



Massachusetts Gaming Commission Meeting Minutes

Date/Time: September 30, 2020 – 9:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 339 7899

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

9:00 a.m. Chair Cathy Judd-Stein called to order public meeting #321 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

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

Plainridge Park Casino License Renewal

9:03 a.m. **License Renewal Process**
Executive Director Karen Wells thanked everyone for all of their hard work on the renewal review.

Construction Project Oversight Manager Joe Delaney provided an overview of the gaming license renewal process. He recalled that the Commission voted to accept PPC's June application as timely. He then discussed the application, the performance reviews, the public hearing held on September 16, 2020. Mr. Delaney stated that after each presentation, questions will be taken from the Commission. After questions, he will discuss the proposed license conditions, then provide an update from PPC, and then the Commission can vote on the application.

9:09 a.m. **Massachusetts Gaming Commission Staff Testimony**

Investigation and Enforcement Bureau (IEB)

Interim IEB Director Loretta Lillios, with Senior Supervising Gaming Agent Andrew Steffen, Assistant Director and Gaming Agents Division Chief Bruce Band, and Massachusetts State Police Captain Brian Connors, testified regarding the PPC license renewal. Ms. Lillios reminded the Commission that PPC and its qualifiers had previously been deemed suitable.

9:12 a.m. Mr. Steffen reported on PPC's compliance with the approved system of Internal Controls, the floor plan, the surveillance plan, the slot machine operation plan, the credit procedures/suspension of credit policies, and the compliance with the terms of the gaming beverage license. Mr. Steffen continues to monitor those items daily and stated that PPC remains in compliance with all of the license requirements.

9:15 a.m. The Chair asked whether the gaming floor certification considered COVID-19 guidelines, and Mr. Steffen answered in the affirmative.

9:16 a.m. Mr. Steffen indicated that there have not been any issue with the storage of alcoholic beverages.

9:17 a.m. **Gaming Enforcement Unit (GEU)**

Captain Connors reported on PPC's compliance with security and surveillance measures. PPC has in place an emergency and critical incident plan that includes evacuation procedures and responses for such incidents. Any incidents that arose at PPC were all dealt with smoothly, and they worked closely with the Gaming Enforcement Unit and local Police Department. He also indicated that having law enforcement on-site is critical for a prompt response.

The GEU has not identified any additional licensing conditions in this area, and overall, the relationship is strong, and the process and the responses have been strong.

9:23 a.m. Commissioner Cameron asked if Captain Connors feels that this positive report is due to the collaboration between entities. Captain Connors responded that he is

confident that this will continue. Commissioner Cameron stated that this is not always the case and that she is happy with what she has observed.

9:28 a.m. **Finance and Accounting Division**

CFAO Derek Lennon introduced the individuals who worked on this report (Mr. Lennon, Douglas O'Donnell, Revenue Manager, and PPC CFO Dana Fortney). He reviewed compliance in several categories and indicated the licensee was compliant with daily tax reporting, gaming revenue and taxes, the annual audit, and capital expenditure plan. Further, the \$100,000 renewal fee was paid on June 16, 2020.

Concerning the capital expenditure plan, Mr. Lennon recommended that PPC include contributions to this account (rather than incorporate contributions into quarterly spend figures) into the quarterly report. Aside from this recommendation, Mr. Lennon stated that he finds PPC compliant with its reporting obligations.

9:35 a.m. Commissioner Zuniga asked why the timely remittance is not 100 percent. Mr. Lennon explained the circumstances for this.

9:37 a.m. **Legal Division**

Mr. Grossman reported on compliance with obligations relative to the State Lottery. He reported that by all accounts, PPC is in material compliance with its obligations.

9:40 a.m. Mr. Grossman indicated that there is no need for any amendments to the terms of the existing lottery agreement. Representatives of the State Lottery indicated that they were satisfied with PPC's performance.

9:43 a.m. Mr. Grossman confirmed that there is no expiration date for the Lottery agreement.

9:43 a.m. Next, Mr. Grossman reported PPC's compliance with the obligations relative to intercept of past-due child support and tax liability which is overseen by the Department of Revenue. He noted a few instances of non-compliance as documented in a memorandum in the Commissioners' Packet. However, he stated that in conclusion, even considering those few cases, PPC can be deemed in material compliance with its legal intercept obligations.

9:47 a.m. **Racing Division**

Dr. Lightbown described that PPC has been in compliance with its license requirements that pertain to horse racing. She also identified a new 7-year agreement between PPC and the HHANE that provides for 110 days of racing each year.

