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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** February 8, 2023, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 054 8439

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 Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 433<sup>rd</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

#### 2. [Administrative Update](#) (00:44)

Executive Director Karen Wells introduced Joe Delaney, Chief of the Community Affairs Division, to present an administrative update on the community mitigation fund and the grant requests that were received.

Chief Delaney stated that the community mitigation fund received fifty-eight total applications requesting \$15.5 million in funds. He noted that it was an increase from the forty-three applications received the previous year. He stated that Region A submitted twenty-eight applications for \$6.3 million, Region B submitted twenty-two applications for slightly over \$8 million, and that the category two facility had submitted eight applications.

### 3. [Community Affairs](#) (02:53)

#### a. Encore Boston Harbor East of Broadway Development

Moving onto the next agenda item, Chief Delaney stated that the Commission would need to determine whether Encore Boston Harbor (“EBH”) could have gaming in their proposed east of Broadway development project. He stated that there was ambiguity as to whether the affirmative vote by the Citizens of Everett in June 2013 approving the Host Community Agreement (“HCA”) limited the issuance of the gaming license to the particular property or location described in the vote. He noted that regardless of how the Commission voted on this issue EBH could develop the property east of Broadway, and that the limitation would be on the presence of gaming on the property. He stated that the discussion was specific to whether gaming was allowed and that the specifics of the project would be discussed separately.

Chief Delaney recapped EBH’s proposed development east of Broadway, noting that EBH had refiled plans that would include a poker room and sports wagering area. He stated that those areas would require the Commission to regulate them as part of the gaming establishment. He noted that additional information had been submitted since the November 16, 2022, discussion of this topic regarding the referendum, the host community agreement, historic ownership of the east of Broadway property and the Monsanto chemical site. He noted that EBH’s counsel, Attorney Tony Starr, from the law firm Mintz had submitted letters on January 5, 2023, and February 3, 2023.

Chief Delaney stated that the Commission had requested opinions from the other licensed communities related to this matter, and that a letter from the town of Plainville was received and included in the Commissioner’s Packet. He stated that a letter was received from the City of Everett estimating the probable cost of an additional referendum to be \$130,000.

Chief Delaney explained that EBH had continued to pursue permitting during the Commission’s review, and that they had submitted a notice of project change to the Massachusetts Environmental Policy Act Office (“MEPA”). He stated that MEPA required EBH to do a supplemental environmental impact report followed by a supplemental final environmental impact report.

Chief Delaney noted that the City of Everett planning board had approved the first phase of this project, and that the city rezoned the property to be part of the resort casino overlay. Mr. Starr stated that Wynn MA, LLC was requesting that the Commission approve the revised gaming establishment boundaries that would include gaming in the east of Broadway development.

Mr. Starr stated that the Commission had posed four questions at the previous meeting discussing this topic on November 16, 2022. He explained that the first question was a request for an overlay of the Monsanto properties and the current casino. The second was a request for Springfield and Plainville to offer insight on their understanding of the referendum vote as it

related to the expansion of gaming establishments. The third was a request for the mailing sent to Everett citizens prior to the referendum vote in June 2013; and the fourth request was for Massachusetts caselaw used to help determine voter intent.

Mr. Starr stated that there was not a single document that contained all the properties in the Lower Broadway area that Monsanto or its predecessors occupied, owned, or conducted business at. He explained that Monsanto and its predecessors had ongoing operations and landholdings to the east and west of the current EBH site over the past 125 years. He noted that Monsanto had once owned land on the west side of the railroad tracks that ran adjacent to the current Monsanto site.

Mr. Starr stated that some properties to the east of Broadway were at one point owned by Merrimack Chemical, and that there were also lots associated with Cochran Chemical. He noted that the proposed development east of Broadway overlaid with properties owned by a predecessor to Monsanto. He stated that it was reasonable to conclude, based on records, that at one point Monsanto and its predecessors operated both to the east and west of the current EBH site.

Mr. Starr stated that related to the second question the response from the Town of Plainville showed that they did not consider the HCA to limit the potential expansion of the gaming establishment. He noted that the city of Everett's outside counsel, Attorney Jonathan Silverstein from the law firm Blatman, Bobrowski, Haverty & Silverstein, LLC, had worked with the town of Plainville in developing their HCA; and added that he would defer to Attorney Silverstein on this issue.

