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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** November 21, 2017– 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA

**Present:** Chairman Stephen P. Crosby  
Commissioner Lloyd Macdonald  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** Commissioner Gayle Cameron

**Time entries are linked to  
corresponding section in  
Commission meeting video**

### **Call to Order**

See transcript page 2.

[9:59 a.m.](#) Chairman Crosby called to order the 229<sup>th</sup> Commission meeting.

### **Approval of Minutes**

See transcript pages 2 – 5.

[10:00 a.m.](#) *Commissioner Zuniga moved to amend the minutes to reflect the basis of the conclusion of the Commissioners' vote on horse racing days. Commissioner Macdonald moved for the approval of amended Commission meeting minutes of November 9, 2017, subject to typographical errors and other nonmaterial matters. Motion passed 4-0.*

### **Administrative Update**

See transcript pages 5 – 23

[10:01 a.m.](#) **General Update:**

Executive Director Ed Bedrosian brought forth two items. First, the last day of racing for the 125 day racing season at Plainridge Park Casino would be Friday, November 24, 2017. Human Resources staff was conducting exit interviews with the Racing Division staff at that time, which Mr. Bedrosian noted would be valuable

feedback in preparing for the next season. Mr. Bedrosian thanked Dr. Lightbown for her leadership throughout the season. Second, Mr. Bedrosian introduced the Massachusetts Gaming Commission's Mid-Year Budget Report by Derek Lennon, Chief Financial and Accounting Officer.

Mr. Lennon presented the anticipated 2018 fiscal year budget increase to support the operational costs of opening the MGM facility in Springfield. Mr. Lennon also presented the MGC's additional needs for the 2018 fiscal year, stating that the same information was presented to the licensees and discussed at a meeting on November 15, in the MGC office. Mr. Lennon also confirmed that the MGC is ready to open the MGM facility in September of 2018.

Mr. Lennon asked to have the budget plan posted for public comment and bring it back to the Commissioners for further discussion or a vote at the first public meeting in December.

Commissioner Stebbins asked about the difference between contract employees and temporary employees. Mr. Lennon discussed the specifications of a temporary employee in that there is a definite start and end date to their employment, as well as a separate procurement and posting process. There are also different responsibilities for both groups on the licensing side.

Commissioner Stebbins asked Bruce Band, Assistant Director of the Investigations and Enforcement Bureau (IEB) about his staff to be hired. Mr. Band summarized the status of his team, and added that he would be training new gaming agents beginning in mid-May.

Commissioner Zuniga requested confirmation that there would be an increment of four new agents. Mr. Lennon confirmed that it was an addition of four positions. Commissioner Zuniga also noted that including supervisors, it would actually be six or seven people in Springfield. Mr. Band stated that this staffing level would be needed to open MGM in a timely fashion and to work with MGM on any questions. Mr. Band stated that they have already started conducting inspections, and Mr. Lennon added that MGC's IT team has been trained on OSHA in order to be on property as well, starting in January.

Commissioner Macdonald asked about slot machines being installed, and Mr. Band stated that they were beginning new zones in March as well as installing wiring and conducting extensive testing.

Commissioner Zuniga proposed that some of these items in general struck him as conservative, but would be advantageous for budgetary concerns. However he thought that the Commission might have been conservative on the start dates, but he acknowledged that this would change as needed. Mr. Bedrosian stated that the budget would be posted for comments.

**Legal Division, Catherine Blue, General Counsel**

See transcript pages 23 – 36

10:23 a.m. **205 CMR 138.33 – Unsecured Wagers – Small Business Impact Statement Approval – VOTE:**

General Counsel Blue asked for approval from the Commissioners of the Small Business Impact Statement, in order to begin the formal promulgation process.

10:24 a.m. *Commissioner Stebbins moved for approval of the Small Business Impact Statement amendments to 205 CMR 138.28, 138.33, 138.68, and 140.02 as included in packet, and authorized the staff to take the steps necessary to begin the regulation promulgation process. Commissioner Zuniga seconded. Motion approved 4-0.*

**Amended 205 CMR 137.02 – Responsible Gaming Curriculum and Small Business Impact Statement Approval – VOTE:**

General Counsel Blue stated that this was a clarification of language in the regulation to reflect that employees are only required to take one occurrence of one 90 minute course. Counsel Blue asked for approval of this amended regulation and the Small Business Impact Statement to begin the formal promulgation process.

