



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 25, 2021, 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 488 7717

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

00:00:27 Call to Order

Chair Cathy Judd-Stein called to order public meeting #340 of the Massachusetts Gaming Commission (“Commission”).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O’Brien
Commissioner Zuniga
Chair Judd-Stein*

00:02:16 Approval of Minutes

Commissioner O’Brien moved to approve the minutes from the Commission meeting of December 3, 2020, with the correction that page eight erroneously states she stepped out of the meeting twice but only came back once. Commissioner Cameron seconded the motion.

Roll Call Vote:

*Commissioner Cameron: Aye.
Commissioner O’Brien: Aye.
Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.*

The motion passed unanimously.

Commissioner O'Brien moved to approve the minutes from the Commission meeting of December 17, 2020, with the corrections that page three states she and Commissioner Cameron provided remarks without specifying what they were, and that page six should state that she sought clarification that unused balances on Suffolk Downs race cards were not going to be treated as abandoned property, but rather as unclaimed tickets that go back into the race purse account. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Administrative Update

00:06:54 On-site Casino Updates

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding activities on-site at the casino properties. Director Lillios summarized that two weeks prior, the Commission had approved a fourth player position at blackjack-style tables and the reintroduction of craps, both of which were incumbent upon COVID-19 safety measures being in place. She stated that the gaming agents have been monitoring those efforts. Director Band noted that all three properties had maintained occupancy limits below the 40% limit imposed during this phase of the pandemic. Director Band noted that Encore Boston Harbor patrons had expressed an eagerness for poker to recommence. Commissioner Zuniga inquired whether Director Band was aware of other jurisdictions having reinstated poker, to which Director Band answered that many have, but there is no way to reinstate poker in the Commonwealth in a way that satisfies Covid-19-related requirements while maintaining profitability.

00:13:07 Gaming Agents Operation Update

Director Band introduced Senior Supervising Gaming Agents Angela Smith from MGM Springfield, Luis Lozano from Encore Boston Harbor, and Andrew Steffen from Plainridge Park Casino to present on how their roles and the facilities themselves have changed throughout the pandemic. Ms. Smith provided a brief history on slot gaming in the country, how gaming floor design has changed from MGM Springfield's opening to today, and information regarding the essential inspections gaming agents perform to ensure safety. Mr. Steffen explained the technical upgrades they implemented to allow agents to work remotely and ensure casino safety. Finally, Mr. Lozano explained how winnings have been confiscated at all three casinos over the course of the past year due to winners being underage, Department of Revenue interceptions, and voluntary self-exclusions.

Commissioner Zuniga inquired about patron compliance with these new safety measures. All three supervising agents answered that patrons have provided positive feedback about the

carousel-style slot machines. Mr. Lozano added that patrons appreciate the plexiglass and social distancing, as well.

The commissioners thanked the agents for their flexibility and for having updated their casinos to meet pandemic safety guidelines so seamlessly.

00:44:45 IAGR Conference Status Updates

Commissioner Cameron updated the Commission on the International Association of Gaming Regulators (“IAGR”) conference, for which the Commission will host both IAGR and the International Masters of Gaming Law (“IMGL”) in September. She noted that it is expected that attendance will be greatly reduced, and that topics may include Indian tribe gaming, sports betting, and Ireland’s new regulator. She also noted that Executive Director Wells serves on the IAGR board.

Commissioner Zuniga asked if there were slots open for presenters, as there may be some MGC members that are interested. Commissioner Cameron stated that she believed some MGC members have signed up to present.

00:54:10 Research and Responsible Gaming

MGM Springfield One-Year Public Safety Report

Director of Research and Responsible Gaming Mark Vander Linden introduced his guest, Crime Analyst Christopher Bruce, to present on his research about public safety impacts of MGM and Encore on their surrounding areas.

With the disclaimer that these studies have not been conducted long enough to draw definite conclusions about relationships between casinos and general crime in their surrounding areas and that there is not enough appropriate data to which to compare his findings, Mr. Bruce shared trends he found in his studies. He posited that with more data collection, the relationships between these crimes and nearby casinos will become clearer. His research focused on data from when gaming establishments opened to present day. Mr. Bruce presented information related to crimes around MGM Springfield such as increases in shoplifting, drunk driving and liquor law violations, and fraud and identity theft, as well as data related to decreases in traffic collisions, domestic violence, and residential thefts.

Mr. Bruce hypothesized that the crowds drawn by casinos act as a natural deterrent to crime by virtue of decreasing the number of deserted areas where crime could otherwise happen.