Mr. Starr stated that a copy of the letter sent to the citizens of Everett prior to the referendum vote was provided in his February 3, 2023, letter to the Commission. He expressed his understanding that all residents of Everett received this letter which included the HCA. He stated that terms included in the letter and HCA included provisions that the Wynn project site was subject to expansion and that Wynn had or would acquire land or options to purchase land in or around the project site. He stated that the east of Broadway development was the type of construction contemplated by the HCA.

In response to the fourth question Mr. Starr stated that no caselaw directly answers questions related to voter intent. He stated that the caselaw was summarized in the January 5, 2023, letter to the Commission. He stated that caselaw related to ballot referendums focused on information that the voters had before them and what a reasonable voter was expected to understand. He reiterated that the voters of Everett had the ballot question and the letter from the mayor with a copy of the HCA. He stated that voters do not vote in a vacuum but look towards the totality of circumstances surrounding the vote.

Mr. Starr stated that the HCA referenced "property in or around the current sites" and stated that the parties negotiated a provision related to the construction of potential expansions. He stated

that the HCA was posted in public, included in the ballot question, and sent in a letter to each resident in Everett. He noted that the ballot question passed with 86% of the vote and that the parties complied with all requirements of the 2011 gaming act.

Attorney Silverstein reported that the Town of Plainville noted that they did not believe the ballot question prohibited the expansion of the gaming establishment. He noted distinctions between the City of Everett and the Town of Plainville's HCAs, as Plainville's HCA referenced expansion only to the square footage of the building, whereas Everett's HCA referred to the expansion of the project site and new land. He stated that Penn Entertainment did not discuss the possibility of acquiring additional land during negotiations with the Town of Plainville, but that a discussion of new land had occurred between Everett and Wynn.

Attorney Silverstein stated that the wording of the HCA was available to every voter prior to the vote. He stated that the voters voted on the entirety of the term in the HCA which allowed expansion onto additional land. Mr. Silverstein stated that the people of Everett referred to lower Broadway colloquially and that the city's Lower Broadway Masterplan identified land off of Broadway. He noted that the ballot question could be considered in a vacuum and that the general circumstances surrounding the vote and information available to the voters should be considered.

Chief of Staff for the City of Everett, Erin Deveney, stated that the mayor began discussing the redevelopment of lower Broadway in 2010. She stated that residents in Everett would colloquially refer to the area as the Monsanto site, but that it was not used solely to refer to one parcel. She stated that the conversations in developing the HCA and city council meeting reflected an understanding that new construction could take place. She noted that the residents were more concerned with the positive benefits of the expansion.

Commissioner O'Brien asked where the outer boundary of the site described in referendum would be. She stated that the historic maps did not provide clarity on the outer boundary of the site referenced in the HCA. She stated it would be clearer that expansion of the gaming area was permissible if the description of the site in the HCA referenced the Lower Broadway District.

Attorney Silverstein replied, "you know it when you see it" in reference to the outer boundary. He stated that the legislature required the site be identified to ensure that voters would know the location of the site. He expressed that it would be hard to believe that Everett voters would care which side of the road the poker room was located on. He noted that the language in the HCA allowed voters to know that Wynn was looking to purchase land proximate to the site. Mr. Silverstein added that at the time the HCA vote occurred, Wynn was attempting to purchase the MBTA yard adjacent to the site that was never owned by Monsanto. He stated that the outer boundary could not be identified, but that the lower Broadway development district zoning applied to all this land.

Ms. Deveney stated that it was unclear whether residents could accurately identify where the parcel listed in the HCA on Horizon Way was, but that they could identify the Monsanto site area. She stated that the mayor of Everett believed that the expansion of gaming east of Broadway was something contemplated when the initial site opened.

Chair Judd-Stein stated that the HCA was a requirement for an applicant for a gaming license, but that the Commission only did not approve the HCAs. She stated that the Commission's role was in the oversight of gaming and not oversight of the development. General Counsel Todd Grossman stated that each HCA met the minimum requirements set out in General Law Chapter 23K.