10:27 a.m. *Commissioner Macdonald moved to approve the Small Business Impact Statement for the amendments to 205 CMR 137.02, as included in the packet and authorize the staff to take the necessary steps to begin the formal regulation promulgation process. Commissioner Stebbins seconded. Approval was Unanimous.*

**205 CMR 3 and 4 Amended Small Business Impact Statement – Racing Medications – Final Approval for Promulgation Process – VOTE:**

General Counsel Blue asked the Commissioners to approve the final draft regulations that have been through the final promulgation process, as well as the Amended Small Business Impact Statement.

Commissioner Stebbins noted changes in certain medication penalties and that he was willing to approve the changes but wanted to gain some experience under this and see how it does. Commissioner Stebbins stated that he was willing to work with staff and monitor the impact of these changes.

General Counsel Blue clarified that the decision to lower the points was made because they could add up quicker than people had anticipated and it put trainers with a large number of horses at a disadvantage, as the more horses you had, the more potential for a violation. Commissioner Zuniga stated that he felt repeat offenses on banned substances would be counter intuitive.

Chairman Crosby stressed that he wanted to put on the record that at this time next year the Commission should do some formal analyses on the matter of racing medications.

10:30 a.m. *Commissioner Macdonald moved that the Commission approve the Amended Small Business Impact Statement in its final version of 205 CMR 3.00, Racing Medication Regulations, and the Amended Small Business Impact Statement and final version of*

*205 CMR 4.00, Racing Medication Regulations, as included in the packet, and authorize the staff to take all steps necessary to file the regulation with the Secretary of the Commonwealth and complete the formal regulation promulgation process. Commissioner Stebbins seconded. Motion approved 4-0.*

The Commission took a short break.  
The Commission reconvened.

## **Research and Responsible Gaming – Mark Vander Linden, Director**

See transcript pages 37 – 150

### 10:35 a.m.    **PlayMyWay Evaluation Report**

Mark Vander Linden introduced the following individuals:

Dr. Debi A. LaPlante, Director of Research & Academic Affairs for the Division on Addiction at Cambridge Health Alliance and Assistant Director of Psychiatry at Harvard Medical School, Dr. Matt Tom, Research Data Analyst at Cambridge Health Alliance, Dr. Pradeep Singh, Data Analyst at Cambridge Health Alliance, and Dr. Tim Edson, Data Analyst at Cambridge Health Alliance.

Mr. Vander Linden stated that a key educational objective was to provide accurate and balanced information to enable informed choices to be made about gambling activities. Mr. Vander Linden explained his implementation of “Strategy 2” which identified specific measures, to include development and implementation of play management tools. These tools were incorporated into electronic games and machines, slot machines, to enable players to more easily track their play, manage their gaming decisions and to obtain real-time individualized feedback.

Mr. Vander Linden stated that in June of 2016, after 18 months of development with Scientific Games, Inc., PlayMyWay was launched as a benefit to members in Plainridge Park Casino on a test basis. Mr. Vander Linden went on to explain how the program works. He then stated that the speakers with him would present their findings of a preliminary study of patrons’ use of PlayMyWay from June – January.

Chairman Crosby mentioned the “Reno Model” concept that has been used in the industry because one of the main principles of the Reno Model is that collaboration among all the industry partners was required to be constructive in going forward. Chairman Crosby noted that PlayMyWay, a play management system, could have been compared to what has been previously called a “precommitment system” that was tremendously controversial within the industry. Chairman Crosby emphasized that instead of authoritatively ordering that PlayMyWay be implemented by the licensees, the Commission wanted to do it in collaboration with the licensees, if that was possible. Chairman Crosby complemented Penn National, as they have been an extraordinarily collaborative partner. He recognized Cambridge Health Alliance for designing the program, and then helping the Commission evaluate it.

Dr. Debi LaPlante led a presentation of their study and findings regarding PlayMyWay. Dr. LaPlante maintained that the Commission provided the funding

for this study, and went on to conduct a slide presentation. Dr. LaPlante reported the findings of the study, and noted observations utilizing data from various sources, illustrated in the slides. There was a robust discussion about the study.