Commissioner Cameron thanked the law enforcement representatives from the communities surrounding MGM for participating in the study and for staying involved in their communities. The other commissioners concurred. Commissioner Zuniga asked whether the crimes that occurred near the new pharmacy and gas station merited more surveillance and security in the area. Mr. Bruce answered that the crime there was not inconsistent with crimes that took place before the presence of this business.

Chair Judd-Stein emphasized Mr. Bruce's earlier point that the patrons drawn by casinos may collectively act as a barrier to crime. She questioned if there was a way to quantify and compare this "natural guardianship" to the effectiveness of all the additional law enforcement officers hired in anticipation of casinos. Mr. Bruce noted that the police departments may be able to answer that question better than he can.

Chair Judd-Stein inquired as to how many total drunk driving adjudications there were during the study. Mr. Bruce answered that he was planning a special report on drunk driving that may answer her questions better.

Mr. Bruce further presented information related to crimes in the geographic areas near Encore Boston Harbor, noting increases in statutory rape, prostitution, fraud, drugs, automobile accidents due to drunk driving, and general calls for service. Mr. Bruce noted, however, that there was no nexus between these regional increases and the casino.

Mr. Bruce noted that crashes and violent crime decreased in the areas surrounding both MGM Springfield and Encore Boston Harbor during the COVID-19 closures from May to June 2020.

Commissioner O'Brien commented that she agrees with Mr. Bruce's opinion that they should work on getting participation from more areas surrounding the casinos, particularly Cambridge. Commissioner Cameron expressed appreciation for law enforcement agencies who participate in the study. Detective Lieutenant of the Massachusetts State Police Brian Connors expressed his desire to continue working with Mr. Bruce.

[2:03:42](#)

Community Affairs

Chief of Community Affairs Joe Delaney introduced representatives from MGM Springfield to explain their process of recalling furloughed staff during the pandemic as a follow-up to MGM's presentation at a previous Commission meeting in February during which concern around their recalling practices arose.

Commissioner O'Brien reminded the Commission of her concern around the decreased number of female employees at MGM as of their latest quarterly report and how it relates to the many women whom the pandemic has affected particularly severely due to issues around childcare. She also expressed her wish to ensure ease of transition back to the workforce for people of all diversity backgrounds.

Vice President of MGM Seth Stratton introduced MGM Senior Vice President of Labor Strategy Wendy Nutt and MGM Vice President of Human Resources Rick Jost. Mr. Stratton predicted that with the opening of their hotel would come higher numbers of female employees returning to their positions. Mr. Jost explained that if furloughed employees return upon MGM's first offer, all their benefits and seniority are restored. If employees return after the first offer but before the end of 2021, they retain most of their benefits and their seniority. What those employees may lose if they decline the first offer is their position seniority, as these positions

would need to be filled as soon as possible. Commissioner O'Brien requested more information about the seniority benefits an employee may lose. Mr. Jost answered that they may lose their top positions when bidding on available shifts. Ms. Nutt added that on-call employees may also lose priority status when offered shifts, and that employees may miss out on promotional opportunities. She also stated that an employee's corporate hire date affects their benefits eligibility. Commissioner O'Brien asked if the practice of basing an employee's seniority on their original hire date started during the pandemic. Mr. Jost clarified that employees previously had to be rehired within six months of having left in order to retain their corporate hire date, but this was changed during the pandemic. Commissioner O'Brien expressed concern with their policy of withdrawing some seniority benefits from those employees who do not come back upon MGM's first offer. Ms. Nutt explained that, as negotiated with the union, this practice was in place because restoring full seniority to an employee who had been out of the organization for months and who had not returned upon their first offer meant taking those seniority benefits from employees who had since gained them during those months.

Commissioner Cameron asked if they had changed other employee policies for the pandemic. Mr. Jost answered that their absence policy changed multiple times, considering the complications around childcare and employees staying home when sick.

Encore Senior Vice President Jacqui Krum noted that because of their different structure from MGM, they saw an increase in women in managerial roles and higher. Employees who were unable to return to work due to pandemic complications had been given a leave of absence that gets extended every 90 days as needed. They have also accommodated employees who needed flexible work schedules and allowed employees to work from home. Commissioner O'Brien asked Ms. Krum to elaborate on how seniority benefits work for returning employees. Ms. Krum explained that employees returning from leave regain the same seniority benefits. People who have been terminated due to their inability to return to essential urgent positions without a satisfactory reason lose seniority in terms of bidding. There was a vetting process for employees' reasons for their inability to return in order for Encore to try to work around Covid-related ones.

Chair Judd-Stein asked if the Springfield childcare facility had opened, to which Mr. Stratton answered that he believed they were, though he was not sure. Ms. Krum stated that the Encore childcare facility opened for their employees.

