



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** February 13, 2020 –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 the  
meeting transcript are provided  
throughout this document.



### Call to Order

See [transcript](#) page 1

[10:06 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #289 of the Massachusetts Gaming Commission.

### Approval of Minutes

See transcript pages 1 – 3

[10:06 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of December 19, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion. A small edit was requested (see video and transcript). The motion passed unanimously, as amended.*

*Commissioner Stebbins moved to approve the minutes from the Commission meeting of January 23, 2020, subject to correction for typographical errors and*

*other nonmaterial matters. Amendments were requested (see video and transcript). Commissioner Zuniga seconded the motion. The motion passed unanimously, as amended.*

## **Administrative Update**

See [transcript](#) pages 3 – 10

### 10:14 a.m.     **General Update**

Interim Executive Director/Director of Investigations and Enforcement Bureau (IEB) Karen Wells reported that Jim Murren, CEO of MGM International, will be stepping down from his position. She commended him for supporting the Springfield project, and for his efforts regarding diversity in the workplace. Mr. Murren will remain in his position until it is filled.

Ms. Wells also reported that as a member of the International Association of Gaming Regulators board, she attended the board meeting last week, where she discussed a variety of topics with the members. She stated that she is grateful for the opportunity to discuss gaming regulation and different issues, gaining different perspectives from these international regulators. Ms. Wells stated that the board members are all looking forward to the 2020 Conference to be held in Boston.

10:19 a.m.     Information Technology (IT) Director Katrina Jagroop-Gomes updated the Commission on current activities, projects, and changes that have and are occurring in the IT Services department. She reviewed PowerPoint slides with the Commission and described current major projects, responsibilities of her team, as well as open positions within the IT department.

### 10:31 a.m.     **Draft Region C Request for Information (RFI) and draft Request for Public Comments Status Report**

Ms. Wells reported on the status of the request for public comments and on the draft RFI that the staff has posted. She stated that the deadline for public comment submission is March 16, 2020. She noted that the Commission has received a significant amount of media coverage regarding this topic. Ms. Wells stated that there is an ongoing effort from the Commission to solicit responses from the public via social media, and once the responses are collected, she will provide this information to the Commission.

### 10:33 a.m.     **Two MGM Qualifiers**

Ms. Wells requested that the Commission approve Janet Swartz, Outside Director at MGM Resorts International, as a Qualifier for MGM Springfield. Ms. Wells described investigators' findings on this matter and recommended that the Commission approve Ms. Swartz.

[10:36 a.m.](#) *Commissioner Cameron moved that the Commission find Janet Swartz suitable as a Qualifier for Blue Tarp reDevelopment, LLC. Commissioner Zuniga seconded the motion.  
The motion passed unanimously.*

Next, Ms. Wells requested that the Commission approve Craig Jacobs, Vice President of Information Technology Operations at MGM Resorts International as a Qualifier for MGM Springfield. Ms. Wells described investigators' findings on this matter and recommended that the Commission approve Mr. Jacobs.

[10:41 a.m.](#) *Commissioner Zuniga moved that the Commission find Craig Jacobs suitable as a Qualifier for Blue Tarp reDevelopment, LLC. Commissioner Stebbins seconded the motion.  
The motion passed unanimously.*

### **Ombudsman**

See [transcript](#) pages 10 – 18

[10:42 a.m.](#) **MGM Residential Requirement Fulfilment**  
Ombudsman John Ziembra and Construction Project Oversight Manager Joe Delaney briefed the Commission on the current status of MGM Springfield's residential requirement to provide 54 units of market-rate housing within one-half mile of the casino. Presenting with them was Assistant Secretary -Executive Office for Administration and Finance Mark Attia, City of Springfield Chief Development Officer Timothy Sheehan, Michael O'Brien from the Winn Companies, and Vice President & General Counsel MGM Springfield Seth Stratton.

Ombudsman Ziembra reported that earlier in the week, Mayor Sarno of Springfield issued a statement regarding positive news about the status of the 31 Elm Street project. That statement was followed by a review of the project by Springfield's Casino Oversight Committee.

[10:45 a.m.](#) Mr. Stratton reviewed a letter with the Commission that is included in the [Commissioner's Packet](#), providing detail concerning the history, MGM Springfield's position, and highlighting the key elements of MGM Springfield's involvement in the 13-31 Elm Street project with the Commission.

[10:52 a.m.](#) Mr. Attia provided the Commission with an overview of how the framework and nature of the cooperative funding agreement amongst the parties, and addressed the Chair's concern regarding the timing of the construction, explaining that the cooperative agreement contemplates certain time limitations to commence with the project.

