



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 19, 2019 –10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Hyperlinks to closed-captioned video footage of discussions and to the meeting transcript are provided throughout this document.



Call to Order

See [transcript](#) page 1

[10:08 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #284 of the Massachusetts Gaming Commission. She noted for the record that closed-captioning is unavailable for the moment; however, the staff is working to restore it.

Approval of Minutes

See transcript page 1

[10:08 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of December 5, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Stebbins suggested striking the last sentence of the first paragraph on page three at 10:59 a.m. Commissioner Cameron seconded the motion. The motion passed 4 – 0 with Commissioner Zuniga abstaining.*

Administrative Update

See [transcript](#) pages 1 - 3

10:08 a.m. General Update

Executive Director Ed Bedrosian stated that the new posting for the open position of General Counsel will be removed from the website for the holidays, and then will be re-posted at the beginning of the new year to engage in a more coordinated process.

Next, Mr. Bedrosian announced that the very first employee at the Commission, Chief of Administration Janice Reilly, is retiring today. He summarized Ms. Reilly's tenure at the Commission and expressed his gratitude to her for being an invaluable partner in helping the staff be successful.

10:18 a.m. Closed-captioning service has been restored.

Investigations and Enforcement Bureau (IEB)

See [transcript](#) pages 3 – 13

10:19 a.m. Clarification of Regulation 205 CMR 134.09 – Sealed Records

The IEB is seeking input and clarification from the Commission regarding a provision in 205 CMR 134.09(1) relating to sealed adult criminal records.

Director of Workforce Development Jill Griffin reviewed with the Commission three letters containing public comments that were received from community groups on the matter.

10:25 a.m. IEB Chief Enforcement Counsel Loretta Lillios explained to the Commission distinctions between provisions of administrative sealing and court-ordered sealing of criminal records. She also defined the expungement of criminal records for the Commission and explained the expungement process.

10:33 a.m. Commissioner O'Brien asked IEB Director Karen Wells to detail for the record the IEB process regarding open-source materials and then the possible later discovery of sealed record materials. Ms. Wells explained that there is no deliberative effort by investigators to seek information from sealed records in a suitability investigation and that the IEB has not given that direction to investigators. She then outlined the series of steps used by investigators in a suitability investigation. Further, she stated that the IEB does not use information from sealed records to deny licenses or revoke registrations.

10:39 a.m. There was discussion around the difference in investigation technique for top-tier candidates (i.e., Key Gaming Executive and Key Gaming Standard licenses) vs. GEL candidates and what information will be considered when vetting for suitability for those positions.

[10:43 a.m.](#) The Commission discussed whether to amend the regulation in favor of keeping all material from sealed records out of the IEB's investigatory process.

Commissioner Zuniga noted that as the IEB has access to information that the licensees/employers do not have, that information should be handled judiciously.

Commissioner Cameron discussed the intent of employment law being to keep that material out of investigations. She noted the issue of disparate treatment, and the accuracy of open-source information, and stated that she is leaning toward keeping all that information out of investigations for employment.

There was a consensus not to use any information regarding sealed or expunged records in investigations of employees.

[10:46 a.m.](#) Commissioner O'Brien expressed her lack of comfort with taking the approach of not using any information regarding sealed or expunged records up to the highest level in terms of the executives. She stated that she would prefer there be an exemption for the executive level of employment.

Commissioner Stebbins requested that the IEB circle back to the Commission at an intervening time to report if they are running into the theoretical scenarios involving sealed records discussed today.

[10:54 a.m.](#) Ms. Wells proposed working with the Legal Division to draft different options that the IEB would then present to the Commission regarding Key Gaming Standard and Key Gaming Executive level vetting. The IEB would then come back to the next meeting with this draft language.

Administrative Update (cont.)

