



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 6, 2021 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 483 3235

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 #338 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*

00:01:26: Approval of Minutes

Commissioner O’Brien moved to approve the minutes in the packet from January 14, 2021, subject to any other typographical or non-material corrections, as necessary. Commissioner Zuniga seconded the motion.

Roll Call Vote:

| | |
|------------------------------|------------|
| <i>Commissioner Cameron:</i> | <i>Aye</i> |
| <i>Commissioner O’Brien:</i> | <i>Aye</i> |
| <i>Commissioner Zuniga:</i> | <i>Aye</i> |
| <i>Chair Judd-Stein:</i> | <i>Aye</i> |

The motion passed unanimously.

Commissioner O'Brien moved to approve the minutes in the packet from January 28, 2021, subject to any typographical or non-material corrections, as necessary. 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.

00:03:38: Administrative Update

Staff Introduction

Executive Director, Karen Wells, started this item off with a preliminary item which was welcoming new MGC Staff member Marie-Claire Flores-Pajot as she will be working alongside Mark Vander Linden, Director of Research and Responsible Gaming, in Responsible Gaming as the Research Manager. Mr. Vander Linden then spoke briefly about the work Ms. Flores-Pajot accomplished at her previous employment in Ottawa, Canada and how she will be doing similar duties at the MGC.

Research and Responsible Gaming International Jurisdiction

Mr. Vander Linden then gave an update on the Singapore National Council for Problem Gambling which has an international advisory panel and every couple of years the panel invites a few people to share their knowledge and experience to help Singapore develop an innovative and informed responsible gaming tools and projects.

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 specifically discussed the Covid related status, protocols, and precautions being taken at the respective properties.

00:32:07: Community Affairs

MGM Quarterly Report

The first quarterly report was presented by Seth Stratton, Vice President and General Counsel at MGM-Springfield, Arlen Carbello, Executive Director of Finance; and Daniel Miller, Director of Compliance. The MGM team presented the PowerPoint, a copy of which is included in the Commissioners' Packet. During the presentation they went over Q1 2021 gaming revenue and taxes, lottery sales, compliance, quarterly spend update, Employment and Community

Engagement. Mr. Miller advised that the spend data was off and that they would have a more accurate number for the Q2 report. There was also discussion relative to the lottery sales figures. A request was made that the next report contain year over year data relative to the diversity in hiring and the diversity in spending so that trends may be detected.

00:52:08: Licensing Division

MGM Service Employee Exemption Request

Nakisha Skinner, Licensing Division Chief, brought forward a request for exemption of the Graphics Designer II position at MGM Springfield from the registration requirement. The request is included and described in the materials in the Commissioners' Packet and was described by Ms. Skinner.

Commissioner Zuniga moved to exempt the Graphic Designer II position at MGM Springfield from the registration requirements in accordance with 205 CMR 134.03(1)(b) for the reasons disused and described in the Commissioner's packet. 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.

MGM Gaming Beverage License Amendment 205 CMR 136. 03 (1)

Ms. Skinner then presented MGM Springfield's gaming beverage license amendment application request for a new licensed area at Wahlburgers which is located in a stand-alone building on the MGM Springfield property. Wahlburgers Restaurant is a registered nongaming vendor and, if the Commission approves the amendment, is a jointly responsible party for purposes of the MGM Springfield gaming beverage license. The Gaming Agents Division inspected the proposed area where alcoholic beverages will be stored, i.e., in the office area and, at the bar area, the beer coolers have locks with additional locked storage behind the bar area. In addition, the Gaming Agents Division has confirmed the adequacy of the surveillance coverage of the affected areas. Accordingly, the Licensing Division recommended that the Commission approve this amendment request.

Commissioner Cameron moved to amend the gaming beverage license issued to Blue Tarp redevelopment, LLC to add the Wahlburgers location depicted in the Commissioners' Packet, including all of the particulars contained in the submitted application, as a new licensed area. 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.

01:02:48: Racing Division
Quarterly Local Aid Payments

Chad Bourque, Financial Analyst, presented the Commission the Q1 local aid payments. The figures were calculated as follows (as described in the documentation in the Commissioners' Packet): City of Boston- \$183,621.23, Town of Plainville- \$41,133.46, Town of Raynham- \$23,059.09, City of Revere- \$91,809.24. The total local aid quarterly payment as of March 31, 2021 is \$339,623.02.

Commissioner O'Brien moved to authorize the local aid payments to Boston, Plainville, Raynham, and Revere in the amounts reflected in the Memorandum included in the Commissioners Packet and discussed at the meeting. 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.