Next, Mr. Stratton reported that Mr. Sheehan and Mr. O'Brien, and he went to the Casino Oversight Committee meeting and that everyone was enthusiastic about this development. They anticipate that a final approval will go very well.

[11:03 a.m.](#) Mr. O'Brien and Mr. Sheehan described the City's approval process for the project to the Commission. They stated that they would be restoring the property historically, making sure all historical elements are preserved and protected. Mr. O'Brien described the project plan to the Commission.

Mr. Attia stated that there are potential tax benefits for the City of Springfield that will be associated with the income-producing property. He also stated that it satisfies the need for economic development around the casino area, and brings economic spending power from new residents back into downtown Springfield.

The Chair thanked the team for all of their collaborative efforts on this project. She also acknowledged that the new president of MGM Springfield, Chris Kelly, is in attendance today to observe. The Commission will hold its next meeting in Springfield, where Mr. Kelly will be formally introduced.

### **Workforce, Supplier and Diversity Development**

See [transcript](#) pages 18 – 21

#### [11:15 a.m.](#) **Vendor Spotlight Update**

**During** Black History Month, the Commission recognized one of the oldest Black-owned businesses in New England, Owens Movers. Recently the company worked on Encore Boston Harbor pre-opening moving of gaming tables, along with gaming equipment into the nearby dealer training school, relocating table games, and performing multiple on-demand jobs for the casino.

Director of Workforce, Supplier and Diversity Development Jill Griffin introduced the father-and-son team of CEO Eddie Owens and CFO Ed Owens, Jr. of Owens Movers. She described the history of the company to the Commission.

[11:17 a.m.](#) Mr. Owens Sr. described his observations as to how the casino has made a positive impact on the City of Everett and thanked the Commission as well as Encore Boston Harbor.

Mr. Owens, Jr. further described Owens Moving, and how his family came to do business as Owens Movers. He also thanked the Commission as well as Encore Boston Harbor for allowing them to provide services. Mr. Owens Sr. made closing comments.

### **Licensing**

See [transcript](#) pages 21 – 38

#### [11:34 a.m.](#) **Encore Boston Harbor Alcohol License Amendment Request**

Licensing Manager Bill Curtis described the three separate amendment requests to Encore Boston Harbor's Gaming Beverage License via a memorandum provided in the [Commissioners' Packet](#). With him was Senior V.P. & General Counsel for Encore, Jacqui Krum, and Executive Director of Food & Beverage, Warren Richards.

Encore Boston Harbor's first request is for additional alcohol storage. The second request is for an additional alcohol beverage outlet, and the third request is for a change in the description of the licensed area. He provided an overview of each application for the Commission. He also directed Encore to review their internal controls for alcoholic beverages upon approval of their request and ensure that the changes are reflected there.

[11:38 a.m.](#) Mr. Richards took the Commission through a slide presentation that illustrated and described Encore Boston Harbor's amendment requests in detail. He explained that the adjustment requests are based on the demands of various areas throughout the building.

[11:42 a.m.](#) Concerning the first-floor alcohol storage for Fratelli restaurant, Commissioner O'Brien expressed concern regarding the storage units being on wheels and readily moveable. Mr. Richards replied that they are currently on wheels for ease of cleaning the area, but they can be affixed in place. Commissioner O'Brien then asked if the wheeled cages cause any issues in terms of fire code or egress, and Mr. Richards answered that the width of the corridor is not an issue with Everett Fire Department.

The Chair asked for clarification as to why Encore did not build a hallway with affixed storage instead of wheeled cages. Mr. Richards answered that they are going to investigate a more permanent solution now that the casino is in full operation.

Commissioner Stebbins voiced his concern that there is the potential for employees to forget to lock the storage door. Ms. Krum confirmed that there is surveillance in this area.

[11:57 a.m.](#) Next, Mr. Richards reviewed slides entitled, "Casino Beverage Service," and described the scenario that led to the installation of EasyBar self-service towers. He described the terminals and how the staff uses the system. Ms. Krum then explained how implementing these drink systems will alleviate the bottleneck in service that guests have been experiencing.

[12:02 p.m.](#) Commissioner Cameron addressed public comments regarding concerns about the speed of service, as well as bartender jobs. Mr. Richards described comments that he received from casino guests, indicating that there is approximately an hour wait for a cocktail server. The Chair asked how many bartender jobs were lost due to the implementation of the EasyBar machines. Mr. Richards stated that

Encore has placed 30 bartenders in other positions in the beverage department on property. He added that jobs now at the service bar are paying a higher hourly rate, compensating for the loss of guest tips, and these bartenders will instead receive a percentage of the servers' tips. Four bartenders have accepted a transfer to other departments. One bartender is currently undecided, and eight bartenders have decided to leave the company. He then stated that anyone who has chosen to leave is eligible for re-hire.

