



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** December 6, 2018 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

**Present:** Interim Chairwoman Gayle Cameron  
Commissioner Enrique Zuniga  
Commissioner Bruce Stebbins  
Commissioner Eileen O'Brien

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



### **Call to Order**

See transcript page 1

[10:00 a.m.](#) Interim Chairwoman Cameron called to order public meeting #256 of the Massachusetts Gaming Commission. She noted for the record that due to technical difficulties, there is no closed-captioning today, but the meeting is being streamed.

### **Approval of Minutes**

See transcript page 1

[10:01 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the November 8<sup>th</sup> Commission Meeting, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion. Commissioner Zuniga requested that on page four, the language of his opposition should read that it was in light of the fact that the application did not maximize the benefits to the Commonwealth.  
The motion was approved 4 – 0 with the aforementioned edit.*

## **Administrative Update**

See transcript pages 1 – 3

[10:01 a.m.](#) Executive Director Ed Bedrosian provided the Commission with a summary update regarding the staff's daily activities. He reported that the gaming agents, Gaming Enforcement Unit, and licensing staff are continuing to regulate Plainridge Park Casino and MGM Springfield. Also, Director Bedrosian thanked the horse racing staff for another successful season, as it has just come to a close.

Staff is assisting Director Bedrosian with 90-Day Reports from MGM Springfield concerning crosswalk designation on its casino floor, as well as the matter of the plaza beverage license. Director Bedrosian stated that he anticipates presenting these reports at the December 20<sup>th</sup> Commission Meeting to be held in Springfield. He stated that he hopes to report on the MGM opening process at that meeting as well.

Director Bedrosian also noted that the Commission will be briefed in an executive session by the General Counsel and outside lawyers on the implications of recently filed injunction and temporary restraining order legislation and the impact of that on a process for getting to an adjudicatory hearing.

Interim Chairwoman Cameron made a statement acknowledging the complex circumstances around the Wynn investigation, related litigation, and the overall integrity of the process. She also reiterated the Commission's role as an adjudicatory body, and thanked the staff for their continued hard work, perseverance, and dedication.

## **Research and Responsible Gaming**

See transcript pages 4 – 18

[10:12 a.m.](#) **Social and Economic Impacts of Gambling in Massachusetts**  
The Commission reviewed a PowerPoint presentation and report authored by researchers from the University of Massachusetts School of Public Health. The report was to the Massachusetts Gaming Commission and the Massachusetts Department of Public Health, and contains the findings regarding social/health and economic impacts of gambling in the state.

Dr. Rachel Volberg, Research Associate Professor in the School of Public Health and Health Sciences at the University of Massachusetts Amherst, presented to the Commission the team's findings and analyses from several studies they conducted.

[11:07 a.m.](#) Commissioner Stebbins noted that as there is a wealth of information collected in these studies that will benefit policymakers and stakeholders. There is a lot of that information is generated locally around these facilities and proposed that some information could be shared back with local stakeholders to see how this information could benefit them. He also reiterated his interest in seeing new topics of research with the opening of the Class 1 casinos. Dr. Volberg then distributed fact sheets to the Commissioners that summarize their research findings and could be distributed to people at the community level.

### **Racing Division**

See transcript pages 18 – 25

#### [11:22 a.m.](#) **2017 Annual Report**

Dr. Alexandra Lightbown thanked her team for their considerable time and effort that went into creating the 2017 Annual Report for the Racing Division. She also thanked the IT Department for working on installing new computers for the Racing Division this year.

The Commission reviewed the 5<sup>th</sup> Annual Report of the Division of Racing for the year ending on December 31, 2017. The report covered the Division of Racing's financials, to include a statement of the program's revenue and expenses, handle comparison, a financial variance report with regard to handles, and an analysis of purses paid in 2017. The report also included Suffolk Downs' financial report, Plainridge Park Casino's financial report, and the status of greyhound racing in 2017 with financial reports for each track.

There was a significant increase in revenue as well as distributions from the Racehorse Development Fund.

There will be a correction made to the expenditure numbers, as well as some other corrections. The report will then be re-submitted to the Commission.

### **Legal Division**

See Transcript Pages 25 – 28

#### [11:49 p.m.](#) **Non-Disclosure Agreement (NDA) Template**

The Legal Division requested the Commission's approval of newly proposed language in the Non-Disclosure agreement template that would be used for licensees, moving forward.

Generally, in the NDA, the gaming licensee declares by way of application that it considers specific information and materials identified in their NDA application to contain a trade secret and/or that it would be detrimental to the gaming licensee if those materials were made public. The Commission can

then agree to enter into an NDA to protect the information and materials from public disclosure.

Deputy General Counsel Todd Grossman summarized the proposed change by explaining that under the existing language, the Commission notifies the licensee that it has been contacted by a governmental agency seeking information that is subject to the coverage of the agreement, in order to afford the licensee an opportunity to seek a protective order or other means to stop the release of this information. With the new proposed language, that function would be made discretionary on the part of the Commission if it were determined that the integrity of a governmental investigation could be compromised by notifying the gaming licensee.

[11:53 p.m.](#) Commissioner O'Brien requested that the Commissioners be alerted to any instances of disclosure to a public entity. Interim Chairwoman Cameron suggested that Commissioner O'Brien provide guidance in the matter, or simply that notification is given to Commissioner O'Brien.

