



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** June 3, 2021 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-973-854-6173  
MEETING ID: 112 175 3845

**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 #346 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*

### **00:00:55: Approval of Minutes**

*Commissioner O’Brien moved to approve the minutes from the Commission meeting of March 25, 2021, subject to correction for typographical errors and other nonmaterial matters.*

Chair Judd-Stein offered a correction relative to the discussion of a penalty assessed to MGM. The Commissioners discussed this matter and agreed upon amended language. The chair also proposed adjusted language relative to the executive session language.

*Commissioner Zuniga seconded the motion with the proposed edits.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*  
*Commissioner Zuniga: Aye*  
*Chair Judd-Stein: Aye*  
*The motion passed unanimously.*

### **00:05:00: Administrative Update**

#### **Communications Department Presentation**

Digital Communications Coordinator Austin Bumpus updated the Commission as to the efforts of the Communications Department during the pandemic. Mr. Bumpus presented a PowerPoint presentation that is included in the Commissioners' Packet

#### **Staff Recognition**

Executive Director Wells and each of the Commissioners acknowledged the departure and efforts of acting Director of Communications Sarah Magazine for her work over the past year.

#### **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. Ms. Lillios reminded the Commission that it had been a week since the Commission rescinded certain of its pandemic orders for the gaming establishments though the licensees are still subject to the Governor's orders and public health guidance. Mr. Band reviewed the status of operations relative to the pandemic order for each of the three gaming establishments indicating that things had generally been going very well and the gaming establishments were being completely cooperative during the transition. Commissioner Zuniga inquired into the mask wearing status at the properties. Mr. Band advised that most of the employees had been vaccinated, and thus do not wear a mask. Commissioner O'Brien inquired into the plexiglass status at the respective properties to which Mr. Band reviewed the situation at each property.

### **00:32:27: MGC Internal COVID Workplace Guidelines Discussion**

Director Wells commenced a discussion relative to the Commission's Covid workplace guidelines. She discussed the status for the executive branch employees that had been recently released. She further indicated that the issue had been reviewed by the Commission's internal working group and laid out some options for the Commissioners' comments. She noted that the group recommended that the Commission follow the Governor's guidance, consistent with the manner in which the Commission has operated in the past. However, she also recognized that some individuals may need to work with Human Resources to develop an individualized plan. The group also recommended that HR conduct a survey of employees in an effort to determine certain preferences. Derek Lennon discussed the specific impact of the guidelines on Commission employees who work in the casinos and recommended that those individuals have the same benefits as members of the public entering the gaming establishments.

Commissioner Cameron and Commissioner Zuniga indicated a preference for following the Governor's guidance and following the group's recommendation. Each were interested in the results of the employee survey. The chair suggested that the Commission ensure that its own employees follow the Commission's rules instead of those that apply to members of the public within the gaming establishments. Commissioner O'Brien offered thoughts relative to the guidelines for Commission employees in the gaming establishments as well as the wearing of masks.

There was a consensus among the Commissioners to follow the Governor's guidance and conduct a survey of Commission employees as to their preferences.

### **00:59:18: Legal**

#### **Public Records Law Process Overview and NDA Discussion**

Carrie Torrisi, Associate General Counsel, presented a PowerPoint presentation relative to the Public Records Law. A copy of the PowerPoint is included in the Commissioners' Packet. The overview included such issues as the exemptions to the public records law, the use of non-disclosure agreements, the attorney-client privilege, and the process by which the Commission responds to requests for public records.

Commissioner O'Brien inquired about the timing of charging fees and the process for responding to such requests. Ms. Torrisi indicated that the law solely requires that the requestor be sent an estimate within 10 business days and that practically speaking that would result in a modified response date. Commissioner Zuniga noted the significant time that the Gaming Commission has to expend responding to requests for public records given the great interest in the Commission's work. Commissioner Cameron also recalled the many voluminous requests the Commission has received over the years. She then inquired as to the volume of requests of late. Ms. Torrisi indicated that there are ebbs and flows but the request volume is steady. Chair Judd-Stein noted that as a public agency this is important work and offered further thoughts about the process.

### **01:37:04: Police Reform Bill**

Ms. Torrisi indicated that in December of 2020 the Governor signed Chapter 253 of the Acts of 2020 titled *An act relative to justice, equity, and accountability in law enforcement in the Commonwealth*. She noted that the act established the Peace Officer Standards Training Commission, and she described the purpose of the Commission and certain particulars of the new law. She noted that the reason the matter was before the Gaming Commission was that the IEB is designated as a law enforcement agency so one could read the new law to include the IEB. She indicated that in looking at the definition of 'law enforcement agency,' and in considering a number of other factors that suggest that the law is really aimed at police officers, the IEB should not be considered covered under this law. She suggested that the Gaming Commission reach out to the POST Commission relative to this interpretation.

Commissioner O'Brien, who collaborated with Ms. Torrisi in reviewing the new law, agreed with the interpretation advanced by Ms. Torrisi. Commissioner Cameron also agreed that the interpretation was the correct one and that sending a letter to the POST Commission would be

beneficial. Commissioner Zuniga inquired into the existing training for State Police troopers to which Director Wells described the existing programs. Chair Judd-Stein agreed that a letter to the POST Commission would be an appropriate step and explained her rationale. By consensus, the Commission agreed to send said letter.

