



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 22, 2019 –9:30 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

**Time entries are linked to the
corresponding section in the
Commission meeting video.**



Call to Order

See transcript pages 1 - 2

[9:36 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #268 of the Massachusetts Gaming Commission.

The Chair made a statement regarding the possible purchase and transfer of the Encore Boston Harbor property and Category 1 gaming license to MGM. The Chair explained that the Commission was notified of the discussions and understands that such discussions have now ceased. The Chair stated that the Commission remains focused on opening Encore Boston Harbor and explained the framework for approval of a the transfer of a gaming license and property briefly. She stated that any application for a transfer would be fairly and thoughtfully reviewed by the Commission. The Chair noted that the opening date for Encore Boston Harbor is June 23 and that the Commission will support the opening with all necessary resources. The other Commissioners made statements in support of the Chair's statement.

Approval of Minutes

See transcript pages 2 - 3

[9:43 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of May 1, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

Commissioner Stebbins moved to approve the minutes from the Commission meeting of May 6, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The motion passed unanimously.

Administrative Update

See transcript page 3

[9:44 a.m.](#) The General Counsel stated that there would be no administrative update today because Executive Director Bedrosian was unable to attend today's meeting. He will provide an update at the next Commission meeting, which is scheduled for May 23.

Ombudsman

See transcript pages 3 - 7

[9:44 a.m.](#) **Encore Boston Harbor – Summary of Material Changes Since Design Approval**
Ombudsman Ziemba stated that the Summary of Material Changes and the Second Amended Section 61 findings scheduled for today's Commission meeting require additional time. He requested that these items be moved to a Commission meeting next week, possibly May 30. Ombudsman Ziemba explained the time constraints applicable to the filing of the final Second Amended Section 61 findings. The Commission agreed to move these items to a meeting next week.

[9:46 a.m.](#) **Encore Boston Harbor – Detailed Construction Timeline**
Ombudsman Ziemba presented on the Encore Boston Harbor detailed construction timeline. Construction Oversight Manager Joe Delaney, Encore Boston Harbor Senior Vice President, and General Counsel Jacqui Krum, Encore Boston Harbor President Bob DeSalvio and Encore Boston Harbor Construction Manager Peter Campot were present to assist in the presentation.

Mr. DeSalvio confirmed for the Commission that Encore Boston Harbor is scheduled to open on June 23, 2019, at 10 a.m.

Mr. Campot presented the construction schedule and stated that the project was 100% on time. He expects to file for the permanent certificate of occupancy on May 31 and the project to be substantially complete on June 10. Mr. Campot praised the construction workforce for the quality of their work and thanked the City of Everett for their help in reviewing and permitting the project.

Mr. DeSalvio thanked Mr. Delaney for his work on the project on behalf of the Commission.

Commissioner Zuniga asked Mr. DeSalvio if there was a schedule for test dates and Mr. DeSalvio stated that the test dates were currently scheduled for June 17, 19 and 20. Commissioner Cameron asked Commission staff if they felt that everything is on schedule for opening. Mr. Delaney explained the timeline for completion of off-site improvements, and Ms. Krum stated that the on-site work is on schedule as well. Mr. Ziemba noted that things are moving in the right direction and that the Commission will receive a further update on June 13th.

Commissioner Zuniga asked Mr. DeSalvio about a comment attributed to Wynn Resorts CEO Matt Maddox that the project opening might be delayed. Mr. DeSalvio reaffirmed that the opening date is June 23 at 10 a.m.

9:56 a.m. *Commissioner Cameron moved that the Commission approve the construction schedule pursuant to [205 CMR 135.02\(2\)\(a\)](#), based on the information provided in the memorandum included in the [Commissioner's Packet](#). Commissioner Stebbins seconded the motion. The motion passed unanimously.*

Investigations and Enforcement Bureau

See transcript pages 7 - 25

9:58 a.m. **Encore Boston Harbor Revision to the Gaming Establishment Boundary**
Bruce Band, Assistant Director Gaming Agents Division Chief, assisted by Deputy General Counsel Grossman, presented on the boundaries of the gaming establishment and explained the revisions made to the drawing in the Commission packet since the Commission last reviewed the drawing. Mr. Band explained to the Commission that including the entire property, but excluding the landscaped areas was easier for his staff to monitor. The Chair asked Mr. DeSalvio if the area near the harbor where the pathways intersect would be open, and Mr. DeSalvio responded that the area at the intersection is open, but the otherwise landscaped area around the perimeter is not.

