



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 25, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 102 8083

Commissioners Present:

Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
Commissioner Enrique Zuniga

Call to Order

Chair Judd-Stein called to order the 337th public meeting. She noted that given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings, and that in keeping with the guidance provided, the Commission would conduct this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

Approval of Minutes

Commissioner O'Brien moved to approve the minutes from the Commission meeting of November 3, 2020 subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner O'Brien suggested that the Commission refrain from approving the November 5, 2020 meeting minutes until all commissioners have had a chance to review them. Chair Judd-Stein requested that the Commissioners' comments be more fully detailed.

Administrative Update (5:50)

Executive Director Karen Wells announced that Director of Workforce, Supplier, and Diversity Development Jill Griffin's role would now be entitled Director of Diversity and Legislative Affairs. She will now be looking at legislation and policy, working closely with the legislature as a liaison, and monitoring internal diversity development. She also introduced the new Associate General Counsel Caitlin Monahan.

Director of the IEB Loretta Lillios updated the Commission on casino operations. Since the 25% capacity limit was lifted on February 8, all casinos are operating at 40%, all day, every day, with all Covid related safety measures in place. They have been able to bring back furloughed staff and Encore Boston Harbor has opened its hotel, with MGM Springfield set to open theirs next week. Encore has continued to monitor for room capacity violations. Gaming Agents Division Chief Bruce Band added information about casinos' occupancy levels. Chair Judd-Stein asked about compliance with masks and social distancing, to which Mr. Band answered that the casinos have been effectively monitoring and enforcing those rules.

Community Affairs Division- MGM Quarterly Report (26:15)

Community Affairs Division Chief Joe Delaney introduced MGM Springfield representatives to present their fourth quarter report. MGM Director of Finance Arlen Carballo presented the gaming revenue and tax performance. MGM Director of Compliance Daniel Miller presented on compliance performance, starting with how many minors had been intercepted that quarter. Commissioner O'Brien inquired about how many of the two minors were actual minors younger than 18 years of age as opposed to underage individuals under the age of 21. Mr. Miller answered that the minor intercepted drinking had been underage. Commissioner Cameron asked whether the underage drinker looked to be of age, to which Mr. Miller answered that the person looked of age, however they have a policy to card patrons who look under thirty years of age, which had not been done. He explained the TIPS program for training staff. Chair Judd-Stein inquired about the main skills TIPS trains for, to which Mr. Miller answered that they are: identifying underage drinkers, learning physiological symptoms of overdrinking, and making sure patrons remain safe while drinking. Ms. Carballo presented MGM's diversity and local spending. MGM Director of Human Resources Jason Randall presented their diversity employment numbers. Commissioner Cameron asked about the decrease in women's employment numbers. Mr. Randall answered that, anecdotally, many women are home with their children for home

schooling. Commissioner O'Brien asked about whether there is a seniority basis for staff they call back in, and whether women who are unable to return to work and decline the recall because they are caring for children lose their seniority. Mr. Randall answered that calls to return are based on seniority, and that during the first round of recalls, the seniority is maintained, but employees lose that status if they decline or do not respond the second time recalls are made. The employee relations team does work with the employee to determine whether any accommodations are available for them, but that it is a case-by-case review. MGM Vice President and General Counsel Seth Stratton clarified that depending on an employee's position there are different accommodations, and that they are encouraging remote work except in positions for which that is not possible. Commissioner O'Brien expressed discomfort at former employees with seniority having to go through the hiring process again and whether people would be dissuaded from doing so. Mr. Stratton explained that they will reexamine that policy and follow up with the Commission, especially regarding their women's employment numbers. Commissioner Cameron pointed out that the pandemic has changed everything profoundly, so their reapplication process should change to reflect that. Chair Judd-Stein commented that the pandemic has been especially tough on women, minorities, and veterans, and asked whether employees who must reapply remain licensed or if they must get re-licensed when returning to work. Ms. Wells answered that their licenses stay active.

Mr. Stratton presented MGM's recent community events and development updates. There was discussion around how the pandemic had affected the 31 Elm St. property. Chair Judd-Stein commended MGM on their community service and commitment to revitalizing Springfield.

