



Massachusetts Gaming Commission Meeting Minutes

Date/Time: July 29, 2021, 9:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 112 035 3035

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 350th 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 from March 11, 2021](#) (1:21)

Commissioner O'Brien moved to approve the minutes from the Commission's public meeting of March 11, 2021, subject to correction for typographical errors or other nonmaterial matters. Commissioner Cameron seconded.

Roll call vote:

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

3. Administrative Update

a. [Diversity and Legislative Affairs](#) (29:45)

Director of Diversity and Legislative Affairs Jill Griffin and Program Manager Crystal Howard presented a PowerPoint to the Commission describing the role of the Diversity and Legislative Affairs division of the Commission. The PowerPoint is included in the Commissioners' Packet. Each Commissioner shared sentiments relative to the presentation and the division's excellent work.

Ms. Griffin introduced Segun Idowu, President and CEO of the Black Economic Council of Massachusetts to the Commission. She noted his contribution to the vendor advisory team, and his commitment to ensuring a diverse vendor base, amongst others.

Mr. Idowu described his organization, its efforts and goals, its origins, and its close work with the Commission. Commissioner Cameron inquired as to how the Commission's work can be a model to others. Mr. Idowu pointed to the fact that the Commission set specific goals and required regular public reporting as important components. Commissioner Zuniga, Commissioner O'Brien, and Chair Judd-Stein shared their impressions and the importance of the described efforts.

b. [On-site casino update](#) (2:57)

Director of the IEB Loretta Lillios provided the Commission with an overview of the Covid measures in place at the gaming establishments. She indicated that it was status quo from the last report 2 weeks prior. She described the ongoing efforts of the licensees relative to sanitization, masking protocols, vaccination of employees, reporting to the IEB and boards of health, the hiring of employees who are 18 years old, and awareness of the applicable CDC guidance. Assistant Director of the IEB Bruce Band offered an update as to the plexiglass at the properties, the hours of operation at the properties, and indicated that all three properties are operating smoothly.

c. [MGC Return to Work Update](#) (10:39)

Executive Director Karen Wells offered the Commission an overview of the plans and considerations relative to the staff return to the office. She noted that several large employers have delayed a return to the office and referenced the federal masking guidance. Ms. Wells indicated that the internal working group has been reviewing return to the office related matters and proposed postponing the return to the Boston office back to October. Commissioner Zuniga discussed a consideration of reconfiguring the office space. Commissioner Cameron described concerns raised relative to working alongside unvaccinated individuals and supported postponing the return date. Commissioner O'Brien noted that there was unanimity in the working group to postpone the return date and supported the change. Chair Judd-Stein noted that things are in flux and suggested an agency-wide survey of return related issues given the uncertainty of the timing of the return. Ms. Wells further noted that the option to work in the office is available to

employees who desire to do so. There was a general consensus in support of postponing the return date. Ms. Wells will inform the staff of the postponed date.

d. [Recognition of Jill Griffin](#) (1:17:39)

Executive Director Wells and the Commissioners offered words of farewell, praise, and congratulations for Jill Griffin in recognition of her departure from the Commission. Ms. Griffin expressed thanks and reflections upon her time at the Commission.

4. [Plainridge Park Casino Quarterly Report](#) (1:46:33)

Community Affairs Division Chief Joe Delaney introduced North Grounsell, General Manager from PPC, for purposes of presenting its Q2 quarterly report from 2021. Mr. Grounsell and PPC staff presented a PowerPoint which describes the quarterly highlights. The PowerPoint is included in the Commissioners' Packet. The presentation included information relative to the licensee's gaming revenue and taxes, lottery sales, vendor spend by state, local spend by municipality, vendor diversity goals and actual spend, diverse spend, compliance related figures, employment figures overall and in positions designated as supervisor and above, a description of the PPC Cares program and associated activity, and the licensee's marketing efforts.

Commissioner Cameron inquired as to when certain amenities would be open as it relates to being able to recruit new employees. Ms. Lucas and Mr. Grounsell discussed the plans for the property and hiring efforts. Each Commissioner offered brief thoughts about the presentation.

5. [Encore Boston Harbor Quarterly Report and status of poker](#) (2:09:12)

Community Affairs Division Chief Joe Delaney introduced Jacqui Krum, General Counsel from Encore Boston Harbor, for purposes of presenting its Q2 quarterly report from 2021. Ms. Krum and EBH staff presented a PowerPoint which describes the quarterly highlights. The PowerPoint is included in the Commissioners' Packet. The presentation included information relative to the licensee's gaming revenue and taxes including a year over year comparison, lottery sales, employment figures, operating spend, compliance related figures (it was noted that EBH will launch a campaign to reeducate its team members as to the importance of preventing minors from accessing the gaming floor and associated responsibilities), promotions and marketing efforts including the frontline hero giveaway, and change for charities, the second anniversary celebration, master classes offered at the property, and the opening of Night Shift beer garden.