Chair Judd-Stein stated that there was an assumption that voters were informed and asked if the HCA contemplated development expansion or expansion of gaming. General Counsel Grossman stated that the HCA did not state there may be gaming across the street or at other expansion points. He stated that the HCA contemplated project expansion without touching on whether gaming activity would be expanded.

Mr. Starr stated that expansion was addressed in the annual community impact fees, where Wynn would be required to renegotiate the impact fee if Wynn commences operations on the new property. He stated that the impact fee was intended to provide compensation to the city for the operation of a destination resort casino. He stated that because the fee was for operating a resort casino, then the reevaluation of the fee contemplates that the expansion was for the casino purposes.

Mr. Silverstein stated that the second recital of the HCA defined the project as involving a destination resort casino on the project site. He stated that the HCA authorized the development, operation, and expansion of the casino. General Counsel Grossman stated that Wynn could develop across the street, the question was whether gaming could be conducted at that site. He stated that General Law Chapter 23N requires all sports wagering areas under category one licenses to be in gaming establishments.

General Counsel Grossman stated that the language in General Law Chapter 23K, § 15 subsection 13, guided the ballot question on the HCA. He stated that question was whether the vote was intended to approve of the applicant's license in general or whether it was to approve gaming at the specific location identified in the HCA. He stated that the Commission was afforded broad discretion in their interpretation of G.L. Chapter 23K.

General Counsel Grossman stated that the Massachusetts Supreme Judicial Court had held that agencies have substantial discretion in the interpretation of statutes in which the agency was charged to enforce. He stated that the law did not adequately address the expansion of gaming establishments, but that the Commission could control the boundary of the gaming establishment. He questioned whether the ballot question could limit the Commission's control.

General Counsel Grossman stated that G.L. Chapter 23K was silent as to whether the vote would bind the gaming establishment to the specific location described. He stated that the requirement of a location could be interpreted to mean that the facility must be at the location or that the location was included to give the voters an idea where the proposed development would be in conjunction with the HCA.

Attorney Mina Makarious, outside Counsel for the Commission from the law firm Anderson and Krieger, stated that voters were expected to understand surrounding circumstances when voting. He stated that if the vote was for the gaming license and the vote contemplated an expansion across the street, then the expansion arguably would extend to the gaming area.

Commissioner Hill asked if the citizens of Everett had discussed the potential expansion at the city's meetings. Ms. Deveney stated that the citizens believed they were voting on a gaming license rather than a specific site, and that the conversations at community meetings focused largely on the context of bringing gaming into the community for economic development.

Mr. Silverstein stated that he attended each public forum. He stated that the conversations were generally related to the Lower Broadway Masterplan and how development would fit into the goals for lower Broadway. He stated that he did not recall any questions about expansion.

Commissioner Hill sought clarification regarding the negotiation of the language related to the impact fee in the HCA. Mr. Silverstein stated that the language was heavily negotiated as Wynn had ongoing discussions to buy the adjoining MBTA property. He noted that the mayor was aware of discussion between Wynn and other property owners along lower Broadway. He stated that the mayor of Everett did not want the expansion of the gaming establishment without reevaluating the impact fees accruing to the city.

Commissioner Hill asked if it was clear in the negotiations that the expansion included the expansion of gaming. Mr. Silverstein stated that the expansion of gaming was repeatedly brought up, and that the mayor of Everett specifically looked at Wynn's Las Vegas properties where they have two adjacent resort casinos.

Commissioner Hill asked if the two locations in Las Vegas required separate gaming licenses. Senior Vice President and General Counsel for EBH Jacqui Krum stated that they were run as a joint property, and that two licenses were not required. She noted that the Las Vegas properties were next to each other with a walkway between them.

Commissioner Skinner asked if there was any public discussion related to the current expansion or comments at the zoning board, city council, or MEPA meetings. Ms. Deveney stated that public notice was given for these meetings and that the city council was aware of the amended proposal that included gaming. She noted that the feedback from the public had been focused on the interest of renegotiating the HCA to be able to revisit conversations related to financial

community impacts. She stated that she was not aware of any public comments questioning or criticizing the expansion of gaming.

