



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 18, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 480 5026

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 361st public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted and all four commissioners were present.

2. [Administrative Update](#) (0:33)

Licensing Division Chief Nakisha Skinner introduced a new Licensing Specialist, Nathaniel Ector. The Commission welcomed Nathaniel to the MGC.

a. [On-Site Casino Updates](#) (02:16)

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band provided an update on the number of tables and slot machines at all three properties. He noted as well that MGM opened a skating rink on-site and Encore Boston Harbor is working on an upstairs VIP bar. Commissioner O'Brien asked for the status of poker at Encore Boston Harbor and how many tables they expected to open. Assistant Director Band said that Encore had reported twelve tables and that they would be opening in February.

b. [Hybrid Work Model and Office Reopening Updates](#) (04:02)

Executive Director Wells provided an update on the hybrid work model and the Boston office reopening. She noted that they are working on developing technology for hybrid meetings. She also sought feedback from the Commission on the technology for public meetings, explaining that there is a wide range on the sophistication of equipment and it would be helpful to have input from the Commission on the level of sophistication that they think is necessary for public meetings.

Chair Judd-Stein offered her input that a simpler solution is better than more complicated and Commissioners Cameron, O'Brien, and Hill agreed. Executive Director Wells thanked the Commission for their feedback and noted that she would provide more information throughout the process. She explained, as well, that there are questions as to the configuration of the public meeting room and that she would like to set something up to try various options and see what the Commission is comfortable with.

c. [Vendor Exemption for Salary Review Project](#) (13:09)

Executive Director Wells reported that earlier in the year, the Commission implemented a protocol for salary evaluation across the entire agency. The protocol included an analysis to confirm the Commission's compliance with the Massachusetts Equal Pay Act, which is complete, and a review of whether the Commission is paying its employees fairly. Initially, an outside resource within state government was being used to obtain data for the analysis but that process has not worked out. Executive Director Wells explained that Chief Financial Officer Derek Lennon had suggested doing an intentional spend on a diverse vendor for this project.

Chief Financial Officer Lennon explained the process for an exception to the procurement process and noted that there is also a memo in the Commissioners' packet. He explained that the request is to reach out to two entities that the Commission has worked with (namely, the Pacesetters program and LEAF, an entity to which the Commission has awarded workforce development grants) and request that they find diverse vendors who can bid on this opportunity.

Commissioner Cameron sought clarification that if there were any issues with this process the statewide contract could still be used and CFO Lennon confirmed. Chair Judd-Stein sought a timeframe for this process. CFO Lennon noted that the bids would be put out for 8-10 business days, that a report would be received in approximately a month to a month and a half, and that Executive Director Wells would convene working groups for discussion.

Commissioner O'Brien moved that the Commission grant an exception from using the statewide contract for purposes of seeking a vendor to conduct a review of the overall pay structure of the Commission as described in the Commissioners' packet and discussed here today. 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.

d. [Human Resources Vacation Carryover](#) (27:51)

Executive Director Wells presented a request for the MGC to adopt a policy with respect to vacation time that was recently announced by the Commonwealth's Human Resources Division that allows employees to carryover additional vacation time. Specifically, instead of carrying over the last two years of accrued vacation time, employees would be able to carryover the last three years of accrued vacation time. Executive Director Wells disclosed for the record that she had a large amount of accrued vacation time.

Commissioner Cameron moved that the Commission adopt the same adjustment to the vacation carryover policy that the state Human Resources Division has adopted for the executive branch to allow employees to carryover vacation hours accrued in 2019, 2020, and 2021 as discussed here today. 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.

3. [Community Affairs](#) (30:37)

a. MGM Springfield Quarterly Report

Community Affairs Division Chief Joe Delaney introduced the MGM Springfield third quarter report along with representatives from MGM Gus Kim, General Counsel; Arlen Carballo, Executive Director of Finance; Jason Randall, Director of Human Resources; and Beth Ward, Community Affairs Manager.

