



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 19, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 787 6452

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 Enrique Zuniga

1. [Call to Order](#) (0:46)

Chair Judd-Stein called to order the 352nd 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](#) (1:35) a. May 20, 2021

Commissioner Zuniga moved that the Commission approve the minutes of May 20, 2021, subject to any necessary changes for typographical errors or ministerial changes. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

3. [Administrative Update](#) (2:47)

Executive Director Karen Wells noted as a preliminary matter that there was discussion at the previous agenda setting meeting around including in today's agenda updates on the Boston office reopening, the hybrid work policy, and the MGC vaccination policy, but that those items would be moved to a future meeting next week. She noted that the review team is reviewing all relevant information and best practices so that the Commission can have the latest information and make informed decisions. Chair Judd-Stein noted that the meeting during which the working group will come back with proposals and recommendations will be limited to this subject matter.

a. [Acknowledgement of Massachusetts State Police Captain Michael Banks as Commander of the Gaming Enforcement Unit](#) (4:39)

IEB Director Loretta Lillios acknowledged the installation of Captain Michael Banks as the Commander of the Gaming Enforcement Unit. Director Lillios provided background on the GEU and its officers as well as Captain Banks' background. The Commissioners and Executive Director Wells each provided remarks welcoming Captain Banks to the role and thanking him for his years of service. Captain Banks provided an update recognizing several officers assigned to the GEU.

b. [Acknowledgement of Elaine Driscoll, Director of Communications Service to MGC](#) (15:08)

Executive Director Karen Wells recognized Elaine Driscoll's work with the MGC as Director of Communications and provided her with a Distinguished Service Award. The Commissioners each reflected on Director Driscoll's work with the Commission, thanked her for her years of service, and wished her luck in her new role at EOPSS. Director Driscoll expressed her gratitude for her time with the Commission.

c. [On-site Casino Updates](#) (37:19)

IEB Director Lillios updated the Commission on Covid-related issues since the Commission's meeting on August 4th. She noted that since that time, the licensees have been operating in accordance with all Covid-related orders and advisories in the Commonwealth and in consideration of all applicable CDC guidelines. In addition, the IEB has confirmed appropriate signage and enhanced cleaning protocols. Director Lillios further noted that PPC has begun requiring proof of vaccination from its employee workforce and MGM, as a matter of corporate policy, will soon be requiring all new hires and salaried employees to show proof of vaccination. Director Lillios also provided operational updates regarding amenities at the properties.

Assistant Director Bruce Band reported that operations at the properties have been going smoothly and provided updates on the number of operational slot machines and table games at each property.

Chair Judd-Stein noted that following the Commission's previous discussion, DPH Associate Commissioner Lindsey Tucker reached out to her to see if she could be introduced to leadership

at each property so that DPH could offer any additional help to increase vaccination rates at the properties. Chair Judd-Stein expressed her gratitude to DPH for that outreach, and Director Lillios noted that MGM has been in active dialogue with DPH regarding mobile vaccination units.

The Commission thanked Director Lillios and Assistant Director Band for this report.

4. [Research and Responsible Gaming](#) (44:16)

a. Problem Gambling Initiatives to Serve Asian American and Pacific Islander Communities

Director of Research and Responsible Gaming Mark Vander Linden introduced Ben Hires, Executive Director of Boston Chinatown Neighborhood Center, and Victor Ortiz, Director of the Office of Problem Gambling Services at the Department of Public Health. Director Vander Linden, Mr. Hires, and Mr. Ortiz presented a collaborative paper outlining programs and services in place to address problem gambling and to promote equity.

Commissioner Cameron commended the partnership and its benefit to the Commonwealth. Commissioner Zuniga noted that we are fortunate in the Commonwealth to have the resources to address these issues. Chair Judd-Stein thanked Director Vander Linden, Mr. Ortiz, and Mr. Hires for producing this paper collaboratively which addresses important issues and acknowledges that there is continuing work to be done to address inequities with respect to problem gambling.

5. [Community Affairs Division](#) (1:09:17)

a. MGM Springfield Quarterly Report

Division of Community Affairs Chief Joe Delaney introduced Daniel Miller, Director of Compliance at MGM Springfield, along with Arlen Carballo, MGM Springfield Director of Finance; Jason Randall, MGM Springfield Director of Human Resources; Beth Ward, MGM Springfield Community Affairs Director; and Amanda Gagnon, MGM Springfield Entertainment Director, to present MGM Springfield's quarterly report. The quarterly report addressed gaming revenues and taxes; lottery sales; compliance with respect to minors on the gaming floor; local and diverse operating spend; employment numbers including minority, women, and veteran; progress on hiring goals; workforce initiatives; community outreach, special events, and entertainment; development updates; and Play My Way updates.

Commissioner Cameron posed a question regarding employment numbers and whether there are positions available at the property that MGM has been unable to fill. Mr. Randall noted that some positions are challenging to fill such as cook positions, but that MGM has a training program partnership with Holyoke Community College that it recruits from and is always working on ways to revise recruiting methods and attract candidates.

