



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** July 15, 2021, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 111 482 3961

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 Gayle Cameron  
Commissioner Eileen O'Brien  
Commissioner Enrique Zuniga

### 1. [Call to Order](#) (0:00)

Chair Judd-Stein called to order the 349<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

### 2. [Approval of Minutes](#) (5:30) a. December 12, 2020

*Commissioner O'Brien moved that the Commission approve the minutes of December 12, 2020, subject to any necessary changes due to typographical errors or non-material matters. The motion was seconded by Commissioner Cameron.*

#### *Roll call vote:*

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

### 3. [Tribute to Detective Captain Brian Connors](#) (6:30)

Executive Director Wells and Executive Staff of the Commission shared their gratitude and appreciation for departing Detective Captain Brian Connors and congratulated him on his promotion within the Massachusetts State Police. Executive Director Wells recognized his many accomplishments during his tenure at the Gaming Commission, as well as his many contributions to the gaming industry. Executive Director Wells also commended his personal integrity and the integrity of the officers he recruited trained and hired at the Commission. IEB Director Loretta Lillios also expressed her gratitude to Detective Captain Connors and thanked him for assisting her throughout the years. The Commissioners and Chair Judd-Stein each personally thanked Detective Captain Connors for his numerous achievements, commitment to the Commission and his leadership- from the start of the Commission in its earliest days, to present.

The Commission then presented a Distinguished Service Award to Detective Captain Connors for his service as the Commanding Officer of the Gaming Enforcement Unit of the Massachusetts State Police from November 2021 to June 2021. Detective Captain Connors provided brief remarks and thanked the Commissioners as well as his fellow officers for their contributions and partnerships.

### 4. [Administrative Update](#) (40:28)

#### a. On-Site Casino Updates

IEB Director Lillios updated the Commission regarding the on-site activities at the three gaming establishments. Director Lillios noted that the IEB is continuing to work with operational teams at all three properties to ensure enhanced cleaning protocols are occurring in the front and the back of the house. Encore Boston Harbor, (“EBH”) and MGM Springfield (“MGM”) are still requiring employees to wear masks but have not yet implemented a vaccine mandate. Director Lillios noted that Plainridge Park Casino (“PPC”) was following the directives of the CDC and the Massachusetts Department of Public Health, requiring that non-vaccinated employees wear masks as well. She shared that the vaccine clinic at EBH closed on July 2021, however the licensee is continuing their relationship with the Cambridge Health Alliance. So, it is anticipated that Cambridge Health Alliance will return to the property if boosters are ultimately recommended. Director Lillios shared that casino patrons are required to wear masks on shuttles to and from the casino in compliance with existing public transportation mandates. She also shared that MGM has opted to provide a free meal for employees coming into the property for their shift, and that EBH has an existing practice of this policy as well, given the hardships many have faced throughout the COVID-19 pandemic.

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band reported that the properties have all been very busy and operations have been going well with no operational issues. Mr. Band did note, however, an increase in complaints about the poker rooms at both MGM and Encore Boston Harbor; with patrons feeling disappointed about the poker rooms remaining closed, despite the surrounding casino being open. The Commissioners thanked Director Lillios and Assistant Director Band for their reports and asked supplemental questions.

Commissioner Cameron asked Director Band why poker rooms remained closed. Director Band stated that both properties announced that they will have a public decision on the re-opening of their poker rooms by December 31, however, there were related aspects like the ongoing pandemic, and the size of the gaming floor that the licensee ultimately needed to consider. Commissioner Zuniga stated that he would like to hear from the licensees about the existing layout of the gaming establishment, as well as the proposed layout when the room and area would be re-opened pursuant to COVID-19 considerations. Ms. Lillios and Assistant Director Band thanked Commissioners and concluded their presentations.

b. [MGC Return to Work Update](#) (48:40)

Executive Director Wells presented an update from the MGC Working Group with a focus on the return to working in the Boston office. She explained for the benefit of the public that the Massachusetts State Police (“MSP”), gaming agents and racing team had all been working in person throughout the pandemic, but that staff had limited access to the Boston office. The working group has been examining state agencies, with focus on the executive branch and the executive branch agencies for best practices. Executive Director Wells stated the group has been utilizing a lot publicly available information, and it has been an ongoing conversation about how to best return to the workplace. Ms. Wells announced that the proposed return to work date is September 13 in a hybrid model. Staff will have the opportunity to work a certain number of days from home and a set number of days in the office. She expects to provide a detailed proposal with specifics with the Commission to consider at the next public meeting, on July 29, 2021.