See [transcript](#) pages 13 – 21

[11:03 a.m.](#) Draft Region C RFI Questions/Public Comments

At the last Commission meeting on December 5th, the Commission asked staff to help develop appropriate questions for a potential request for information ("RFI") concerning Region C. In addition to proposed staff questions; attorneys for Rush Street Entertainment and the Acting Mayor of Brockton have also submitted proposed questions for an RFI.

Commissioner Cameron noted that there will be a new mayor and administration for Brockton starting in January 2020.

[11:08 a.m.](#) Commissioner Zuniga stated that the Commission had the initial discretion of what costs to include or exclude when setting the minimum capital investment in the \$500M minimum capital investment. However, with Region C, because there was seemingly not much interest, the Commission included back some of those costs to the minimum capital investment, effectively lowering the minimum

capital investment that the Commission had already reasoned, for this region only, in the spirit of trying to elicit more competition. He then stated that the public should not be under the impression that any one of these responses individually or collectively to these questions are going to point conclusively in any one direction, and that ultimately the decision on whether to open this region is going to be a judgment call. He then stated that he will provide Mr. Bedrosian with further details at a later date.

Commissioner Stebbins suggested that the Commission thinks about formulating an appropriate response to the letter received from the acting mayor of Brockton. He then encouraged the staff to move ahead, refine questions, and proceed with an RFI process.

The Chair would like to proceed with the RFI process as soon as possible to use it as a tool to help understand the issues and how to craft an independent market study. Commissioner Zuniga asked that staff come back to the next meeting with a draft of the RFI.

CFO Derek Lennon explained how to begin the process of the RFI to the Commission. There was also a discussion of an abbreviated timeline for the RFI process.

[11:37 a.m.](#) It was concluded that Mr. Bedrosian will provide the Commission with a draft RFI and a draft request for public comment at the next Commission meeting on January 9, 2020.

Research and Responsible Gaming

See [transcript](#) pages 21 – 31

[11:37 a.m.](#) Social and Economic Impact Research Procurement Update

Director of Research and Responsible Gaming Mark Vander Linden, with Dr. Rachel Volberg from UMass Amherst, Dr. Mark Melnik from the UMass Donahue Institute, and Martha Zorn from the SEIGMA team reviewed the proposal for the Commission to extend a contract to UMass SEIGMA.

A procurement team comprised of Commission staff and four additional persons with social and economic research expertise reviewed a proposal for a comprehensive research project on the economic and social impacts of the introduction of casino gambling in Massachusetts. Following four rounds of review and revisions, the procurement team endorsed the proposed scope and budget presented by the SEIGMA team.

Mark Vander Linden, Director of Research and Responsible Gaming, recommends that the Commission extend this contract to UMass SEIGMA based on the procurement team's recommendations.

[11:47 a.m.](#) Mr. Vander Linden clarified the terms of the contract. The Chair then asked for clarification on some of the differences with this new proposal. Mr. Vander Linden explained the differences, also laying out possible outcomes of the program for the Commission.

[11:56 a.m.](#) Dr. Volberg summarized the proposal for ongoing evaluation, which produces a comprehensive report every two to three years as opposed to a simple pre- versus post-study, which was described in the original scope.

[12:03 p.m.](#) Commissioner Zuniga then provided comments regarding the timeline of the SEIGMA study. He also expressed his concerns regarding funding for the research.

[12:10 p.m.](#) The Chair stressed that the research needs to stay as relevant as possible to the policy-making that will be going forward, and there needs to be a precise timeline for the research to discuss the relevant data in a timely fashion.

Commissioner Zuniga noted that there is a new position that is posted to help Mr. Vander Linden to improve the process and accelerate feedback and response time.

[12:20 p.m.](#) *Commissioner Stebbins moved that the Commission approve the request to extend a contract to UMass Social and Economic Impacts of Gaming in Massachusetts (SEIGMA) based on the procurement team's recommendations as outlined in the Commissioner's Packet and as discussed here today. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

Commissioner Zuniga moved to have Director of Research and Responsible Gaming Mark Vander Linden execute the contract to UMass Social and Economic Impacts of Gaming in Massachusetts (SEIGMA). Commissioner Cameron seconded the motion. The motion passed unanimously.

