



Massachusetts Gaming Commission Meeting Minutes

Date/Time: November 9, 2017– 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA

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

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

Call to Order

See transcript page 2.

[10:00 a.m.](#) Chairman Crosby called to order the 228th Commission meeting.

Approval of Minutes

See transcript pages 2 and 3.

[10:00 a.m.](#) *Commissioner Macdonald moved for the approval of the Commission meeting minutes of October 26, 2017, subject to typographical errors and other nonmaterial matters. Motion seconded by Commissioner Cameron. Motion passed 4-0 with Chairman Crosby abstaining.*

Administrative Update

See transcript pages 3 – 11

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

Executive Director Bedrosian indicated that he had three administrative updates. First he announced the hire of a new regulatory compliance manager. Second, he stated that the MGC licensing division issued a license to Massachusetts Casino Training Institute in Springfield, and noted that their offices' set-up is already underway. Lastly Mr. Bedrosian discussed the Lt. Governor signing a supplemental budget, granting the Commission discretion to exempt service employees' positions

from the registration requirement that was in the Expanded Gaming Act. Mr. Bedrosian added that the MGC will begin working with licensees to obtain recommendations for exempt positions. He also noted that he has addressed the Commission and staff about assisting licensees in educating their applicants as to what the hiring requirements are for each position.

Investigations and Enforcement Bureau

See transcript pages 11 – 19

10:10 a.m. Director Karen Wells introduced Jonathan Millar, a new civilian employee in the IEB as an Open Source Specialist, who is assigned to conduct advanced database searches and keep current with best practices in technology, as well as train investigators and state police in this new and emerging field.

Director Wells then presented on the suitability qualifier results for Uri Clinton, Senior Vice President of MGM Resorts International, providing a summary of his professional and educational background. Director Wells affirmed that investigators examined his involvement as a director in certain corporations, conducted a criminal background check, civil litigations check, media coverage check, and financial suitability analysis, all with positive results. Director Wells stated that the IEB recommends that the Commission find Mr. Clinton suitable as a qualifier for MGM Resorts International.

10:17 a.m. *Commissioner Cameron moved that the Commission approve the suitability of Uri Clinton. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Ombudsman – John Ziemba

See transcript pages 19 – 57

10:18 a.m. John Delaney, Construction Project Oversight Manager, is filling in for Ombudsman Ziemba. Mr. Delaney introduced Jacqui Krum, General Counsel/Senior Vice President of Wynn Resorts International Jacqui Krum and Peter Campot, Director of Construction for Wynn Design and Development to present their quarterly report.

Attorney Krum is substituting for Robert DeSalvio, President of Wynn Boston Harbor. Attorney Krum addressed permitting, noting that they recently received the appropriate permits and have commenced working on construction projects. She offered the developer's progress status, objectives, and discussed forecasted dates of completion. Attorney Krum also showed a video to illustrate how the dredging process works.

Mr. Campot stated that they are on schedule for June 24, 2019 opening, and that everyone involved in this project, including the City of Everett, has been great to work with. He then showed a slide presentation of the work being conducted on the Wynn Boston Harbor site and estimated completion dates were discussed. Mr. Campot expressed that he is actively looking for additional high-quality workers for this project.

Commissioner Cameron commented that groups encouraging women to come into the construction field will have a long term effect, as women will consider this a viable option for their career. Chairman Crosby added that he intends to announce an initiative to encourage women to consider the construction field. Chairman Crosby notes that Wynn has made a concerted effort to hire minorities and has exceeded goals of percentages required by state. Commissioner Zuniga added that the Commission will be conducting a study that will corroborate this.

Attorney Krum announced that they had an event on site to celebrate the end of structural steel, hosting a lunch for every construction worker on site.

Commissioner Stebbins inquired about how the operational employment team is beginning to be organized. Chairman Crosby requested that Attorney Krum start to submit job descriptions, so the Commission can begin consideration of exempt employee categories with regard to background checks.

Racing Division – Dr. Alexandra Lightbown, Director of Racing

See transcript pages 57 - 186

[10:52 a.m.](#) Dr. Lightbown states that she will be discussing the applications to conduct live racing in 2018, starting with Suffolk. Dr. Lightbown added that she has Attorney Bruce Barnett representing Suffolk Downs with her to answer any questions. Dr. Lightbown noted two applications have been received; one from Plainridge Racecourse to conduct 100 days of harness racing, and one from Suffolk Downs to conduct six days of running horseracing with the possibility of adding some additional days.

Dr. Lightbown advised that Sterling Suffolk Racecourse, or Suffolk Downs, meets the statutory requirements to obtain a license, and is that only facility this year to apply for thoroughbred racing. She also added that they meet the Massachusetts session laws acts of 2015 that were changed to allow simulcasting with one to 50 days of live racing. Dr. Lightbown recommends that the Commission approve the application with conditions. First condition being that Suffolk acquires an independent expert review of the track surface prior to racing, in accordance with the NTRA safety racing requirements. Second, the Commission will have Suffolk Downs request in writing the amount of money they would like from the Racehorse Development Fund, allocating how it will be used. Third, Suffolk Downs would notify the Commission in writing if they intend to exceed six racing days, at least 30 days before the races are conducted. Lastly, Suffolk Downs should provide their purse agreement to the Commission as they receive it.