Plainridge Park Casino General Manager North Grounsell noted that he and PPC Vice President of Human Resources Kathy Lucas worked with the union to ensure their furloughed employees' ability for recall were extended and that they could retain their statuses. Ms. Lucas explained that they allowed furloughed or laid off employees the first opportunity to interview for positions and regularly share job openings with their employees. She anticipates that when they are able to open their restaurant and lounges, they will be able to bring back many female employees.

IEB Update

[2:43:43](#)

Presentation of Investigative Findings for Qualifier

IEB Director Loretta Lillios introduced Senior Enforcement Counsel Katherine Muxie-Hartigan, who presented to the Commission information about MGM Resorts International Senior Vice President and Chief Information Officer John Newman, qualifier candidate for MGM. She reviewed Mr. Newman's professional and military career. She then stated that the IEB recommends that the Commission find him suitable.

Commissioner Cameron moved to find Mr. Newman suitable. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Report on IEB's Assessment of Civil Administrative Penalty on MGM Springfield

Director Lillios introduced three recent incidents at MGM Springfield concerning underage individuals on the gaming floor, with one individual being served alcohol. She noted that security personnel granted the underage person entry despite either not checking ID or ID failing the electronic verification system. The IEB gave MGM an administrative penalty of an \$18,000 fine. MGM had prior similar incidents in 2019, though Director Lillios opined that MGM had improved their protocol to reduce this type of incident and that it was not a chronic problem. She conceded that the mask requirement during the current pandemic may have complicated the verification of identification on the gaming floor. She also commended MGM's compliance and agreeableness through these disciplinary actions. Commissioner O'Brien asked if it was the same security guard responsible for these oversights or if there were different ones for each case. Director Lillios answered that each case of underage entry was attributable to different security guards. Commissioner O'Brien then inquired about the reason the electronic ID system failed these underage people's IDs, to which Director Lillios answered that the system deemed them not valid. Several commissioners stated their agreement with giving a penalty to MGM.

3:02:39 Racing Division

Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel

Director of Racing Dr. Alexandra Lightbown presented Plainridge Park Racecourse's request for approval of racing officials and key operating personnel and recommended approving all additions to operating personnel and racing officials.

Commissioner Zuniga moved to approve the recommendations from PPC for operating personnel and officials. Commissioner Cameron seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(6)-Qualifying Race Requirement

Dr. Lightbown presented Plainridge Park Racecourse's request for waiver from the qualifying race requirement, which mandates that all horses not showing a satisfactory racing line during the previous 30 days go a qualifying mile in a race before being able to participate in a competitive race. Dr. Lightbown recommended approving the request for a waiver and to extend the number of days to 45.

Commissioner Cameron moved to approve PPC's request for a waiver from the 30-day requirement described in 205 CMR 3.12 (7) and instead require all horses not showing a satisfactory racing line in the past 45 days to go a qualifying mile in a race before the judges. Commissioner Zuniga seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

3:07:38 Commissioner Updates

Chair Judd Stein informed the Commission that she asked Commissioner O'Brien to review the new police reform law going into effect later in 2021 to see if the IEB is implicated in it as an agency of law enforcement.

Chair Judd-Stein initiated discussion relative to the Commission moving into executive session and read the following language: "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 reviewing the past and future capital expenditures [described in 205 CMR 139.09], and any corresponding submitted multi-year plans, relative to Plainridge Park Casino, 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. The public session of the Commission meeting will not reconvene at the conclusion of the executive session."

Commissioner Zuniga moved to move into executive session. Commissioner Cameron seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

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Commissioner Zuniga moved to move into executive session. Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

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Commissioner Zuniga moved to convene in executive session. Commissioner Cameron seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.
Chair Judd-Stein: Aye.
The motion passed unanimously.

3:14:53

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated March 25, 2021
2. Draft Commission Meeting minutes dated December 3, 2020
3. Minutes from the Massachusetts Gaming Commission Meeting December 17, 2020
4. PowerPoint Presentation: Assessing the Impact of Gambling on Public Safety in Massachusetts: Updates on MGM Springfield and Encore Boston Harbor by Christopher W. Bruce
5. Report: Assessing the Impact of Gambling on Public Safety in Massachusetts Cities and Towns by Christopher W. Bruce dated March 24, 2021
6. Memorandum from Dr. Alexandra Lightbown to Commissioners dated March 25, 2021, titled Plainridge Key Operating Personnel and Racing Officials
7. Memorandum from Dr. Alexandra Lightbown to Commissioners dated March 25, 2021, titled Plainridge Waiver Request of 205 CMR 3:12 (6)