



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 14, 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

**Time entries are linked to the
corresponding section in the
Commission meeting video.**



Call to Order

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[10:00 a.m.](#) Chair Judd-Stein called to order public meeting #261 of the Massachusetts Gaming Commission.

The Chair introduced herself and thanked Commissioner Cameron for her immediate past service as the interim Chair. She also thanked her fellow Commissioners, Executive Director Ed Bedrosian, and the entire team at the MGC for their warm welcome.

Approval of Minutes

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[10:00 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the January 24, 2019, Commission Meeting, subject to correction for typographical errors and other nonmaterial matters. Commissioner Stebbins stated that under the 10:08 mark, in the section entitled, "Suffolk Downs Unpaid Winnings" it should be noted that Chad Bourque, Senior Finance Analyst was on hand to assist Dr.*

*Lighbown in reporting the financial numbers to the Commission.
Commissioner Cameron seconded the motion.
The motion with the amendment passed 4 – 0 with the Chair abstaining.*

*Commissioner Stebbins moved to approve the minutes from the February 1, 2019 Commission Meeting, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion.
The motion passed 4 – 1 with the Chair abstaining.*

Administrative Update

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10:05 a.m. **Staff Update**

Executive Director Ed Bedrosian welcomed the new Chair. He then introduced new Financial Investigators David MacKay and Fei Zou, welcoming them to the Commission.

General Update

Director Bedrosian requested that agenda item #6 regarding MGM Service Employee exemptions be postponed to the next Commission meeting, to present it with the MGM quarterly update. He also commented on Item #10, the Executive Session. He updated the Commission on a preliminary injunction that was issued by the judge in *Stephen A. Wynn vs. Karen Wells, the Massachusetts Gaming Commission, and Wynn Resorts, et al.* The IEB is currently reviewing this injunction, which can be found on the Clark County [website](#). Director Bedrosian stated that outside counsel had reviewed the injunction, and it will be discussed at the executive session today.

Ombudsman

See transcript pages 2 – 6

10:15 a.m. **2019 Mitigation Fund Applications Overview**

Ombudsman John Ziemba, with Constriction Project Oversight Manager Joe Delaney, provided a brief status of the 2019 Mitigation Fund applications. They gave a brief overview of the process that they are planning to take to review the applications.

Ombudsman Ziemba then referred the Commission to an additional application that was received after the memo in their packet was written that lists all the applications received. They are in the process of confirming that this application, from the City of Springfield for approximately \$555,000 was submitted before the February 1st statutory deadline. Once this is established, an updated memo will be posted.

In total (including the additional application), the Commission received 24 applications worth approximately \$5.6 million. Of that \$5.6 million, only \$5.4 million is new funding.

The Commission's targeted spending for 2019 is approximately \$6.7 million, with approximately \$5.2 million left in the fund that has not been awarded or otherwise allocated.

As this is the first year that the Mitigation Fund has begun to receive 6.5% of the revenues from the tax on gross gaming revenue from MGM Springfield, this is the first year that the Commission will split the fund by region based on its guidelines whereby the funds generated in each region will stay in that region, after all the grants are accounted for. The Commission intends to grant awards by June of this year.

Ombudsman Ziemba noted that the review team this year is now comprised of himself, Commissioner Stebbins, General Counsel Catherine Blue, CFO Derek Lennon, Director of Workforce, Supplier, and Diversity Development Jill Griffin, Program Coordinator Crystal Howard, and Program Manager Mary Thurlow.

Workforce, Supplier and Diversity Development

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10:25 a.m. **Workforce Supplier and Diversity Update**

Director Griffin updated the Commission on responses received after a request was posted on February 1st called **Request for Response: Lessons Learned from Development of Casinos in Massachusetts; Best Practices for Diversity During Construction**. This request was posted on COMMBUYS on February 1st, and responses are due by March 1st, directly submitted to COMMBUYS. Director Griffin reported that the post was sent to about 900 individuals and businesses, and the Commission has received proposals and a significant amount of questions.

Commissioner Zuniga pointed out a type-o on page four of the solicitation that states that the budget is \$150,000. This will be corrected in COMMBUYS to clarify that the budget is, in fact, \$15,000.

Director Griffin reported that she had convened a team comprised of 25-30 members of chambers of commerce, state entities that focus on business, community groups, and city officials and called it the Vendor Advisory Team. The purpose of this advisory team is to obtain information on procurement needs and opportunities. The first meeting was on January 29th. The Vendor Advisory Team will convene monthly basis, moving forward.

Next, Director Griffin updated the Commission on the beginning process of performing a **Construction Diversity Audit of Encore Boston Harbor** that is taking place. She stated that she, Mr. Delaney, and Ms. Howard are in the process of reviewing information gathered relative to both workforce diversity and supplier and vendor diversity. They plan on submitting a summary memo to the Commission's Compliance Committee at the end of March.

Director Griffin announced that there would be a hiring event for Encore Boston Harbor at the Hynes Convention Center on February 24th and 25th.

Commissioner Zuniga noted for the record that the audit process that has been established was based on feedback from the state auditor. Commissioner Zuniga further stated that he is glad that the Commission sees it through to fruition.

[10:41 a.m.](#) The Commission then reviewed initial **Amendments to 205 CMR 102.02: Definitions – Women Business Enterprise (WBE), Veteran Business Enterprise (VBE), and Minority Business Enterprise (MBE)**. The proposed amendments would add definitions for WBE, VBE, and MBE into the Definitions section of the regulations. By placing these terms in the Definitions section, they will apply to the ongoing operations of the gaming licensees. These terms originally referred to the construction phase only. The amendments also effectively move the process of certification from the licensing division to the Office of Supplier Diversity's process.