Commissioner O'Brien inquired as to the breakdown of the ages of underage versus minors on the gaming floor, specifically those under 21. Ms. Catanzariti indicated that there were 4 minor children including 2 under 18. It was a 20-year-old individual, whose identification was not checked, who had been on the floor for 2 hours and 54 minutes. The security officer responsible for that oversight was disciplined and the matter served as the impetus for the aforementioned reeducation training.

[EBH Poker Discussion](#) (2:22:05)

Ms. Krum proceeded to address the status of EBH's poker offering. She began the discussion by stating they did not say "never" but rather "not at this time" in connection with resuming poker at EBH. She noted that the licensee makes efforts to be responsive to patron needs. In this case, the poker area is presently occupied by certain slot machines. She indicated that the licensee has experienced difficulties in actually finding dealers. Because of this, opening poker would require the closure of certain other table games as staff is not presently available to do both. While they do recognize the impact on poker players, she indicated that they also have obligations to shareholders and to the Commonwealth. A return to poker is part of the daily consideration as to how best to fully reopen the property.

General Counsel Grossman offered an overview of the legal principles that would guide any decision making in this arena. He referenced G.L. c. 23K and the Commission's broad authority to resolve these types of matters, the definition of a category 1 gaming license, and of a table game. He then discussed certain provisions of section 18 including building a gaming establishment of high caliber, and offering the Commonwealth the highest and best value. Mr. Grossman then discussed section 21 which governs conditions attached to the gaming license. Specifically, he discussed the requirement that a gaming licensee has an affirmative obligation to abide by every statement made in its RFA-2 application. He then discussed the spots in the application that referenced poker. Though there were a few places that mentioned poker, he discussed the language in the licensee's answer to question 4-10. Therein, the licensee described its plans for poker as part of the gaming program. Mr. Grossman added for context that the statements were made as part of a broader description of the gaming program itself that was envisioned at the time the application was submitted and should be considered in that context.

Commissioner O'Brien asked Ms. Krum whether they had specifically renewed the offer to retrain poker dealers which EBH made to the in June 2020. Ms. Krum stated that they had not renewed a specific reach-out to poker dealers since that time but reiterated that the retraining offer still stands. Ms. Krum described the offer that have been made to that group of individuals. Commissioner Cameron asked Mr. Band about the complaints that have been submitted to the Commission. Mr. Band indicated that he has shared the complaints with Ms. Krum and that there were 40-50 individual complaints in the past month relative to bringing poker back and that the number had gone up from 4 or 5 a month. Commissioner Cameron commented that that was a significant number. Commissioner Zuniga asked Ms. Krum whether there had been consideration as to bringing poker back in a more limited way than previously. Ms. Krum indicated that it had been considered but that there were still operational issues with that approach. Everything remained on the table though. Commissioner Zuniga suggested that as a matter of principle that the Commission should be deferential to the gaming licensee expertise in making these types of operational business decisions. That is the reason they were selected for the award of the license in the first place. Chair Judd-Stein stated that we are not interested in micro-managing. She also highlighted the statutory objectives in the law relative to granting a license which includes generating revenues but also drew the distinction between categories 1 and 2 noting that table game offerings are a part of that analysis for the category 1 license and that included poker offerings. She also referenced the impact that this decision may have on the number of available jobs given the more limited need to operate slot machines versus table games. Commissioner O'Brien and Commissioner Zuniga suggested that the subject be revisited in the near future. Mr. Band presented a multi-state survey as to where poker rooms were

presently open across the United States. The Commission agreed to revisit the matter in the near future.

6. [MGM Gaming Beverage License renewal](#) (3:00:33)

Licensing Division Chief Nakisha Skinner presented a request by MGM Springfield to renew its gaming beverage license. The application is included in the Commissioners' Packet and was reviewed at the meeting. Ms. Skinner indicated that the application was timely submitted and deemed administratively complete. The application included a request for 24 licensed areas though Ms. Skinner made specific reference to area 17 for which the licensee was not seeking renewal. She further noted that there are 2 areas that are operated by jointly licensed areas. Ms. Lillios the discussed MGM Springfield's historic compliance with the alcoholic beverage service regulations. She then turned to Angela Smith, senior supervising gaming agent at the property, to further discuss the compliance. Ms. Smith described the manner in which the gaming agents perform compliance checks in this regard. She indicated that the property is in broad compliance and recommended renewal. Ms. Skinner also recommended renewal of the license. Commissioner Zuniga inquired as to the status of the Kringle Candle space which is area 17. Commissioner O'Brien agreed that area 17 should not be licensed at the moment as there is insufficient information provided in the application. The chair inquired as to the status of the Commonwealth Lounge where it is presently stocked with slot machines. Ms. Smith indicated that there is currently alcoholic beverage service in the area and the waitstaff does make drinks via the smart bar, though there is no actual bartender in the area.

