: no amendments would be made to 205 CMR 134.03; the time period provisions in 205 CMR 134.01 and 205 CMR 134.02 would be amended to allow for one six-month extension in an 18-month period, as opposed to in a 12-month period, as authorized by the Commission.

Commissioner O'Brien moved that the Commission approve the small business impact statement and the amendments to 204 CMR 134.01 and 134.02 as included in the Commissioners' Packet subject to the further edit in sub paragraphs three in each section, changing the language "for more than one six-month period in a 12-month period" to "for more than one six-month period in an 18-month period" and that staff be authorized to take the steps necessary to fine the regulation with the Secretary of the Commonwealth and to proceed with the regulation promulgation process. 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.*

7. [Community Affairs](#) (4:01:01)

a. Community Mitigation Fund Guidelines

Community Affairs Division Chief Joe Delaney presented the draft Community Mitigation Fund Guidelines for the 2022 Community Mitigation Fund, a copy of which is included in the Commissioners' Packet, and provided background on the process up until this point as well as moving forward. Chief Delaney walked through specific changes to the guidelines, including the addition of a public safety grant as a separate category; the reorganization of certain requirements related to community planning grants; a limitation on applications for specific impact grants; a highlight on the availability of Community Mitigation Fund assistance for police training, including implicit bias and de-escalation training; the addition of an affirmative statement that there is an impact to the communities from the casinos to streamline the process for community planning grant applications; the elimination of the cap on transportation planning grants; and increasing the cap for workforce development grants; and the addition of a projects of regional significance, for which the community affairs team will seek input from the communities.

The Commission thanked Chief Delaney for these updates to the Guidelines and noted in particular their interest in the addition of a public outreach component.

8. [Other Business](#) (4:35:41) - none

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner O'Brien.

*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 October 21, 2021
2. [Commissioners' Packet](#) from the October 21, 2021, meeting (posted on massgaming.com)