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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 9, 2022, 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 032 0629

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### Commissioners Present:

Chair Cathy Judd-Stein  
Commissioner Eileen M. O'Brien  
Commissioner Bradford R. Hill  
Commissioner Nakisha L. Skinner

1. [Call to Order](#) (0:14)

Chair Judd-Stein called the 382nd public meeting of the Massachusetts Gaming Commission ("Commission") to order. Roll call attendance was conducted, and all four commissioners were present.

2. [Approval of Meeting Minutes](#) (2:55)

a. December 16, 2021

Commissioner Hill moved to approve the minutes from December 16, 2021, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner O'Brien seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Abstain.*

*Chair Judd-Stein: Aye.*

*The motion passed 3-0, with one abstention.*

### 3. [Administrative Update](#) (4:24)

#### a. On-site Casino Updates

Executive Director Karen Wells introduced Bruce Band, Assistant Director of Investigations & Enforcement Bureau (“IEB”) and Gaming Agents Division Chief, to provide an update on the gaming establishments. Assistant Director Band reported that MGM Springfield is hosting Free-Music Fridays in their plaza every Friday this summer until September 2nd. Assistant Director Band added that on June 13th, table games at MGM Springfield will be offered 24 hours per day, and 7 days per week. Assistant Director Band then reported on activity at Encore Boston Harbor (“EBH”), explaining that they will offer watch parties for the 2022 NBA Playoffs in their sports bar. He noted that there were no upcoming events at Plainridge Park Casino (“PPC”) to report. The Commission thanked Assistant Director Band for his update.

### 4. [Research and Responsible Gaming](#) (18:17)

#### a. Gaming Advertising White Paper Update

Mark Vander Linden, Director of Research and Responsible Gaming, presented the second draft of the white paper, *Responsible Gaming Considerations for Gambling Advertising*. The first draft was presented at the March 14th public meeting and posted to the Commission’s website for public comment. Director Vander Linden noted that the updated document clarified the terms “gaming” and “gambling,” which were used interchangeably throughout the report. Director Vander Linden introduced Long Banh, Program Manager, to present changes that were made to Section 3 of the white paper, which detailed regulations from other U.S. jurisdictions and elsewhere. Mr. Banh noted that the regulations regarding advertising marketing, communications to high-risk players, and underage or self-excluded persons were added into the document. An additional regulation was added concerning how gambling inducements, bonuses and marketing materials must not mislead players, or misrepresent products.

Director Vander Linden explained that language was also added within Section 4 of the document to recommend and delineate which measures should be promulgated into regulations, and which measures – specifically those that are difficult to monitor or measure – may be better suited for inclusion in the Commission’s Responsible Gaming Framework. Mr. Banh stated that another addition to the white paper was a recommendation that materials detailing how to report false or misleading advertising be available in various languages, so more individuals can file a complaint if there is a violation. The report was included in the Meeting Packet, on pages 9 through 32.

Commissioner Skinner sought clarification from Director Vander Linden regarding what changes were made in response to the public comments received regarding the white paper. Director Vander Linden responded that he would review the white paper and delineate the changes that were made based on public comments separate and apart from the other edits that were made within the document and provide Commissioners with an update shortly after the meeting.

Chair Judd-Stein clarified to her fellow Commissioners that the Commission would not be voting on the report in its current form. Director Vander Linden confirmed this point, stating that after today's discussion, the document would shift from draft form to permanent status. He added that revisions may be made after additional findings are incorporated from the study. Chair Judd-Stein added that the Commission would review the final document and determine what practices should be implemented, and how the practices can be modified based upon a review of other jurisdictions. Chair Judd-Stein thanked Director Vander Linden, Mr. Banh and Ms. Flores-Pajot for their research and work on the white paper.

## 5. Legal Division

### a. [Suitability Decisions](#) (38:30)

General Counsel Todd Grossman provided an update on the suitability decisions before the Commission. General Counsel Grossman explained that the Commission held five adjudicatory proceedings on May 24th relative to the suitability of four individuals and one entity qualifier. Specifically, the Commission considered the suitability of Joseph Levin, Barry Diller, Kenya Evans, and the entity IAC/InterActiveCorp ("IAC") as qualifiers for Blue Tarp ReDevelopment, LLC, the Region B Category 1 gaming licensee. The Commission also held suitability proceedings for Gregory Brower as a qualifier to Wynn MA, LLC, the Region A Category 1 gaming licensee. General Counsel Grossman noted that each matter was considered individually by Commissioners at separate hearings, and the Commission deliberated over each matter separately, as well. Written decisions commemorating the Commission's findings were issued to each party. The decisions were included on pages 33 through 53 of the meeting packet.

General Counsel Grossman explained that the Commission had issued a positive determination of suitability to each of the five petitioners.

