



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 12, 2020 –10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, Floor 12
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](#) pages 1 – 2

10:06 a.m. Chair Cathy Judd-Stein called to order public meeting #291 of the Massachusetts Gaming Commission (“Commission”). She stated that external meeting participants are participating remotely via telephone today. She commended the Commission’s internal team for their efforts in the past weeks assessing and fact-gathering regarding the COVID-19 pandemic, working collaboratively to ensure that health and safety is the top priority.

With her initial comments addressing current circumstances, the Chair stated that the format of this meeting is aligned with the current advisory from Governor Baker’s office. The Commission and its staff stand ready to adapt to changing circumstances as the state, and the nation considers how to most effectively deal with the many difficult challenges involving the spread of COVID-19.

Administrative Update

See [transcript](#) pages 2 – 19

10:13 a.m. **General Update**

Interim Executive Director/Director of the Investigations and Enforcement Bureau (“IEB”) Karen Wells stated that the Commission has been coordinating with experts at the Department of Public Health (DPH), as they focus on the health and well-being of the Commonwealth. Ms. Wells then described the Commission’s new webpage: <https://massgaming.com/news-events/covid19/> that staff and the public can now use to access Commission-related updates and advisories. She commended Communications Director Elaine Driscoll for expeditiously creating the webpage, and specified that The Commission is actively engaged in frequent communications with gaming licensees and state officials to share information, monitor developments and determine appropriate next steps.

The Commission reviewed an advisory memorandum regarding COVID-19 dated March 10, 2020, from Assistant Secretary and Chief Human Resources Officer of the State Human Resources Division Jeff McCue, directed to all Executive Branch employees. Ms. Wells recommended that the Commission formally adopt the precautionary measures outlined in this memo as the policy for the Commission.

10:18 a.m. *Commissioner Cameron moved to adopt the precautionary measures outlined in the memorandum entitled, “Coronavirus Advisory” dated March 10, 2020, from the Assistant Secretary and Chief Human Resources Officer of the State Human Resources Division as the policy for the Massachusetts Gaming Commission. Commissioner O’Brien seconded the motion. The motion passed unanimously.*

Ms. Wells then recommended that Commission staff presumptively follow any additional directives from the governor and remain flexible in setting up further communication and further Commission meetings to address any changing circumstances. The Commission agreed that Ms. Wells will notify the Chair and commissioners advising on any new policies or recommendations, and the Commission will convene for a public meeting and follow suit as quickly as possible.

Next, Ms. Wells turned the focus to operational planning, policy, and prevention. She stated that an internal departmental team has been convened and is actively engaged in monitoring the rapidly evolving situation. The team has also been tasked with developing contingency readiness, operational redundancy, and overall preparedness planning. The Commission has instituted precautionary measures, including enhanced sanitization in the Boston office as well as at all GameSense locations.

10:43 a.m. **Update on Promotional Gaming Meter**

CFO Derek Lennon, with IEB Assistant Director/Gaming Agents Division Chief Bruce Band, Gaming Technical Compliance Manager Scott Helwig, and Revenue Manager Doug O'Donnell, reviewed a memorandum with the Commission. The memorandum described the circumstances surrounding MGM Springfield's previous request to use a Cashable Electronic Promotion In ("CEPI") meter for promotional play calculations rather than the Cashable Promotion Played meter.

The Commission's IEB, Finance, and I.T. staff have determined that converting to the CEPI meter is the most viable and economically sound decision to meet the statutory and regulatory requirements best and provide the same benefit to the customer. The team's course of action will be to work on a project timeline to implement these changes with both MGM Springfield and Encore Boston Harbor.

10:52 a.m. At the Chair's request, Mr. Helwig explained the three technical options they considered in the memorandum entitled, "Promotional Gaming Meter Change" in the [Commissioner's Packet](#).

10:56 a.m. Mr. O'Donnell provided clarification that the Cashable Electronic Promotion was miscalculated and has cost the licensees additional tax revenue, prompting a needed system change. The Chair further identified that this request is to address an issue noted by the licensees, and they are asking for relief. Mr. Lennon affirmed and noted that the team intends to implement the plan slowly and deliberately to ensure each new meter is reporting correctly.