10:02 a.m. *Commissioner Stebbins moved that the Commission approve the boundary of the gaming establishment as shown in the drawing included in the*

[Commissioner's Packet](#). Commissioner O'Brien seconded the motion. The motion passed unanimously.

[10:03 a.m.](#)

Encore Boston Harbor Service Employee Exemption Request

Bill Curtis, Licensing Manager, presented on the service employee exemption request included in the Commission packet. Mr. Curtis went through the list of requested exempted positions by vendor. Commissioner Cameron asked if the analysis done for these positions was the same analysis done by the Commission in the past, and Mr. Curtis stated that it was the same analysis. Mr. Curtis responded that this analysis is consistent with past practice.

[10:05 a.m.](#)

Commissioner Zuniga moved that the Commission exempt from licensure the two positions described in the [Commissioner's Packet](#) from vendor Dunkin' Donuts. Commissioner Stebbins seconded the motion. The motion was approved unanimously.

Mr. Curtis presented on service employee exemptions requested by the Big Night Entertainment Group, the manager of certain entertainment facilities at Encore Boston Harbor. Mr. Curtis explained the positions for which exemption is requested and that these positions align with similar exempted positions at Encore Boston Harbor and MGM restaurants. Mr. Curtis asked the representative from Big Night Entertainment present at the meeting to explain the training given to servers working at the facilities. Commissioner Cameron asked Mr. Curtis if he was comfortable with the exemption requests, and Mr. Curtis stated that he was.

Commissioner Stebbins asked whether Big Night Entertainment employees would be accompanied by security when they go to the loading dock to receive deliveries, and Mr. Curtis advised the Commission that they would have a security escort.

[10:14 a.m.](#)

Commissioner Cameron moved that the Commission approve the service employee exemption requested in the memorandum from Mr. Curtis, the Licensing Manager, included in the [Commissioner's Packet](#) for Big Night Entertainment Group, and their exceptions include chef, executive chef, executive sous chef, assistant chef, lead kitchen worker, cook, kitchen worker, porter, assistant chef pastry, food server, host person, bus person, food runner-receiver, kitchen worker porter, food server, host person, and receiver. Commissioner Zuniga seconded the motion. The motion passed unanimously.

[10:30 a.m.](#)

Encore Boston Harbor Alcohol Permit

Mr. Curtis and Mr. Band presented on the Encore Boston Harbor request for a gaming beverage license, including a request to allow alcohol service on the gaming floor between the hours of 2 a.m. to 4 a.m. Mr. Curtis explained that the application for the gaming beverage license reviewed initially by the

Commission on May 6 was put out for public comment and the comments received are included in the Commission packet. The Commission asked Ms. Krum to make a brief presentation to the Commission on any changes to the application since May 6. Ms. Krum explained proposed changes to bottle service and a request for service in the spa and salon areas. Ms. Krum further explained that Encore Boston Harbor is requesting the ability to serve alcohol throughout the gaming establishment in the areas listed in the presentation included in the packet until 2 a.m., although many of those areas will close earlier than 2 a.m. Encore Boston Harbor is requesting the ability to serve alcohol on the gaming floor to patrons actively gambling between the hours of 2 a.m. and 4 a.m. Ms. Krum explained the how Encore Boston Harbor will monitor patrons to ensure that alcohol is served only to those who are actively gambling, including the number of times that a server will visit each section of the gaming floor and the number of drinks that can be served per hour per patron.

Commissioner Zuniga asked about concerns raised regarding a rush to the casino between the hours of 2 and 4 a.m. after other area bars have closed. Mr. Band stated that at MGM patrons understood that they had to be actively gambling between the hours of 2 and 4 a.m. to be served and that they have not seen a rush to the casino.

The Chair asked about service in the spa and salon areas. Ms. Krum explained that only supervisors would have access to the alcohol and be able to serve it.

Commissioner Zuniga asked about a concern raised that all of the areas would be closing around the same time and everyone would be leaving the casino at the same time. Ms. Krum explained that the facilities at the casino close at different times so that shouldn't be an issue. Commissioner Stebbins raised a similar concern regarding everyone leaving the facilities that close at 2 a.m. or earlier and going to the gaming floor. Ms. Krum explained that between 2 and 4 a.m. the cash bar on the gaming floor is closed and alcohol service is by server only.

Commissioner O'Brien asked what steps Encore Boston Harbor was taking to reduce the possibility of people leaving in the cars while under the influence. Ms. Krum stated that if a patron used valet parking, the valets are trained not to give the patrons their keys. Mr. DeSalvio stated that every staff member has the authority to provide patrons with a complimentary ride home. He said that he will support any request by a staff member to provide a safe ride home.

