



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 14, 2019 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

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



Call to Order

See transcript page 1

[10:00 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #264 of the Massachusetts Gaming Commission. She stated that the agenda would be taken out of order this morning and that the meeting will now start with the Executive Session.

Executive Session

See transcript pages 1 – 2

[10:02 a.m.](#) Pursuant to M.G.L. Chapter 30A Section 21(a)(3), an Executive Session is being held to discuss litigation strategy in the case of Stephen A. Wynn v. Karen Wells, the Massachusetts Gaming Commission, Wynn Resorts Ltd., et al when a discussion in an open session would have a detrimental effect on the litigation position for the Commission.

[10:03 a.m.](#) *Commissioner Cameron moved to go into executive session. Commissioner O'Brien seconded the motion. Roll call vote:
Commissioner Stebbins: Aye.*

*Commissioner Cameron: Aye.
Commissioner Zuniga: Aye.
Commissioner O'Brien: Aye.
Chair Judd-Stein: Aye.*

The Chair 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 for discussion must leave the room. The Chair also asked that all live audio and video recording and live streaming be shut off and that staff close the doors.

[11:23 a.m.](#) Chair Judd-Stein reconvened public meeting number 264 in open session. She summarized that the Commission received a briefing today on litigation strategy in the executive session in compliance with the Open Meeting Law which requires that any vote taken to be listed on the meeting agenda. A vote was listed for the executive session. The vote was put on the agenda in the event that the Commission needed to take action based upon the briefing. The Commission did not need to take a vote today.

The Chair then read a prepared statement regarding the discussions, announcing that later today, the Commission would release the redacted resolution agreement and the redacted meeting minutes from the executive sessions related to the case of Stephen A. Wynn v. Karen Wells, the Massachusetts Gaming Commission, and Wynn Resorts that was filed in Nevada's Clark County District Court.

Approval of Minutes

See transcript page 2 – 3

[11:28 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of February 28, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion. The motion passed unanimously.*

Administrative Update

See transcript pages 3 – 4

[11:30 a.m.](#) **General Update**

Executive Director Ed Bedrosian updated the Commission on the adjudicatory process in the Wynn suitability review. The Investigations and Enforcement Bureau (IEB) will distribute their investigative report to the Commission tomorrow. This submission will begin the preliminary hearing process. The Commission will set a hearing date which will be released publicly soon. Director Bedrosian then explained the anticipated adjudicatory hearing process to the Commission. The hearing is expected to span multiple days.

[11:32 a.m.](#) **State Ethics Disclosure Filing**

The Chair stated that out of an abundance of caution and a desire to be fully transparent, consistent with the founding principles of the Commission, she filed a state ethics disclosure with her appointing authority relating to her limited past working relationship with the attorney representing Wynn Resorts in the upcoming hearing, Jed Nosal. She also stated that she has complied with the requirements under the Commission's enhanced Code of Ethics by filing the same disclosure with Executive Director Bedrosian.

Racing Division

See transcript pages 4 – 32

[11:34 a.m.](#) **Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel**

Dr. Alexandra Lightbown, Director and Chief Veterinarian of the Racing Division and Plainridge Park Casino Director of Racing Steve O'Toole presented his memo to the Commission, requesting approval of their Key Operating Personnel and Racing Officials dated March 6, 2019. These personnel were licensed by the Commission in 2018, and are in the process of applying for their 2019 licenses. The State police will conduct their background checks.

The Racing Division recommends that the Commission approve the request of Plainridge Park Casino to approve their March 6, 2019 list of Key Operating Personnel and Racing Officials, pending satisfactory completion of licensure by the Racing Division and satisfactory completion of their background checks by the Massachusetts State Police.

[11:37 a.m.](#) *Commissioner Cameron moved to approve the request of Plainridge Park Casino with their list of racing key operating personnel as outlined in their memo dated March 6, 2019, pending the satisfactory completion of licensure by the Commission's Racing Division and the satisfactory completion of their background checks by the Massachusetts State Police. Commissioner Zuniga seconded the motion.*

The motion passed unanimously.

[11:38 a.m.](#) **Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(6) – Qualifying Race Requirement**

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of a waiver of 205 CMR 3.12(6) for the 2019 racing season at Plainridge Park Casino.

205 CMR 3.12(6) reads: The Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in

a race before the Judges. The Association may request a waiver of this requirement.

Mr. O'Toole's request would change the observation period for a satisfactory racing line from 30 days to 45 days. Plainridge Park Racecourse requested this same waiver in 2018, and the Commission approved it without issue.

