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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** August 13, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 408 7438

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

**Absent:** Commissioner Gayle Cameron

**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

10:00 a.m. Chair Cathy Judd-Stein called to order public meeting #315 of the Massachusetts Gaming Commission (Commission).

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

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

### Approval of Meeting Minutes

10:01 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 23, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion.*  
*Roll Call Vote:*

Commissioner O'Brien: Aye.  
Commissioner Zuniga: Aye.  
Commissioner Stebbins: Aye.  
Chair Judd-Stein: Aye.  
The motion passed 4-0.

## **Administrative Update**

### 10:02 a.m. **General Casino Reopening Update**

Investigations and Enforcement Bureau (IEB) Chief Enforcement Counsel/Deputy Director Loretta Lillios is filling in for Interim Executive Director Karen Wells for this item today. Joining her is IEB Assistant Director/Gaming Agents Division Chief Bruce Band.

Ms. Lillios provided the Commission with a general update on current casino operations. She stated that the casinos are in their fifth week of operations after the re-openings, and things are consistently going well. Each licensee is adhering to their plan regarding mask requirements, beverage handling, and there are no new reports with any adverse trends. Occupancy levels that have been set by the Commission are working well.

10:05 a.m. Mr. Band confirmed for Commissioner Stebbins that occupancy levels are well below the Commission's set standards, as they are just over half (50% of the Commission's formula, based on available gaming positions). Mr. Band stated that the occupancy level rises in the evenings and weekends; however, they do not reach the maximum limit. The licensees are continuing to show strong compliance with the Commission's set standards.

### 10:08 a.m. **Craps and Roulette Request**

MGM Springfield (MGM) and Encore Boston Harbor (Encore) have requested to add Craps and Roulette back to their gaming options. The IEB is currently reviewing this request. Mr. Band stated that in light of the Governor's announcements regarding reported statewide trending COVID-19 case numbers, the IEB feels that expansion of operations would not be appropriate at this time. The IEB will reconsider when these case numbers subside and is not requesting a vote at this time.

The Chair confirmed that the recommendation is consistent with how the Commission has approached the guidelines from the start and will continue to monitor the public health metrics. She added that it would not be prudent to expand the gaming options at this juncture. The Commission reached a consensus that IEB will continue to review these requests and can reevaluate at a future date.

10:13 a.m.     **Poker Status**

Next, Mr. Band reported on the status of Poker in the casinos. He stated that to make Poker a safe game, only four people would be allowed at a table, which is not profitable. Consequently, Mr. Band does not recommend that Poker resume at this time.

10:15 a.m.

Ms. Lillios stated that Encore has instituted retraining for dealers to be able to work at other games as well. 70 Poker dealers have taken advantage of this training.

10:35 a.m.     **Legislative Development Update**

Interim General Counsel Todd Grossman updated the Commission on the status of [HB 4879](#), An Act Enabling Partnerships for Growth, which would have allowed sports wagering, to which the Commission would have regulatory authority. It would also require the Commission to submit a report to the legislature on the status of Region C. This bill passed on July 29, 2020, and was sent to the Senate where it was amended to become [S.2842](#) and no longer contains language regarding sports wagering or Region C. No action was taken on sports wagering. Still, the Commission will continue to monitor those bills and report on the status.

**Racing Division**

10:20 a.m.     **Racing Local Aid Payment**

Financial Analyst Chad Bourque requested the Commission's approval of the Local Aid Quarterly Distribution for Q2 C.Y. 2020 of \$169,456.07, payable to each city and town where racing activities are conducted.

10:22 a.m.

Commissioner Stebbins asked Mr. Bourque if he would provide these communities with information based on Q1 and Q2 of 2020 to give a sense of what to expect for revenue and assist local officials in their budget forecasting efforts. Mr. Bourque stated that he can provide estimates based on the quarter ending in June 2020 and will continue to do so moving forward.

10:24 a.m.

*Commissioner Stebbins moved that the Commission approve the Local Aid Quarterly Distribution for Q2 of 2020 in the amount of \$169,456.07 pursuant to the Commonwealth of Massachusetts Budget and Appropriation 1050-0140, and as described in the memorandum dated August 3, 2020, in the Commissioners' Packet. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner O'Brien:     Aye.*

*Commissioner Zuniga:     Aye.*

*Commissioner Stebbins:   Aye.*

*Chair Judd-Stein:         Aye.*

*The motion passed 4-0.*

## Ombudsman Division

### 10:25 a.m. **Plainridge Park Casino (PPC) Relicensing Schedule**

Construction Project Oversight Manager Joe Delaney updated the Commission on the timeline for the relicensing schedule for PPC.

A public hearing and meeting has been scheduled for Wednesday, September 16, 2020, from 3:00–6:00 p.m. The purpose of this hearing/meeting is to provide the Commission with input from the host and surrounding communities, impacted live entertainment venues (ILEVs), and the general public regarding the PPC relicensing. Because this hearing/meeting will happen remotely, the Commission will need communities and the public wishing to speak to notify the Commission in advance so they can be invited to speak at the appropriate time.