Racing Division

See [transcript](#) pages 31 – 35

[12:22 p.m.](#) **Chief Steward Susan Walsh – Racing Officials Association Program Pete Pedersen Award Winner**
Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented Suffolk Downs' Chief Steward Susan Walsh with the national Pete Peterson Outstanding Steward award. The award is presented by the Racing Officials Accreditation Program every year to an outstanding steward. Dr. Lightbown provided background on the award for the Commission and summarized Ms. Walsh's history in the racing industry.

[12:30 p.m.](#) Mr. Bedrosian commented on Ms. Walsh's impressive, extensive knowledge that of the history of the track and everyone involved. Commissioner Cameron noted that Ms. Walsh is one of the few female chief stewards in our country and that she only the second woman ever to receive this award.

Commission Matter

See [transcript](#) pages 35 – 42

[12:38 p.m.](#) **Congratulations to Chief of Administration Janice Reilly**
Former Commissioners James McHugh, Steve Crosby, and Lloyd MacDonald were present to congratulate Ms. Reilly on her retirement. Each former Commissioner, as well as current Commissioners, made congratulatory statements and recounted their professional experiences with Ms. Reilly, notably remarks regarding the initial establishment of the Massachusetts Gaming Commission.

[1:06 p.m.](#) The Chair and Commission presented Ms. Reilly with a Distinguished Service Award in appreciation of her distinguished service to the Massachusetts Gaming Commission and the Commonwealth of Massachusetts. Ms. Reilly gave closing remarks surrounding her time at the Commission.

Research and Responsible Gaming (cont.)

See [transcript](#) pages 42 – 60

[1:54 p.m.](#) **GameSense Update**
Next, Mr. Vander Linden presented an update to the Commission on the status of the current GameSense Program. Presenting with him was Marlene Warner, Executive Director of the Mass Council on Compulsive Gambling; Ray Fluette, Senior GameSense adviser at Encore Boston Harbor; Josh Molyneaux, GameSense Advisor at Encore Boston Harbor, and David Tang, GameSense adviser at Encore Boston Harbor.

[1:59 p.m.](#) Ms. Warner explained how the team was developed. She provided the Commission with an overview of the onboarding process and training program.

[2:05 p.m.](#) Mr. Fluette detailed his account of how the orientation process for GameSense representatives is conducted. He also described how employees are educated regarding what GameSense program offers, as well as how to implement that knowledge of the program.

[2:13 p.m.](#) Mr. Molyneaux and Mr. Tang each described their own experiences in working with the GameSense program at Encore Boston Harbor.

[2:42 p.m.](#) Program Manager Teresa Fiore updated the Commission on the events of the 2019 Responsible Gaming Education Week. With her was Charlie Ordille, Senior GameSense Advisor at PPC; Daniel Miller, Director of Compliance at MGM Springfield; Lisa McKinney, Compliance Manager at PPC, as well as Mr. Tang.

Ms. Fiore reported on the GameSense social media campaign, as well as digital advertising efforts. She noted engagement with casino staff and guests, as well as metrics and data collected as a result of these efforts.

[2:46 p.m.](#) Mr. Tang presented a basic overview of a slot simulator game created by Senior GameSense Advisor Amy Gabriela of MGM Springfield. He stated that the basic premise of the game is to simulate a simple slot machine so that players can get a better understanding of chance, the probabilities, and payback percentage.

[2:54 p.m.](#) Next, Mr. Ordille discussed the success of the Responsible Gaming Education Week program that took place at PPC. He described the advertising campaign and the successful turnout, as well as the cooperation among the staff at PPC.

[2:57 p.m.](#) Mr. Miller noted to the Commission that MGM has partnered with GameSense across all of their domestic properties and that they were hosting similar events. He then stated that he will be setting up more frequent participation and responsible gaming events with their on-site GameSense program in the back-of-house.