11:01 a.m. **MGC Employee and GEU Casino Dining Policy**

Ms. Wells reviewed a memorandum with the Commission that outlined a new policy for Commission employees. It is the policy of the Commission to provide employees working onsite at a casino with an opportunity to purchase food in that licensee's employee cafeteria or dining room on the condition that all such purchases are priced at market rate, to comply with the Commission's Enhanced Code of Ethics. Ms. Wells recommended that the Commission approve this employee dining policy for Commission staff.

Mr. Grossman corroborated that the Commission's Enhanced Code of Ethics allows employees to purchase food at casino property establishments at the posted menu prices to ensure that there is no gift or unwarranted privilege.

11:12 a.m. The Commission discussed whether staff (particularly overnight) should be encouraged to take meals out of the cafeteria area and back to a conference room/dedicated space until further notice.

[11:15 a.m.](#) In addition to the Enhanced Code of ethics, Commissioner O'Brien advised gaming agents to be mindful of the nature of their discussions with employees, in the context of sharing specific types of information.

[11:19 a.m.](#) Commissioner Cameron suggested that the updated guideline is implemented in a way that MGC staff is reminded of their responsibilities, having oversight for those employees who are sharing the dining facility, to reinforce that the expectation to behave professionally. She added that if this approach is not successful, the Commission can revisit this.

The Chair made remarks in favor of this plan and asked that staff add language also to reflect that all MGC employees are in the public setting in all forms and fashions, and the Commission expects all employees to exercise that professionalism.

[11:21 a.m.](#) *Commissioner Zuniga moved to amend the Commission's Personnel Manual to include the MGC Employee and GEU Casino Dining Policy as discussed here today and as included in the Commissioner's Packet, subject to any grammatical or immaterial changes. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

Approval of Minutes

See [transcript](#) pages 19 – 20

[11:22 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of February 27, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

Ombudsman

See [transcript](#) pages 20 – 32

[11:23 a.m.](#) Plainridge Park Casino ("PPC") Quarterly Report

Ombudsman John Ziemba presented PPC's quarterly report for the fourth quarter of 2019, ending on December 31. Participating remotely via conference call to present their report was PPC's Vice President of Finance Dana Fortney, Vice President of Operations Mike Mueller, and Vice President of Human Resources Kathy Lucas and Compliance Manager Lisa McKinney.

The Chair thanked all of the participants, stating that she appreciates their fulfilling their statutory obligations and providing a timely report during this very critical period.

[11:26 a.m.](#) PPC's Director of Security Greg DeMarco provided the Commission with all measures and precautions administered by PPC to provide a safe and clean environment for guests and team members amidst the COVID-19 virus. He added

that they are continuing to monitor information from local public health officials as well as from the Center for Disease Control.

11:28 a.m.

The Commission reviewed PowerPoint slides that illustrated totals for gaming revenue and taxes, spending by state, local spending, spending with diverse vendors, and compliance figures by category, marketing highlights, employment numbers, and the Women Leading at Penn program.

Ms. Fortney clarified for Commissioner Stebbins that PPC's overall local spending in 2018 was around \$700,000, and stated that this number included multiple large projects that were one-time projects in that year.

Upon her review of the slide illustrating employment numbers with the Commission, Ms. Lucas noted that the MassHire job fair was canceled for this morning and that there will be new dates posted for this event.

Ms. Lucas will provide the Commission with updated information regarding PPC's number of employees, categorized by full and part-time. She also stated that there are currently 22 open positions posted, with around 15 percent being in the supervisory or above capacity.

PPC's Human Resource team is working with a small core group on a job-recruitment program to target reverse-commuters coming into the Greater Boston area from the Foxboro/Wrentham/Plainville area.

11:57 a.m.

Encore Boston Harbor Quarterly Report

Encore Boston Harbor ("Encore") Vice President and General Counsel Jacqui Krum updated the Commission on safety procedures that Encore is implementing in response to the COVID-19 virus. In addition to monitoring developments of the virus and advisements from the Center for Disease Control and Massachusetts Department of Public Health, Encore is working with the City of Everett health inspector to ensure they uphold the highest hygiene standards possible during this time. Encore is following the guidelines regarding COVID-19 issued by the governor's office.

In response to a suggestion made by Commissioner Stebbins, Ms. Krum stated that her team is considering revising Encore's new website to reflect that guests should not go to the casino if they are susceptible or experiencing illness. She added that they are continually updating the site to post new information.

Next, the Commission reviewed Encore's PowerPoint slide presentation that reported on their gaming revenue and taxes, lottery sales, compliance items by category, operating spending with diverse vendors, local operating spending, employment numbers by category, public promotions, community outreach events, and community impact highlights.

