



Massachusetts Gaming Commission Meeting Minutes

Date/Time: February 22, 2018 – 1:00 p.m.

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

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

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

Call to Order

See transcript page 2

1:00 p.m. Chairman Crosby called to order the 236th Commission meeting.

Approval of Minutes

See transcript pages 2 – 4

1:00 p.m. *Commissioner Macdonald moved to approve the minutes of the meeting on January 31, 2018 as they appeared in the packet, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The motion was approved unanimously.*

Commissioner Macdonald further moved to approve the minutes of the meeting of February 7th of 2018, also subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. Commissioner Stebbins noted that employees' titles should appear in front of their names throughout the meeting minutes. The motion was approved unanimously, as amended.

Investigations and Enforcement Bureau (IEB)

See transcript pages 4 - 30

[1:02 p.m.](#)

MGM Qualifier Suitability.

Chief Enforcement Counsel Loretta Lillios presented the suitability report for Senior Vice President and Security Officer for MGM International, Scott Howitt, as an MGM Qualifier. Counsel Lillios recommended that Mr. Howitt be found suitable as a Qualifier for MGM.

[1:07 p.m.](#)

Commissioner Cameron moved to approve Mr. Howitt, Senior Vice President of Security Information Officer for MGM. Commissioner Macdonald seconded the motion. The motion passed 5 – 0.

Wynn Review Update.

Counsel Lillios presented an update on the status of the Wynn Resorts, LLC investigation. The investigation was stated to be active and a priority. Details would not be disclosed to the Commission or the public until the investigation was complete.

Counsel Lillios addressed another matter involving a contribution in the amount of two million dollars that was made to the Republican Governors' Association (RGA) in October of 2014 by Wynn Resorts Limited. Chairman Crosby and Executive Director Edward Bedrosian Jr. asked the IEB to state whether it was aware of the contribution to the RGA in 2014, if it was reviewed, and if so, what the IEB's conclusion was. Counsel Lillios stated that the IEB investigated this contribution in 2014 with the Legal Division, and determined that it was not in violation of Massachusetts law. Counsel Lillios stated that the IEB continues to be satisfied with the conclusions made.

Licensing Division

See transcript pages 31 - 64

[1:38 p.m.](#)

Service Employee Registration Discussion.

Director of Licensing Paul Connelly presented recommendations to the Commission to exempt certain gaming service employee positions from the registration requirement. Presenting with him was Gaming Attorney for MGM Resorts International, Patrick Madamba, and Vice President/Human Resources of MGM Springfield, Marikate Murren.

Attorney Madamba stated that they were withdrawing their request to exempt the position of Utility Porter 16472, as it was cleaning staff that had entry to the casino floor. This position and variations of Porter positions were still being discussed.

Director Connelly noted that they would have further recommendations in the near future to include some of the entertainment block employees, and Attorney Madamba stated that they would have these recommendations prepared most likely for March or April.

[2:10 p.m.](#)

Commissioner Stebbins moved that the Commission approve the Gaming Service Employee Exemptions as provided in the packet with the exception of position 16472. Commissioner Macdonald seconded the motion. The motion passed 5 – 0.

Legal Division

See transcript pages 64 - 92

2:11 p.m. **Amendments to 205 CMR 138.10 and Small Business Impact Statement – Jobs Compendium Submission**

General Counsel Catherine Blue requested that the Commission approve the Small Business Impact Statement and amendments to the Jobs Compendium Submission regulation and begin an emergency promulgation process. The amendments would require licensees to advise the IEB when they make changes in their job description, and file them for review.

2:12 p.m. *Commissioner Macdonald moved to approve the Small Business Impact Statement for 205 CMR 138.10, Jobs Compendium Submission, as included in the packet.*

Commissioner Cameron seconded the motion. The motion passed 5 – 0.

Commissioner Macdonald further moved that the Commission approve the amendments to 205 CMR 138.10 as included in the packet and authorize the staff to file the regulation on an emergency basis pursuant to chapter 23K section 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 Stebbins seconded the motion. The motion passed 5 – 0.

2:13 p.m. **Final version of amendments and Amended Small Business Impact Statement for 205 CMR 133.04 – Duration of Exclusion and Removal from the List**

General Counsel Blue requested that the Commission approve the Amended Small Business Impact Statement and final version of the amendments to the Duration of Exclusion and Removal from the List regulation, in order to move it through the final promulgation process. The amendment was updated with the six-month period on the Voluntary Self-Exclusion list removed.

There was a discussion around whether an edit to the regulation that would reflect that one should have the choice of committing to a lifetime self-exclusion after one year was necessary. This would imply that someone could get on the lifetime list without an exit interview. A decision was made not to vote, and to address this topic at the next meeting with the Responsible Gaming staff.

2:20 p.m. **Final version of amendments and Amended Small Business Impact Statement for 205 CMR 138.07, 138.66, 151.01 – Floor Plans**

General Counsel Blue requested that the Commission approve the Amended Small Business Impact Statement and final version of the amendments to the Floor Plans regulation in order to move it through the final promulgation process. The amendments removed the requirement to submit a floor plan to the Commission from the casino's certificate of operations. The requirement would be applied to the casino's system of Internal Controls, which would streamline the process of amending a floor plan.

There was discussion around comments that were received by Plainridge Park Casino on these amendments.

