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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 16, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 497 8159

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

**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.**

### Call to Order

10:03 a.m. Chair Cathy Judd-Stein called to order public meeting #313 of the Massachusetts Gaming Commission (Commission).

*The Chair confirmed a quorum for the meeting with a Roll-Call.*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

### Approval of Meeting Minutes

10:04 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 16, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion.*  
*Roll Call Vote:*

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

*Commissioner Stebbins also moved to approve the minutes from the Commission meeting of June 17, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

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

## **Administrative Update**

[10:06 a.m.](#)

### **Report on Licensees Reopening and Racing Re-opening**

Interim Executive Director Karen Wells updated the Commission on the status of the licensees and racing reopening efforts. She reported that Commission staff monitors the normal integrity of operations, compliance, and reopening requirements related to COVID-19.

[10:08 a.m.](#)

Assistant Director/Gaming Agents Chief Bruce Band and Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief Burke Cain first reviewed the report on Plainridge Park Casino's (PPC) reopening status with the Commission. Mr. Band described operations as running very smoothly, and compliance is being exercised. Mr. Cain stated that PPC had clever signage advising guests on the rules for beverage consumption. He also noted that teamwork was exemplified throughout the property.

Commissioner Zuniga asked if Mr. Band had observed higher periods of visitation on weekends than weekdays at PPC. Mr. Band replied that it seems stable across the board and added that simulcasting is not in operation at this time.

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

Racing Director Dr. Alexandra Lightbown updated the Commission on the opening of live racing on Monday, stating that all is going well. The facility has added further measures to separate people six feet apart. Dr. Lightbown also noted that Suffolk Downs' Chief Operating Officer Chip Tuttle stated that everything is in place for a smooth opening.

[10:16 a.m.](#)

Commissioner Cameron asked if there was any further discussion about a plan for the trainers regarding COVID-19 measures. Dr. Lightbown outlined the system

currently being successfully implemented by PPC, and she described that some adjustments to the stalls were needed and executed. Lastly, she reported that there has been a great degree of cooperation among everyone.

[10:18 a.m.](#) Commissioner Zuniga asked Dr. Lightbown to describe how operations are taking place concerning the COVID-19 measures, particularly social distancing. Dr. Lightbown described the current process for taking samples from horses. She also reported efforts to keep the equipment and areas clean and sanitized. Lastly, Dr. Lightbown confirmed that she is receiving all supplies needed.

[10:25 a.m.](#) Commissioner Cameron announced that Dr. Lightbown has been elevated to Chair of The Standardbred Committee of the Association of Racing Commissioners International. The Chair and Commissioners gave their compliments and congratulated her on this prominent position of leadership.

[10:25 a.m.](#) Concerning MGM Springfield (MGM), Mr. Band and Mr. Cain described the casino landscape for their reopening. They each reported on compliance and safety measures observed. They each described a successful opening with only minor corrections needed regarding mask compliance that were swiftly rectified by staff.

[10:29 a.m.](#) Mr. Cain confirmed for Commissioner O'Brien that well-appointed handwashing stations have been installed are in working order and are in use.

Mr. Band then confirmed for the Chair that all three properties are using counters to track occupancy levels.

[10:31 a.m.](#) Next, Mr. Band described the casino landscape for the reopening of Encore Boston Harbor (Encore). He reported on compliance and safety measures observed. Mr. Cain stated that Encore was extremely effective at maximizing the casino floor through surveillance and security measures. Mr. Band stated that employees and are proactively helping to enforce compliance.

[10:33 a.m.](#) Per Commissioner Cameron's inquiry, Mr. Cain will inquire if any guests or employees have been found to have an elevated temperature so far. He also reported that guests are being compliant with having temperature checks.

[10:38 a.m.](#) **Massachusetts Gaming Commission's Status on Return to Workplace Compliance and Guidelines**

Ms. Wells outlined the internal Commission employee program for cross-training, providing proper resources, and working with employees to ensure safety while maintaining an open dialogue with employees. Human Resource Manager Trupti Banda stated that the Human Resource Division staff is available for employees.

[10:42 a.m.](#) **MGC Internal Controls Update**  
Ms. Wells highlighted items of note for the Commission. She stated that the FY2021 Internal Control plan for the agency is completed. She described that this plan is in connection with the work of the Internal Audit and Compliance Group. The team utilized guidelines from the Comptroller's Office to formulate the project, which was distributed to all in the office.

[10:47 a.m.](#) Next, Ms. Wells stated that the bi-annually required security review, which includes a review of the Commission's system's user access, has been submitted to the Comptroller's Office in a timely fashion.