With regard to the compliance slide, the Chair asked if Encore is providing targeted training to security staff on intercepting minors who enter the floor. Ms. Krum replied that Encore continually provides training to the security team, encouraging them to check I.D.s and to run I.D.s. They have also have implemented enhanced procedures for checking false I.D.s.

In response to Commissioner Cameron's inquiry regarding any efforts being made to raise the number of women employed at Encore to 50 percent, Ms. Krum stated that they are working on this by focusing more on female applicants and organizing specifically to recruit women.

Ms. Krum then confirmed for Commissioner Stebbins that Encore has resolved all issues with the bartender transition.

[12:13 p.m.](#) At Commissioner Stebbins' request, Ms. Krum described Encore's involvement with 133 local non-profit organizations. Specifically, she stated that Encore provides funding, assistance with events, donates space in the hotel for events, gives to silent auctions, and hosts on-property volunteer events.

Regarding compliance items, Commissioner O'Brien asked that if moving forward, Encore would provide a breakdown of age group 18-21 compared to under-18 when addressing statistics for identifying false I.D.s and minors on the gaming floor. She then asked Ms. Krum to describe a specific incident where a minor was on the gaming floor for three hours and five minutes. Ms. Krum responded that she can provide details on that incident in their next quarterly report, or she can offer it in the interim.

Research and Responsible Gaming

See [transcript](#) pages 32 – 39

[12:16 p.m.](#) **GameSense Update Report Plainridge Park Casino**

Program Manager of Research and Responsible Gaming Teresa Fiore presented the division's quarterly update for Encore and PPC with the Commission. She also described the Logic Model used to conduct their work.

Director of Research and Responsible Gaming Mark Vander Linden updated the Commission on GameSense operations and their response to the COVID-19 pandemic. He stated that he and Ms. Fiore have been in very close contact multiple times a day this week regarding program changes that they need to make. The Massachusetts Council on Compulsive Gambling operates the GameSense information center and has mostly followed the same direction that the Commission is giving its staff. They are expected to reduce the number of hours that they can provide GameSense services. Mr. Vander Linden stated that Problem Gambling Awareness month activities will also be reduced. They currently have a standing meeting with the licensees regarding this fluid situation.

Ms. Fiore and Mr. Vander Linden described the R.G. Enabled Casino Workforce program. They then led the Commission through a slide presentation, describing the three impacts they are striving for, which are promoting positive play, reducing gambling-related harm, and ensuring a Responsible Gaming (“RG”) enabled workforce.

Next, Mr. Vander Linden noted that this year GameSense has developed a partnership with the Massachusetts Lottery, where GameSense advisors plan to visit all six regional outlets twice per month. He also indicated that his team is currently working with MGM and Encore right to extend the PlayMyWay program to those two properties.

[12:32 p.m.](#)

GameSense Update Report Encore Boston Harbor

Mr. Vander Linden then stated that there are currently 483 Encore Boston staff for every GameSense adviser stationed at the casino. These GameSense advisors are planning on moving to a 24/7 model rather than 16 hours per day.

[12:42 p.m.](#)

Commissioner Zuniga suggested that for one future report, Mr. Vander Linden include the actual Logic Model as an appendix.

[12:45 p.m.](#)

The Commission took a 30-minute lunch break.

[1:24 p.m.](#)

The meeting reconvened. The Chair announced that circumstances related to ongoing public health issues continue to evolve rapidly, and an emerging issue has come to the Commission's attention that demands immediate assessment.

Commissioner Cameron motioned to adjourn. Commissioner Stebbins seconded the motion.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated February 27, 2020
2. Draft Commission Meeting Minutes dated February 27, 2019
3. Memorandum re: Promotional Gaming Meter Change dated March 12, 2020
4. Letter re: Cashable Electronic Promotion In (CEPI) Meter Use dated March 6, 2020
5. PowerPoint Presentation: MGM Promotional Played to Transfer In
6. Policy Statement: Use of Casino Employee Dining Rooms
7. Memorandum re: Coronavirus Advisory dated March 10, 2020
8. PowerPoint Presentation: PPC Q4 & Year-End 2019 Report
9. PowerPoint Presentation: Encore Q4 2019 Report
10. PowerPoint Presentation: GameSense at Encore and PPC from July 1 – December 31, 2019

/s/ Bruce Stebbins
Secretary