The Racing Division recommends that the Commission approve the request of Plainridge Park Casino for a waiver during the 2019 racing season concerning 205 CMR 3.12(6) which would require all horses not showing a satisfactory racing line during the previous 45 days to run a qualifying mile in a race before the Judges.

[11:42 a.m.](#) *Commissioner Stebbins moved to approve the request of Plainridge Park Casino for a waiver during the 2019 racing season, concerning 205 CMR 3.12(6) which would require all horses not showing a satisfactory racing line during the previous 45 days to go a qualifying mile in the race before the judges. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

[11:42 a.m.](#) **Plainridge Park Racecourse Update**

The Commission reviewed statistics on the 2018 racing season by viewing a slide presentation, presented by Mr. O'Toole. Mr. O'Toole stated that there was a positive impact from reducing the race days from 125 to 110 last year. Specifically, there was an improvement regarding the number of races run per day and the field sizes.

The Commission then reviewed statistics from 2015 – 2018 for purse accounts and the pari-mutuel handle. Mr. O'Toole reported that the purses continue to grow with the addition of the racehorse development funds to the statutory pari-mutuel funds annually.

Next, Mr. O'Toole reported on Plainridge Park Casino's community outreach efforts and events. He stated that he is an organizer of the Plainville, Wrentham and Norfolk Lions Club *Polar Plunge* events that have raised money for programs such as Mass Lions Eye Research and the Ellie Fund.

He then discussed the USTA Strategic Wagering Initiative and Jackpot Wagers. Mr. O'Toole stated that this coming season, Plainridge would like to have a "Pick Five" or a "Pick Six" pool where the bettor picks the first place finisher in five or six consecutive races. He noted to the Commission that there are some carryover rules that the Commission does not have in its regulations that they are proposing to change so that they can offer that in the 2019 season.

Plainridge Park Racetrack will hold the \$250,000 Spirit of Massachusetts Trot racing event on Sunday, July 28, 2019. There will also be a co-featured event for pacing mares called the \$100,000.00 Clara Barton Distaff Pace. The Mass Breeders Stakes racing event will take place for six Sundays in 2019 as well. Opening day will be Monday, April 8, 2019. Plainridge Park Racetrack has 108 race days scheduled for 2019 on a Monday, Thursday, Friday schedule.

Mr. O'Toole reported that they have just executed a seven-year, nine-month purse agreement with the horsemen. They also settled on 110 days over 33 weeks to present in their application for the next seven years.

[12:15 p.m.](#) **Standardbred Owners of Massachusetts (SOM) Recognition Request as Breeder's Representative Group**

Under M.G.L. c. 128, § 2(j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested to be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2019.

Dr. Lightbown presented with Chip Campbell, Director, and Nancy Longobardi, Secretary and Treasurer of the Standardbred Owners of Massachusetts Association (SOM). They gave an overview of the SOM via a slide show that illustrated breeding statistics, Standardbred breeding farm locations in Massachusetts that included a new farm at UMass Amherst, Sire Stake Races statistics, as well as the results of the Sire Stake Championships of 2018.

The Commission then viewed a video of the history of the Standardbred Association and discussed the benefits that the Commission (or association) brings to the breeders and the business itself.

The Racing Division recommends that the Commission approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2019.

[12:30 p.m.](#) *Commissioner Zuniga moved to approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2019. Commissioner Cameron seconded the motion.
The motion passed unanimously.*

[12:37 p.m.](#) **Harness Horseman's Association of New England Pension Plan Update**
Dr. Lightbown updated the Commission on the Pension Plan. With her was Alice Szpila, Treasurer and Chair of the Health and Welfare Committee of the

Harness Horseman's Association, Jeanne Bakker, legal counsel, and Normand Fluett, the plan's investment adviser with Ameriprise Financial.

The Harness Horseman's Association of New England (HHANE) developed a retirement savings plan for eligible drivers and trainers using monies from the Racehorse Development Fund. Ms. Szpila explained that she wrote an amendment to the program on March 1, 2019, to clarify the eligibility requirements for allocation of retroactive points during the period preceding the effective date of this plan. Ms. Szpila also stated that drivers and trainers must be a member in good standing of the HHANE by May 31st of each year, maintaining this status at all times to participate in the retirement savings plan.

[12:52 p.m.](#) **MA Thoroughbred Breeders Association (MTBA) Request to Race at Finger Lakes**

Donna Pereira, Chairwoman of the MTBA, has submitted a request for approval to run two additional races at Finger Lakes Race Track in New York. In 2015, M.G.L. c. 128 was changed to allow Massbred races to occur outside of Massachusetts. The Commission has approved these races each year since then.