Executive Director Wells stated that part of productivity management requires an examination of IT solutions as technology has become vitally important to effectively working in the pandemic. Chief Information Officer, Katrina Jagroop-Gomes then provided an update on the IT portion of the hybrid option before the Commission. CIO Gomes shared that the IT team has been researching and analyzing hybrid options for Commission Meetings. Once initial testing is complete, the IT team will invite the Commissioners for further testing and practice to ensure efficacy and comfort.

Executive Director Wells concluded her presentation and welcomed questions from the Commissioners. Commissioner Zuniga inquired whether the ultimate policy developed and disseminated by the Commission would have some flexibility for different employees with unique health needs. Executive Director Wells acknowledged that different individuals would have differing needs and requirements and confirmed that the Commission wants to accommodate its staff by encouraging anyone with concerns to reach out to HR or their supervisors. Executive Director Wells agreed with Commissioner Zuniga that from an operational perspective, the rollout of the hybrid work environment will likely require adaptation and modification as things change and develop. Commissioner Cameron expressed her gratitude to Executive Director Wells for the report and shared that the Working Group has been very considerate, discussing many thoughtful options for MGC Staff members during its meetings. Commissioner O’Brien added that while she had just joined the working group this past week

that she was impressed with the level of work that had gone into the plan and while it was a work in progress she believed they were well on their way to a plan.

Chair Judd-Stein thanked Executive Director Wells and asked if she could also provide an update on the progress of IT advancements and an update about the current leasing arrangement at the next meeting, inclusive of the physical layout that the Commission occupies in Boston, any the possible equipment needs a hybrid arrangement would require to be successful.

## 5. [Research and Responsible Gaming](#) (1:00:50)

### a. GameSense Quarterly Update

Mark Vander Linden, Director of Research and Responsible Gaming, gave a presentation on the GameSense Quarterly Update. Mr. Vander Linden was joined by Chelsea Turner, Director of Responsible Gambling from the Massachusetts Counsel Gambling and Health, and Phil Sherwood, Director of Communications and Marketing, as well as a GameSense Advisor.

Director Vander Linden provided background that GameSense and Responsible Gaming were required by the enabling legislation of the Gaming Act and subsequently embodied in G.L. c. 23K which required an onsite space for independent substance abuse, compulsive gambling, and mental health counseling services, to be provided to patrons. He then introduced Ms. Turner to begin the first half of the presentation about GameSense operations at the casino including patrons' interactions with GameSense agents, and employees from the three properties who have received awards for their excellence in providing service in partnership with GameSense agents. Ms. Turner then introduced Mr. Sherwood to discuss existing communications and marketing strategies to assist patrons inside and outside of the casino, including the Live Chat feature, Social Media campaigns, Earned Media placements in existing publications and Community Outreach programs. Lastly, the presenters noted that there have been two new GameSense agents hired at both MGM and EBH and shared their excitement for the upcoming National Council for Problem Gaming Convention being hosted in Boston in July of 2022.