A Commission meeting has also been tentatively scheduled for September 30, 2020, at a time to be determined for the Commission to deliberate on the renewal of PPC's gaming license. This meeting will follow the format used for the MGM and Encore openings whereby MGC staff will present the licensee's compliance status in each person's particular area of expertise. The Commission will vote on PPC's re-licensure at this meeting.

10:29 a.m. Commissioner Stebbins explained that anyone who cannot participate in this hearing/meeting can view it after it is posted on the MGC website and submit comments to [mgccomments@massgaming.gov](mailto:mgccomments@massgaming.gov) in time for the public discussion and vote on September 30. The Chair will ask at the end of the meeting if any attendees would like to comment.

Mr. Delaney confirmed for the Chair that if any new information or issues arise at the hearing that needs further discussion, the Commission can schedule a subsequent Commission meeting to address it.

## Legal Division

### 10:40 a.m. **Commission Election of Secretary/Treasurer**

Mr. Grossman introduced the annual election of the secretary and treasurer. He noted that Commissioner Zuniga currently serves as treasurer, and Commissioner Stebbins currently serves as secretary.

The Chair nominated Commissioner Stebbins and Commissioner Zuniga to continue in their roles as secretary and treasurer.

10:43 a.m. *Commissioner O'Brien moved that the Commission nominate Commissioner Stebbins for election as the secretary of the Commission in accordance with chapter 23K, section 3(f). Commissioner Zuniga seconded the motion.*  
*Roll Call Vote:*

Commissioner O'Brien: Aye.  
Commissioner Zuniga: Aye.  
Commissioner Stebbins: Abstained.  
Chair Judd-Stein: Aye.  
The motion passed 3-0.

[10:51 a.m.](#) Commissioner Stebbins moved that the Commission nominate Commissioner Zuniga for election as the treasurer of the Commission in accordance with chapter 23K, section 3(f). Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner O'Brien: Aye.  
Commissioner Zuniga: Abstained.  
Commissioner Stebbins: Aye.  
Chair Judd-Stein: Aye.  
The motion passed 3-0.

## Commissioners' Update

### [10:52 a.m.](#) Preliminary Equity and Inclusion Working Group Update

Chair Judd-Stein updated the Commission on her convening an Equity and Inclusion Working Group in the workplace. She stated that this group's goal is to ensure that the Commission's systems, policies, and practices do not result in a disproportionately negative impact on people of color or communities of color. She added that the work is critically important and must be ongoing, given the agency's broad reach.

The Working Group has already commenced work. Members of the group are Commissioner Zuniga, Interim Executive Director Karen Wells, Director of Workforce, Supplier and Diversity Development Jill Griffin, Human Resources Manager Trupti Banda, Program Assistant Tania Perez, and Financial Investigator Paul Eldredge.

[10:54 a.m.](#) Commissioner Zuniga summarized the work of the Equity and Inclusion Group to date. He stated that he will be reporting back to the Commission and the rest of the staff regularly. The group has begun drafting a statement of purpose.

Commissioner Zuniga stated that there is a renewed effort regarding racism because of current events and that the Commission remains committed to ensuring that there is no discrimination against protected classes. The group has started drafting a statement of purpose, as well as a five-point plan. They will ask for additional help, training, and regulatory review to implement this plan, then report back at a public Commission meeting when it is ready.

[10:59 a.m.](#) The Chair then noted that Equity and Inclusion Group's plan will affect the entire Commission team. She added that the work ensures that the Commission reviews and conducts its responsibilities with a lens that bears in mind the critical effort to

ensure practices and policies do not inadvertently affect people of color disproportionately.

11:01 a.m.     **Independent Monitor Update**

Next, the Chair stated that a key member of the team at the Washington, D.C. based law firm Miller & Chevalier, Attorney Preston Pugh, has left the company to pursue an opportunity with another D.C. law firm. The Commission is currently working on a contract with him to retain him on the monitorship for his experience and expertise in employment law. The Chair and Commissioner O'Brien recommended that the team at Miller & Chevalier work to establish a sub-contractual arrangement with Mr. Pugh.

Mr. Grossman has been working with the General Counsel at Miller & Chevalier to ensure compliance with the existing contract. The Chair noted that the Commission's goal is for the two firms to independently work out the details.

11:04 a.m.     Commissioner O'Brien added that both Attorneys Alejandra Montenegro and Preston Pugh were contracted as essential employees, largely due to their respective critical expertise areas for proper execution. She stated that she believes they will be able to work out the mechanism in a subcontract that is not anticipated to increase costs. The commissioner added that she feels the best way to move forward is to finalize the arrangement to include Mr. Pugh with Ms. Montenegro leading and finishing the monitorship.

11:08 a.m.     *With no further business, Commissioner Zuniga moved to adjourn.  
Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner O'Brien:     Aye.*

*Commissioner Zuniga:     Aye.*

*Commissioner Stebbins:   Aye.*

*Chair Judd-Stein:         Aye.*

*The motion passed 4-0.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated August 13, 2020
2. Draft Commission Meeting Minutes dated June 23, 2020
3. Memorandum: Quarterly (Q2) Local Aid Payments dated August 3, 2020
4. Memorandum: Plainridge Park Casino Relicensing Update, dated August 10, 2020

/s/ Bruce Stebbins  
Secretary