Ms. Carballo presented MGM's quarterly financial report including gaming revenues and taxes, lottery sales. GC Kim noted that the numbers provided to the Commission in advance were not accurate and the numbers being presented on screen are correct. Commissioner Cameron noted that there seemed to be a significant decrease from month to month. Ms. Carballo noted that lottery sales are reported on a weekly basis so they have a tendency to skew, but that nothing appeared out of the ordinary for the quarter as a whole.

General Counsel Kim presented regarding compliance issues including minors on the gaming floor, and Ms. Carballo presented regarding the quarter's operating spend including diversity and local spend efforts. Commissioner Cameron noted that the numbers were far from meeting the established goals and inquired about the challenges and what MGM is doing to address this issue. Ms. Carballo explained that the numbers have been challenging since MGM opened but

that they are engaging in grassroots efforts and with corporate sponsorship partners to find diverse vendors that can be substituted, as well as engaging in several events in the third quarter to find and identify more diverse vendors.

Mr. Randall presented regarding employment numbers including minority, women, and veteran employees, as well as local resident employees; Ms. Ward presented regarding community outreach, special events, and development; and Mr. Kim provided an update on entertainment.

Chair Judd-Stein noted that MGM's record on minors and alcohol consumption for the quarter was exceptional. The Commission thanked MGM for their presentation.

b. [Plainridge Park Casino Quarterly Report](#) (54:34)

Chief Delaney introduced representatives from Plainridge Park Casino to present their quarterly report, including North Grounsell, General Manager; Dana Fortnoy, VP of Finance; Kathy Lucas, VP of Human Resources; and Lisa McKenney, Compliance Manager.

Mr. Grounsell thanked Commission members for attending the Sire Stakes Finals on October 25th and reported on the distribution of purse money at that event.

Ms. Fortnoy presented regarding gaming revenue and taxes, lottery sales, local spend, and vendor diversity including spend on minority, women, and veteran businesses. Commissioner O'Brien sought more information regarding a drop in the numbers for WBE. Ms. Fortnoy noted that there had been a material spend in the second quarter so the drop in the third quarter was a return to standard spend.

Mr. Grounsell presented regarding minors on the gaming floor as well as other compliance matters. Ms. Lucas presented regarding employment numbers. Chair Judd-Stein sought more information regarding a drop in the local employment number. Ms. Lucas noted that there has been a lot of competition in the local area and that MGM is working on ensuring that their salaries are competitive.

The Commission thanked Plainridge Park Casino for their presentation.

c. [Community Mitigation Fund Guidelines](#) (1:13:35)

Chief Delaney presented the Community Mitigation Fund final guidelines and stated that the changes discussed at the last meeting have been incorporated. Chief Delaney highlighted several changes, including the removal of projects of regional significance, which will be addressed separately with the communities; slight changes in the allocation of funds by region; a slight revision to the amount of funds carrying over from last year; and the addition of vendor spending practices with respect to minority, veteran, and women-owned businesses as an evaluation criteria that may be considered.

Commissioner Hill moved that the Commission adopt the version of the 2022 Community Mitigation Fund Guidelines included in the Commissioners' packet and discussed here today. 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.

Chair Judd-Stein asked for clarification on the timeframe for next steps. Chief Delaney confirmed that the deadline for applications is January 31st.

4. [Racing Division](#) (1:21:32)

a. Racing Application Status

Director of Racing Dr. Alexandra Lightbown provided an update on the racing license applications. She noted that a public hearing was held on November 8th and an adjudicatory hearing on November 9th regarding the application from Plainville Gaming and Redevelopment to race at Plainridge in 2022, and that the Commission ultimately granted the license for 110 days. She added that a few requirements were included in the license, such as the independent track review which has been required in the past.

Dr. Lightbown also noted that the Commission had received an application for a thoroughbred license from Sturbridge Equine and Agricultural Center, but that the application had been withdrawn and the applicant expressed their desire to come back with another application in the future.