Commissioner Cameron requested confirmation that the Commission will be notified 30 days in advance, if they intend to add additional days to racing, to which Dr. Lightbown affirmed. Commissioner Zuniga also asked that any supplemental requests of money from the Racehorse Development Fund be made in advance as well, as it hinges on the notion of requesting additional funds. Dr. Lightbown stated that she did not anticipate conducting the 15 races each day on one weekend. Attorney Barnett raised an issue with the logistics of advanced notice, to which Commissioner Zuniga stayed that approval needs to be sought beforehand.

11:00 a.m. *Commissioner Cameron moved that the Commission approves the application of Sterling Suffolk Racecourse LLC for live running horseracing in 2018 to include the conditions just outlined. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

The Commission took a short break.
The Commission reconvened.

11:07 a.m. Dr. Lightbown addressed the second applicant, Plainville Gaming and Redevelopment, Plainridge Racecourse. Dr. Lightbown reported that they have also met the statutory requirements for licensure, and are the only facility to apply for harness racing this year.

Dr. Lightbown asserted that they not only have the racing statute with the simulcasting and the requirement of days, but now they also have the gaming legislation, and they have the Racehorse Development Fund. Therefore, the combination of the two authorities presents the opportunity to race more than the traditional nine races per day. This led to a discussion around statutory requirements of racing days.

Steve O'Toole, Director of Racing at Plainridge Park Casino argued that he believes they are not bound by a 120 day requirement and encouraged the Commission to approve the submitted schedule.

Director O'Toole proposed an amended racing schedule to reflect 100 days. This leads to a discussion around the impacts of adjusting racing days and schedules on the horsemen, the horses, and betting wagers, ultimately establishing that the horsemen need incentive to race, and that patrons need a more attractive spread to bet on.

Chairman Crosby summarized his understanding of this discussion to be that Director O'Toole believes that it is more efficient and attractive for owners, trainers, etc. to consolidate racing days so that the number of horses rise, and more people are willing to race. Director O'Toole concurred.

Bob McHugh, President of the Harness Horseman's Association of New England argued that there is a clear directive of maintaining the 125 day racing schedule set forth by Chapter 23K. He proposed that if Commission decided to look at this, to look at the metrics, as he takes us through these metrics, asking for even more days than 125, claiming that a reduction of days would create a lot of questions regarding the racing industry. Mr. McHugh further asserts that if racing days are reduced, this message would be ill received by the industry.

Commissioner Zuniga notes that Section 24 is unclear, and that the Commission may adjust this language.

Attorney Marty Corry of the Harness Horseman's Association of New England and Commissioner Zuniga discuss the unclear language in section 24, subsection 3.

Catherine Blue advised section 128(a) and (c) need to be read in conjunction with section 24(c). The legislature understands that there may be some kind of a change. Section 24(c) acknowledges that there may be some reason why 125 racing days will not work.

Director Ed Bedrosian reminded the commission that the racing laws would expire midway through next year.

The Commission asked Racing Director Lightbown for her recommendation on the appropriate number of racing days. Director Lightbown opined that based upon her review of the application and racing experience 110 days would be appropriate.

Commissioner Stebbins stated that Plainridge Park and the horsemen have two different definitions of what performance is, which obviates the need to create a benchmark as to what the Commission can accept as definitions. Commissioner McDonald expressed his thoughts on the General Counsel's memo on this topic, specifically her conclusion that the word "adjust" is a neutral term, and that it empowers the Commissioners to adjust either up or down. He also noted that as Ms. Lightbown has specialized experience, he is inclined to accept her recommendation of 110 days. Commissioner Zuniga concurred. Commissioner Cameron pointed out that Plainridge made the stronger argument and followed more closely with the law, however she did understand the horsemen's perspective as well.

The Commissioners noted that the two parties should be negotiating and arriving at a decision themselves but that they agreed to accept the recommendation of the staff for 110 racing days. Commissioner Cameron emphasized the importance of people having the opportunity to negotiate these issues.

1:07 p.m. *Commissioner Cameron moved that the Commission approve the application for Plainridge Park Casino raceway, and make the decision for them to race 110 days. Motion seconded by Commissioner Macdonald. Commissioner Zuniga votes Aye. Commissioner Stebbins votes nay. Motion approved 4 to 1, with Chairman Crosby dissenting.*

Commission breaks for 5 minutes
Commission reconvenes.

Legal Division – Catherine Blue, General Counsel

See transcript pages 187 - 191

1:15 p.m. Attorney Blue proposed amendments to 205 CMR 138 and 140 – Gaming Day Treatment of Unsecured Funds Amendments, and is seeking approval to commence promulgation process.

