



Massachusetts Gaming Commission Meeting Minutes

Date/Time: April 8, 2021 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 481 6373

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.

00:00:00: Call to Order

Chair Cathy Judd-Stein called to order public meeting #341 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*

00:01:45: Approval of Minutes

Commissioner O’Brien moved to approve the minutes from the Commission meeting of February 17, 2021, subject to insertion of timestamps and correction for typographical errors or other nonmaterial matters.

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 February 25, 2021, subject to insertion of timestamps and correction for typographical errors or other nonmaterial matters.

Chair Judd-Stein clarified her comments at the beginning of page 2 regarding the level of detail of the minutes. She requested that the minutes be amended to reflect that while the Commission's minutes are always detailed, that particular set would benefit from additional detail regarding the Commissioners' comments.

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.

00:04:13: Administrative Update

On-site Casino Updates

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding on-site activities at the casino properties. Director Lillios informed the Commission that the licensees are abiding by the COVID-related measures that were placed in June and have maintained staffing levels.

Mr. Band stated that the addition of a fourth seat at the blackjack-style tables is going well at Encore. MGM had some technical issues with camera coverage and has not yet added the fourth seat for craps. PPC had its highest capacity day (approximately 25%) on March 27th in conjunction with a sweepstakes it ran. MGM Springfield had its highest capacity day (approximately 25%) on March 27th in conjunction with a car giveaway. Encore had its highest capacity day (approximately 22%) on March 27th in conjunction with a slot play promotion.

00:8:45: Financial Investigations Update

Financial Investigations Supervisor Monica Chang presented a Power Point Presentation regarding the Financial Investigation Division. The presentation, which can be found in the Commissioners' packet, addressed the core function of the IEB investigations team.

Commissioner Cameron commented that Ms. Chang made an excellent presentation and was impressed by the team's interdisciplinary approach.

Commissioner Zuniga thanked Ms. Chang for the presentation and noted that it would be helpful to the Commissioners if there was a place on Sharepoint for final reports. Chair Judd-Stein

agreed and added that she has had discussions regarding a tracking system for reports that are underway and completed.

Commissioner O'Brien noted that the team did well in shifting from in-personal interviews to remote interviews. She also agreed with Commissioner Zuniga regarding the utility of a database tracking the status of reports. Commissioner Cameron agreed.

Chair Judd-Stein again thanked Ms. Chang and her team for all they have accomplished through the pandemic.

00:37:33: Racing Opening Day Update

Director of Racing Dr. Alexandra Lightbown informed the Commissioners that next Monday is the first day of live races. This year's meet is 110 days, ending the day after Thanksgiving. Racing will be conducted three days a week – Monday, Thursday, and Friday. One of the highlights of the season will take place on July 25th when PPC holds the Spirit of Massachusetts and the Clara Barton Races. No changes have been requested to the COVID-19 protocols.

Dr. Lightbown thanked the HR team as they were very helpful in onboarding returning employees as well as finalizing the team with some new employees. Thus far, 146 new individuals have been licensed at PPC.

PPC General Manager North Grounsell stated that he was looking forward to the beginning of the season and appreciated all the work that has been done to get ready.

Commissioner Cameron added that she understands it is a lot of work to prepare for opening day and is glad everything went smoothly.

00:43:21: Staff Recognition

Director Wells took a moment to recognize Marianne Bratton for her work in the licensing division. Ms. Skinner and Mr. Lennon also thanked Ms. Bratton for her contributions to the team. Ms. Bratton expressed that it has been her pleasure to serve at the Commission since 2013.

Commissioner Zuniga added that he believed Ms. Bratton captured the culture the Commission has tried to encourage from the beginning, including a focus on customer service.

Commissioner Cameron reflected on Ms. Bratton's work, including her ability to navigate it all with a sense of humor.

Commissioner O'Brien wished Ms. Bratton luck and said she knew Ms. Bratton would be able to take the skills she learned at the Commission into her next role with the Commonwealth.

Chair Judd-Stein also offered best wishes and stated that Ms. Skinner's and Mr. Lennon's heartfelt accolades represent the sentiments of the entire Commission.

00:58:49: Research and Responsible Gaming

Quarterly GameSense Update

The Massachusetts Council on Gaming and Health's Director of Responsible Gaming Chelsea Turner presented a quarterly GameSense update via Power Point Presentation. Charlie Ordille and Odessa Dwarika, from the Massachusetts Council on Gaming and Health, also participated in the presentation. The presentation, which can be found in the Commissioners' packet, addressed interaction numbers, PGAM, excellence awards, communication highlights, and outreach and engagement efforts. Mr. Ordille outlined specific events that took place at PPC.