Commissioner Zuniga requested data that would illustrate how PlayMyWay users' behavior was affected by the program in terms of typical and atypical users. Commissioner Zuniga asked how they defined typical and atypical gamblers. Dr. LaPlante stated that this was defined statistically through an analysis using the three variables of total amounts wagered, net winnings, and number of visits. Dr. Matt Tom advised that if a user was higher than the general mean of other players, one would probably get into an atypical group, depending on the parameters of the subjects in the study.

Chairman Crosby surmised that no one in the U.S. may have had the opportunity to link actual player card data to ascertain some kind of behavioral change yet, and asked if it has ever been an opportunity before. Chairman Crosby also noted that this kind of research project has never been available before, and that as this evolved, the Commission could determine whether this program would accomplish the Commission's broad based objectives, and what metric of individuals needed to be affected in a positive way in order to create a large scale positive impact.

Mr. Vander Linden offered that there was a survey in the research plan for that fiscal year, and also stated that they have made significant strides in creating the dataset that links the ACSC player directly with the PlayMyWay player data.

Commissioner Zuniga expressed his concern regarding any potential negative effects that should be considered with the PayMyWay program. Dr. LaPlante stated that they had not observed anything that they would categorize as harm at that point in the study. Chairman Crosby raised two specific concerns regarding potential harmful effects that the Commission has been monitoring. The first concern was the program's potential to interfere with healthy play at the casinos, as it could become an annoyance or significant distraction for people whose play would be deemed healthy play. The second concern was operations, and whether the program had potential to interfere with operations by taking up portions of the casino floor, etc. Chairman Crosby added that the Commission has been receiving feedback from Plainridge Park Casino that there have been no problems.

Mr. Vander Linden admitted that there were individuals that had unenrolled because they found the program to be annoying, but again, it is voluntary and they had the option to unenroll. Commissioner Macdonald voiced that unenrollment is an easy process, to which Mr. Vander Linden concurred.

Chairman Crosby inquired about how PlayMyWay was marketed to new cardholders. Mr. Vander Linden answered that it is marketed through signage and the first time a player put their card into a machine an invitation to enroll would pop up, and would pop up again 30 days later, every thirty days, to which Chairman Crosby asked about the option to turn it off after 6 months or so. Chairman Crosby was interested in more marketing strategies for PlayMyWay. Mr. Vander Linden

specified that well over 12,000 people were enrolled in PlayMyWay and that number was continuing to grow.

### **Commissioners' Updates**

See transcript pages 227 - 240

[12:18 p.m.](#) Commissioner Stebbins stated that he was in attendance at the opening of the MGM career center where people had the opportunity to speak with the human resources and talent acquisition team to learn about individual jobs, and that it would be open from 1:00pm – 4:00pm every weekday until the new year, when the hours were scheduled to change. Community based stakeholders were invited to get the word out.

Commissioner Macdonald reported that he attended the Local Community Mitigation Committee meetings for Region A and Region B and noted that the members of those committees are becoming more engaged as they have become more knowledgeable about the fund. The conversations were more engaged this year compared to a year ago.

Chairman Crosby announced that the governor has appointed a new chair of the Gaming Policy Advisory Committee who comes from the Merrimack Valley Planning Association.

[12:22 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Stebbins. Motion approved 4-0.*

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated November 21, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes, November 9, 2017
3. Massachusetts Gaming Commission Memorandum from CFAO Derek Lennon regarding the Fiscal Year 2018 (FY18) Operational Costs for MGM Opening
4. Small Business Impact Statement relative to the proposed amendments of 205 CMR 138.28, 138.33, 138.68, and 140.02
5. Small Business Impact Statement and amended version of regulation for the proposed amendment of 205 CMR 137.02
6. Amended Small Business Impact Statement and final draft regulations for 205 CMR 3.00
7. Amended Small Business Impact Statement and final draft regulations for 205 CMR 4.0
8. Presentation – Preliminary Study of Patrons' Use of the PlayMyWay Play Management System at Plainridge Park Casino (from June 8, 2016 – January 31, 2017)
9. Preliminary Study of Patrons' Use of the PlayMyWay Play Management System at Plainridge Park Casino: June 8, 2016 – January 31, 2017

/s/ Catherine Blue  
Assistant Secretary