Commissioner Hill asked if there were negative comments at the planning board meetings. Ms. Deveney stated that she was not aware of any negative comments related to the expansion of gaming. Mr. Silverstein stated that the only opposition to the expansion was to the development of a performance venue within the east of Broadway project.

Commissioner Hill asked if another ballot question regarding the expansion of the gaming area was a possibility. Mr. Silverstein replied that there was a significant expense to an election. He stated that another election would inconvenience the voters and city staff when 86% of the voters already approved the HCA in 2013, where expansion could reasonably be anticipated.

Ms. Deveney stated that the mayor had concerns with delaying the project and that he wanted to mitigate the loss of additional commercial-based tax revenue that would result in an increased tax rate for residents. Chair Judd-Stein asked if the \$130,000 estimate for holding a referendum included the cost of poll workers. Ms. Deveney stated that an additional referendum was not factored into the city budget for salary workers, and that the cost estimate included hiring individuals to work the polls.

Commissioner O'Brien stated that certain delays such as the MEPA process were outside of the Commission's control. She asked if not allowing gaming in the project would substantially alter the infrastructure of the building. Ms. Krum stated the building would have to be redesigned and that EBH would need to restart the MEPA process. Commissioner O'Brien asked if the plan currently submitted included gaming. Ms. Krum stated that it was submitted with the gaming area.

Commissioner Maynard asked if the average voter who passed the referendum would have a problem with gaming being expanded across the street. Mr. Silverstein stated that the average voter knew that EBH was being built in lower Broadway, and that neither residents nor public officials had presented issues with the expansion.

Commissioner Maynard inquired whether the average voter would consider the property across the street to be land in or around the site. Mr. Starr stated that there was an assumption that a reasonable voter would have looked into the information available to them. He stated that there were meetings discussing the expansion of the gaming establishment which should put voters on notice that the expansion of gaming was anticipated. He stated that a voter opposed to the potential for expansion could have voted no at the ballot. He expressed that he believed a reasonable voter would anticipate the future expansion of the resort casino.

Commissioner Maynard asked how a new election would disrupt the local clerks involved in special elections. Ms. Deveney stated that the clerks would perform the duties they are asked to do. She noted that Everett was a diverse community, and that information would have to be

available in multiple languages, which would be additional work and additional costs. Chief Delaney stated that according to the Everett Independent there were 5,320 votes in support of the ballot question and 833 votes opposed.

Commissioner O'Brien asked why the Lower Broadway District Masterplan Area was not included in the referendum description. Mr. Silverstein stated that Monsanto chemical site was colloquial shorthand for the lower Broadway area, and that he was unsure if voters would be able to identify the Lower Broadway District Masterplan Area. He noted that every voter received a copy of the HCA which discussed potential expansion.

Mr. Silverstein noted that General Law 23K, § 15 included the language for the ballot question. He stated that voters may be confused by the language if they believe that they already authorized a gaming establishment. He stated that there was not a provision for alternative ballot question language.

Chair Judd-Stein stated she had not heard any opposition against this project since it was brought to the Commission. Commissioner O'Brien noted that the Commission had not conducted public hearings on this subject. Chair Judd-Stein asked if the issue regarding the language of the ballot question- brought up by Mr. Silverstein- could be remedied. General Counsel Grossman noted that G.L. Chapter 23K, § 15 only applied to initial gaming applications. He stated that the Commission could use its plenary authority to oversee casino gaming to require a vote and that the Commission would have discretion to craft the language.

Commissioner Hill expressed his view that the citizens of Everett knew what they were voting on and that they could anticipate an expansion in the area proposed. He stated that the citizens likely knew where this area would be when they voted on it. He stated that the impact fee provision makes it clear that the city, EBH, and the citizens who voted on the HCA expected some expansion in the area not specific to the location. He stated that it was likely the voters could contemplate the expansion of the gaming establishment as 86% of voters voted to approve the HCA which considered expansion. He stated that there will be opportunities for comments at the planning board and MEPA meetings.

Commissioner Maynard agreed with Commissioner Hill. He expressed his belief that the average voter contemplated an expansion and that the parcel would be considered part of the colloquial Monsanto site.