The launch of Play My Way at MGM is scheduled for Fall 2021, with promotions throughout the summer.

Commissioner O'Brien stated that she appreciated the presentation and was particularly impressed by the horse racing components of the program.

Commissioner Cameron thanked the group for the presentation and noted that they are constantly working to keep the program fresh. She was also impressed by the efforts made with regard to racing. Commissioner Cameron is interested in hearing more about the live chat and geofencing features during the June update.

Commissioner Zuniga thanked the group for the presentation and is also interested in learning more about geofencing and live chat. In light of the pandemic, he appreciated the theme of outreach. He added that one of the things the Commission learned from the GameSense advisors at PPC was that the Play My Way patrons did not like early notifications but liked actual notifications. He knows that there is work being done so that patrons can choose whether to receive early notifications or not.

Chair Judd-Stein also thanked the group for their presentation and congratulated the individuals who received excellence awards. She commented that the expansion of the voluntary self-exclusion program is wonderful, including the related community outreach. She also said that the team deserves credit for the increase in interactions with patrons, especially since it must have been difficult in light of the pandemic. It should also be stressed that GameSense helps patrons understand the rules of the game, which in turn helps them to make healthy and informed choices.

01:56:48: Community Affairs Division

Community Mitigation Fund Workforce Application Reviews

Community Affairs Division Chief Joseph Delaney outlined the application process for the 2021 Community Mitigation Fund. The application review team included Commissioner Enrique

Zuniga, Kate Hartigan, Carrie Torrisi, Jill Griffin, Crystal Howard, Teresa Fiore, Tania Perez, and Mary Thurlow.

The review team made recommendations to the Commission after a thorough review of the applications, numerous meetings of the review team, a public comment process, outreach to licensees, and the submission of written responses to review team questions. This year, the process has changed in that grant applications are being brought to the Commission for review and approval as they are completed, rather than bringing them all in one or two large meetings.

Three applications were brought before the Commission. Two were workforce development-related and the third relates to community planning. The workforce development-related applications were made by Holyoke Community College and MassHire MetroNorth REB. The community planning application was made by Chelsea/Revere-ESOL & Digital Literacy. They are being recommended in light of available funds and the good work the programs conduct. Mr. Delaney explained that in light of additional available funds, the review team will also be asking the Commission to authorize an award of an additional \$50,000 to each of the workforce-related applications, should they expand their programs or identify other eligible programs that would benefit from funding.

Ms. Griffin and Ms. Howard then presented the recommendations of the review team, which can be found in the related memo in the Commissioners' packet. Ms. Griffin emphasized the importance of workforce development-related investments given the current economic situation and how the leisure and hospitality industry has been impacted in the last year.

Holyoke Community College's application provides for adult education, career readiness, and occupational training to connect un- and underemployment residents to education, training, and employment opportunities to meet the workforce needs of MGM Springfield and the region. The team recommended an award of \$350,000 to the applicant, with a potential additional \$50,000 award.

Commissioner O'Brien asked if Ms. Griffin had communicated with Holyoke Community College regarding marketing ideas. She was not opposed to providing additional funds given the last year, but wanted to know whether they have ideas for how to put the funds to use. Ms. Griffin responded that she had communicated with the applicants regarding additional marketing in the past, as well as with MGM, and believes the grant would be put to good use. Commissioner O'Brien asked if there had been specific communications regarding this year's grant and Ms. Griffin said that there would be conversations as part of the process. Ms. Howard provided additional information regarding prior marketing-related conversations with the applicant.

Commissioner O'Brien suggested tabling the conversation about the request for an additional \$50,000 grant until the end of the conversation. Chair Judd-Stein agreed and asked what would happen to the additional \$50,000 if it was not awarded. Mr. Delaney said that it would roll over to next year.

Chair Judd-Stein asked whether the logic of attaching the \$50,000 was because we prioritize the regional collaboration, or simply because we have it available. Mr. Delaney explained that both are factored into the logic and that since the funds are available it makes sense to help get more people trained.

Commissioner Zuniga offered some context, which is that they had anticipated higher levels of requests than they received, so additional funds are available. In future years, the guidelines can be rethought given what they have seen.

Mr. Delaney explained that the reason they are asking for the additional \$50,000 now is so as not to delay the underlying application. If the additional amount was to be awarded, the applicants would have to provide additional submittals before receiving it.