[10:48 a.m.](#) Commissioner Zuniga added an item for consideration at the next meeting. The role of the Risk Officer oversees much of the aforementioned efforts. He suggested that staff consider any conflicts of interest when assessing internal candidates. Staff will need to bring forth a recommendation to the Commission. This item will be placed on the agenda at next week's agenda-setting meeting.

## Legal Division

[10:52 a.m.](#) **205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund**  
The Commission reviewed the amendment to this regulation that establishes that the one-year period a casino patron has to claim winnings shall not include any period that a casino is not in operation.

[10:54 a.m.](#) *Commissioner Zuniga moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund, as included in the Commissioners' Packet. Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Zuniga further moved that the Commission adopt the version of 205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund, as included in the Commissioners' Packet, and authorize the staff to take all steps necessary to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.  
Chair Judd-Stein: Aye.  
The motion passed unanimously.*

10:56 a.m.     **205 CMR 109.00: Authority of Commission to Act in Emergency Situation**  
The Commission then reviewed an amendment to this regulation that clarifies the Commission and the Investigations and Enforcement Bureau (IEB) authority to issue orders and establish procedures to be followed by the gaming licensees immediately in an emergency.

10:57 a.m.     *Commissioner Stebbins moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 109.00: Authority of the Commission to Act in an Emergency Situation, as included in the Commissioners' Packet.  
Commissioner Cameron seconded the motion.*

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

*Commissioner Stebbins further moved that the Commission adopt the version of 205 CMR 109.00: Authority of the Commission to Act in an Emergency Situation as included in the Commissioners' Packet and authorize the staff all steps necessary to finalize the regulation promulgation process. Commissioner Cameron seconded the motion.*

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

## **Commission Items**

11:00 p.m.     **Executive Director Search Update**  
Commissioner Zuniga updated the Commission on the process of engaging an executive search firm for assistance with hiring an executive director. He noted that the search began before the casino closures in March, where the effort was then suspended in April.

He then described the Commission's hiring policy for all positions, which he stated is based on best practices, particularly one that includes flexibility to give the hiring manager discretion not to advertise the job and consider an internal

candidate at any time in the process. As the Commission is the hiring manager for the executive director, Commissioner Zuniga proposed that the Commission consider hiring Ms. Wells permanently as executive director. He also suggested designing a survey for broad distribution to the staff regarding this, for the Commission's consideration.

[11:13 a.m.](#) The Chair suggested that Commissioner Zuniga use an internal employee survey for analysis, as well as a more traditional survey from those reports obtained by working with Ms. Wells for the last several months.

[11:24 a.m.](#) The Commissioners reached a consensus that they favor Commissioner Zuniga's proposal to consider Ms. Wells for the position of the executive director without posting. The Chair added that as it is no longer practical under the current revenue conditions to hire an outside firm, the process will remain as is.

[11:28 a.m.](#) **Formation of Working Group on Equity and Inclusion in the MGC Workplace**  
The Chair announced the formation of an Equity and Inclusion Group in the workplace at the Commission. She stated that the group's goal is to review workplace practices to ensure that implicit bias does not result in any disproportionate impact on people in communities of color. She stated that this group's work will be ongoing and will involve all employees at the Commission.

### Commissioners' Updates

[11:33 a.m.](#) Commissioner Cameron thanked the Commission for authorizing the Horse Race Committee (HRC) to change how the Racehorse Development Fund allocations (splits) are distributed. She explained that the splits were adjusted to allocate funds for purses, breeders, and Health and Welfare.

[11:39 a.m.](#) Ms. Wells thanked Licensing Manager Bill Curtis for all of the excellent work he has done for the Commission. She stated that he would be leaving the agency. Mr. Curtis was one of the first employees at the Commission and has exemplified an excellent work ethic and strong working relationships throughout the Commission, with the casinos, vendors, and employees moving through the licensing process. Mr. Curtis thanked Ms. Wells for her kind words and thanked his team. The Commission and staff made remarks and wished him well.

[12:00 p.m.](#) *With no further business, Commissioner Stebbins moved to adjourn.  
Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.  
Commissioner O'Brien: Aye.  
Commissioner Zuniga: Aye.  
Commissioner Stebbins: Aye.  
Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated July 16, 2020
2. Draft Commission Meeting Minutes dated June 16, 2020
3. Draft Commission Meeting Minutes dated June 17, 2020
4. Amended Small Business Impact Statement for 205 CMR 109.01
5. Final Draft Regulation 205 CMR 109.01
6. Amended Small Business Impact Statement for 205 CMR 138.68
7. Final Draft Regulation 205 CMR 138.68

/s/ Bruce Stebbins  
Secretary