12:12 p.m. Commissioner O'Brien asked what Fratelli's is doing at this time for alcohol storage. Mr. Richards stated that it is a daily struggle for them currently. She then asked if it would help them if the Commission were to recommend that they affix the storage. Mr. Richards replied yes, and that they could complete it within a week. They discussed her concern regarding Encore having moveable alcohol storage cages in further detail.

Mr. Curtis and Acting General Counsel Todd Grossman provided the Commission with licensing info for the vendors concerning the ABCC and the Commission's Gaming License and c. 130A and 23K.

12: 20 p.m. Commissioner O'Brien suggested affixing the cages with the understanding that this is a six-month review. She added that the alcohol storage should continue to be looked, and should be more secure and not visible to people.

Commissioner Stebbins asked if by removing a full-time employee from that alcohol storage area, what safeguards would be in place to ensure that no one can gain entry to the area. Ms. Krum replied that if anyone did gain access from the casino floor, they would not be able to access any of the alcohol. However, they intend to employ a full-time bar porter for the area.

12:25 p.m. *Commissioner Zuniga moved that the Commission approve Wynn MA LLC's request to use an Easy Bar self-service tower in their service bar numbers one through six and number eight in accordance with the terms and conditions discussed here today. Commissioner Cameron seconded the motion. The motion passed unanimously.*

The Chair noted that with regard to Salon Privé, there will be no bottle service.

*Commissioner Zuniga further moved that the Commission approves Wynn MA, LLC's request to add a newly licensed area, referred to as Salon Privé, as described on slides 13 and 14 in the PowerPoint presentation. Commissioner Stebbins seconded the motion. The motion passed unanimously.*

Regarding Encore's request for additional alcohol storage, Commissioner O'Brien recommends a motion that references approval for a six-month period with the condition that the cages be locked. Further, before the end of the end of th

ose six months, both IEB and Licensing, with the licensee, should return to the Commission for a review of whether that can be improved in terms of the visibility and the egress in the hallway. Mr. Richardson stated that he anticipates the alcohol will be in an approved and RFID secured floor and that they will lock the cages to the wall today. He is investigating a more permanent spot.

*Commissioner Zuniga moved that the Commission approve Wynn MA LLC's request to add seven new alcoholic beverage storage areas as depicted on slide number four and labeled one through three and five through eight, submitted in the PowerPoint presentation in accordance with the terms discussed here today. Commissioner Cameron seconded the motion.*

*The motion passed unanimously.*

*Commissioner O'Brien further moved that the Commission approve subject to confirmation of the cages being affixed, the storage beverage area that is referenced on slide four of the PowerPoint today bulleted as number four outside Fratelli's with the further understanding that on or before six months from today's date that a review will be conducted in terms of the visibility and the storage of that location. Commissioner Cameron seconded the motion.*

*The motion passed unanimously.*

## **Ombudsman**

See [transcript](#) pages 38 – 49

[1:09 p.m.](#)

### **Quarterly Report Template**

Mr. Ziemba described the draft of the updated template for quarterly reports with the Commission. With him were Ms. Griffin and Construction Project Oversight Manager Joe Delaney.

Mr. Ziemba recommends developing a more concrete system to flag certain items for the Commission's attention. He stated that one of the most valuable parts of this endeavor would most likely be achieving compliance and greater cooperation between and among all of the various divisions.

[1:18 p.m.](#)

Ms. Griffin recommends incorporating a snapshot of diversity by management level to describe how employees are doing in terms of getting promoted to managerial or supervisor jobs into the template.

Mr. Ziemba stated that he would like to continue to work with licensees to determine how to capture quarterly some of the more exceptional impacts on the communities themselves. Next, he stated that he would like to include some of the Commission's capital spending requirements in the reports, and continue to work with licensees on much of the financial reporting. Lastly, he would like to encourage licensees to incorporate relevant information regarding responsible gaming activities in their quarterly reports or their PowerPoints.

[1:25 p.m.](#) Commissioner Zuniga suggested creating in addition to the four quarterly reports, the creation of a fifth report that could be submitted annually, for compliance purposes that need only be reported annually. This would also aid with the comparison of statistics for compiling the Commission's annual report.

The Chair stated that the Commission might have tools to help determine what data is needed for review at what particular period of time moving forward, to assist the licensees through a proper forum to prompt that review.

[1:34 p.m.](#) **Mitigation Intake Review**  
Mr. Ziemba reviewed the process for reviewing the Community Mitigation Fund applications and summarized the available grants by category. He reported that there were a number of applications received for Transportation Construction grants, the new category that was added this year.