Commissioner O'Brien asked if there was a mechanism for the applicants to come back to the Commission at a later date and ask for an adjustment or increase to their grant. Mr. Delaney said that occasionally there are modifications to an application, but an applicant has never come back to increase the value of the grant. There are, however, a number of ways to accomplish the same end goal. There is not a procedural bar to suggesting that the applicants come back with a second application for additional funds.

Commissioner Cameron asked if the timing was such that they wanted to let the applicants know they were approved for an additional amount of funding sooner rather than later. Mr. Delaney said that they did not want to slow down the process because workforce grants can take longer than others due to procedural requirements.

Chair Judd-Stein asked if there is any concern about releasing the additional funds if they have not been requested. Commissioner Zuniga said that he does not believe there is anything that would preclude the Commission from awarding the funds statutorily. There is, however, a February 1 deadline.

Commissioner O'Brien explained that her hesitancy with the request is that \$50,000 is over the amount for which there is staff discretion to change the allocation of funds.

Commissioner Cameron suggested that the cleanest way to move forward is to approve what is in front of the Commission now and to obtain a second approval later.

Commissioner Zuniga clarified that requests that can be brought at any time of the year, once the February 1 deadline has been met.

Chair Judd-Stein wanted to confirm that no other applicant would be competing for the same funds down the road. Mr. Delaney said that the funds would remain allocated to the region. Commissioner O'Brien asked if the rollover amount could be allocated to different issue areas in the future. Mr. Delaney responded in the affirmative. Commissioner O'Brien said that given

that it makes sense not to allocate the additional funds now as another entity may have a plan to make use of it.

Chair Judd-Stein suggested that the Commission defer a vote on the additional \$50,000 until there is information on how it will be spent. Commissioner O'Brien agreed. Commissioner Zuniga believes that is fair. Commissioner Cameron agreed and added that precedent is important.

Commissioner Cameron said that she is supportive of the original applicant and has seen the good work that has been done by Holyoke Community College. Commissioner O'Brien agreed and believes the underlying request is important and valid. Commissioner Zuniga highlighted the need for training and believes the work being done is important.

Commissioner O'Brien moved that the Commission approve the award of the workforce grant of \$350,000 to Holyoke Community College in conjunction with Springfield Technical Community College and the City of Springfield Public Schools Department for adult education, career readiness and occupational training as described in the Community Fund Analysis Memo included in the Commissioners packet and as discussed here today and that Commission staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. 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.

Ms. Griffin then outlined the application made by MassHire Metro North, which relates to a regional project aimed at addressing the workforce needs of the hospitality sector impacted by the Encore Boston Harbor gaming facility. The review team supports continued funding of the program and an award of \$350,000.

Chair Judd-Stein noted that the licensees in Region A and Region B are supporting these applications.

Commissioner Cameron moved that the Commission approve the award of a workforce grant of \$350,000 to MassHire Metro North and the City of Boston for career and employment services, English for speakers of other languages, and the digital literacy training as described in the Community Fund Analysis Memo included in the Commissioners Packet and discussed here today and that Commission staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. 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.

A community planning-related application was made by Chelsea/Revere-ESOL & Digital Literacy. It seeks funding to develop tailored curricula for Contextualized ESOL Programs and Adult Digital Literacy classes. Curricula will be geared towards industries at the casino's nexus, including hospitality, logistics, IT, healthcare and complemented by adult digital literacy programs for non-English speakers.

The team supports an award of \$97,500 with the condition that the applicant work to strengthen the implementation plan as the curricula development comes to fruition and communicates that to Commission staff.

Chair Judd-Stein asked how the condition will actually be implemented. Will the applicant receive partial or full funding? Mr. Delaney said that the condition will be placed in the grant document and they will make sure that the necessary information is submitted. They want to make sure that the curricula does not sit on a shelf. Money is generally given in 3 tranches, with the last 25% being held until final deliverables are received.

Commissioner Zuniga moved that the Commission approve the award of a community planning grant in the amount of \$97,500 to the Cities of Chelsea and Revere for curriculum development of contextualized English for speakers of other language programs and adult digital literacy classes subject to the conditions that the applicant work to strengthen the application plan as described in the Community Fund Analysis Memo in the Commissioners Packet and as discussed here today. He further moved that Commission staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. 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.

02:41:46: Racing Division

Qualifications for Jockeys to Receive Health and Welfare Benefits

Director of Racing Dr. Alexandra Lightbown presented information regarding G.L. c. 128A, section 5(H)(4) which discusses how monies that come from the betting handle, licensing fees, daily assessments, etc. are to be distributed. (This is not money that comes from the Racehorse Development Fund per G.L. c. 23K, section 60). Dr. Lightbown was joined by Mindy Coleman, Counsel for the Jockey Guild.