**01:50:30: Investigations and Enforcement Bureau**

**Plainridge Park Casino Qualifier-Determination of Suitability**

Kate Muxie-Hartigan presented the results of the investigation relative to Marla Kaplowitz, a qualifier for Plainridge Park Casino as she is an independent director on the Board of Directors for Penn National Gaming Inc. Penn National Gaming Inc is the parent company of PPC. Ms. Kaplowitz sits on the compensation committee and on the compliance committee to Penn National. It was noted that Ms. Kaplowitz did not currently hold any gaming licenses though she indicated that she had recently applied for numerous gaming licenses in jurisdictions where Penn National does business, all of which remain pending regulatory approval. Ms. Hartigan indicated that it was the IEB’s recommendation that the Commission find that Ms. Kaplowitz demonstrated clear and convincing evidence of her suitability.

*Commissioner Cameron moved that the Commission issue a positive determination of suitability to Marla Kaplowitz in her capacity as an independent director to the board of directors to Penn National Gaming, Inc. Commissioner O’Brien 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.*

**01:57:50: Finance Division**

**MGC Budget Discussion**

Derek Lennon, CFAO, presented the Commission’s proposed fiscal year 2022 budget and assessment projections. He reviewed the budget and made recommendations as described in the memorandum included in the Commissioners’ Packet. Mr. Lennon reviewed major spending increases and decreases of the Gaming Control Fund including those related to the Commission’s payroll, travel, IT, AGO and ABCC related costs, community mitigation fund costs, and research and responsible gaming costs. Mr. Lennon also discussed the gaming agent staffing costs. He also reviewed a number of comments and requests received from the gaming licensees relative to certain costs as well as the assessment on each licensee, and how those figures are calculated including the estimated number of gaming positions provided by the individual licensees.

Commissioner Zuniga noted that this budget restores some of the trends from prior to the pandemic including, for example, some of the research and responsible gaming costs. Commissioner Cameron agreed that the proposal was very thoughtful and made specific mention of the staffing related figures. Commissioner O'Brien offered comments relative to the presentation as well and made specific note of the estimate relative to the gaming position projection. Chair Judd-Stein inquired as to the 10% community mitigation fund administrative costs and asked that the budget include funding for staff to properly program the return to the office efforts.

Mr. Lennon noted that the proposed budget will be released for public comment and then will be brought back to the Commission in 2 weeks for final consideration.

**02:22:58: Community Affairs Division**

**Community Mitigation Fund Workforce Application Updates**

Joseph Delaney, Chief of Community Affairs, presented 2 amendments to the recently approved Community Mitigation Fund workforce grants of \$350,000 of each. The Commission previously requested that Mr. Delaney inquire of the recipients whether they would be able to expand their proposed programs to incorporate an additional \$50,000 in spending. Each was able to propose an expansion which Mr. Delaney described. The review team recommended approving these amendments as follows: increase the Holyoke Community College grant from \$350,000 to \$400,000 and increase the MassHire Metro North grant from \$350,000 to \$400,000. Crystal Howard then explained how the additional funds are proposed to be spent. The Commissioners each offered comments about the proposals.

*Commissioner Zuniga moved that the Commission approve the award of an additional \$50,000 to Holyoke Community College for the workforce development grant from the Community Mitigation Fund to fund an additional cohort of culinary students as described in the memo in the Commissioners' Packet, and as discussed at the meeting, and that Commission staff be authorized to execute a grant instrument commemorating this 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.*

*Commissioner Zuniga moved that the Commission approve the award of an additional \$50,000 to MassHire Metro North Workforce Board for the workforce development grant from the Community Mitigation Fund to expand the originally approved services provided through the local career advisory network as described in the memo in the Commissioners' Packet, and as*

*discussed at the meeting, and that Commission staff be authorized to execute a grant instrument commemorating this award in 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.*

### **02:33:39: Community Mitigation Fund Application Summary Report**

Mr. Delaney then presented a summary of the 2021 Community Mitigation Fund. He noted that the review approach was slightly modified this year including offering outreach sessions for prospective applicants, spreading the review workload over the course of numerous Commission meetings. Mr. Delaney went on to discuss the summary of the work which is all set out in a memorandum in the Commissioners' Packet. He mentioned that of the applications that were not approved, a number were simply due to the lack of a nexus of the cited impact to the operation of a casino. Each of the Commissioners offered observations and comments about the process and thanks to the review team.

*Commissioner Zuniga moved 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. Notice of Meeting and Agenda dated June 1, 2021
2. Draft Commission Meeting Minutes of March 25, 202
3. Communications PowerPoint Presentation
4. Internal MGC Covid Protocols Memorandum
5. Massachusetts Public Records Law: An Overview PowerPoint Presentation
6. Nondisclosure Agreement Pursuant to 205 CMR 139.02
7. Fiscal Year (FY22) Budget Recommendations Memorandum
8. 2021 Community Mitigation Fund Workforce Development Funding Increase
9. Holyoke Community College Budget narrative for FY22
10. Metro Boston Regional Gaming and Hospitality Consortium Amendment to Application 2021 Community Mitigation Fund- Workforce Development Program Budget Breakdown
11. 2021 Community Mitigation Fund Summary Memorandum