[3:00 p.m.](#) Ms. McKinney described her role in facilitating the Responsible Gaming Education Week program at PPC. She also described the events that took place for the program.

Ombudsman

See [transcript](#) pages 60 – 62

[3:04 p.m.](#) **Community Mitigation Amendment Requests**
Ombudsman John Ziemba presented the Commission with two amendments to Community Mitigation Fund awards that were made earlier this year for consideration. With him was Construction Project Oversight Manager Joe Delaney, and Director of Workforce, Supplier, and Diversity Jill Griffin.

[3:05 p.m.](#) **2019 Revere Non-Transportation Planning Grant**
The City of Revere is asking to modify this grant to allocate the funds to the designated budgets in appropriate amounts for most efficient use. Specifically, Mr. Delaney provided the Commission with a brief description of the minor amendment to reflect a surplus of \$5,000 in the video production budget to be re-directed for use in the promotion budget. The review team recommends that the Commission approve this request.

[3:07 p.m.](#) *Commissioner Stebbins moved that the Commission approve the request to modify the 2019 City of Revere Non-Transportation Planning Grant and reduce the production cost to \$35,000 with a commensurate increase in the marketing and distribution budget to \$15,000 as discussed today. Commissioner Cameron seconded the motion.
The motion passed unanimously.*

[3:07 p.m.](#) **Holyoke Community College for MA Casino Training Institute**
Next, Ms. Griffin provided the Commission with a description of the requested amendment to an award to the Holyoke Community College for the Massachusetts Casino Career Training Institute (“MCCTI”). The budget amendment proposes to redistribute \$15,000 of initially approved scholarships, to instead be utilized as payment for recruitment and tuition offset to run two potentially low enrolled courses at the gaming school.

[3:09 p.m.](#) *Commissioner Cameron moved that the Commission authorize staff to approve the request to reallocate \$15,000 from the Massachusetts Casino Career Training Institute (MCCTI) scholarship budget to cover the cost of gaming instructors and recruitment coordinators for two courses in January 2020, allowing for more flexible enrollment. Commissioner O’Brien seconded the motion.
The motion passed unanimously.*

[3:10 p.m.](#) Commissioner Zuniga commented that he appreciates these updates, as it is essential to keep tabs on the status of the programs; however, he suggests perhaps establishing a de minimis threshold under which some of these requests might not need to be brought to the Commission for approval and could be approved at the staff level. He noted that it could facilitate a more efficient and timely process, and staff could return and report to the Commission when necessary.

Ombudsman/Research and Responsible Gaming

See [transcript](#) pages 62 – 64

[3:11 p.m.](#) **Local Community Mitigation Advisory Sub Committee on Addiction Services**

Earlier this year, the Commission voted to appoint Mr. Vander Linden to the Sub-Committee of Addiction Services under the Gaming Policy Advisory Committee. As Commissioner Zuniga and Mr. Vander Linden have been very involved in the subject matter of this subcommittee, the Ombudsman and Mr. Vander Linden recommend that the Commission appoint Commissioner Zuniga as this appointee replacing Mr. Vander Linden. Both the Ombudsman and Mr. Vander Linden would continue to staff this subcommittee.

[3:17 p.m.](#) *Commissioner O’Brien moved that the Commission appoint Commissioner Enrique Zuniga to the Sub-Committee on Addiction Services of the Gaming Policy Advisory Committee (GPAC), transferring the appointment from Mark Vander Linden. Commissioner Stebbins seconded the motion.*

The motion passed 4 – 1 with Commissioner Zuniga abstaining.

Commissioner’s Items

See [transcript](#) pages 64 – 66

[3:18 p.m.](#) **Massachusetts Gaming Commission 2019 Annual Report**
Commissioner Zuniga updated the Commission on the status of the 2019 annual Report. He reported that he and the staff are working on finalizing it for distribution early in the new year.