Ms. Turner then concluded the presentation and took questions. Commissioner Zuniga inquired about whether the Live Chat feature could be utilized by a patron at one casino property, or entirely off site - with a GameSense Agent who is not in the casino. Mr. Sherwood stated that the GameSense Agent could receive and answer texts anytime and from anywhere in the country. He elaborated that often there are multiple agents that can answer a chat when it comes in, and that the technology is set up to refer specific requests to the most qualified agent depending on the needs of the patron. Commissioner Zuniga asked a follow up question about whether the live chat would be accessible via the Massachusetts Gaming website. Mr. Sherwood stated he would find out and report back. Lastly, Commissioner Zuniga asked about the recognition of employees at the three properties. Ms. Turner shared the gifts that employees typically receive, inclusive of handwritten notes from the Chair, and GameSense branded items, and went on to explain that some properties go as far as having small ceremonies to recognize the employees who have been awarded by GameSense. The Commissioners thanked all parties for the presentations and the work that they do every day.

*The full presentation was included in the Commission Meeting packet on pages 12 – 37.*

b. [General Research Update](#) (1:53:30)

Before the start of the presentation, Director Vander Linden provided an overview of the Division of Research Responsible Gaming’s research agenda. He explained that G. L. 23K, § 71 requires that the Commission develop an annual research agenda to examine the social and economic effects of gaming in the Commonwealth and obtain scientific information relative to the diverse aspects surrounding gaming. The research agenda is advised by the Gaming Policy Advisory Committee (“GPAC”). Mr. Vander Linden stated that the fiscal year 2022 agenda before the Commission was previously presented to GPAC and received their feedback as well.

Mr. Vander Linden began the presentation by stating that the objectives and accomplishments of the Division of Research and Responsible Gaming are incredibly important and diverse, as they want to know and understand the psychological, sociological, epidemiological effects of gaming. He then introduced Research Manager, Ms. Flores-Pajot who has been instrumental in handling the contracts necessary for research facilitation as well as the day to day needs of the Division. With that, Mr. Vander Linden began his presentation on the research activities of the presentation covering the areas of: Responsible Gaming Evaluation; Social and Economic Research; and Public Safety Research; and Community Engaged Research. Mr. Vander Linden shared that there were 16 new or ongoing projects across these four research areas. He and Ms. Flores-Pajot then introduced the studies, explained their objectives and additional relevant factors such as size, population considerations and participant identity, as well as whether a study was new, or follow-up to a previous study.

Mr. Vander Linden concluded the presentation and then opened the discussion to receive questions from the Commissioners. Commissioners thanked Mr. Vander Linden and Ms. Flores-Pajot for their contributions. Commissioner Zuniga expressed his gratitude to Director Vander Linden and Ms. Flores-Pajot for their work. Chair Judd-Stein noted and appreciated the Division’s broad research agenda and thanked the team for their commitment to equity and inclusion across different research areas, and how it was a true embodiment of the Commission’s larger commitment to diversity. Chair Judd-Stein inquired whether any studies would examine the impact of COVID-19 on women in the workforce and related diversity issues. Mr. Vander Linden responded that the study would examine the role of both women in the workforce before and during the pandemic, but also raised the matter of the Research Agenda having one “ad-hoc” research topic annually to explore a pressing issue of the day; and that perhaps that topic could be considered. Mr. Vander Linden thanked the Commission for their time.

*The full presentation was included in the Commission Meeting packet on pages 38 – 57. A Research Update detailing existing and anticipated publications by the Division of Research and Responsible Gaming was also included in the Commission Meeting packet on pages 58 – 66.*

6. [Diversity and Legislative Affairs](#) (3:02:58)

a. MGC Employee and Vendor Diversity Update

Executive Director Wells began the presentation by providing an overview of the Commission's commitment to equity and inclusion and its renewed focus in the Equity Inclusion Working Group. She thanked Jill Griffin, Director of Diversity and Legislative Affairs, Derek Lennon, Chief Financial and Accounting Officer and Trupti Banda, Human Resource Manager and General Counsel Todd Grossman, who have been instrumental in MGC's Equity and Inclusion Working Group (Working Group), convened by Chair Judd-Stein in 2020. Executive Director Wells briefly discussed the purpose of the Working Group, as well as the the pandemic's impact on the spending of vendors. She then introduced Ms. Griffin to provide a summary and update of the Working Group's initiatives.