Chair Judd-Stein congratulated MGM on their success with veteran and minority hiring and asked if the challenges in hiring women in particular might be the result of the impact of Covid

on women as they are often the primary caretaker of children. Mr. Randall agreed that this was a contributing factor as employees wishing to return to work are seeking childcare.

Chair Judd-Stein noted that there was a large drop in lottery sales from MGM's last report and asked if they were working on additional strategies to support sales of lottery products. Ms. Carballo noted that they have not yet done so and that she has not identified any specific explanation for the drop in sales.

The Commission thanked MGM for their comprehensive report.

b. [MGM Springfield Poker Status](#) (1:43:04)

Division of Community Affairs Chief Joe Delaney introduced Daniel Miller, Director of Compliance at MGM Springfield, and Gus Kim, Vice President and Legal Counsel at MGM Springfield, to provide a status update with respect to poker at the facility. Mr. Miller reported that poker will be returning to MGM Springfield in the fourth quarter, likely with a reduced number of tables. Chair Judd-Stein asked if there was a date set for the return and Mr. Miller noted that they had not yet set an exact date.

6. [Research and Responsible Gaming](#) (1:45:31)

a. MGM Springfield Play My Way Update

Director of Research and Responsible Gaming Mark Vander Linden provided an update on the implementation of Play My Way at MGM Springfield. He provided background on the timeline for implementation of Play My Way at each of the licensee facilities and noted that Play My Way is anticipated to launch at MGM Springfield during Responsible Gaming Education Week, September 19-15. Director Vander Linden provided additional background on Play My Way and the MGC's responsible gaming framework. Gaming Technical Compliance Manager Scott Helwig provided a technical update on the implementation of Play My Way; Director of Communications Elaine Driscoll provided an update on the communication objectives and tactics for the implementation of Play My Way; and Research Manager Marie-Claire Flores-Pajot provided an update on the Play My Way evaluation plan study that will be conducted in conjunction with the launch.

Commissioner Zuniga commended the team for using similar branding while also creating nuanced differences in the launch that will continue to inform the use of Play My Way, particularly with respect to the option for patrons to opt-out of early notification. He noted that it could provide useful feedback as to whether PPC's program should be modified. Commissioner Cameron asked if individuals who are unenrolling are asked questions as to their reason for unenrollment and Director Vander Linden confirmed that a brief set of questions is asked. He noted as well that the unenrollment rate is approximately 10-15%.

The Commission thanked MGM for its partnership and for embracing GameSense and Play My Way.

b. [NCPG Responsible Gaming Award Acknowledgments](#) (2:16:34)

Director Vander Linden presented regarding the National Council on Problem Gambling's annual awards to individuals and organizations for their work on problem gambling and responsible gaming issues. He noted that Massachusetts was well-represented among awardees in a number of different categories, including an award to Plainridge Park Casino, an award to a GameSense supervisor at Encore Boston Harbor, and an award to Commissioner Zuniga for his contributions to the NCPG. Director Vander Linden noted as well that a lifetime award was presented to Dr. Rachel Volberg, who is the Commission's principal investigator for the SEIGMA and MAGIC projects. Dr. Volberg thanked the Commission and provided remarks on her background and experience with problem gambling research.

Chair Judd-Stein and Commissioner Cameron congratulated Commissioner Zuniga on his award and thanked him for his efforts. They further thanked Dr. Volberg for her work and continued leadership and congratulated her on her award. Additionally, they congratulated Plainridge Park Casino on their award.

7. [Investigations and Enforcement Bureau](#) (3:04:32)

Before beginning the next agenda item, Chair Judd-Stein noted that prior to the Commission's break, Governor Baker announced that he will be instituting a vaccine mandate for all state employees, which will extent to in-person as well as telecommuting workers. She noted that she had spoken with Executive Director Wells and that this issue would be discussed by the working group as they prepare the Commission's own return to office plan.

a. [Status of Encore Boston Harbor Request to Amend its Floor Plan \(205 CMR 138.07\(3\)\)](#) (3:06:27)

Director Lillios noted that Encore Boston Harbor has been engaged in renovation and repurposing of space at its facility. Specifically, Encore is repurposing the former buffet space to be reintroduced as a sports lounge an bar along with countertop gaming devices, and repurposing a portion of the second floor into a VIP lounge with countertop gaming devices. In total, the renovation will add 18 gaming positions to these two areas. Director Lillios noted that the target date for launch is September 4, 2021. Director Lillios explained that this would require advance approval from the IEB under the regulatory provisions related to amendments to the gaming establishment floor plan.

Associate General Counsel Caitlin Monahan presented the four-step process for implementing a floor plan amendment pursuant to 205 CMR 138.07(3). Director Lillios noted that Encore understands the process and the IEB expects to be in communication with them in the coming days.