Dr. Lightbown, with Kathleen Reagan, Vice Chair of the MTBA further explained the request, stating that the trainers' only option to train would be at Finger Lakes, as all races are now scheduled in May and June of 2019 at Suffolk Downs Racetrack due to the uncertainty of the timing of demolition.

Arlene Brown, Director, MTBA stated that Suffolk Downs' racing dates have not been approved yet; however, the MTBA is assuming that Suffolk Downs' weekend schedule will be accepted. She noted that because Suffolk's schedule is very early this year, the MTBA included two additional races at Finger Lakes in April 2019 to prepare for the Suffolk Downs races. Ms. Brown made a fall schedule at Finger Lakes as well, in anticipation of Finger Lakes requiring a guarantee of a specific amount of races.

The Racing Division recommends that the Commission approve the request of the Massachusetts Thoroughbred Breeders Association to run the two races at Finger Lakes Race Track in New York in April 2019. The MTBA may then return in two or three months for approval for any later races necessary.

Commissioner O'Brien suggested approving four races with a caveat so that no problems arise with purses from any time constraints imposed by Suffolk Downs. Dr. Lightbown stated that she has no objections to the Commission approving two additional July dates, with the condition that they report back to the Commission with the specific purse number for the July races and no less than 30 days before those July dates.

[1:11 p.m.](#) *Commissioner O'Brien moved that the Commission approve the requests of the Massachusetts Thoroughbred Breeders Association to run two races at the Finger Lakes Racetrack in April 2019, as designated in the attachment. She further moved that the Commission approve the request as it relates to the two July dates as specified, with the condition that they report back to the Commission with the specific purse number for the July races no less than 30 days before those July dates. Commissioner Cameron seconded the motion. The motion passed unanimously.*

Research and Responsible Gaming

See transcript pages 32 – 35

[1:14 p.m.](#) **Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) Procurement Update**

In the absence of the Director of Research and Responsible Gaming Mark Vander Linden, Commissioner Zuniga updated the Commission on the procurement of SEIGMA with Finance and Budget Office Manager Agnes Beaulieu.

Commissioner Zuniga stated that the Commission is approaching its sixth year of working with the UMass School of Public Health and Health Sciences under contract on the Commission's initial project of the social and economic impacts of gaming. This contract expires on June 30, 2019.

The Commission is preparing a Request for Proposal (RFP) and will commence the procurement prior to the June 30th deadline. There is an element of the current project's scope that will not be completed by that date, as there should be a look back to follow the baseline study after one year of the casino's opening. Therefore, the Research and Responsible Gaming Division will come back to the Commission at a later date to request a one-time, short-term extension of the contract, with an amount noted.

Ms. Beaulieu advised that this will allow the Commission to maintain its standing within the procurement rules and regulations of 801 CMR 21 where it can be considered an interim contract for a short period based on the procurement not being completed at that time.

Commissioner Updates

See transcript page 35

[1:25 p.m.](#) There were no updates from the Commissioners at this time.

[1:26 p.m.](#) *With no further business, Commissioner Cameron moved to adjourn the meeting. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated March 14, 2019
2. Draft Commission Meeting Minutes dated February 28, 2019
3. Memo to Commissioners RE: Plainridge Key Operating Personnel and Racing Officials
4. Plainridge Racing Director's Request for Approval of Key Operating Personnel and Racing Officials for the 2019 Racing Season
5. Memo to Commissioners RE: Plainridge Waiver Request of 205 CMR 3.12(6)
6. Plainridge Racing Director's Request for Approval of a Waiver for the 2019 Racing Season regarding 205 CMR 3.12(6)
7. Slide Presentation: Plainridge Park Racing Update, dated March 14, 2019
8. Memo to Commissioners RE: Standardbred Owners of Massachusetts Recognition, dated March 11, 2019
9. Slide Presentation: Standardbred Owners of Massachusetts, dated March 14, 2019
10. Amendment to the Harness Horsemen's Association of New England, Inc. Retirement Savings Plan, dated March 1, 2019
11. Harness Horsemen's Association of New England Notice to Trainers and Drivers of Change to Retirement Savings Plan, dated March 11, 2019
12. Memo to Commissioners RE: Massachusetts Thoroughbred Breeders Association Request to Race3 at Finger Lakes, dated March 11, 2019
13. Massachusetts Thoroughbred Breeders Association Chair's Request to Race at Finger Lakes Race Track in New York and Suffolk Downs, dated February 25, 2019
14. 2019 Massachusetts Thoroughbred Breeders Association Race Schedule

/s/ Catherine Blue
Assistant Secretary