Commissioner O'Brien asked if the Commission's Investigations and Enforcement Bureau had any comments on its expenditure with MGM's alcohol service between 2 and 4 a.m. Detective Lieutenant Brian Connors,

head of the Commission's Gaming Enforcement Unit described the experience between 2 and 4 a.m. at MGM Springfield. He stated that there have been no significant issues; that shift is the busiest shift at the casino, but the issues there are not directly related to alcohol service. He stated that there was a learning curve for patrons to understand that they have to be on the gaming floor and actively gaming in order to be served. It is not an on-going problem.

Ms. Krum explained to the Commission the process Encore Boston Harbor would use to close down service at 4 a.m., when the last drink would be served and how non-alcoholic beverages would be made available.

Representatives from Big Night Entertainment and Fratelli Restaurants were in attendance, and the Commission asked them if they understood how closely their alcohol service would be monitored and how seriously the Commission viewed this issue. They stated that they understood.

The Commissioner discussed Encore Boston Harbor's request for a gaming beverage license and in particular the ability to serve alcohol on the gaming floor to patrons actively gaming between the hours of 2 and 4 a.m. Commissioner O'Brien expressed her preference that the Commission not include alcohol service on the gaming floor between 2 and 4 a.m. as part of the gaming beverage license now, but wait to see how alcohol service during the permitted hours goes and decide later on whether to allow service between 2 and 4 a.m. The Chair expressed her appreciation to the public for their comments to the Commission on this issue.

[11:30 a.m.](#) *Commissioner Stebbins moved to approve the grant of a gaming beverage license to Encore Boston Harbor to serve alcohol in the locations listed in the gaming beverage license application between the hours of 8 a.m. and 2 a.m. Commissioner Cameron seconded the motion. The motion passed unanimously.*

Commissioner Stebbins further moved that the Commission grant Encore Boston Harbor the ability to serve alcohol on the gaming floor to patrons actively gaming between the hours of 2 a.m. and 4 a.m. as part of the gaming beverage license. Commissioner Zuniga seconded the motion. The motion passed by a vote of 4 in favor to 1 against; Commissioner O'Brien dissenting.

Commissioner Updates

See transcript page 25 - 26

[11:31 a.m.](#) Commissioner Stebbins had two updates. He visited the Cambridge College gaming school to observe the school and received an update on the program.

Commissioner Stebbins also attended Game Sense training for new game sense advisors.

Commissioner Cameron stated that she attended the ICE conference held in Boston last week and found the sessions she attended very informative. She also visited Plainridge Park and noted that the staff there is doing a good job and that the racing product keeps improving.

Commissioner Zuniga attended the research presentation by the SEIGMA team. He stated that further reports will be coming to the Commission for its review. Commissioner Zuniga also attended Game Sense training for new game sense advisors. Commissioner Zuniga advised the Commission that he will not attend the Commission meeting on May 29 in person, since he will be at a conference in Las Vegas. He will participate by phone. Commissioner Zuniga went on to thank Mr. DeSalvio and Ms. Krum for their work to keep the Commission informed.

11:36 a.m. *With no further business, Commissioner Cameron moved to adjourn the meeting. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated May 20, 2019
2. Draft Commission Meeting Minutes dated May 1, 2019, and May 6, 2019
3. Memo to Commissioners RE: Encore Boston Harbor – Approval of Changes to Encore Boston Harbor Design dated May 3, 2019
4. Memo to Commissioners RE: Encore Boston Harbor Detailed Construction Schedule dated May 3, 2019
5. Second Amended Draft proposed Section 61 Findings
6. Environmental Monitor 2019 Publication Schedule
7. Memo to Bob DeSalvio RE: Encore Boston Harbor Water Shuttle dated May 3, 2019
8. Comments RE: Section 61 Findings
9. Drawing RE: Boundaries of the Gaming Establishment
10. Comments RE: Boundary of the Gaming Establishment
11. Memo to Commissioners RE: Gaming Service Employee Exemptions – Big Night Entertainment Group dated May 17, 2019
12. Memo to Commissioners RE: Gaming Service Employee Exemptions – Dunkin Donuts dated May 17, 2019
13. Memo to Commissioners RE: Gaming Beverage License Application – Encore Boston Harbor
14. Comments RE: Extended Liquor Hours

/s/ Catherine Blue
Assistant Secretary