



Massachusetts Gaming Commission Meeting Minutes

Date/Time: April 26, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 646 741 5292
PARTICIPANT CODE: 112 345 5402

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 342nd 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 be conducting this meeting utilizing remote collaboration technology.

All four commissioners were present for the meeting.

10:01 a.m. 2. **Administrative Update**

a. On-Site Casino Updates

Executive Director Karen Wells introduced Director of the IEB Loretta Lillios and Gaming Agents Division Chief Bruce Band to update the Commission on the operations of the gaming establishments. Ms. Lillios reported that MGM staff had been adhering to pandemic safety measures and were able to intervene before a large indoor gathering took place in their hotel. She noted that the Plainridge Park Casino ("PPC") racing season had started. She also informed the Commission that Encore was now a vaccination site for the public and their own staff.

Mr. Band reported that on two days the previous week, MGM had reached 21% occupancy and recommenced operation of craps tables. Plainridge Park Casino

(“PPC”) had reached 31% occupancy last week and ran a “My Choice” player promotion. Encore reached 19% occupancy over the weekend and ran a free slot promotion.

Commissioner Cameron asked Mr. Band if he had pre-pandemic occupancy figures. Mr. Band answered that pre-pandemic figures are likely not significantly much higher than current ones.

Commissioner Zuniga asked Ms. Lillios if Encore will have walk-in vaccinations. Ms. Lillios answered that she seemed to recall it would be appointment-only at first.

[10:09 a.m.](#)

3. Racing Division

a. Racehorse Development Fund Split

Dr. Lightbown explained that the Racehorse Development Fund (“RDF”) is comprised of funds from casino revenues for the purpose of developing and sustaining the horse racing industry in the Commonwealth, and that the Horse Racing Committee (“HRC”) had held a public hearing for comments regarding RDF category allocation recommendations before discussing the distribution percentages at its recent public meeting. General Counsel Todd Grossman noted that according to the statute, the Commission may adjust RDF allocations only upon the recommendation of the HRC. He informed the Commission that the proposed recommendations of the HRC had been sent to the state legislature for consideration as required by statute. He noted that the three RDF categories were as follows: purse funds (80% of the total RDF), breeding programs (16%), and health and welfare programs (4%). The HRC recommendation was that 92% of the purse category go to standardbreds and 8% to thoroughbreds. Of the breeding category, the HRC proposed that 75% go to standardbreds and 25% to thoroughbreds. The HRC recommended that the health and welfare funds be split equally. Additionally, Mr. Grossman pointed out that a provision of Chapter 23K, Section 60 states that the Commission shall determine how much of the 4% health and welfare category funds should be paid annually to driver and jockey organizations. Commissioner Cameron noted that although the standardbred and thoroughbred representatives historically had difficulty agreeing on these proposals, this year the representatives came to an agreement. She opined that the recommendations were appropriate. Commissioner Zuniga asked if the breed representatives based their recommendations on historical data or prospective future considerations. Commissioner Cameron answered that they had always considered both perspectives and that the two entities entertaining building thoroughbred racetracks were informed of the reasoning behind those proposals and invited to comment. Mr. Grossman added that there is money from previous years’ allocations in the Commission’s RDF account set aside for thoroughbred purse payments. Commissioner Zuniga noted that there had historically been differing opinions about who that money belongs to.

[24:02](#) Chair Judd-Stein noted that the issue relating to whether any of the 4% health and welfare funds should be allocated to jockeys' and drivers' interests will be on agenda for May 6th possibly. Ms. Wells explained that this specific decision rests with the Commission and not the HRC. Dr. Lightbown explained that this issue pertains to both the jockeys and the drivers and that it would be helpful to hear from each organization relative to their view of the matter. Chair Judd-Stein confirmed with Ms. Wells that public comment will be solicited. Ms. Wells suggested May 3rd as a cutoff date for public comments before the meeting. Commissioner O'Brien asked Dr. Lightbown if she could estimate how many public comments there may be. Dr. Lightbown stated that there probably will not be many public comments, primarily just from the specific stakeholders. She opined that the two breed representatives may need more time to compile information. A number of Commissioners suggested offering more time to comment. Chair Judd-Stein suggested May 20th for the meeting, and public comment deadline for May 18th. Commissioner Zuniga asked if the distribution percentage vote would be retroactive. Commissioner Cameron indicated that this vote, and the HRC's work, was timely so no retroactive payments would be necessary.