9:50 a.m. **Information Technology Division (I.T.)**

Katrina Jagroop-Gomes, Chief Information Officer, introduced Scott Helwig, Gaming Technical Compliance Manager, Kevin Gauvreau, Senior Converged Engineer, and Priya Gandotra, Gaming Technical Compliance Engineer. She stated that her team would be reporting on I.T. and gaming technical compliance.

9:52 a.m. Mr. Helwig reported on the certification and verification of Electronic Gaming Device (EGD) software, certification of property online monitoring and the validation system. He suggested that PPC has been in compliance with the technical obligations he reported on.

9:56 a.m. Next, Ms. Jagroop-Gomes reviewed PPC's Information Security Plan (ISP). She did not recommend any additional license recommendations and considered PPC to have been in compliance with their related obligations.

10:02 a.m. **Workforce, Supplier and Diversity Development**

Jill Lacey Griffin, Director, and Crystal Howard, Program Manager, reported on PPC's compliance with the Workforce, Supplier, and Diversity Development related matters.

She reviewed a memo with the Commission, reporting PPC's status of compliance with several programs including the Impacted Live Entertainment Agreements, MOU between the Commission and the Massachusetts Casino Careers Training Institute (MCCCI), compliance with license conditions for Affirmative Marketing Programs for businesses in G.L. c. 23K, § 21(a)(21)(i-iii), the affirmative action program for equal opportunity to residents identified in G.L. c. 23K, § 21(a)(22), the plan to identify and market, and the regional tourism marketing and hospitality plan. She also noted compliance with Vendor spending plan in Massachusetts, Vendor diversity, Employment goals (including hiring numbers and diversity), a workplace plan for Operational hiring commitments, Compliance with average wage scales, and a procurement plan for Operational Goods and Services.

10:15 a.m. Ms. Griffin corrected an editing error in the memorandum in the Commissioners' Packet, for the record.

10:19 a.m. The Chair asked for clarification on the goal of hiring women in the memorandum. Ms. Griffin clarified that the goal was 50 percent, and PPC's Kathy Lucas stated that PPC had reached 52 percent.

Ms. Griffin indicated that both PPC's updated Tourism and Hospitality Plan and the new Operational Goods and Services Procurement Plan will need to be approved by the Commission at a future date.

10:24 a.m. Commissioner O'Brien asked Ms. Griffin to expound upon the licensee's efforts to hire women during construction. Ms. Griffin stated that there were generally not enough women available to work on this project. She then noted that this

issue shed light on the economy and other factors around where the women are located and other challenges.

- 10:31 a.m. Commissioner Stebbins reminded the Commission that the point person for diversity for Turner Construction was a woman who made a very aggressive effort to try to meet the numbers on female construction. He noted that many PPC employees live in Rhode Island. Ms. Griffin stated that PPC has pledged to work with the community colleges and have committed to recruiting from Massachusetts, and those efforts are evident in the results.
- 10:34 a.m. The Chair asked how, in light of the pandemic, the Commission will hold licensees accountable and provide support to ensure the local hires and Massachusetts hires and leverage a new, higher unemployment rate. Ms. Griffin replied that there might no longer be a challenge to hire locally as a result, and they may surpass their goals.
- 10:36 p.m. **Research and Responsible Gaming**
Mark Vander Linden, Director of Research and Responsible Gaming, and Teresa Fiore, Program Manager of Research and Responsible Gaming, presented PPC's compliance with responsible gaming related matters. Mr. Vander Linden reviewed PPC's status of compliance with statutory and regulatory requirements. He described the Voluntary Self-Exclusion (VSE) program, the Voluntary Credit-Suspension (VSC) program, GameSense Info Centers (GSIC), the PlayMyWay (PMW) program, and the PPC Responsible Gaming Program. Mr. Vander Linden stated that he supported Plainridge Park Casino's re-licensure and does not recommend any additional license conditions.
- 10:44 a.m. There was discussion about the VSE list participant numbers and whether they are separated by licensee, as well as the effectiveness of the program.
- 10:53 a.m. **Ombudsman's Office**
Construction Project Oversight Manager Mr. Joe Delaney provided the Commission with the Ombudsman's Office Report on PPC Compliance over the term of the initial five-year license.
- He reported compliance issues regarding the RFA-2, specifically on-site daycare, non-gaming amenities (outdoor events on the infield), and the food court which was planned to have four spaces. He mentioned that PPC has connected with Care at Work and Care.com to help satisfy an alternative accommodation to the on-site daycare. He stated that the staff agrees that PPC is in substantial compliance with its RFA-2.
- He also reviewed the compliance status with the Host and Surrounding Community Agreements and Section 61 Findings concerning public transportation and a transportation program. He noted that the Section 61 finding

to create a plan with Greater Attleboro Taunton Regional Transit Authority (GATRA) has not been resolved.