Racing Division-

a. [Harness Horsemen's Association Pension Plan Update \(1:02:46\)](#)

Director of Racing Dr. Alexandra Lightbown introduced the Harness Horsemen's Association's ("HHA") Managing Director Alice Tisbert to present their updated pension plan. M.G.L. c.23K, Section 60 established the Racehorse Development Fund ("RHDF") from which horsemen receive funds for benefits, including pension related funding. Due to the reduced number of race days last year because of the pandemic, the money in that fund was greatly reduced. Ms. Tisbert presented the changes to the pension plan, which were deemed appropriate by the Commissioners.

b. [Pari-Mutuel Taxes for Benefits to Jockeys \(1:09:07\)](#)

M.G.L. c.128A and c.128C includes provisions describing how the Commission is required to spend money collected through simulcasting and live wagering. A portion of it described in section chapter 128A, section 5(h)(4) goes to health and welfare benefits of active, disabled, or retired jockeys. Dr. Lightbown introduced a representative from the Jockey's Guild to discuss the organization and the process utilized for the distribution of funds. General Counsel Todd Grossman

explained that according to the statute, \$65,000 can be given annually to an organization identified by the Commission that “represents the majority of jockeys who are licensed by the commission and regularly ride in the commonwealth for the purpose of providing health and other welfare benefits to active, disabled or retired jockey.” However, since there has been no thoroughbred racing in the Commonwealth this past year, there is a question as to whether the Guild still meets the statutory definition and should be the organization authorized to receive these funds.

Mindy Coleman, legal counsel for the Jockeys Guild, presented information about the organization. There was discussion about who should qualify for jockey benefits, how to address all qualified jockey’s needs, how the pandemic affected jockeys and their benefits, and statutory interpretation. Dr. Lightbown suggested that the Guild present further information as to what the qualifications would be for the different jockey categories described in the statute. The Commissioners agreed that the Jockeys Guild is the appropriate repository for the funds but further information from the Guild as to its disbursement criteria would be required prior to authorizing payments given the statutory language relative to active jockeys.

Commissioner Cameron moved that the Commission find the Jockey’s Guild meets the requirements of chapter 128A, section 5(h)(4) as discussed at the meeting. Commissioner Zuniga seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O’Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

The Jockeys Guild agreed to provide information relative to the criteria within 4 weeks.

Research and Responsible Gaming- Problem Gambling Awareness Month Kickoff and Problem Gambling Helpline Transition (2:11:30)

Program Manager of Research and Responsible Gaming Teresa Fiore presented on Problem Gambling Awareness Month, which begins in March and during which her team works with licensees to highlight the importance of collaboration in mitigating possible adverse effects of gambling in the Commonwealth. Initiatives include weekly quizzes and casino raffles, signage, promotional events, a digital campaign, and other items. Casino staff will also be trained on Asian and Pacific Islander gambling risk factors. At the end of March, she, and her team plan to release preliminary results of the Massachusetts Gaming Impact Cohort (“MAGIC”) study, which can eventually be used to inform services.

Director of Research and Responsible Gaming Mark Vander Linden introduced his guest from the Department of Public Health (“DPH”), the Director of Problem Gambling Services Victor Ortiz, to present on gambling in the Commonwealth. He described how the DPH funded a substance abuse helpline and a separate line for problem gambling in the Commonwealth. Based on evaluations of data collected by the DPH, determinations were made recently to integrate these services, training counselors to identify both issues and adding a clinician on site.

Executive Director Evaluation (2:47:27)

All four commissioners lauded Executive Director Karen Wells for her leadership transitioning the agency into a remote work model during the pandemic, her tremendous work ethic, and the trust she has cultivated with the staff. Ms. Wells was cautioned against potential work-life imbalances. Ms. Wells thanked the commissioners and staff for their support.