Commissioner Skinner stated she agreed with Commissioner Hill and Commissioner Maynard. She explained that her decision hinged on what could be deduced as voter intent and that she agreed with Mr. Starr that the decision should be based on the totality of documentation and information available. She stated that it was reasonable to conclude that Everett voters cast their vote with sufficient information about the HCA. She stated that EBH should be allowed to expand east of Broadway without an additional referendum.



Commissioner O'Brien stated that the Commission has the right to redraw the boundaries of gaming establishments, but that she was not convinced of where the boundaries were in this instance. She stated that nothing presented gave her confidence that the project fell within what was approved by the ballot. She stated that she was not comfortable with the "I know it when I see it" response provided. She stated that she would not be satisfied in expanding unless a clear outer boundary was identified.

Mr. Starr stated that the proposal used the language "in and around the project site". He stated that it was reasonable to understand that the language may have included the property across the street. He stated that the map exhibit included areas across the street even if it did not mark boundaries.

Chair Judd-Stein stated that Everett showed a great deal of diligence in providing information to its voters. She stated that the public had not shown a demonstration of discomfort with the expansion. She stated that it was not practical to read the HCA as allowing development expansion but not including gaming. She stated it would be an unfortunate use of resources to require an additional referendum.

Commissioner Skinner moved that the Commission find that pursuant to General Law Chapter 23K, § 15 subsection 13 and as outlined in the Commissioner's Packet and discussed here today, in June of 2013 the voters of Everett voted in favor of the gaming license awarded to Wynn MA, LLC in and around the specific parcel formerly known as the Monsanto chemical site; including the expansion site as proposed by Wynn MA, LLC. Accordingly, subject to further evaluation and approval by the Commission at a future meeting, the gaming establishment may be expanded to the site of the east of Broadway development, across the street from Encore Boston Harbor. Commissioner Hill seconded the motion.

Commissioner Maynard suggested an amendment changing the word parcel to site. Commissioner Skinner accepted the amendment. Chair Judd-Stein expressed concern about potential confusion regarding the language. Commissioner O'Brien suggested an amendment to reference the information and discussion from the November 16, 2022, meeting. She suggested replacing the term Monsanto chemical site with the location of the site referenced in the 2013 referendum. Commissioner Skinner accepted the amendments. General Counsel Grossman suggested changes to the language to incorporate the amendments more clearly.

Commissioner Skinner moved that the vote taken in June 2013 in Everett under General Law Chapter 23K, § 15 subsection 13 included the expansion site as proposed by Wynn MA, LLC and outlined in the Commissioner's Packet and discussed on November 16, 2022, and today. Accordingly, subject to further evaluation and approval by the Commission at a future meeting, the gaming establishment may be expanded to the site of the east of Broadway development, across the street from Encore Boston Harbor. Commissioner Maynard seconded the motion.

*Roll call vote:*

Commissioner O'Brien: Nay.  
Commissioner Hill: Aye.  
Commissioner Skinner: Aye.  
Commissioner Maynard: Aye.  
Chair Judd-Stein: Aye.  
*The motion passed, 4-1.*

b. [Casino Licensee Reports](#) (4:19:42)

Chief Delaney stated that a memo was sent to the Licensees in December requesting they report on the utilization of minority-owned business enterprises, veteran-owned business enterprises, and women-owned business enterprises in relation to capital expenditures. He stated that the licensees were also requested to provide annual reporting on the impact of live entertainment venues in this quarterly report presentation.

i. [Encore Boston Harbor Q4 Report and ILEV Update](#) (4:22:46)

Ms. Krum and the Executive Director of EBH Juliana Catanzariti presented EBH's Quarter 4 Report with topics including gaming revenue and taxes, lottery sales, employment, hiring, operating spending, compliance, promotions and volunteerism, and the sports wagering launch. *EBH's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 246 through 269.

Commissioner O'Brien asked what efforts were being made in hiring more female staff. Ms. Krum stated that EBH had issued a test to employees looking for sportsbook writers and that women passed at a higher rate than men. She stated that a large percentage of sportswriters were women. She stated that EBH's goal had shifted to try to move women into jobs that were not as traditionally open to women, because it made recruiting and hiring women in those departments easier.

Commissioner Skinner sought clarification as to whether there was a drop in diverse spending in the discretionary spending category reported in their presentation. Ms. Catanzariti stated that there was an annual increase from the previous year but noted that vendor spending fluctuates each quarter.