Deputy General Counsel Todd Grossman recounts the October 12th meeting and notes that the Legal Division sends the proposed amendments out for formal comment, both on the MGC website and to the licensees. Plainridge Park Casino offered comments, to which Attorney Grossman draws attention to these comments

as they are highlighted, and asks that we begin the promulgation process today so that we may make any further modifications down the road.

[1:17 p.m.](#) *Commissioner Macdonald moves that the Commission approve the amendments to 205 CMR 138 and 205 CMR 140, relating to gaming date and treatment of unsecured funds, as included in the packet, and authorize the staff to take the steps necessary to begin the regulation promulgation process. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Communications – Elaine Driscoll, Director

See transcript pages 191 - 213

[1:17 p.m.](#) Director Elaine Driscoll introduced a project about the MGC website being completely mobile-enabled for phones, tablets, etc. Ms. Driscoll explains how the site is completely adapted to mobile devices and updated.

Ms. Driscoll presented slides, illustrating the complete redesign and update of the homepage to accommodate gaming employees instead of just license applicants and communities that are inquiring about process. Director Driscoll and her team added an at-a-glance section that will feature research statistics and numbers. LMS will now be compatible with the website.

Commissioner Zuniga's idea of creating a digital timeline hits on all the key milestones over the last several years. Director Driscoll recognized Digital Communications Coordinator Mike Sangalang for all his work on this project. Director Driscoll will commence data transfer on Monday, November 13th and does not anticipate any issues.

Licensing Management System Update – Paul Connelly, Director

See transcript pages 213 - 227

[1:39 p.m.](#) Director Connelly notes that the Licensing Department launched LMS internally to process applications for one year now. On September 26 they went live with the portal for the application process. Director Connelly substantiated that this is a critical change in the Licensing Department's ability to process all the MGM apps they expect to receive, by specifying that they have processed approximately 50 applications through LMS with successful results, and have encountered very few issues. Feedback received has been straightforward with minimal issues. Director Connelly affirmed that none would be successful without cooperation by the casinos and the Human Resource departments in helping them get the applicants educated in using the system.

Director Connelly presented a video that evidenced instructions for applicants to easily navigate the process. Administrative Assistant Amy MacLachlan is recognized as the voiceover to the instructional video.

Commissioner Macdonald asks if there will be an internal help desk for people who get stuck during the application process, to which Director Connelly responded that himself and anyone on his team will triage any inquiries, serving as help desk.

Director Connelly explains that the website assists his staff in engaging with applicants directly, helping them become more customer service oriented, and added that this is a positive shift in workload for his staff as well.

Commissioners' Updates

See transcript pages 227 - 240

1:55 p.m. Commissioner Stebbins states that Director Connelly, Jill Griffin, Director of Workforce, Supplier and Diversity Development, and himself met with the MGM procurement team that was in from Las Vegas and discussed changes in licensing and construction. The meeting was productive and successful.

Commissioner Crosby stated that he was asked by a community group as well as local legislators if he would weigh in on three CORI reform issues going through the house. They would like to have the Commission be supportive as this is a workforce development issue that would make it easier for applicants in the process. Ultimately, Commissioner Zuniga suggested that they revisit this.

Commissioner Macdonald addressed that there is no avenue in Massachusetts to expunge a record, and would like to discuss sealing a record vs. expungement of a record. Short discussion on this topic.

Other Business – reserved for matters the Chair did not reasonably anticipate at the time of posting

2:10 p.m. *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Cameron. Motion approved unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated November 9, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes, October 26, 2017
3. Presentation - Wynn Boston Harbor Quarterly Report as of September 30, 2017
4. Statement of Recommendations to Commission regarding Applications to Conduct Live Horse Racing in 2018
5. Letter regarding September 20, 2017 Letter to Plainville Gaming & Redevelopment LLC
6. Presentation – Impact of Field Size and Races Per Day on Pari-Mutuel Handle
7. Agreement between Springfield Gaming and Redevelopment, LLC and the Harness Horsemen's Association of New England
8. Letter regarding Adequate Entries to Fill Race Cards
9. Email regarding Adequate Entries to Fill Race Cards
10. Memo regarding Horse Racing License Application (100 days) Plainville Gaming & Redevelopment, LLC
11. MA Gaming Commission 2016 Annual Report
12. 6/18/15 MGC Meeting Minutes

13. June 15, 2015 Letter from Lance George, V.P./G.M., Plainville Gaming and Redevelopment, LLC
14. June 16, 2015 Memo from MGC Executive Director Rick Day re: Determination That Gaming Establishment May Open for Business
15. June 24, 2015 Certificate to Operate issued to Plainville Gaming and Redevelopment LLC
16. MGL c. 23K § 24 – Applicants Holding Live Racing License Under Chapter 128A; Number of Live Racing Days; Annual Purse Agreements
17. HHANE Position Paper to the Massachusetts Gaming commission regarding the number of Standardbred Race Days in 2018
18. Presentation – Massgaming.com Redesign
19. Presentation – Licensing Management System

/s/ Shara Bedard
Shara Bedard, Paralegal