Commissioner Cameron moved that the Commission approve distribution percentage recommended by the Horse Racing Committee in accordance with G.L. c.23K, §60(b) relative to the Race Horse Development Fund as discussed at the meeting as follows:

80% purse distribution: 92% to Standardbred/8% to Thoroughbred
16% breeding program distribution: 75% to Standardbred/25% to Thoroughbred
4% health and pension benefits distribution: 50% to Standardbred/50% to Thoroughbred

Commissioner O'Brien seconded. The chair offered thanks to the HRC for its hard work.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

4a. MGM Springfield Qualifier ([36:54](#))

Ms. Lillios noted relative to the previous discussion that vaccinations at Encore are through appointment only, Encore will be coordinating vaccination themselves for their employees.

Ms. Hartigan presented a qualifier for MGM Springfield- Mr. Todd Minor. IEB confirmed financial stability, integrity, litigation history, criminal history, and

political contributions. She summarized his professional and educational history. It was noted that Mr. Minor was cooperative during the course of the investigation. IEB opined that Mr. Minor presented clear and convincing evidence of his suitability and recommended that Commission find Mr. Minor suitable. Commissioner O'Brien asked Ms. Hartigan to clarify the timing of the Commission's receipt of this report relative to Mr. Minor's employment status. Ms. Hartigan explained that Mr. Minor has held his current position since 2016, but the responsibilities of that position have changed such that he is now a qualifier. Chair Judd-Stein asked Ms. Hartigan if she would have to update her review based on Mr. Minor's change of position. Ms. Hartigan indicated that it depends on any change to his reporting responsibilities, but that she will follow up on that issue. Ms. Lillios added that additional responsibilities he has would not impact his suitability, but the IEB does record updates in responsibilities. Ms. Hartigan clarified that he holds both positions simultaneously, but that the Commission is qualifying him now relative to his senior vice president position. Commissioner Zuniga reiterated Ms. Lillios' point that the fact that he may be promoted or take on additional responsibilities will not change the fact that he is already a qualifier and being deemed suitable. Ms. Lillios clarified that they will receive any updates on his role. Commissioner Cameron opined that she agreed that there are not issues that would prevent a positive suitability finding. She also noted the fact that there are many opportunities for growth in the casino industry.

Commissioner O'Brien moved that the Commission issue a positive determination of suitability to Todd Robert Minor, Senior Vice President of Financial Reporting for MGM Resorts International. 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.

5a. Community Mitigation Fund- Public Safety Application Reviews **(49:35)**

Chief Delaney introduced the subject and noted that there are 7 applications before the Commission for review and that there are 4 additional applications for Commission review in the future. Chair Judd-Stein noted that she and Ms. Wells recommend waiting until commissioners hear all public safety application presentations before voting on them individually. There was no objection to this approach.

Chief Delaney and Ms. Hartigan presented the applications as follows (each application is more fully described in the Commissioners' packet beginning on page 14):

Everett Fire Department -the review team recommended approving funding for EMT training, and radio replacement, and recommended funding the whole project (\$157,000).

City of Everett- the City requested funding for street light smart controls and controls around the Encore area. Increased calls for service in area. Review team agrees these controls would enhance safety. The review team recommended full funding of \$30,000. The commissioners commented that this project would be extremely beneficial to the area.

Hampden County D.A.'s Office- the DA's office requested funding of \$75,000 to mitigate additional caseloads due to the casino. Last year's grant was only partially spent due to the pandemic. Unused funds go back to Commission if not used because the funds transfer under an ISA. The Committee recommended awarding the full amount. Commissioner O'Brien mentioned a tracking system to determine how many additional cases are due to the casino/how much additional personnel would be necessary. Ms. Hartigan answered that there is a statewide tracking program, but the Hampden D.A.'s office is technologically limited, so they are attempting to quantify the need in other ways. The staff has been in communication with the office.