Commissioner O'Brien sought clarification regarding the minor who had accessed the gaming floor for more than four hours. Ms. Catanzariti stated that the minor had used the valid identification of another person. Commissioner O'Brien asked about the increased number of those under eighteen accessing the gaming floor in November. Ms. Catanzariti explained that patrons mistakenly brought children onto the gaming floor.

Ms. Krum stated that EBH entered an impacted live entertainment venue agreement with the Massachusetts Performing Arts Coalition. She stated that she reached out to the president and

CEO of that organization to collaborate on the design of the theater as part of the development project east of Broadway.

Commissioner Hill asked what occurs when further discussion was needed for an impacted live entertainment venue agreement. Chief Delaney replied that the group could petition the licensee to reopen the agreement. He stated that the Commission was not a party to the agreement, but if the parties were at an impasse, the Commission could intervene.

ii. [Executive Session](#) (4:41:29)

Chair Judd Stein read the following in the record, “the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c. 23K, §21(a)(7) for the specific purpose of determining whether EBH has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to EBH, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter was further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement.”

Chair Judd-Stein stated that the public session of the Commission meeting will reconvene at the conclusion of the executive session.

Commissioner O’Brien moved that the Commission enter an executive session for the matters and reasons stated by the Chair. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Commissioners entered executive session.*

*Transcriber’s Note: Commissioners returned to the public meeting from the executive session.*

With that, Commissioner Hill moved that the Commission find that EBH was in compliance with their obligations under G.L. Chapter 23K and 205 CMR 139 for the calendar year 2022, subject to further audits being necessary for compliance purposes. Commissioner O’Brien seconded the motion.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously, 5-0.*

iii. [Plainridge Park Casino Q4 Report and ILEV Update](#) (5:11:09)

North Grounsell, General Manager at PPC, Vice President of Finance, Heidi Yates-Akbaba, and Vice President of Human Resources at PPC, Kathy Lucas presented PPC's Quarter 4 Report. Topics included gaming revenue and taxes, lottery sales, employment, hiring, operating spending, community and team, and compliance. *PPC's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 276 through 290.

Commissioner O'Brien asked if PPC had any recent efforts in hiring female employees. Ms. Lucas stated that women were largely brought into positions when opening the sportsbook. She stated that PPC had been successful in hiring women managers and opportunities for women to advance. She stated that construction had begun on a full-service restaurant which would provide opportunities.

Mr. Grounsell stated that PPC remained in compliance with its ILEV agreement with impacted venues. Commissioner Skinner commended PPC on their diversity spending numbers. Commissioner Hill sought clarification on the burst pipe situation at PPC. Mr. Grounsell explained that there was a brief disruption to the gaming floor, but that no injuries were reported.

Commissioner O'Brien asked how the one minor had accessed the gaming floor. Mr. Grounsell stated that the minor had approached the cashier cage not knowing that they needed to be 21 to do so. He added that the minor was escorted off the gaming floor within five minutes.

iv. [Executive Session](#) (5:31:06)

Transitioning into the next agenda item on capital expenditures, Chair Judd Stein read the following in the record, "the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7) to comply with G.L. c. 23K, §21(a)(7) for the specific purpose of determining whether PPC has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to PPC, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter was further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement."

Chair Judd-Stein noted to the meeting's participants that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner O'Brien moved that the Commission enter executive session for the matters recited by the Chair and for the reasons cited on the record. Commissioner Hill seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Commissioners entered executive session.*

*Transcriber's Note: Commissioners returned to the public meeting from the executive session.*

With that, Commissioner Skinner moved that the Commission find that PPC was in compliance with the multi-year capital expenditure plan previously approved in accordance with 205 CMR 139.092 subject to further audits deemed necessary for compliance. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

v. [MGM Springfield Q4 Report and ILEV Update](#) (6:02:38)

Vice President and Legal Counsel for MGM Springfield ("MGM") Augustine "Gus" Kim presented MGM's Quarter 4 Report, with topics including gaming revenue and taxes, lottery sales, employment, hiring, operating spending, compliance, handrail installation, and community outreach. *MGM's Quarter 4 Report Presentation* was included in the Commissioner's Packet on pages 297 through 323.