[11:57 a.m.](#) *Commissioner O'Brien moved that the Commission approve the Non-Disclosure Agreement Template as presented to the Commission subject to the caveat that was discussed in terms of notification to Commissioner O'Brien as the designated Commissioner, to the extent that the discretion is not exercised. Commissioner Zuniga seconded the motion.  
The motion was approved 4 – 0.*

[11:58 a.m.](#) **Adoption of Emergency Regulation 205 CMR 146: Gaming Equipment**  
The Commission reviewed a draft version of amendments throughout 205 CMR 146, as well as the Small Business Impact Statement for 205 CMR 146.00: Gaming Equipment. The proposed changes are administrative in nature, to make the language uniform with respect to the number of seats permitted at gaming tables. The Legal Division requested approval for emergency promulgation of this regulation.

[12:00 a.m.](#) *Commissioner Stebbins moved to approve the Small Business Impact Statement for the amendments to 205 CMR 146.00: Gaming Equipment, as included in the packet. Commissioner Zuniga seconded the motion.  
The Motion passed 4 – 0.*

*Commissioner Stebbins then moved to approve the amendments to 205 CMR 146.00 as included in the packet and authorize the staff to file the regulation on an emergency basis pursuant to G.L. chapter 23K § 5(b) and further to take the steps necessary to file the regulation with the Secretary of the Commonwealth and to proceed with the formal regulation promulgation process. Commissioner Zuniga seconded the motion.  
The Motion Passed 4 – 0.*

## **Ombudsman**

See transcript pages 29 – 36

### 1:00 p.m. **2019 Community Mitigation Fund Application Guidelines**

Joseph Delaney, Construction Oversight Manager, requested that the Commission approve the Ombudsman's draft of the 2019 Community Mitigation Fund Application Guidelines.

In the proposal, the guidelines identified recommendations for 2019 target spending amounts, regional target spending allocations, the potential for accepting additional applications after the February 1 deadline, the continuation/modification of the prior year's priorities, and the proposed Transit Project(s) of Regional Significance.

12:11 p.m. Additionally, the issue of any flexibility to the statutory application deadline of February 1, 2019 was discussed. It was stated that without a legislative change, the Commission cannot have a rolling admission process. A remedy to this could be to set up a reserve fund that would have to be applied for by some entity that could reserve that money for potential emergency expenditures. Mr. Delaney asked that the Commission allow the staff to create some guidelines around this. The issue regarding communities creating emergency funds, and any potential for an emergency related to this fund was discussed.

It was determined that within the existing regulations and framework, the Commission can possibly move forward with allowing a host community, should an emergency arise, to request reimbursement through the Community Mitigation Fund and the Commission could review that through the Community Mitigation Fund in the normal course.

12:20 p.m. *Commissioner Stebbins moved that the Commission approve the 2019 Community Mitigation Fund guidelines as provided in the packet, subject to any grammatical changes or immaterial changes. Commissioner O'Brien seconded the motion.*  
*The Motion passed 4 – 0.*

## **Commissioner's Updates**

See transcript page 36

12:21 p.m. There are no updates to report.

## **Executive Session**

See transcript pages 36 – 37

12:29 p.m. Interim Chairwoman Cameron stated that the Commission will now go into an executive session pursuant to MGL Chapter 30(a), § 21(a)(3) for the purpose

of discussing litigation strategy in the case of Stephen A. Wynn vs. Karen Wells, the Massachusetts Gaming Commission, and Wynn Resorts, when a discussion in an open session would have a detrimental effect on litigation position for the Commission. The Commission will not reconvene in open session at the end of the executive session.

12:30 p.m. *Commissioner Zuniga moved to go into executive session. Commissioner Stebbins seconded the motion. Roll call vote:  
Commissioner Stebbins: Yes.  
Commissioner Zuniga: Yes.  
Commissioner O'Brien: Yes.  
Chairwoman Cameron: Yes.*

*Chairwoman Cameron then stated that the Commission is now in executive session pursuant to the Open Meeting Law, and that all members of the public and any staff members not involved in this matter to be discussed must leave the room. Chairwoman Cameron also asked that all live audio and video recording and livestreaming be shut off and the doors to the room be closed.*

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

1. Notice of Meeting and Agenda, dated December 6, 2018
2. Draft Commission Meeting Minutes, dated November 8, 2018
3. Power Point Presentation – Social & Economic Impacts of Gambling in Massachusetts: 2018
4. SEIGMA Fact Sheets
5. Power Point Presentation - 2018 Socioeconomic Impacts of Expanded Gambling in Massachusetts: 2018
6. Annual Racing Report 2017
7. Draft Non-Disclosure Agreement Template
8. Small Business Impact Statement for 205 CMR 146.00: Gaming Equipment
9. Draft Regulation Amendments for 205 CMR 146.00: Gaming Equipment
10. Memo on Community Mitigation Fund Guidelines dated December 3, 2018
11. Draft 2019 Community Mitigation Fund Guidelines dated November 29, 2018
12. Comparison of October 2018 to November 2018 Guidelines dated November 29, 2018

/s/ Catherine Blue  
Assistant Secretary