



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 16, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 639 6781

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 363rd public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Administrative Update](#) (0:53)

As a preliminary matter, Executive Director Wells noted that Wynn Resorts is looking to potentially develop property across the street from the casino and that staff is currently gathering information on that proposal will keep the Commission informed as to any potential next steps or Commission review.

a. [On-Site Casino Updates](#) (1:30)

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band provided a brief update on the properties noting that they were all ready for the holidays, and IEB Director Loretta Lillios provided updates on the Covid protocols at the properties. The Commission thanked them for these updates.

b. [Recognition of Employee Departure](#) (7:49)

Executive Director Wells recognized the departure of two Commission employees, Digital Communications Officer Austin Bumpus and Executive Assistant Jamie Ennis. The Commission and staff thanked each of them for their years of service and wished them well in their next endeavors.

c. [Update of the Voluntary Self-Exclusion Program](#) (29:10)

Director of Research and Responsible Gaming Mark Vander Linden provided an update on the voluntary self-exclusion program, which is intended to allow persons who struggle to control their gambling a voluntary option to exclude themselves from the gaming establishment for a predetermined amount of time. Director Vander Linden noted that the voluntary self-exclusion program was launched in 2015 to coincide with the opening of Plainridge Park Casino and since that time has been a critical component to the overall approach to mitigate problem gambling in Massachusetts. He further noted that there are currently over 1000 individuals enrolled in the program and that options have been created during Covid for remote enrollment with a GameSense advisor.

In addition, Director Vander Linden noted that the Research and Responsible Gaming Division, in collaboration with the IT Division, will be launching a new voluntary self-exclusion web application which will function as the official list that will be shared with authorized parties.

The Commission thanked Director Vander Linden and his team for their continued evaluation and improvement in the area of problem gambling.

3. [Flex and Remote Hybrid Work Model Policy Adoption](#) (41:36)

Executive Director Wells noted that the Commission had noted on and approved a pilot policy for flexible and remote working arrangements which went into effect on November 1, 2021, and is effective through December 31, 2021. Executive Director Wells sought guidance from the Commission on how to move forward with working operations long-term. She noted that feedback from staff and managers along with the collective judgment of the return-to-office working group is supportive of the hybrid model, particularly where it pertains to retention and recruitment of employees while still recognizing the value of in-person working.

Commissioner O'Brien noted that the working agreed that the policy adequately addresses the post-Covid world in terms of getting work done as well as retention. Commissioner Cameron agreed that it would be appropriate to move this from a pilot policy to a permanent policy which of course can be updated at any time as necessary. Commissioner Hill expressed that his only concern had been the public availability of staff and that through conversations with managers and staff, those concerns have been alleviated.

Commissioner O'Brien moved that the Commission approve incorporating the currently identified pilot program for flexible and remote work arrangement into the human resources personnel manual in place of the current section 1.15 which is titled workplace flexibility as

discussed here today specifically making sure to continue to include so much of the compressed workweek section as is still relevant. 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.

4. [Gaming Policy Advisory Committee and Subcommittee Update](#) (1:02:20)

Chair Judd-Stein introduced Meg Mainzer Cohen, GPAC Chair, to update the Commission on the Gaming Policy Advisory Committee (GPAC) and its associated subcommittees. Ms. Mainzer Cohen updated the Commission on the current membership of the GPAC, its recent meetings and actions as well as upcoming meetings, and the subcommittee's recent reporting. The Commission thanked Ms. Cohen for her valuable update.

Additional updates were provided by Director of Research and Responsible Gaming Mark Vander Linden on the Addiction Services Subcommittee, a Subcommittee of the GPAC on which he serves as Chair; Commissioner Hill on the Community Mitigation Fund; and Commissioner O'Brien on the Public Safety Subcommittee.

5. [Racing Division](#) (1:26:19)

a. Plainridge Park Request for Revised 2022 Racing Schedule

Director of Racing Dr. Alexandra Lightbown introduced Steve O'Toole, Director of Racing for Plainridge Park Casino, with an updated 2022 racing schedule for PPC. Specifically, the updated schedule replaces Fridays with Tuesdays to account for Friday commutes, removes racing on the Wednesday before Thanksgiving, and eliminates some Sundays.