[2:00 p.m.](#) *Commissioner Cameron moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 138.07, 138.66, and 151.01, Floor Plans, as included in the packet. Commissioner Macdonald seconded the motion. The motion passed 5 – 0.*

Commissioner Cameron also moved that the Commission approve the final version of 205 CMR 138.07, 138.66, and 151.01 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 regulation promulgation process. Commissioner Macdonald seconded. The motion passed 5 – 0.

[2:01 p.m.](#) **Final version of amendments and Amended Small Business Impact Statement for 205 CMR 138.20 – Possession of Firearms**

General Counsel Blue requested that the Commission approve the Amended Small Business Impact Statement and final version of amendments to the Possession of Firearms regulation, in order to move it through the final promulgation process. The amendment changed the language that requires Plainridge Park Casino’s telephone number be included on a casino’s sign, to being blank so that the appropriate facility’s telephone number could be included.

[2:02 p.m.](#) *Commissioner Stebbins moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 138.20, Possession of Firearms, as included in the packet. Commissioner Cameron seconded the motion. The motion passed 5 – 0.*

Commissioner Stebbins moved that the Commission approve the final version of 205 CMR 138.20 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 regulation promulgation process. Commissioner Cameron seconded the motion. The motion passed 5 – 0.

[2:03 p.m.](#) **Final version of amendments and Amended Small Business Impact Statement for 205 CMR 138.28, 138.33, 138.68, 140.02 - Unsecured Funds and Gaming Day**

General Counsel Blue requested that the Commission approve the Amended Small Business Impact Statement and final version of the amendments to the Unsecured Funds and Gaming Day regulation in order to move it through the final promulgation process. These amendments had been brought to the Commission previously, however there was now an additional amendment. This proposed amendment was a change to the way monetary overages would be treated, as they had previously been counted as “unsecured funds”. It would require that these overages instead be investigated with the results/source brought to the Commission.

[2:10 p.m.](#) *Commissioner Zuniga moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 138.28, 138.33, 138.68, and 140.02 Unsecured Funds on Gaming Day, as included in the packet. Commissioner Macdonald seconded the motion. The motion passed 5 – 0.*

Commissioner Zuniga further moved that the Commission approve the final version of 205 CMR 138.28, 138.33, 138.68, and 140.02 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 regulation promulgation process. Commissioner Cameron seconded the motion. The motion passed 5 – 0.

[2:11 p.m.](#) **Final version of amendments and Amended Small Business Impact Statement for 205 CMR 141.06 – Notice to the Commission of Changes**

General Counsel Blue requested that the Commission approve the Amended Small Business Impact Statement and final version of the amendments to the Notice to the Commission of Changes regulation in order to move it through the final promulgation process. The most significant change was that the regulation would now require a licensee to notify the Commission prior to replacing CCTV equipment or physically moving slot machines or table games.

[2:35 p.m.](#) *Commissioner Macdonald moved to approve the Amended Small Business Impact Statement for 205 CMR 141.06 Notice to the Commission of Changes as included in the packet. Commissioner Zuniga seconded the motion. The motion passed 5 – 0.*

Commissioner Macdonald moved that the Commission approve the final version of 205 CMR 141.06 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 regulation promulgation process. Commissioner Cameron seconded the motion. The motion passed 5 – 0.

Commissioners' Updates

See transcript pages 92 - 96

Commissioner Zuniga attended the New Horizons conference and GameSense summit in Vancouver. He noted that the MGC continues to be recognized as very progressive in this area by all the work that has been done. There was international interest in visiting PlayMyWay as well as GameSense here in Massachusetts.

MGM was showcased at this conference with their own efforts in implementing GameSense, as MGM was quickly deploying this program throughout all of their properties.

[2:39 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Cameron. Commissioner Macdonald Seconded the Motion. The Motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated February 22, 2018
2. Massachusetts Gaming Commission Meeting Minutes draft, dated January 31, 2018
3. Massachusetts Gaming Commission Meeting Minutes draft, dated February 7, 2018
4. Memo to Commissioners from IEB Chief Enforcement Counsel Loretta Lillios, Re: Wynn Resorts' Ltd. October 2014 Contribution to the Republican Governors' Association, dated February 21, 2018
5. Gaming Service Employees (SER) Exemption Memo, dated February 16, 2018

6. Identification of Potential Positions for Exemption from the Registration Requirement by the MGC form
7. 205 CMR 138.10 – Jobs Compendium (Draft)
8. Small Business Impact Statement for 205 CMR 138.10
9. 205 CMR 133.04 – Duration of Exclusion and Removal from the List (Final Draft)
10. Amended Small Business Impact Statement for 133.04
11. 205 CMR 138.07, 138.66, 151.01 – Floor Plans (Final Draft)
12. 205 CMR 138.07, 138.66, 151.01 – COMMENTS from Plainridge Park Casino
13. Amended Small Business Impact Statement for 138.07, 138.66, 151.01
14. 205 CMR 138.20 – Possession of Firearms (Final Draft)
15. Amended Small Business Impact Statement for 138.20
16. 205 CMR 138.28, 138.33, 138.68, 140.02 – Unsecured Funds and Gaming Day (Final Draft)
17. Amended Small Business Impact Statement for 138.28, 138.33, 138.68, 140.02
18. 205 CMR 141.06 – Notice to the Commission of Changes (Final Draft)
19. Amended Small Business Impact Statement for 141.06

/s/ Catherine Blue
Assistant Secretary