Chair Judd-Stein inquired whether it would be beneficial to have signage that stated children could not accompany those over the age of twenty-one on the gaming floor. Director of Compliance for MGM Daniel Miller explained that additional signage was posted at all entrances to the casino area. He stated that maps showing the casino area as a prohibited zone for families were distributed to guests. Mr. Kim stated that directional signage on the floor also stated that those under twenty-one must stay along the perimeter of the casino floor.

Commissioner O'Brien asked about the instance where an underage youth was on the casino floor for two hours. Mr. Miller stated that the underage youth used deception to gain access to the floor with a passport belonging to another person. Commissioner O'Brien expressed concern about minors accessing the gaming floor, and asked if MGM had a breakdown of those under eighteen and those under twenty-one who accessed the gaming floor. Mr. Miller stated that he did not have the number, but that more minors under eighteen most often accessed the floor due to families bringing their children into the gaming area.

Chris Kelley, President of MGM Springfield, remarked that the design of the floor was an open floorplan. He explained that the design had changed after COVID-19, and railings had installed which resulted in 80% less underage persons accessing the gaming floor.

Commissioner Skinner sought clarification as to why 2019 was used for comparison in the quarterly report slide. Mr. Kim stated that 2019 was the year of operation used as a base comparison because there were no COVID-19 restrictions, or closures. Commissioner Skinner additionally commended MGM hiring a consultant to increase diversity spend and expressed she looked forward to the Quarter 1 numbers.

Commissioner O'Brien stated that the other licensees had a breakdown between minors, under the age of eighteen accessing the gaming floor; and underage individuals, who were under twenty-one. She stated that she would appreciate having that statistic from MGM as well. Mr. Miller stated that it would be included in future reports.

Mr. Kim added that MGM had an impacted live entertainment venue ("ILEV") agreement with the Massachusetts Performing Arts Coalition. He noted that MGM was looking to create synergy between Worcester and Springfield as well. Chief Delaney stated that licensees should reach out to the impacted venues throughout the year in-between reports to remain in compliance with their agreements.

vi. [Executive Session](#) (6:37:37)

Moving into the next item, Chair Judd Stein read the following into the record, "the Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(7), to comply with G.L. c. 23K, §21(a)(7), for the specific purpose of determining whether MGM has complied with its capital expenditure obligations as described in 205 CMR 139.09, and any corresponding materials, submitted relative to MGM, as discussion of this matter in public would frustrate the purpose of the statute and associated legal authorities. This matter is further governed by 205 CMR 139.02 as the information at issue was covered by a nondisclosure agreement."

Chair Judd-Stein stated that the public session of the Commission meeting would reconvene at the conclusion of the executive session.

Commissioner O'Brien moved that the Commission enter executive session for the matters and reasons delineated by the Chair. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0. Commissioners entered executive session.*

*Transcriber's Note: Commissioners returned to the public meeting from the executive session.*

Commissioner Maynard moved that the Commission find that MGM Springfield was in compliance with their obligations under G.L. Chapter 23K, and 205 CMR 139 for the calendar year 2022, subject to further audits being necessary for compliance purposes. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

c. [Community Mitigation Fund Request](#) (6:58:40)

Chief Delaney presented an amendment from the City of Revere to its non-transportation planning grant from 2019. He stated that Revere had not spent all the money for the project and in the interim, had created a Department of Tourism. He stated that the City of Revere had requested taking \$7,000 of the remaining grant budget to help pay for the development of the Travel and Tourism Master Plan. He stated that the Community Affairs Division recommended the transfer of these funds.

Commissioner Maynard moved that the Commission grant the request from the City of Revere as included in the Commissioner's Packet and discussed here today to reallocate \$7,000 of the 2019 non-transportation planning grant for development of Revere's Travel and Tourism Master Plan. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously, 5-0.*

4. [Other Business](#) (7:02:26)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Skinner moved to adjourn. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*  
*Commissioner O'Brien: Aye.*  
*Commissioner Hill: Aye.*  
*Commissioner Skinner: Aye.*  
*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated February 6, 2023
2. [Commissioner's Packet](#) from the February 8, 2023, meeting (posted on massgaming.com)