Commissioner Cameron moved that the Commission allow Plainridge Park's request to amend their previously approved racing schedule for 2022 racing season by approving the schedule contained in the Commissioners' Packet. 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.

b. [Suffolk Downs Requests](#) (1:33:57)

I. Request for 2021 Premium Free Period

Director Lightbown introduced Chip Tuttle, CIO for Suffolk Downs, and Suffolk's request for the 2021 premium free period to be October 9th through December 31st.

Commissioner Hill moved that in accordance with G.L. c. 128C, §2(5), the Commission recognize the twelve-week period from October 9, 2021, through December 31, 2021, as the period that Suffolk Downs has selected during which no simulcasting premium need to be paid. 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.

II. [Request for 2022 Premium Free Period](#) (1:36:06)

Dr. Lightbown introduced Suffolk Downs' request for the 2022 premium free period to be October 9th through December 31st.

Commissioner Cameron moved that in accordance with G.L. c. 128C, §2(5), the Commission recognize the twelve-week period from October 9, 2022, through December 31, 2022, as the period that Suffolk Downs has selected during which no simulcasting premium need to be paid. 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.

III. [Request for Approval of Simulcast Import Locations](#) (1:37:32)

Dr. Lightbown introduced Suffolk Downs' request for approval of simulcast import locations, noting that a letter in the Commissioners' packet identifies the specific locations.

Commissioner O'Brien moved that the Commission approve the simulcast import signals requested by Suffolk Downs for 2022 as listed in their two-page December 6th letter and included in the Commissioners' Packet. 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.

IV. [Request for Approval of Account Wagering Providers](#) (1:38:55)

Dr. Lightbown introduced Suffolk Downs' request for approval its account wagering providers, noting that all have been previously approved with the exception of BetMGM horse racing. Dr. Lightbown recommended that the Commission approve 1/ST Bet (formerly known as XpressBet), TVG, Twin Spires, FanDuel Racing, NYRA Bets, and BetMGM as account wagering providers for Suffolk Downs.

Commissioner O'Brien moved that the Commission approve the following account wagering vendors as requested by Suffolk Downs in their letter of December 20, 2022, namely 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRA Bets, and BetMGM as. 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.

6. [Licensing Division](#) (2:06:33)

a. MGM Springfield Service Employee Exemption Request

Licensing Division Chief Nakisha Skinner presented a request from MGM Springfield for an exemption to their multimedia designer from the service employee registration requirements and recommended that the Commission approve this request. She noted that the multimedia designer works with the creative management team in the marketing division and is responsible for design topography and layout trends for the visual tools that MGM uses to communicate, and that the position is an administrative one with no managerial responsibilities. Chief Skinner further noted that this position has no interaction with the gaming floor, no access to secure back-of-the-house areas, and no access to confidential or sensitive information. Finally, Chief Skinner noted that the position reports to the creative manager, which is a position that the Commission previously exempted from the service registration requirements.

Commissioner O'Brien moved that the Commission exempt the multimedia designer 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 outlined 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.*

b. [Encore Boston Harbor Gaming Beverage License Amendment](#) (2:10:05)

Chief Skinner presented a gaming beverage license amendment from Encore Boston Harbor and requested a conditional rather than full approval of the amendment. Chief Skinner noted that Encore is planning to introduce its Black Tier Lounge on December 22nd, which is a space dedicated to its black tier rewards members and will include alcohol service and bar top video poker machines. She noted that this is not a new licensed area, but rather is a name and concept change to a space that is a currently licensed areas previously known as the Garden Lounge. Chief Skinner requested conditional approval because the space is undergoing minor construction and the alcohol storage area as well as the surveillance system are not quite ready. Specifically, the approval of the beverage license amendment would be conditioned on the installation of the outstanding items to the satisfaction of the gaming agents and the IEB.

Commissioner Hill asked if the Commission could reconvene to vote on the final approval of the license amendment rather than awarding a conditional approval and Chair Judd-Stein confirmed that it could.