Commissioner O'Brien asked General Counsel Grossman to highlight the distinction in the Diller matter versus the matters for Ms. Evans and Mr. Levin. General Counsel Grossman explained that Mr. Diller and the entity IAC were issued positive determinations of suitability, though there was a condition attached to each decision. The condition came about due to an ongoing investigation being conducted by the Securities and Exchange Commission ("SEC") and the Department of Justice ("DOJ") of which the IEB was made aware. General Counsel Grossman explained the condition attached to Mr. Diller and IAC's grant of suitability, which was that they report any material information related to the progression of either the SEC or DOJ investigations to the IEB within 48 hours of receipt of such information. General Counsel Grossman noted that such notification would allow the IEB and the Commission to remain apprised of those proceedings and allow the Commission to take any action, if necessary, in the future.

Chair Judd-Stein added that the Commission would emphasize that suitability is an ongoing process, and that disclosure is an ongoing obligation for individuals and entities deemed suitable by the Commission. Chief Enforcement Counsel Hall confirmed that the IEB would continue to monitor the investigations of Mr. Diller and IAC's cases. Chair Judd-Stein thanked Ms. Hall, the

financial investigators, the officers withing the Gaming Enforcement Unit, and all the members of the IEB for their vigilance in these matters.

6. [Community Affairs Division](#) (45:20)

a. Community Mitigation Fund Applications: Public Safety, Specific Impact

Joe Delaney, Chief of the Community Affairs Division, presented the 2022 Community Mitigation Public Safety and Specific Impact Applications for review. The applications were included on pages 54 through 61 of the meeting packets.

i. Town of Foxborough

Chief Delaney provided an overview of the Town of Foxborough's Public Safety Application and explained that their request for \$188,110 was predominantly for police training and the purchase of two unmarked, specialty vehicles. Chief Delaney explained that the review team recommended partial funding of this request in the amount of \$71,400. Chief Delaney explained that the Review Team did not recommend funding the two unmarked vehicles as the Review Team was not convinced that providing additional vehicles would be proportional to the impact identified and that the previous grants awarded by the Commission adequately addressed this issue.

Chair Judd-Stein stated that she would be interested to hear, at a later time, where the police units are accessing these funds for training, the number of officers that are participating, and the outcomes of the training. Chair Judd-Stein added that the Commission was committed to public safety funding for equipment but would like to see the training as an offset and a component in future applications. Chief Delaney explained that the Division of Community Affairs does track who receives trainings as it reported when grant recipients submit their quarterly reports.

ii. Town of Longmeadow

Chief Delaney provided a short overview of the grant requested by the Town of Longmeadow He explained that Town requested \$85,900 to install cameras at the intersection of Longmeadow Street (Route 5) and Forest Glen Road, as well as funds for police training on de-escalation and implicit bias. Chief Delaney stated that the Review Team recommended awarding the full amount of the grant because it would help the community to address safety and traffic-related issues in the area, and the Review Team guidelines identified the training costs as eligible for funding.

iii. Southeastern MA Regional 911 District ("SEMRECC")

Chief Delaney provided an overview of the application submitted by the Southeastern MA Regional 911 District Public Safety Application. He explained they requested \$80,000 to purchase, program, and maintain a cache of portable radios to aid in emergency communications during an incident- , specifically during an incident at or in proximity to PPC. Chief Delaney noted that the Review Team did not recommend the application for funding because the

application was speculative in nature. He explained that the Review Team’s guidelines state that the funds may not be used on the mitigation of impacts that are projected, or predicted, but are not occurring. Chief Delaney added that there was no evidence that an event has ever occurred at PPC which would require such action on SEMRECC’s part. The Executive Office of Public Safety and Security (“EOPSS”) shared the Review Team’s concern.

iv. City of West Springfield

Chief Delaney presented the City of West Springfield’s request for \$200,000 for additional Police, Fire and EMS personnel to increase staffing to address the impact on municipal services resulting from the opening of the MGM Casino in Springfield. Chief Delaney noted that the Review Team recommended awarding the full amount of the request based on the evidence in the One Year Look Back Study attributing the impact on the call of municipal services to MGM Springfield.

v. Specific Impact Request: Hampden DA’s Office

Chief Delaney provided a short overview of the specific impact grant requested by the Hampden District Attorney’s Office, and explained they requested \$75,000 for personnel to mitigate the additional burdens in caseloads that are created directly and indirectly by the influx of people in the downtown area due to the casino presence. Chief Delaney added that the Review Team recommended awarding the full amount of the request because the Review Team guidelines identified the costs incurred by the District Attorney’s Office as eligible for funding from the Community Mitigation Fund.

Chair Judd-Stein commented that Chief Delaney, Mary Thurlow, Senior Program Manager, and Lily Wallace, Program Assistant, did a great job preparing and presenting the Community Mitigation Fund applications.

vi. Specific Impact Request: City of Springfield

Chief Delaney provided a short overview of the specific impact grant requested by the City of Springfield, and explained they requested \$300,000 to advance the site feasibility and design for a new mixed-use parking garage to help the Springfield Parking Authority (“SPA”) to recover revenues that were lost due to the construction of the MGM parking garage. Chief Delaney noted that the Review Team recommended awarding the full amount of the request.