01:06:46: Investigations and Enforcement Bureau

Plainridge Park Casino- Determination of Suitability

Senior Enforcement Counsel Kate Hartigan discussed the suitability investigation for a new qualifier with Plainridge Park Casino, Ms. Harper Ko who serves as the Executive Vice President and Chief Legal Officer and Secretary at PNGI. Ms. Ko had submitted all required documents and complied with all IEB's requests for supplemental and updated information. IEB conducted its complete protocol for its suitability for a casino qualifier and confirmed financial stability and integrity reviewed litigation history, search criminal history and verified that no prohibited political contributions were made in Massachusetts. IEB also conducted checks with law enforcement databases as part of the investigations.

Ms. Hartigan briefly spoke about Ms. Ko's work history and her new duties that she will take on in her new role which included being responsible for directing the overall operations and the staff of the corporate, legal, regulatory affairs, risk, and compliance teams. Ms. Ko would also be responsible for developing, implementing, and managing operational goals and monitoring achievements of performance and profit objectives and will also provide general advice to senior management and board of directors on legal and regulatory requirements, corporate governance

as well as other matters. Ms. Ko will also be responsible for all material litigation and transaction in her new role.

Commissioner Cameron moved to issue a positive determination of suitability to Harper Ko in her capacity as Executive Vice President, Chief Legal Officer and Secretary to Penn National Gaming, Inc. 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.

01:15:17 Finance and Accounting Division **MGC Budget Discussion**

CFAO Derek Lennon presented the third budget update of FY21. The figures, and his findings and recommendations are discussed substantively in the memorandum included in the Commissioners' Packet. It was noted that the proposals and practices are prudent and also a reflection of the unusual year. Specific mention was made of the IT resources referenced in the budget. The next budget presentation is projected for the first meeting in June.

01:24:40 Legal Division

Tribal Litigation Update

In furtherance of section 67 of the Gaming Act, Associate General Counsel Caitlin Monahan, presented a Tribal Litigation Update to the Commission. She made use of a Power Point to illustrate her key points; the PowerPoint is contained in the Commissioners' Packet. The update pertained to the status of both the Mashpee Wampanoag Tribe and Wampanoag Tribe of Gay Head. She briefly discussed the Indian Reorganization Act, the definition and interpretation of the phrase "Indian" as discussed in Carcieri v. Salazar, 555 U.S. 379 (2009), the term "under Federal jurisdiction," and the M-Opinion. She also reviewed each of the cases involving each of the respective tribes. It was noted that the Mashpee related matter is now with the Department of the Interior for review of the Record of Decision. There was brief discussion relative to the status of any federal legislation governing the topics discussed.

01:57:05 Blackjack Table; Card Reader Device

Associate General Counsel Carrie Torrisi presented amendments to the Commission for a final vote to complete the promulgation process. There were three sections of 205 CMR 146 relative to gaming equipment regulations for final vote which were discussed: 205 CMR 146.13 related to blackjack table characteristics; 205 CMR 146.49 related to playing cards and 205

CMR 146.51 related to dealing shoes and automated shuffling devices. It was noted that a public hearing was conducted and that there were not any public comments offered then or via written submission.

Commissioner Zuniga moved to approve the small business impact statement for 205 CMR 146.13; 205 CMR 146.49 and 205 CMR 149.51 as included in the Commissioners Packet. The motion was seconded by Commissioner O'Brien.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

Commissioner Zuniga further moved to approve the amendments to 205 CMR 146.13; 205 CMR 146.49; and 205 CMR 146.51 as reflected in the Commissioners packet and authorize staff to take all steps necessary to finalize the promulgation process. 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.

02:03:11: Community Affairs **Community Mitigation Fund**

Chief of Community Affairs Division, Joseph Delaney, presented ten community mitigation fund applications to the Commission for consideration. Each application is described in the memorandum included in the Commissioners' Packet along with review team recommendations and other associated recommendations. The applications include one for a Community Planning grant, four for Specific Impact grants, three for Transportation Planning grants, and two for Transportation Construction grants. The following requests were discussed at the meeting:

Northampton Marketing Community Planning- \$75,000 (requested amounts)

Everett – Police, Specific Impact- \$215,220

Foxborough – Police, Specific Impact- \$283,130

Springfield- Blueprint, Specific Impact- \$400,000

West Springfield - Police / EMS Specific Impact- \$200,000

Chicopee – Streetscapes, Transportation Planning- \$200,000

Everett - Mystic Riverwalk, Transportation Planning- \$200,000

Lynn – Traffic and Safety, Transportation Planning- \$200,000
Everett- Northern Strand, Transportation Construction- \$134,826
Springfield – Dwight Street, Transportation Construction- \$200,000

Further, the Commission discussed several applications that were presented and discussed at the April 26, 2021 Commission meeting.