Ms. Griffin then gave an overview of the diversity objectives of the Commission including Diversity in Hiring, Recruiting, Interviewing, Employee Demographics and Supplier Diversity. She then introduced Mr. Lennon to discuss MGC Supplier Diversity Data and Related Benchmarks, included on the last page of the presentation. Mr. Lennon explained that the lower numbers are attributed to not being in the office, as a large component of the spend is related to the purchase of office supplies from women owned businesses. Mr. Lennon also expressed that they wanted to continue to support Women and Veteran-owned businesses and work towards the goal of spending what has been benchmarked for those groups; and explained that those goals have not yet been met by the Commission.

Procurement Review was then discussed by General Counsel Grossman. He shared that the legal department was in the process of reviewing and standardizing procurement protocols for all procurements issued by MGC. Mr. Grossman explained that diversity could be considered at the forefront of the Request for Proposal evaluation criteria to guide the decision-making process. Ms. Griffin also explained that newer partnerships between the Commission and external affinity groups, and universities could contribute to bringing more vendors to the table and expanding information about diversity initiatives offered by the Commission.

Commissioner Cameron inquired as to whether IGT had been contacted to see if they would be interested in retaining diverse sub-vendors to assist in MGC's spending goals, as a part of their contract. Mr. Lennon explained that the matter is worthy of an internal discussion but does require more consideration in relation to associated spending increases. Chair Judd-Stein recognized the team's commitment to this process and appreciated CFAO Lennon's transparency. Commissioner Zuniga added that the procurement process was very thorough and pointed out that the Independent Monitor, brought on by the Commission was a diverse company as well. Mr. Lennon agreed and stated that the language from the Monitor's RFP has been added to their existing form. The segment concluded, and the Chair thanked the parties for their presentation.

*The MGC Diversity Update Report is included in the Commission Meeting Pack on pages 67 – 71.*

b. [Impact Report](#) (3:35:18)

Director Griffin introduced the 2019 Impact Report. She explained that the report had a particular focus on diverse populations, given that the legislative intent was to create jobs and



business opportunities for Massachusetts' citizens. This project illustrates the success of the economic development mandate and in particular, the success related to the inclusion of diverse populations in those opportunities. Ms. Griffin then introduced Crystal Howard, Program Manager, who spearheaded the effort. Ms. Howard shared that the report's intended release date was in February of 2020 but acknowledged that the pandemic caused a delay in being able to collect and analyze the data from the licensees. Ms. Howard shared that when the casinos re-opened, more data became available, and they were able to bring the report to its fruition. Ms. Howard then shared the report's highlights.

Upon conclusion of the report, Commissioners were invited to ask questions by Ms. Howard. Commissioner Cameron thanked Ms. Howard and asked if the Commission has done the analysis to see what exactly the licensees did to improve their numbers, so that there could be a best practice so that other industries can do the same thing. Ms. Howard explained that it would not fit exactly into the policy analysis of the report, but that the Division was continuously monitoring the numbers on a quarterly basis and having discussions about what may be happening and whether the licensee is holding procurement fairs, as they have done those in the past. Ms. Howard also acknowledged that the data is from 2019 as well. Ms. Howard also pointed out the Grant program run by the Division. One grantee, LEAF is interested in business development and working with small businesses. Chair Judd-Stein thanked Ms. Howard for her presentation and its clarity. She also asked Ms. Griffin to provide the report to the GPAC members. Chair Judd-Stein echoed Ms. Howard's gratitude to the licensees for their collaboration in providing the necessary data used in the report.

*The 2019 Impact Report Review and Corresponding Research Update are included in the Commission Meeting Pack on pages 82 – 85.*

## 7. [Investigations and Enforcement Bureau](#) (3:53:38)

### a. Civil Administrative penalty report

Director Lillios notified the Commission of a Civil Administrative penalty that the IEB issued regarding Fratelli's, a restaurant within the gaming establishment at Encore Boston Harbor ("EBH"). Ms. Lillios cited the statutory and regulatory provisions that were violated, which led to the assessment, including having employees working at the restaurant without being under the proper registration credentials issued by the Commission. Ms. Lillios explained that Fratelli's is a vendor company, and is registered as a non-gaming vendor. The restaurant is located adjacent to the gaming floor. She further explained that pursuant to G. L. c. 23K, § 30(c), and 205 CMR 134.00, as employees at the establishment, they were required to be registered as service employees.