Commissioner O’Brien thought Ms. Wells’ goals of increasing diversity spend, pay practice review, and transitioning to in-person work for the following year were appropriate. Commissioner Cameron agreed and suggested Ms. Wells could work on planning how to integrate sports betting into the organization’s responsibilities. Commissioner Zuniga mentioned Ms. Wells’ goal of increasing resources for high level management, clarifying that perhaps she and other senior staff could consider reaching out to staff and seeing if anyone needs extra support or resources. Chair Judd-Stein noted that Ms. Wells’ desire to work on general compensation, compliance and procurement are appropriate and good ideas. She suggested that Ms. Wells identify long term goals and thanked her for guiding her through her first year as Chair.

Commissioner O’Brien presented historical information on compensation for MGC’s executive directors and for those of other jurisdictions’ gaming agencies, noting that they would have to factor in their reduced revenue due to the pandemic. The Commission decided to discuss compensation at a later date where any increase in compensation would not presently be appropriate given the circumstances.

Legal Division-Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 205 CMR 146 (3:39:39)

Associate General Counsel Carrie Torrisi presented amendments to the gaming equipment regulation for consideration. After the MGC amended blackjack rules in fall of 2020, three references to the now nonexistent 6:5 variation of blackjack persisted in 205 CMR, which must now be amended. The legal team proposed removing references to 6:5 variations from 146.13 (blackjack table characteristics), 146.49 (playing cards), and 146.51 (dealing shoes and automatic shuffling devices) all as outlined in the Commissioners’ Packet.

Commissioner Zuniga moved to approve the small business impact statement for 205 CMR 146.13, 146.49, and 146.51. Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner Zuniga further moved to approve the amendments to the aforementioned regulations and authorize staff to begin the promulgation process.

Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Community Mitigation Fund (3:43:37)

a. Community Mitigation Application Update Review

Chief of Community Affairs Joe Delaney noted that in November the Community Mitigation Fund ("CMF") updated guidelines were issued and that the spending target for 2021 was \$12.5M. 2021's applications totaled \$6.5M, a large decrease from last year's total. He noted that he has asked communities to spend all previous awards and funds from MGC before applying for another grant. He asked the commissioners if they should expand eligibility parameters to include communities who want to capitalize on the presence of casinos, which would require a legislative change. He then laid out the application evaluation process that culminates in a presentation to the Commission in June before officially notifying communities of their decisions. Commissioner Zuniga commented that casinos seemingly contribute mainly to traffic issues but that the Commission may not be able to award individual communities enough money to mitigate them, therefore applicants should ideally have stakeholders other than the Commission. Chair Judd-Stein wondered if the Commission should have a public comment meeting to educate communities about the program and determine their barriers to applying. Mr. Delaney answered that the guidelines open for public comments before being finalized, but that there have not been many comments in the past. He suggested they could have a roundtable discussion with communities to determine their difficulties with the application process. Commissioner Zuniga agreed. Mr. Delaney noted that CMF subcommittee and committee meetings will be scheduled for the spring. Commissioner Zuniga commented that perhaps it would be better to conduct shorter sessions with the commissioners to discuss applications by category instead of one long meeting for all of them, which the other commissioners agreed with.

b. Community Mitigation Fund City of Medford Grant Review

Mr. Delaney explained that Medford received grants in 2015 and 2016 to hire a transportation planner and consultant, and to fund a water study of the Malden and Mystic rivers, respectively. However, Medford has only been able to carry out a portion of both projects. Mr. Delaney recommended their funds from past awards be reallocated to their 2019 project, the design and planning of a boardwalk under Route 28. All commissioners agreed with the recommendation.

Commissioner Cameron moved that the balance of Medford's previously awarded funds totaling \$260,806.80 be reallocated to the underpass project discussed at the meeting and described in the Commissioners' packet, and that staff be authorized to execute amendments to the applicable grant instrument to reflect the change. Commissioner Zuniga seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner Updates (4:18)

Chair Judd-Stein mentioned that she, her fellow commissioners, and Ms. Wells must work together to ensure that a sound onboarding approach is in place when a fifth commissioner is appointed.

2:36 p.m.

Having no further business, Commissioner Cameron made a motion to adjourn.

Commissioner O'Brien seconded.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, notice of meeting and agenda dated February 25, 2021
2. Minutes from the November 3, 2020 Massachusetts Gaming Commission public meeting
3. Commissioner's packet for the February 25, 2021 Massachusetts Gaming Commission public meeting