The amended regulation will be circulated to the licensees and stakeholders and will be brought back for approval to commence the promulgation process. The Legal Division asked that the Commissioners review it and offer any comments.

Research and Responsible Gaming

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[10:50 a.m.](#) **Research Update**
Mark Vander Linden, Director of Research and Responsible Gaming provided the Commission with an update on his research agenda, both in terms of deliverables that were recently released, and projects/deliverables that are upcoming. He also reviewed the memo that was provided to the Commissioners in their packet that lists the different reports and publications that have been created as part of MGC's research agenda.

Director Vander Linden and Commissioner Cameron met with Crime Analyst Christopher Bruce yesterday, and he hopes to have Mr. Bruce's report for review by the end of the month so that it could be to the Commission for the

March 28th Commission meeting. The report will be a follow-up from the baseline study that was presented to the Commission in October 2018.

Director Vander Linden then summarized another report on the Gambling Impact Cohort. The cohort consists of 3,139 adult Massachusetts residents that are currently at risk of experiencing gambling-related harm. Director Vander Linden estimates that this report will be ready by the end of March.

There are a couple of publications that are being developed from the Gambling Impact Cohort study. One of note is low-risk gambling guidelines for Massachusetts residents.

Director Vander Linden then highlighted two initiatives that are underway now. First is the development of a sophisticated, accessible database for other researchers, as well as posting player card data that is a requirement of M.G.L. 23K § 97. The second initiative is community-based participatory research that will provide the Commission with community status at a specific level across the state with the introduction of casinos.

Commissioner's Updates

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[11:42 p.m.](#) Commissioner Stebbins presented a letter to the Massachusetts Historical Society (MHS), regarding MGM. MGM Springfield is being nominated for one of MHS's Annual Preservation Awards. The application should consist of letters of support. He read the letter to the Commission that outlined the historic adaptive reuse efforts during MGM Springfield's development. He welcomed any edits to comments in the draft language and stated that he would like to provide this signed letter to MGM Springfield to recognize them for their success on their renovation and preservation of key architectural pieces in Springfield.

[11:45 a.m.](#) *Commissioner Cameron moved that the Commission endorse the Massachusetts Gaming Commission Letter to Massachusetts Historical Commission, re MGM Springfield Preservation Award Nomination. Commissioner Zuniga seconded the motion.*
The motion passed unanimously.

Commissioner Stebbins announced that Commissioner Cameron, along with Director Griffin and Ms. Howard met with the stakeholders in the Build-A-Life campaign to review its progress. It was noted that campaign visibility is up, and partners at the policy group on tradeswomen issues showed them that in 2018, over 600 women enlisted in apprentice programs across the Commonwealth, which is an increase of 25% since 2017. Commissioner Stebbins added that there was discussion around the idea that our licensees

should consider tradeswomen for openings that they may have in operational building and facility maintenance positions.

Commissioner Cameron stated that a meeting is being organized with the Department of Health and members of law enforcement to discuss research on human trafficking in casinos. Commissioner Cameron will inquire about a way to capture data on this. The Chair stated that the governor's office does address human trafficking and that she will provide Commissioner Cameron with that data.

[11:53 a.m.](#) Director Bedrosian recognized Digital Communications Coordinator Mike Sangalang as an exemplary employee who does tremendous work with all of the different directors and staff and stated that Mr. Sangalang is will be leaving us for a new job. Director Bedrosian thanked Mr. Sangalang on behalf of the entire Commission for all of his hard work that has helped the agency become one of the leaders in streaming.

Executive Session

See transcript page 29

[11:59 a.m.](#) The Chair announced that Pursuant to M.G.L. Chapter 30A Section 21(a)(3), an Executive Session is being held to discuss litigation strategy in the case of Stephen A. Wynn v. Karen Wells, the Massachusetts Gaming Commission, Wynn Resorts Ltd., et al.

[11:59 a.m.](#) Commissioner Stebbins moved to go into executive session. Commissioner Zuniga seconded the motion. Roll call vote:
Commissioner Stebbins: Aye.
Commissioner Cameron: Aye
Commissioner Zuniga: Aye.
Commissioner O'Brien: Aye.
Chair Judd-Stein: Aye.

The Chair then stated that the Commission is now in executive session pursuant to the Open Meeting Law and that all members of the public and any staff members not involved in this matter to be discussed must leave the room. The Chair also asked that all live audio and video recording and live streaming be shut off and the doors to the room are closed.

[3:15 p.m.](#) The Commission reconvened in public session. The Chair stated that there was a vote put on the agenda if the Commission needed to take some action based upon the briefing. The Commission decided not to take any action at this time so that no vote will be taken.

[3:15 p.m.](#) *With no further business, Commissioner Cameron moved to adjourn the meeting. Commissioner O'Brien seconded the motion.*

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated February 14, 2019
2. Draft Commission Meeting Minutes, dated January 24, 2019
3. Draft Commission Meeting Minutes, dated February 1, 2019
4. Memo dated February 14, 2019, RE: 2019 Community Mitigation Fund Applications
5. Request for Response: Best Practices for a Diverse Workforce
RFR # MGC-1600-2019 / COMMBUYS Bid# BD-19-1068-1068C-1068L-35182
6. Flier: Encore Boston is Hiring
7. Small Business Impact Statement for 205 CMR 102.02: Definitions
8. Draft of Amended 205 CMR 102:02: Definitions
9. Memo dated February 14, 2019, RE: Massachusetts Gaming Commission Letter to Massachusetts Historical Commission, re MGM Springfield Preservation Award Nomination
10. Letter to Historical Society from the MGC dated February 14, 2019

/s/ Catherine Blue
Assistant Secretary