Chapter 128A, section 5(H)(4) addresses \$65,000 going towards the group that represents jockeys for health and welfare benefits. At the February 25th meeting the Commission decided that the Jockey Guild was the group representing the jockeys and directed Counsel Coleman and Dr. Lightbown to look over all the qualifications in light of there being no racing at Suffolk Downs last year and the decrease in number of race days in previous years.

They looked at three different categories of jockeys: active, disabled and retired. Dr. Lightbown and Ms. Coleman were unable to determine qualifications for active jockeys given the lack of racing last year. No changes needed to be made for the qualifications for disabled jockeys. Some decreases in the amounts for retired jockeys was required in light of the decreased amount of availability of racing possibilities. Ms. Coleman believes approximately 17 jockeys will qualify under these two categories, with each receiving approximately \$3,823. Dr. Lightbown thanked Ms. Coleman and the Jockey Guild for their work on this issue. The qualifications are included in the Commissioners' packet.

Commissioner Cameron explained that she had an opportunity to discuss this matter before the meeting and had a thorough understanding of why the decisions were made. She agreed with the recommendations, but asked if Ms. Coleman had anything to add about not being able to determine current racers.

Ms. Coleman explained that they attempted to determine if individuals still had their permanent address in Massachusetts, but that number had decreased as individuals moved out of state. The individuals who were disabled were disabled at Massachusetts racetracks. The retired individuals spent a significant portion of their career in Massachusetts. She noted that the Guild does not take any money from the \$65,000; it all goes straight to the jockeys.

Commissioner Zuniga said that he agrees with the plan. He asked if Commission approval is required given that they have not approved plans like this in the past.

Commissioner O'Brien stated that she benefited from the discussion, appreciated the work that went into it, and is satisfied with the results.

Chair Judd-Stein said that the Commission does not need to act formally on this matter. She recapped that the \$65,000 will be released by Mr. Lennon.

02:50:46: Executive Update

Audit and Compliance Group Update and Process

Director Wells explained that the Commission has an on-going internal audit and compliance working group. At a recent meeting it was discussed that a quarterly update on the working group would be helpful. Objectives for the working group were identified by quarter. The objectives for Q1 were to compile a risk matrix and initiate the casino audit review. Work is in progress on both objectives. In Q2 a risk matrix will be included in the internal control plan. The group is also working on an internal compliance calendar.

Commissioner Cameron said she appreciated the organized, structured, and inclusive approach the group is taking.

02:59:07: Commissioner Update

Independent Monitor Update

Chair Judd-Stein explained that the Commission has received the work plan for phase three from the independent monitor team and that the document says it may contain confidential information not subject to public disclosure. However, they have received affirmative guidance from the independent monitor saying that it is proper for the work plan to be released unredacted. The work plan is included in the Commissioners' packet.

Chair Judd-Stein, Commissioner O'Brien, and General Counsel Grossman met with the independent monitor to discuss the high-level plan for next year. They monitor will continue to review the appropriate documents and the company's implementation of recommendations. They will also continue to evaluate or update matters that relate to the HR compliance plan. The plan also highlights continued work on the interview and testing side.

The Commissions' approach is that it does not interfere with the judgment of the monitor and that it is important to be deferential to the plan. They do monitor the bills and invoices. With respect to this piece, the idea would not be to seek a formal approval. Chair Judd-Stein confirmed with Mr. Grossman that this aligns with the original contract.

Commissioner O'Brien stated that the expectation is that the Commission would receive an interim report at the end of the summer and then a final submission at the first of the year in 2022.

Other Commissioner Updates

Commissioner Zuniga noted that since the last meeting the staff forwarded a letter to Senator Lesser's office regarding his draft bill. In the future he would welcome the opportunity to review such letters and provide feedback. He thought it was a great letter, but thinks it is a good practice to have the Commissioners provide their views.

Commissioner Cameron moved to adjourn. 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.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated April 6, 2021
2. Draft Commission Meeting Minutes of February 17, 2021
3. Draft Commission Meeting Minutes of February 25, 2021
4. IEB Financial Investigations Overview PowerPoint Presentation
5. GameSense Quarterly Report
6. 2021 Community Mitigation Fund Workforce Development Program Applications Memorandum
7. Requirements for Jockeys to Receive Benefits
8. Letter from Jockeys Guild
9. Massachusetts Jockeys Health and Welfare Distribution Eligibility Qualifications
10. Wynn MA, LLC and Wynn Resorts, LTD. Independent Monitor Phase Three Work Plan