[3:19 p.m.](#) **Gaming Enforcement Unit (GEU) Overtime Budget Update**
Commissioner Cameron reported that she met with IEB leadership regarding this issue, and explained how the overtime pay system works. She summarized that there is no impact to the GEU's budget, and she believes that it is appropriately staffed with appropriate procedures in place and being utilized.

Budget Issues

See [transcript](#) pages 66 – 69

[3:28 p.m.](#) **Pay Approval for Interim Chair**
At the request of the Chair, CFO Derek Lennon, Acting General Counsel Todd Grossman, and Commissioner O'Brien reviewed a request that was made regarding Commissioner Cameron's pay. The Chair recused herself from the review process. Commissioner Cameron also recused herself and left the room.

[3:29 p.m.](#) There was a discussion around the circumstances surrounding Commissioner Cameron's request for retroactive compensation for the time that she served as Interim Chair of the Commission, beginning in September of 2018.

[3:30 p.m.](#) At the request of the Commission, Mr. Grossman addressed the question of whether there was any legal impediment or process necessary to fulfill Commissioner Cameron’s request. He stated that there is legal authority that supports the proposition that an interim appointment by an authorized individual or entity is legally valid even if the process that was used to obtain that appointment would not necessarily pass muster had the appointment been intended as a permanent one. He then cited case law supporting his statement.

There was further discussion regarding all other Commission staff in the past who received due compensation for their time serving in an interim position.

[3:29 p.m.](#) *Commissioner Stebbins moved that the Commission approves retroactive pay in the amount of \$15,531.15 for Commissioner Gayle Cameron as compensation for her performance as Interim Chair, for pay periods from September 30, 2018, through January 19, 2019. Commissioner O’Brien seconded the motion. The motion passed 3 – 0, with the Chair and Commissioner Cameron abstaining.*

Commissioner Cameron re-joined the meeting.

Other Business

See [transcript](#) pages 69 – 71

[3:39 p.m.](#) The Chair stated that there was an inadvertent oversight around the publishing of several approved regulations in the Massachusetts register that were appropriately submitted by the Commission for formal promulgation. This oversight rendered the approved regulations legally invalid. Mr. Grossman recommends that the Commission adopt these approved regulations by emergency to allow them to be effective immediately. The regulations will then move through the promulgation process once again, which will include a public hearing.

[3:47 p.m.](#) *Commissioner Stebbins moved to adopt the following regulations on an emergency basis: 205 CMR 133.05, 134.01, 134.06, 134.07, 134.09, 134.10, 134.11, 134.13, 134.14, and 134.20, with the official regulation promulgation process to be commenced on an emergency basis. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

[3:48 p.m.](#) *With no further business, Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion. The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated December 19, 2019
2. Draft Commission Meeting Minutes dated December 5, 2019
3. Memo re: Clarification of 205 CMR 134.09 dated October 15, 2019
4. M.G.L. c. 276 § 100A (Seal vs. Expunge provisions)
5. Public Comment from UniteHere dated November 27, 2019
6. Public Comment from Greater Boston Legal Services dated December 16, 2019
7. Public Comment from Jobs Action Network dated December 16, 2019
8. Memo re: Potential Region C Questions for either an RFI and/or Public Comment dated December 16, 2019
9. Public Comment from Brockton City Hall
10. Memo re: Potential Questions for a Request for Information Concerning a Region C Procurement dated December 2, 2019
11. Public Comment from Goodwin Proctor dated November 29, 2019
12. Memo re: MGC Research Services Award dated December 19, 2019
13. GameSense Program Update
14. Memo re: Revere Non-Transportation Planning Grant 2019 dated December 11, 2019
15. Memo re: 2019 Workforce Development Grant: Amendment Request for Massachusetts Casino Career Training Institute dated December 13, 2019

16. Memo re: Sub-Committee on Addiction Services of the Gaming Policy Advisory
Committee dated December 19, 2019

/s/ Bruce Stebbins
Secretary