Fratelli's had been notified on numerous occasions, starting at the beginning of 2020, reminding them of the registration requirements of non-gaming vendors, and that consequences, including fines could be incurred. Director Lillios explained that this was not a routine letter, and it was ultimately sent because the Gaming Agents and the State Police Gaming Enforcement Unit ("GEU") had raised concerns verbally with Restaurant management. IEB later issued a formal written notice of non-compliance in February of 2021 after subsequently identifying an

individual working in a restaurant security role at the establishment with no credentials. In March of 2021, it was discovered that another employee had been working at the restaurant for an estimated period of 18 months, without credentials.

Ms. Lillios explained that G. L. c. 23K expressly states that ensuring public confidence in the integrity of the licensing process, and the strict oversight of the gaming establishment as a key objective of the gaming law, so it was incumbent upon the IEB to pay attention to these registration requirements. Ms. Lillios shared that the fine to Fratelli's was issued in the amount of five thousand dollars. (\$5,000.00), with additional conditions for the company. The restaurant must maintain a log indicating any shift or change in who was working at the restaurant, as well as retaining an employee who would be responsible for ensuring staff are properly registered with the Commission. Director Lillios further clarified that while G. L. c. 23K does criminalize actions by the employer, and actions by the individual for working at a gaming establishing without being properly credentialed, these were not criminal penalties, but civil. She added that the 5,000-dollar fine was intended to reflect a serious violation, and a potential risk to the integrity of the licensing process. Director Lillios stated that the company has taken this matter seriously and that they have had fruitful discussions about this matter. She shared that the company does intend to retain someone who will ensure staff are properly licensed and registered. In the interim, the attorney for the restaurant has taken on this responsibility. She also shared that EBH assisted in the review of this matter and provided the IEB with documents that aided their fact-finding.

Commissioner Cameron thanked Director Lillios for her thorough report and the hard work done by her and her team. Commissioner O'Brien then inquired about the timeline of the process and whether it was one person who failed to ensure individuals needed to register. Ms. Lillios stated that there may have been confusion amongst restaurant management as to whom would be responsible for handling registration and licensure, and as a result it did not come to fruition but was not certain. Commissioner O'Brien then clarified that she was seeking to understand if this was a situation that will be adequately remedied with education and training or could be attributed due to high turnover rate of staff. Director Lillios stated that it was her belief that it was more of a lack of prioritization of getting employees registered, but she was more confident now that restaurant management understood the requirements necessary to remain in compliance.

Chair Judd-Stein asked Director Lillios to share the timeline of the violation once more. She explained that the first letter was sent in January of 2020; the second letter was sent roughly one year later, in February of 2021. Director Lillios explained that the period between these two letters included on-site communications with management and on-site staff. Chair Judd-Stein then inquired how the non-compliance was detected. Director Lillios confirmed that it was the Gaming Agents and GEU who were checking credentials, and that registrants and staff are held to a high standard of compliance. Chair Judd-Stein thanked Ms. Lillios for the update.