Chair Judd-Stein inquired whether \$300,000 was the full amount needed for the site feasibility, or whether the city would be using other funds. Chief Delaney responded that \$300,000 was the full cost to hire a developer, bid on the contracts, and the attorney’s costs associated with the site feasibility, but the city may request additional funds in the future, as the design progresses.

vii. Specific Impact Request: Springfield Fire Department

Chief Delaney provided a short overview of the specific impact grant requested by the City of Springfield Fire Department. The Department requested \$41,300 for the purchase of new

extraction tools (“jaws of life”) for the fire response unit that primarily responds to the MGM Casino area. Chief Delaney stated that the Review Team recommended awarding the full amount of the request.

viii. Specific Impact Request: Springfield Police Department

Chief Delaney provided a short overview of the specific impact grant requested by the City of Springfield Police Department. The Department requested \$33,300 for IT upgrades to connect the Metro Office Substation to the Gaming Enforcement Unit office, for upgrades to the Metro Office Substation, and equipment maintenance. Chief Delaney added that the Review Team recommended awarding partial funding in the amount of \$16,000 for the IT connectivity between the Springfield Police Department and the Gaming Enforcement Unit. The Review Team did not recommend funding of the Metro Substation modifications and equipment maintenance costs.

Commissioner Hill moved that the Commission approve the applications from the following applicants for funding from the Community Mitigation Fund for the purposes described in the submitted applications and materials included in the Commissioners’ Packet and for the reasons described therein and discussed at the meeting today.

- Town of Foxborough- \$71,400;
- Town of Longmeadow- two grants: \$54,700 and \$31,200 totaling \$85,900;
- City of West Springfield- \$200,000;
- Hampden District Attorney’s Office- \$75,000;
- City of Springfield- \$300,000;
- City of Springfield (Fire department)- \$41,300; and
- City of Springfield (Police department)- \$16,000.

Commissioner Hill further moved that the Commission staff be authorized to execute a grant instrument commemorating these awards in accordance with 205 CMR 153.04. Commissioner O’Brien seconded.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Commissioner O’Brien moved that the Commission deny the application for funding from the Community Mitigation Fund for the two unmarked police vehicles submitted by the Town of Foxborough for the reasons described in the memorandum in the Commissioners’ Packet and discussed at the meeting today. Commissioner Skinner seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Commissioner O'Brien further moved that the Commission deny the application for funding from the Community Mitigation Fund to purchase, program, and maintain a cache of portable radios submitted by the Southeastern MA Regional 911 District for the reasons described in the memorandum in the Commissioners' Packet and discussed at the meeting today. Commissioner Skinner seconded.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

7. [Finance Division](#) (1:20:44)

a. FY23 Budget Overview

Derek Lennon, Chief Financial Officer, presented the Commission's initial Fiscal Year 2023 Budget, which includes funding for the Commission's 104 full-time employees ("FTEs") and four contract employees. The budget was included on pages 62 through 127 of the meeting packets and provided to Commissioners in advance of the meeting.

Chair Judd-Stein inquired about the indirect cost analysis within the racing budget. Chief Lennon explained that the indirect costs were the same in 2020 fiscal year. Chief Lennon added that the budget would be posted on the Commission's website for public comment, followed by discussion at a future meeting with a vote. Chair Judd-Stein thanked Chief Lennon and the entire Finance Division for their work on the budget.

8. [Commissioner Updates](#) (1:42:48)

a. Legislative Update

Chief Administrative Officer to the Chair and Special Projects Manager Crystal Beauchemin provided an update on the Commission's support of the bill, H.4817 to extend live horseracing and simulcasting, issued on May 31st. Ms. Beauchemin explained that the Commission's position was that the bill should be expedited, as the Massachusetts Legislature adjourns on July 31, 2022. The bill proposes to extend live horseracing and simulcasting a full year through 2023.

Director of Racing Dr. Alexandra Lightbown added that a primary concern for expediting the bill for approval was the number of jobs at stake for trainers, groomers, owners, drivers, and associated racing staff if the session adjourns before the bill is passed. Chair Judd-Stein thanked the Legislature for their diligence.

9. [Lease Update](#) (1:47:20)

a. Executive Session

Chair Judd-Stein read the following language into the record on behalf of the Commission, “the Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, §21(a)(6) to consider the lease of real property, specifically, the Commission’s office space at 101 Federal Street in Boston, as discussion at an open meeting may have a detrimental effect on the negotiating position of the Commission.”

Commissioner O’Brien moved to enter executive session for the reasons articulated on the record by Chair Judd-Stein. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O’Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously 4-0.*

Commissioners entered executive session. The public session of the Commission meeting did not reconvene at the conclusion of the executive session.

### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda, dated June 6, 2022
2. Meeting Minutes, December 16, 2021, Open Meeting
3. [Meeting Packet](#) from the June 9, 2022, Open Meeting