Commissioner Zuniga moved that the Commission approve the award of the specific impact grant from the community mitigation fund for the city of Everett in the amount of \$157,000.00 for the purposes described in the Commissioners packet from the April 26, 2021 meeting and discussed at the present meeting, and that the Commission staff be authorized to execute the grant instrument commemorating the award in 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.*

Mr. Delaney reviewed the remaining applications for specific impact grants discussed at the April 26, 2021, meeting. They included the following:

Everett- street light smart controls/surveillance- \$30,000
Hampden County District Attorney's Office- personnel- \$75,000
Hampden County Sheriff's Department- lease assistance- \$400,000
Plainville Police Department- transport vehicle and traffic mitigation equipment- \$95,500
Springfield Fire Department- defibrillators- \$22,000
Springfield Police Department- data connectivity, storage, traffic cones- \$22,500

The Commission elected to approve all the specific impact grants collectively in lieu of individual votes. They include the list above (from the April 26 meeting) as well as those previously referenced (from the May 6 meeting).

Commissioner O'Brien moved to approve the awards of the specific impact grants discussed on April 26, 2021 and the present meeting (May 6, 2021) and also included in the respective packets for those dates, the grants will be coming from the Community Mitigation Fund in the amount set forth in the packets and is summarized by Joe Delaney at the meeting for the purposes that are described in the Commissioners' Packet and the submitted application and that the Commission staff be authorized to execute grant instruments commemorating the awards in 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.

Mr. Delaney then moved on to the Transportation Planning Grant category. Each are identified above and described in the memorandum in the Commissioners' Packet.

The discussion specifically included the Town of Chicopee streetscapes proposal for \$200,000.00, the City of Everett Mystic River Walk project for \$200,000.00, and the City of Lynn traffic and safety improvement projects at Boston Street and Hamilton Street for \$200,000.00. The review team did not recommend funding for the Lynn project because the impact of casino related traffic on the City of Lynn is minor and anything more than a de minimis use of this specific intersection to access the casino seems unlikely. The Commission examined a Google map of the area to ensure a clear understanding of the request and potential impact.

The Commission discussed the request by the City of Everett for funding for trail lighting improvement for the Northern Strand Community Trail from Wellington Avenue north up into River-Green District in the amount of \$135,000.00. This figure was based on cost overruns and change orders that the city had not budgeted. The request falls within the Commission's guidelines.

The Commission discussed the request by the City of Springfield for roadway resurfacing and complete street improvements, a transportation construction project on Dwight Street and Hampden Street in Downtown Springfield in the amount of \$200,000.00. Similar improvements were previously made to other streets in the city. This grant would comprise 1/3 of the overall cost of the project which is in line with the Commission's guidelines.

Finally, the Commission discussed the application for a Community Planning Grant from the North Hampton live website marketing program. The town is has requested \$75,000.00 to continue the marketing program. This is timely as many of the initiatives for that had been planned in this regard to make it financially independent had not been met due to the ongoing pandemic. Northampton agreed to provide \$25,000 of matching funds as part of this grant process. It is expected that this platform will become self-sustaining and not continually request funding from the Commission.

The Commission opted not take a vote relative to these latter applications at this meeting because there are further applications in the category that need to be reviewed prior to a final vote in the category being taken. The CMF grant application discussion was concluded.

There were no commissioner updates.

Commissioner Zuniga moved to adjourn the meeting. 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. Notice of Meeting and Agenda dated May 4, 2021.
2. Draft Commission Meeting Minutes of January 14, 2020
3. Draft Commission Meeting Minutes of January 28, 2020
4. MGM 2021 Q1 Quarterly Report PowerPoint Presentation
5. MGM 2021 Q1 Quarterly Reporting under 205 CMR 139.06 Memorandum
6. Memorandum of Gaming Service Employee (SER) Exemption Request: MGM Springfield
7. Gaming Beverage License Amendment Application: MGM Springfield Memorandum
8. Local Aid Quarterly Distribution for Q1 CY 2021 Memorandum
9. Fiscal Year 2021 (FY21) Third Budget Update
10. Blackjack Table; Card Reader Device; Physical Characteristics; Inspections Cards: Receipt. Storage. Inspections, and Removal From Use Dealing Shoes: Automated Shuffling Devices
11. Amended Small Business Impact Statement
12. Tribal Litigation Update PowerPoint Presentation
13. 2021 Community Mitigation Fund Application Review Memorandum and companion memorandum from April 26, 2021 meeting.