Commissioner O'Brien sought clarification on the hours of operation for this space given inconsistencies in the documentation and Chief Skinner noted that she would seek clarification on this issue and report back to the Commission when the issue is brought back for final approval.

7. [Community Affairs](#) (2:26:57)

a. Request from Everett for Usage of Transportation Planning Grant Funds

Community Affairs Division Chief Joe Delaney presented a request from the City of Everett to repurpose approximately \$35,000 of the transportation planning grant funds that they received in 2017 to study bus lanes on lower Broadway. Chief Delaney provided some background on this award and the use of funds in the past. The Commission voiced its support for this project.

Commissioner Hill moved that the Commission approve the City of Everett's request to use \$34,950.53 remaining from its 2017 transportation planning grant to develop alternatives for the installation of a bus lane on lower Broadway as described in the memorandum contained in the Commissioners' packet and discussed here today, and further that the Commission staff be authorized to execute all necessary grant instruments commemorating this award in accordance with 205 CMR 153.04. 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.

8. [Legal Division](#) (2:32:15)

- a. Final draft of amendments to 205 CMR 134.01: Key Gaming Employees and 205 CMR 134.02: Gaming Employees and Amended Small Business Impact Statement: Adopt and finalize the promulgation process

Associate General Counsel Carrie Torrisi presented a final draft of amendments to 205 CMR 134:01: Key Gaming Employees and 205 CMR 134:02: Gaming Employees. Counsel Torrisi noted that these draft regulations were initially reviewed by the Commission in early October and that the Commission voted to begin the promulgation process on October 21st. She further noted that a public hearing was held this morning and that no public comments on these regulations were received.

Commissioner Cameron moved that the Commission approve the amended Small Business Impact Statement relative to the amendments to 205 CMR 134.01 and 134.02 as included in the Commissioners' packet, and further moved to approve amendments to 205 CMR 134.01 and 134.02 as reflected in the packet and authorize staff to take the steps necessary to file the regulations with the Secretary of the Commonwealth and to proceed with the final regulation promulgation process. 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.

9. [Legislative Update](#) (2:36:18)

Chief Administrative Officer to the Chair and Special Projects Manager Crystal Beauchemin provided the Commission with a legislative update. She highlighted that the current Open Meeting Law extension expires on April 1, 2022, and that staff is continuing to monitor sports betting legislation. The Commission thanked Ms. Beauchemin for this update.

10. [Regulation Review Process](#) (2:41:09)

Executive Director Wells provided the Commission with an update on the regulation review process. She noted that the process has been updated so that the heads of each division will identify relevant regulations and add them to a tracking system created by Ms. Beauchemin that will monitor the whole process. The Commission thanked Director Wells for this update.

11. [Commissioner Updates](#) (2:45:02)

Chair Judd-Stein noted that General Counsel Todd Grossman had recently updated her on the statement of financial interest designation process required under G.L. c. 268(b), and that the Commission may want to take more formal action on this issue or may want to give Executive Director Wells authority to work with General Counsel Grossman on that designation list and its corresponding deadlines. The Commission agreed that Executive Director Wells, in conjunction with General Counsel Grossman, handling this matter moving forward would be appropriate.

12. [Other Business](#) (2:48:06) - none

13. 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 the confidentiality of certain documents and information as discussion of the subject matter at an open meeting may have a detrimental effect on the litigating position of the Commission, and in accordance with G.L. c. 30A, § 21(a)(7) to evaluate a matter relative to the Nondisclosure Agreement between the Commission and Wynn MA, LLC pursuant to G.L. c. 23K, § 21(a)(7) and 205 CMR 139.02 as discussion of the matter in a public forum would frustrate the purpose of the statute, the regulation, and agreement. The public session of the Commission will not reconvene at the conclusion of the executive session.

Commissioner Hill moved that the Commission move into executive session. 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.

The Commission moved into executive session.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated December 16, 2021
2. [Commissioners' Packet](#) from the December 16, 2021, meeting (posted on massgaming.com)