5. [Licensing Division](#) (1:25:34)

a. MGM Service Employee Exemption Request

Licensing Division Chief Nakisha Skinner presented an exemption request from MGM Springfield to exempt a new dealer trainee position from the service registration requirements. MGM intends to resume its table games dealer training program under a new model delivering training in-house instead of outsourcing the training as they've done in the past. To support the new model, MGM will use current dealers, pit managers, and table game managers to deliver the training, which will be conducted full-time for eight weeks. The trainings will be conducted off-site which means the trainees will have no access to the back of house casino areas and no training on the gaming floor.

Commissioner Hill sought clarification on the difference between in-house training and outsourcing. Chief Skinner explained that MGM would like to be able to pay their trainees and conducting it in-house will allow them to do so. Commissioner Cameron asked if employee

benefits would be available to the trainees and MGM representative Jason Randall confirmed that they would. Chair Judd-Stein confirmed that all training is in a separate space and not on the training floor. Chief Skinner confirmed.

Commissioner O'Brien moved that the Commission exempt the dealer trainee position at MGM Springfield from the Commission's registration requirements in accordance with 205 CMR 134.03(1)(b) for the reasons discussed today and described in the Commissioners' 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.

6. [Research and Responsible Gaming](#) (1:34:24)

a. SEIGMA Ad-Hoc Report

Director of Research and Responsible Gaming Mark Vander Linden presented regarding the ad hoc report that is lined up as part of annual research agenda from the UMass Amherst SEIGMA team. Director Vander Linden noted as background that the Commission has an ISA with UMass Amherst to carry out social and economic research that's clearly defined in Chapter 23K and that the Commission has been working with a team of researchers known as SEIGMA since 2013. He presented more specific details regarding this report as are outlined in a memorandum included in the Commissioners' packet, including the options for the subject matter of the report.

Chair Judd-Stein inquired as to the timeframe. Director Vander Linden noted that the report would be drawing on data that's readily available and anticipate the report being wrapped up in FY22.

Commissioners Cameron, Hill, and O'Brien concurred that sports betting would be an appropriate use of this research and the most topical issue at this time. Commissioner O'Brien noted that issues regarding mobile phone usage might be organically incorporated. Chair Judd-Stein noted that she was torn between sports betting and data regarding mobile phone usage, but took note of Commissioner O'Brien's point that mobile phone usage might be integrated into sports betting research.

Chair Judd-Stein asked if the deadline could be pushed if the report is done on sports betting; Director Vander Linden said that he could pursue that option. Chair Judd-Stein also inquired as to the direction with respect to policy recommendations. Director Vander Linden noted that there is a range of potential policy options.

7. [Commissioner Updates](#) (1:57:27)

a. Annual Report

Chair Judd-Stein noted that the Commission's annual report is typically driven by Commissioner involvement, but that it ultimately makes more sense to have it driven by the team. She explained that Executive Director Wells will roll out what she is anticipating so that the team can begin pulling together information to provide for assembly. Chair Judd-Stein asked if the Commission would still have an opportunity to review and make edits; Chief Administrative Officer to the Chair and Special Projects Manager Crystal Howard confirmed that they would.

b. [Executive Director's Annual Review Process](#) (2:00:03)

Commissioner O'Brien noted that it is time for Executive Director Wells' annual review and that she and Human Resources Manager Trupti Banda had distributed a form to see if anyone wanted to make any changes. Commissioner O'Brien ran through the timeframe used in the past for this evaluation. The Commission did not have any changes to suggest to the process from the previous year.

Chair Judd-Stein asked when they anticipated conducting this evaluation. Commissioner O'Brien stated that it would likely be a January date.

8. [Other Business](#) (2:03:06)

There was no other business presented.

9. [Executive Session](#) (2:03:24)

- a. The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation related to personnel as discussion of the subject matter at an open meeting may have a detrimental effect on the litigating position of the Commission.

Commissioner Hill moved to adjourn. 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 November 18, 2021
2. [Commissioners' Packet](#) from the November 18, 2021, meeting