



Massachusetts Gaming Commission Agenda Setting Meeting Minutes

Date/Time: Wednesday, April 14, 2021, 10:00 am
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 886 0992

Commissioners Present:

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

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order the 99th agenda setting 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 be conducting this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

Approval of Minutes

10:03 a.m. *Commissioner O'Brien moved to approve the minutes from the agenda setting meeting of March 31, 2021, subject to correction for typographical errors or other nonmaterial matters. Commissioner Zuniga seconded the motion.*

Roll call vote:

Commissioner Cameron: (Abstained).

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Agenda Planning for Upcoming Commission Meetings

The Commission discussed the anticipated agenda for the upcoming Commission meeting scheduled for April 26th, 2021 and subsequent meetings as described in the attached agenda planning notes, as follows:

Item #1 – Administrative Update

Chair Judd-Stein reminded the Commission that the April 22nd public meeting will be moved to April 26th, to accommodate school vacation week. Executive Director Karen Wells noted that she will have office updates for May 6th and May 20th. On the 6th, Director of Research and Responsible Gaming Mark Vander Linden will give an update on his Singapore project and on the 20th there will hopefully be a communications department update. Commissioner Cameron asked if the regulation hearing scheduled for April 22nd will be moved to April 26th as well. Associate General Counsel Carrie Torrisi answered that they should keep it for April 22nd.

Item #2 – Regulations

Ms. Torrisi noted that on either April 26th or May 6th she would be ready to discuss promulgating the three recent changes to equipment regulation that remove references to the discarded 6:5 blackjack variation. Chair Judd-Stein and Ms. Wells suggested discussing this item on May 6th.

Item #3 – Legislative Updates

Director of Diversity and Legislative Affairs Jill Griffin will not have updates for the upcoming meeting.

Item #4 –Community Mitigation Fund Review – Public Safety

Community Affairs Chief Joe Delaney noted that there are around seven or ten Community Mitigation Fund (“CMF”) applications to be reviewed at this meeting. There was discussion about how to vote on the applications, with consideration given to the possibility of a prohibitively competitive awarding process necessitating that the Commission vote only after hearing all application presentations or vote conditionally as each is presented. It was decided that the money in the CMF was more than sufficient to award every project application, if desired. Ms. Wells asked Mr. Delaney to clarify whether he would present only whichever applications are ready by Friday and on the agenda, or if he would also present applications ready after Friday and not on the agenda. Mr. Delaney answered that he would present all ready applications, regardless of whether they are ready Friday and on the agenda beforehand.

Item #5 – MGM License Amendment Application

Licensing Chief Nakisha Skinner will be ready for the 26th, adding that she would also like to discuss MGM inquiring about exempting a position.

Director of the IEB Loretta Lillios noted that the IEB has an MGM qualifier suitability decision that will be ready for Commission review. Chair Judd-Stein suggested discussing this on the 26th.

Item #6 – Racehorse Development Fund Split

Director of Racing Dr. Alexandra Lightbown informed the Commission that recommendations from the Horse Racing Committee (“HRC”) relative to the distribution percentages will be ready for this date. General Counsel Todd Grossman added they should also discuss whether payments should be made to thoroughbred jockeys and standardbred drivers from the health and pension category of the Racehorse Development Fund (“RHDF”). Chair Judd-Stein noted that since two commissioners will be out of office for the next meeting, it may be better to delay the discussion, and suggested May 6th for this topic.

Mr. Delaney mentioned there are quarterly reports due from licensees and suggested covering MGM on May 6th and Plainridge Park Casino (“PPC”) and Encore on May 20th. Chair Judd-Stein suggested discussing only one quarterly report at each meeting.

Item #7 – Community Mitigation Fund Review – Transportation Planning & Construction

Mr. Delaney noted that there are around six applications ready to be presented at this meeting.

Item #8 – Quarterly Budget Update

Chief Financial and Accounting Officer Derek Lennon will be ready to present this item at the next meeting. It will not require a vote.

Item #9 – Regulation Review Update

Commissioner Zuniga will be ready to present.

Item #10 – Update on Tribal Matters – Mashpee Wampanoag Litigation – Martha’s Vineyard Tribal Litigation

Associate General Counsel Caitlin Monahan advised that this matter will be ready for May 6th.

Chair Judd-Stein suggested discussing RHDF health and pension payments to thoroughbred jockeys and standardbred drivers on May 6th.

Dr. Lightbown requested to discuss quarterly aid payments on May 6th.

No other items were brought forward for the meeting on May 6th.

The following items were discussed relative to the meeting on May 20th.

Mr. Delaney noted that he would like to discuss supplemental information relative to PPC’s capital expenditure plan. Chair Judd-Stein suggested grouping it with their quarterly report presentation on May 20th.

Item # 11 – Recognition Request of Standardbred Owners of MA as Breeder’s Representative
Dr. Lightbown advised that this matter will be ready. She requested that PPC Director of Racing Steve O’Toole be given time to update the Commission on the racing at this meeting as well.

#15 – Public Records Process

Mr. Grossman asked to present that matter on May 20th with Ms. Torrissi. He suggested combining with #19 relative to the non-disclosure agreements.

#16 –Police Reform Bill

Commissioner O’Brien suggested adding this matter to the agenda for May 20th.

Mr. Delaney asked to present more CMF applications at the May 20th meeting.

No other items were brought forward for the meeting on May 20th.

The following items identified as being “under review” were discussed as follows:

Item #12 – MGC Employee and Vendor Diversity

Chair Judd-Stein opted to keep these items on the list for June and December.

Item #13 – Budget Discussion

Ms. Wells suggested keeping this under review.

#14 – Request to Amend PPC Racing COVID Plan to Allow Up to 3 Owners in Winners Circle

Dr. Lightbown suggested keeping this under review.

#17 –Responsible Gaming Framework Follow-Up

Mr. Vander Linden requested to keep this under review.

#18 –Massachusetts Thoroughbred Breeders Association Request for Consultation

Dr. Lightbown suggested keeping this under review.

#19 –NDA Discussion

(See #15)

10:39 a.m. *Having no further business, Commissioner Zuniga made a motion to adjourn.*

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.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, “Notice of Meeting” and agenda dated April 14, 2021
2. Massachusetts Gaming Commission, agenda planning notes for April 14, 2021
3. Massachusetts Gaming Commission, minutes of the March 23, 2021 agenda setting meeting