In addition, Director Lillios noted that Encore will be introducing two new food amenities as part of its floor plan change and has submitted a request for alcoholic beverage amendments, which the IEB will begin to review.

The Commission thanked Director Lillios for her update.

b. [MGM Springfield \(Wahlburgers\) Service Exemption Request](#) (3:12:09)

Licensing Division Chief Nakisha Skinner presented one position for the Commission for consideration for exemption from the service employee registration requirement, that being the server position at Wahlburgers restaurant at MGM Springfield. Chief Skinner noted that the Wahlburgers is located in a standalone building and has no connection to the gaming area. Chief Skinner noted that this exemption would be consistent with what the Commission has done in the past and recommended the Commission vote to approve this exemption.

Commissioner Zuniga moved that the Commission exempt the position of Server to the Wahlburgers, job profile number 1802-W, from the service employee registration requirements as presented in the Commissioners' packet and discussed here today. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Chair Judd-Stein: Aye.

Commissioner Zuniga: Aye.

The motion passed unanimously.

8. [Racing Division](#) (3:16:58)

a. Spirit of Massachusetts Horse Race Update

Director of Racing Dr. Alexandra Lightbown provided an update on the Spirit of Massachusetts Day, which was attended by Chair Judd-Stein, Commissioner Cameron, and Commissioner Zuniga. She noted that the track increased the number of big races and that the Racing Division processed close to 100 licenses for the event. Steve O'Toole, Director of Racing at Plainridge Park Casino, provided additional comments and updates on the Spirit of Massachusetts event. The Commission thanked the MGC's racing staff as well as Plainridge's racing staff for all of their efforts in executing this event and congratulated the teams on its success.

b. [Horse Racing Annual Report](#) (3:33:57)

Director of Racing Dr. Alexandra Lightbown and Financial Analyst Chad Borque presented on the 2020 Annual Report for racing. Dr. Lightbown noted that Covid delayed the track reopening from April to July 2020 and that significant effort went into putting Covid protocols in place. She noted that the track lost about 40% of the days that racing would have been held as a result of the temporary closure due to Covid. Financial Analyst Borque provided an overview of the Racing Division's financials.

Commissioner Cameron noted that the percentages of overages and/or positive tests are very low and commended both the racing team and the horsemen and women. The Commission thanked Dr. Lightbown and Mr. Borque for their report.

9. [IAGR/IMGL Conference](#) (3:44:44)

a. Status Report

Commissioner Cameron provided an update on the status of the IAGR/IMGL joint conference slated for September in Boston. She noted that there will be a hybrid model for those who are unable to attend in person and provided examples of some of the panel discussions and speakers that will be on the agenda.

b. [Designation of Appointing Authority for Purposes of Conference-Related Matters](#) (3:54:11)

General Counsel Todd Grossman presented on the notion of an appointing authority in the context of conflict of interest matters and associated ethics issues. He noted that for Commission staff, the appointing authority is the Executive Director. Regarding the conference, Director Wells has recused herself from the internal decision-making process given that she is a member of the Board of Directors of IAGR. As a result, there is a hole in the process for resolving certain matters and making decisions where it comes to staff involvement with the conference. General Counsel Grossman explained that he is seeking Commission review of this matter and for the Commission to designate an appointing authority for the limited purpose of deciding conference-related matters that would otherwise have fallen to Director Wells to handle. He noted that there were several options for the Commission to consider including designating the Commission, designating an individual Commissioner to fill the role on behalf of the Commission, or designating the Director of the IEB, who is also the Deputy Director by statute.

General Counsel Grossman noted that there are a limited number of issues to be resolved and Chair Judd-Stein asked for clarification on what those issues are and what actions would need to be taken. General Counsel Grossman noted that, for example, if the conference were to waive admission fees for any Commission staff participating in their official capacity or if staff members were to assist with conference planning or execution, their appointing authority would need to determine that those actions served a legitimate public purpose. Chair Judd-Stein sought clarification that the responsibility falls to the appointing authority and not the Commission; General Counsel Grossman confirmed that fact.

Director Lillios noted that she had been briefed on this item and was comfortable with this role.

Commissioner Cameron moved with regard to the designation of the appointing authority in consideration of Director Wells recusal that the Commission designate Loretta Lillios as she is the Deputy Director to serve in the capacity of the appointing authority for Commission staff and to make associated decisions relative to the upcoming IAGR/IMGL conference. The motion was seconded by Commissioner Zuniga.

Roll call vote:

Commissioner Cameron: Aye.

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

10. [Commissioner Updates](#) (4:05:19)

Chair Judd-Stein asked Commissioner Cameron if there was a Horse Racing Committee Meeting on the agenda. Commissioner Cameron that nothing had been scheduled yet for the upcoming year.

11. [Other business](#) (4:07:35)

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

Roll call vote:
Commissioner Cameron: 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 August 19, 2021
2. [Commissioners' Packet](#) from the August 19, 2021, meeting (posted on massgaming.com)