[1:42 p.m.](#) Commissioner Zuniga asked that the Review Committee returns to the next Commission meeting to report on the status of the fund as a whole, looking back to how much has been awarded, what is pending, and a target projection for the coming year.

### **Investigations and Enforcement Bureau**

See [transcript](#) pages 49 – 62

[1:49 p.m.](#) **Plainridge Park Casino License Renewal Follow-Up & Timeline**  
Mr. Grossman stated that the license awarded to Plainville Gaming Redevelopment LLC is set to expire on June 24 of this year. The agenda for today is to establish the procedures for renewal and commemorate them in writing. The Commission reviewed the draft of the plan. Mr. Grossman would like to take the decision and commemorate it in a written letter to the licensees that would then initiate the renewal process. He then reviewed with the Commission each section of the proposal via the Renewal Procedures Letter in the [Commissioners' Packet](#).

[2:10 p.m.](#) There was a discussion of several edits that could be made to the draft application (see [video link](#) and [transcript](#) starting on page 53). The Commission reached a consensus on final edits to be made.

[2:29 p.m.](#) Ms. Wells confirmed with the Commission the edits that are to be made to the draft application (see [video link](#) and [transcript](#) starting on page 61).

[2:32 p.m.](#) *Commissioner O'Brien moved that the Commission approve the procedures for the renewal of a Category Two gaming license as outlined in the memorandum included in the Commissioners' packet and as further discussed here today. Commissioner Stebbins seconded the motion. The motion passed unanimously.*



*Commissioner O'Brien further moved that Commission authorizes staff to serve a letter on the gaming licensee commemorating the approved renewal procedures and to take steps to facilitate the renewal process consistent with the discussion today and the timeline in the memorandum that is included in the Commissioners' packet. Commissioner Cameron seconded the motion.  
The motion passed unanimously.*

### **Commissioner Items and Updates**

See [transcript](#) pages 62 – 66

#### **2:33 p.m. Update on Executive Director Search**

Commissioner Zuniga and CFO Derek Lennon updated the Commission on the status of the search for a new executive director. They together drafted a new Request for Response (RFR). They also posted an intention to post an RFR to advise potential respondents and bidders that it is upcoming. Mr. Lennon stipulated the two phases of the Commission's approach. Mr. Lennon explained how the team devised the RFR by reviewing items discussed at prior Commission meetings.

#### **2:41 p.m. Update on (Wynn) Independent Monitor's Report**

The Chair updated the Commission on Miller & Chevalier, the independent monitor's request for an extension on the due date for their baseline report. She anticipates that there will be a hearing near the end of March or the beginning of April.

**2:44 p.m.** *Commissioner O'Brien moved that the Commission grant the independent monitor's request for an extension for the submission of the six-month baseline. The deadline currently set for March 5 is to be extended to a date prior to the end of March. Commissioner Cameron seconded the motion.  
The motion passed unanimously.*

**2:45 p.m.** *With no further business, Commissioner Stebbins moved to adjourn the meeting. Commissioner Zuniga seconded the motion.  
The motion passed unanimously.*

### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated February 13, 2020
2. Draft Commission Meeting Minutes dated December 19, 2019
3. Draft Commission Meeting Minutes dated January 23, 2020
4. Information Technology Services PowerPoint Presentation dated February 24, 2020
5. Letter Re: 31 Elm Street Development dated February 10, 2020
6. Slide Presentation: "The Revitalized 13-31 Elm Street"
7. Modified Final Grant Agreement Draft

8. Modified Fifth Amendment to the Host Community Agreement by and Among the City of Springfield
9. Memorandum Re: Black History Month Vendor Spotlight – Owens Movers dated February 13, 2020
10. Memorandum Re: Encore Boston harbor Gaming Beverage License Amendment Applications
11. Gaming Beverage License Amendment Application Forms for Encore Boston Harbor
12. Encore Boston Harbor Appendix to Gaming Beverage License Amendment Application Forms
13. Public Comment #1 Re: Encore Bartenders dated December 27, 2019
14. Public Comment #2 Re: Encore Bartenders dated January 11, 2020
15. Memorandum Re: Review of the Format of the Quarterly Reports Submitted by Licensees dated February 10, 2020
16. Memorandum Re: 2020 Community Mitigation Fund Applications
17. Memorandum Re: Renewal of the Category 2 Gaming License dated February 13, 2020
18. PPC Renewal Procedures Letter draft\
19. Request to Renew Category 2 Gaming License dated February 5, 2020
20. Letter Re: Uploaded Scope of Licensing Letter – Additional Qualifier dated February 2, 2020

/s/ Bruce Stebbins  
Secretary