10:59 a.m. Mr. George announced that PPC has reached a verbal agreement with the GATRA bus line to provide services and connect the MBTA, Patriot Place and Wrentham. Mr. George will work with them to finalize the MOU that will be effective for one year and anticipates service to commence on October 15, 2020.

11:02 a.m. Mr. Delaney thanked Mr. George, PPC Compliance Manager Lisa McKenney, and all staff for their collaborative efforts to provide information and work with the Ombudsman's Office.

11:03 a.m. Commissioner Stebbins congratulated Mr. George and Mr. Delaney on the agreement with GATRA as it will benefit reverse commuters.

The Commission took a ten-minute recess.

11:19 a.m. **Review of License Conditions**

Mr. Delaney reviewed with the Commission how staff arrived at the proposed license conditions.

Next, Mr. Delaney walked the Commission through the draft license conditions listed in the document in the Commissioners' Packet entitled, "Renewal of Category 2 Gaming License Awarded to Plainville Gaming and Redevelopment, LLC (D/B/A Plainridge Park Casino)."

11:23 a.m. Mr. Delaney then clarified specific edits that need to be made on the document outlining the conditions. Ms. Griffin added details about training and recruitment using community colleges and one-stop career centers. Mr. Delaney described some older plans that may require some updating particular around future construction. Mr. Grossman added further clarifications around G.L. c. 23K and sections 18 and 21.

11:31 a.m. The Chair asked whether the construction goals discussed would apply to capital expenditures and capital improvements going forward. Mr. Delaney said current MGC reporting regulations state that improvements using CapEx would require compliance with workforce requirements. He added that use of vendors would be covered by the affirmative marketing program.

11:42 a.m. The Commissioners reached an agreement as to the conditions.

11:45 a.m. The Chair stated that Penn National Gaming would like to make an announcement before the vote. She introduced Erin Chamberlin, Senior Vice President of Regional Operations for Penn National, who informed the Commission that Lance George earned a promotion and will be Riverside Casino's general manager in Kansas City, MO. Pending all regulatory approvals, they have asked North

Grounsell to take on the general manager's role for PPC. He has submitted his gaming license application and will work with Mr. George to ensure a smooth transition. He will be in place later this year after confirming his license is in effect.

- 11:50 a.m. The Chair and Commissioners made positive remarks in support of Mr. George's service and promotion, thanking him for helping PPC be a success, and welcomed Mr. Grounsell in his new role.
- 11:56 a.m. Ms. Lillios stated that the general manager must be licensed as a Key Employee and noted the status of the IEB's and Licensing Division's investigation. His status does not interfere with the decision before them today. He can be provided a temporary Key Gaming Employee license during this process.

Commission Vote

- 12:00 p.m. *Commissioner Stebbins moved that the Commission renew the Category 2 gaming license awarded to Plainridge Gaming and Redevelopment, LLC for a term of 5 years commencing June 24, 2020, in accordance with the terms and conditions set out in the renewal determination that the Commission has reviewed. 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.
- 12:03 p.m. The Commissioners made remarks in appreciation for PPC's successful operations in the last five years and look forward to another five years of smooth operations.
- 12:11 p.m. Jay Snowden, President and Chief Executive Officer of Penn National, expressed his gratitude to the Commission and stated that this is a special day in history for them.
- 12:18 p.m. *Commissioner Cameron moved to adjourn. 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.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated September 30, 2020
2. Memorandum: Gaming Agents' Division Report on PPC's Current Compliance dated September 21, 2020
3. Memorandum: Gaming Enforcement Unit Report on PPC Compliance Over Term of Initial License dated September 22, 2020
4. Memorandum: Finance Division's Report on Plainridge Park Casino's Compliance During Initial License Term dated September 30, 2020
5. Compliance with Obligations Relative to Intercept for Past-Due Child Support or Tax Liability dated September 30, 2020
6. Compliance with Obligations Relative to the State Lottery dated September 30, 2020 dated September 30, 2020
7. Memorandum: Division of Racing Report on Plainridge Park Casino Compliance Over Term of Initial License dated September 23, 2020
8. Plainridge Park Casino – Information Technology and Gaming Technical Compliance Review for Renewal Application dated September 30, 2020
9. Workforce, Supplier and Diversity Development Dept. on PPC Compliance over Term of Initial Lease dated September 30, 2020
10. Memorandum: Plainridge Park Casino Re-Licensure dated September 30, 2020
11. Memorandum: Ombudsman's Office Report on PPC Compliance over Term of Initial License dated September 25, 2020
12. Renewal of Category 2 Gaming License Awarded to Plainville Gaming and Redevelopment, LLC (D/B/A Plainridge Park Casino)