#### 8. [Community Affairs Division](#) (4:10:50)

##### a. HCC Workforce Grant Amendment



Joe Delaney, Chief of the Community Affairs Division, joined by Jill Griffin, Director of Diversity and Legislative Affairs, and Crystal Howard, Diversity and Legislative Affairs Program Manager, provided a brief overview of why the Division was seeking an amendment to a previous grant. Massachusetts Casino Career Training Institute (MCCTI), a gaming school and original grant recipient has been closed since the pandemic. MGM does not have a need to reopen the gaming school at this time, as they have indicated they are not hiring dealers, so the Holyoke Community College is asking that the funds be reallocated to another purpose. Mr. Delaney introduced Ms. Howard, who provided additional details as well as the amount of the request, \$16,983, which was requested to be rolled over from the previous grant to be used for gaming school scholarships. Ms. Howard clarified it was the desire of Holyoke Community College to reallocate the funds toward culinary training, which was approved for the current grant year as well by the Division. Ms. Howard stated that the amended purpose is consistent with the initiative to provide training to individuals, and that the culinary training program will still allow students to access the program at no cost. Lastly, Ms. Howard reiterated that the Division supports the reallocation of the grant. Mr. Delaney explained that a vote is not ordinarily required, but they were seeking the Commission's approval in the current case, as it exceeds the \$10,000 limit that the Division is authorized to amend internally.

*Commissioner Zuniga moved that the Commission approve Holyoke Community College's request to reallocate funding originally specified for scholarships at MCCTI's dealer school to culinary programming at HCC, in the amount of \$16,183. Commissioner O'Brien Seconded.*

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*The 2020 Community Mitigation Fund - Workforce Development Proposal for repurposing MCCTI funding is included in the Commissioner's Packet on page 86 -87*

#### 9. Discussion of Draft Commission Letter to Massachusetts Peace Officer and Training Commission (4:16:50)

*Prior to the start of this agenda item, Commissioner Zuniga indicated that after speaking with General Counsel Grossman, he would not be participating in this agenda item and would be leaving the meeting. He further explained that he would return for discussion of later agenda items but would not be in the meeting to discuss this agenda item. Chair Judd-Stein noted for the record there were still three Commissioners present for this agenda item, however.*

Chair Judd-Stein thanked Commissioner O'Brien for taking the lead on this issue in partnership with Associate General Counsel Torrisi. Commissioner O'Brien explained that since this matter was last discussed, the Commission has come to an agreement and consensus and wanted to memorialize their understanding of how the new law enforcement officer training conditions

interplay with G. L. c. 23K and the Commission's existing obligations and security. She stated that Attorney Torrisi drafted a letter and Commissioner O'Brien made some minor edits and disseminated the letter for Commissioner review and discussion here today.

Commissioner Cameron thanked Commissioner O'Brien and Attorney Torrisi for the letter and stated she has no issues as it was currently drafted. Chair Judd-Stein thanked Attorney Torrisi for her work with Commissioner O'Brien and her research. After reaching consensus, Chair Judd-Stein inquired if the letter would be signed by all Commissioners. Commissioner O'Brien clarified that Commissioner Zuniga would be removed from the letter and that the three remaining Commissioners would sign it, as he had recused himself from participation in the matter.

10. [Commissioner Updates](#) (4:20:25)

*Commissioner Zuniga re-joined the meeting at the start of this item.*

a. Legislative Update

Chair Judd-Stein shared that she had one update that Director Griffin and General Counsel Grossman met with legislative staff regarding horseracing bill and the upcoming deadline of July 31st. The legislative team thought it would be helpful that the letter previously sent by the Commission in support of the earlier bill was part of the new record. Staff suggested that the Commission update their letter of support with the new bill's identification number and send it to certain members at the legislature as a reminder of the Commission's support of the effort. Director Griffin agreed with Chair Judd-Stein's summary and decision to have the letter re-drafted, signed by the Commission and re-sent to the legislature.

b. NCPG Conference

Commissioner Zuniga shared that he is participating in a virtual conference for the National Council for Problem Gaming this week and next week and there have been some great discussion and a lot of interest in the future conference, which will be held in person in Boston in 2022.

11. Other business

*Commissioner Zuniga moved to adjourn. The motion was seconded by Commissioner Cameron.*

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Chair Judd-Stein: Aye.*

*Commissioner Zuniga: Aye.*

*The motion passed unanimously. Meeting Adjourned.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated July 13, 2021
2. [Commissioners' Packet](#) from the July 15, 2021, meeting (posted on massgaming.com)
3. Meeting Minutes – December 12, 2020