Hampden County Sheriff's Department- This is the 6th year the Commission has received this request. The Sheriff's Department requested funding of \$400,000 for lease assistance for their displaced alcohol center. The Commission originally agreed to pay \$2 million for five years of lease payment assistance, which ended last year. Mr. Delaney opined that there had definitely been an impact on the Department from MGM. The review team recommended funding. Mr. Delaney noted that the Commission should discuss how to handle this annual request in the long term. Commissioner O'Brien asked when the Department's lease term would have been up in the former facility, Mr. Delaney answered that we have been told that the Department would still have been operating under the old lease, but that they have not yet forwarded a copy pursuant to the staff request though they indicated they would send him a copy of their former lease agreement.

Chair Judd-Stein asked where the \$400,000 amount came from and what it included. Mr. Delaney explained that it is the delta between the old lease and the new lease and that they factored their utilities into that amount as well. The Sheriff's Department now has a 10-year lease. Commissioner Zuniga noted that the long-term implications of this request remain a big question and more work will have to be done to understand the impact. He noted that as long as they keep receiving CMF monies to address the delta, they do not have a great incentive to seek funding elsewhere. Mr. Delaney suggested setting up a meeting with the

Sheriff's Department later this year to discuss the matter further. Commissioner Zuniga noted that the LCMACs opined each region's CMF allocated revenues be kept separate so that factors into the decision as well. Mr. Delaney indicated that we are not oversubscribed in Region B, so this annual request has not been problematic. The Chair referenced the possible need, though, to make use of the funds elsewhere in the region in the future so it could become an issue. Commissioner Cameron indicated that obtaining the lease information and other associated details will be helpful in resolving this matter in the future.

Plainville Police Department- The Plainville PD requested funding of \$95,900 for traffic mitigation equipment and a multi-purpose vehicle. The review team agreed that request was appropriate, and the project was worthy and recommended funding the request fully. Chair Judd-Stein noted that perhaps Plainville Police Department should consider adding training for officers in de-escalation into a future request. Mr. Delaney indicated that he has referenced such trainings in the trainings he offers to prospective applicants.

Springfield Fire Department- SFD requested funding of \$22,000 for new defibrillators, as their existing ones are aging and new ones would be compatible with those used by the primary ambulance company in area, thus facilitating operations and creating efficiencies. The review team recommended full funding. Chair Judd-Stein noted that MGM's response to the request for funding as described in the memorandum in the Packet.

Springfield Police Department- SPD requested funding of \$105,000 for improved connectivity from the GEU to the metro unit in their headquarters, a pickup truck, equipment storage units, protective shields, traffic cones, BOLAWRAP, and de-escalation equipment. Review team recommended partial funding for that part of the request pertaining to the traffic cones, storage units, and connectivity improvements as there was a nexus to the casino demonstrated. The review team did not agree that every part of the submitted request had a correlation to MGM. The BOLAWRAP, protective equipment and shields are not closely related to the casino though they are connected to the City in general. Funding for the pickup truck was not recommended, as the City received funding for it last year but requested to purchase SUV type vehicle instead due to supply issues. The CMF team approved that previous request with the understanding that it would serve the same purpose as the truck. The City has not identified any new need for a pickup truck where funding was provided for the vehicle last year. Commissioner O'Brien asked if the application gave sufficient justification for their shield requests, as the CMF team had received and denied the same request last year. Ms. Hartigan explained that they intended to use the shields as crowd control to replace the same equipment as discussed last year. The Chair inquired about the pickup truck and the supply chain issues. She then inquired into the BOLAWRAP and protective shields, and the lack of a nexus to the casino. Ms. Hartigan responded that the reframed request for funding for the shields indicated that they are more for crowd control than violent encounters. Mr. Delaney read from their

application relative to the City's justification for the shields and nexus to MGM due to the casino's high-profile nature. Commissioner Zuniga opined that the need for this equipment relative to protecting the casino seemed low. Commissioner O'Brien agreed. Chair Judd-Stein added that she would love to see a request for training in the future. Commissioner Cameron agreed that there is no real nexus to the casino for this protective equipment. The chair read MGM's response to this request into the record. Mr. Delaney indicated that he would return with the remainder of the public safety CMF applications on May 6th.

6. Commissioner Updates (1:49:04)

Commissioner Zuniga shared that he had been honored with an invitation to speak at a Japan Integrated Resort Association webinar meeting, where he shared the Massachusetts case study relative to casino mitigation and other associated policy issues. The chair noted Commissioner Cameron's inclusion in a recent AGA whitepaper.

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, Commissioners' Packet including notice of meeting and agenda.