Commissioner O'Brien moved that the Commission renew the gaming beverage license issued to MGM Springfield, including all licensed areas described and depicted in the application contained in the Commissioners' packet and reviewed at the meeting, with the exception of area 17 previously occupied by Kringle Candle, and incorporating all terms and conditions described in chapter 23K, 205 CMR, and included in the submitted applications, for a term of three years ending on August 15, 2024, in accordance with 205 CMR 136.06(1).

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

7. [MGC Annual Salary Review](#) (3:40:43)

Executive Director Wells requested that the Commission approve salary adjustments for the Commission employees in the amount of 4%. She noted that there were no adjustments the previous year. She also discussed offering a one-time Covid bonus. Ms. Wells indicated that the recommendation was arrived at in consultation with the CFAO as a cost-of-living adjustment and recognition that there was no increase last year. Commissioner O'Brien noted a potential concern

given the difficulties faced by the licensees. She also noted the potential for hazard pay for certain front facing employees. Commissioner Cameron agreed that racing employees in particular faced a specific hardship given the cancelling of part of the racing season. Both suggested a tiered approach to the bonus- possibly \$1000 for racing employees and \$500 to gaming agents. Commissioner Zuniga noted that there may be other employees whose personal situations we are not aware of in support of a flat bonus to everybody. Chair Judd-Stein noted that this was an extraordinary year and supported separating out the COLA increase from the bonus. She further noted that there were costs associated with working from home that should be considered. The chair suggested that all bonuses be the same with special consideration for racing employees. Ms. Wells indicated that there is money in the budget to implement a tiered approach as discussed. There was discussion relative to that third tier and leaving it within Ms. Wells discretion to distribute the funds equitably. The chair reiterated a concern for individuals who were not forward facing but still faced unknown challenges working from home.

Commissioner O'Brien moved that the Commission adopt the recommendation proposed by the Executive Director and Chief Financial and Accounting Officer and approve a 4% increase to all Commission employees' base salaries, as well as the one-time bonus, described in the memorandum included in the Commissioners' Packet and as further detailed 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

8. [PPC Qualifier review](#) (4:13:59)

Kate Muxie-Hartigan presented the results of the IEB's investigation into a Felicia Hendricks who is the Chief Financial Officer of Penn National Gaming, Inc. and accordingly a qualifier to the gaming licensee. Ms. Muxie-Hartigan advised that Ms. Hendricks submitted all requested documentation and was interviewed by IEB staff. She then proceeded to describe Ms. Hendricks' career and her responsibilities with Penn National and advised that she is licensed in other jurisdictions. Ms. Muxie-Hartigan recommended that the Commission find Ms. Hendricks suitable. Commissioner Zuniga noted that he was familiar with Ms. Hendricks' work as an analyst.

Commissioner Cameron moved that the Commission issue a positive determination of suitability to Felicia Rae Hendrix in her capacity as Executive Vice President and Chief Financial Officer 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

9. [Racing Quarterly Local Aid Payments](#) (4:20:58)

Chad Bourque, Financial Analyst, presented a request for distribution of local aid quarterly payments for the second quarter of 2021. The proposal, calculations, and figures are fully set out in his memorandum to the Commission included in the Commissioners' Packet.

Commissioner Cameron moved that the Commission authorize the local aid quarterly distribution payments to the City of Boston, Town of Plainville, Town of Raynham, and City of Revere in the amounts reflected in the memorandum included in the Commissioners' Packet and discussed at the meeting.

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

10. [Legislative update](#) (4:26:21)

Jill Griffin advised that HB3976, an act extending the authorization for horse racing and simulcasting, was signed into law by the Governor.

Ms. Griffin further advised that the House of Representatives passed HB 4993 which was a sports wagering related bill. The bill was sent to the Senate Ways and Means Committee.

11. [Commissioner Updates](#) (4:30:24)

Commissioner Zuniga suggested that the Commission offer comment relative to a pending bill related to slot machines being permitted at remote locations.

Chair Judd-Stein discussed an international gaming conference coming to Boston and mentioned that the Commission had been asked to contribute certain resources. She noted that there had been outreach to Ethics Commission staff to inquire as to the propriety of certain activities. If certain state resources are to be utilized, notices may need to be submitted to appointing

authorities. Mr. Grossman was asked to be prepared to address the matter along with Commissioner O'Brien.

Commissioner Zuniga [moved to adjourn](#) (4:40:55). The motion was seconded by Commissioner O'Brien.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Chair Judd-Stein: Aye.

Commissioner Zuniga: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated July 29, 2021
2. [Commissioners' Packet](#) from the July 29, 2021, meeting (posted on massgaming.com)