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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 28, 2019 – 10:00 a.m.

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

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

**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 #265 of the Massachusetts Gaming Commission.

### **Approval of Minutes**

See transcript pages 1 – 2

[10:00 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of March 14, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga stated that on page seven, it should state that we are still preparing an RFP, not that it has been sent out. The Chair stated that on page two, on the bottom, when referring to the IEB's investigative report, the term "will have their investigative report to the Commission" should be changed to "will distribute their investigative report to the Commission." Commissioner Cameron seconded the motion. The motion passed unanimously.*

[10:02 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Executive Session of March 14, 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 1 – 4

#### [10:04 a.m.](#) **General Update**

Executive Director Ed Bedrosian updated the Commission on staffing for racing season which starts on Monday at Plainridge Park Casino (PPC) and the official Standardbred season starts on April 8<sup>th</sup>. Thoroughbred racing season is scheduled to begin in May.

The Wynn MA, LLC adjudicatory hearing is scheduled for April 2<sup>nd</sup>, starting at 10:00 a.m. each day at the Boston Convention and Exhibition Center in rooms 156 A and B. Director Bedrosian explained that as this is an adjudicatory hearing, it is public, but will not require a public vote after any necessary public discussion. Instead, the Commission will deliberate privately to come to a decision, and this decision will be issued in the form of a written document.

#### [10:07 a.m.](#) **Massachusetts Gaming Commission Election of Officers**

The Commission conducted the annual election of a secretary and a treasurer, per G.L. c. 23K § 3(f). The Commissioners discussed amongst themselves and nominated Commissioner Stebbins to continue to serve as secretary, and Commissioner Zuniga to continue to serve as treasurer. Both Commissioners accepted the nominations.

[10:08 a.m.](#) *Commissioner Cameron moved that Commissioner Zuniga continue to serve as treasurer. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

[10:09 a.m.](#) *Commissioner O'Brien moved that Commissioner Stebbins continue to serve as secretary. Commissioner Cameron seconded the motion. The motion passed unanimously.*

### **Research and Responsible Gaming**

See transcript pages 4 – 11

#### [10:10 a.m.](#) **Problem Gambling Awareness Month**

Teresa Fiore, Program Manager, presented the results of the GameSense 2019 Problem Gambling Awareness Month. With her was Marlene Warner, Executive Director of the MA Council on Compulsive Gambling, along with Julie Hynes, Director of Responsible Gambling at the Massachusetts

Counseling and Compulsive Gambling, Amy Gabrila, Senior GameSense Adviser at MGM Springfield, and Lynn Howell, GameSense adviser at MGM Springfield.

Teresa updated the Commission on the team's efforts during the 2019 Problem Gambling Awareness Month. She summarized that this national campaign is now in its 15<sup>th</sup> year. The purpose of the campaign is to provide education of problem gambling as well as available treatment resources. She also stated that research results have yielded that 2% of the Massachusetts adult population struggles with a gambling problem, and an additional 8.4% are considered to be at risk of developing a gambling problem.

Ms. Hynes highlighted back-of-house activities for the campaign, reporting that they have had over 1,000 various engagements with the GameSense information centers at Plainridge Park Casino and MGM Springfield.

[10:15: a.m.](#) Ms. Gabrila noted that as a result of a successful series of multi-level trainings for MGM staff on GameSense, 10 of the last 15 individuals enrolled in the Voluntary Self-Exclusion program (VSE) have been referrals from MGM Springfield staff.

Ms. Gabrila detailed her experience with a V.I.P. customer that contacted her seeking assistance, as he was referred to her by an executive host at MGM Springfield. She stated that after attending the GameSense training, the executive host of 33 years referred one of his best accounts to her because he felt it was the right thing to do. Ms. Gabrila stated that GameSense is changing the narrative of responsible gambling in the industry from the inside out, and that MGM has embraced the program.

GameSense has also initiated an outreach program for Vietnamese and other Asian groups in the Worcester area, Boston communities, and Quincy through MGM Springfield. GameSense Advisor Linh Ho is leading the program.

### **Ombudsman**

See transcript pages 11 – 15

### [10:35 a.m.](#) **MGM Springfield Residential Unit Requirement**

The Commission reviewed MGM Springfield's request for an extension on the construction of housing units on 31 Elm Street. They had committed to provide 54 units of market-rate housing within one-half mile of the casino, and the deadline is today for the submission of a commitment to the project, documentation, and a construction schedule.

Ombudsman Ziemba reminded the Commission that they had voted to extend MGM Springfield's deadline to determine the development of these

units to March 28, 2019, at the Commission meeting held on February 28, 2019. He also reiterated the terms for granting the extension that were set forth (see excerpts from Commission meeting of April 12, 2019, in [Meeting Materials](#)).

[10:37 a.m.](#) Seth Stratton, Vice President and General Counsel of MGM Springfield stated that this is not an MGM Springfield project, but a project in which MGM Springfield would participate financially to help happen. Therefore, the City and the collaborators have been briefing MGM Springfield. Mr. Stratton detailed that throughout, MGM Springfield was concerned that the sources of funding were perhaps not close enough to the necessary \$55 million for the project, and that it would likely not move forward. However, the City of Springfield later gave an economic outlook presentation where it was publicly announced that the 31 Elm Street project is a priority with which the City is moving forward. Mr. Stratton reported that this, and the contents of an e-mail sent to Ombudsman Ziemba by Springfield City Solicitor Edward Pikula (see [Meeting Materials](#)) suggested to MGM Springfield that the project is very likely to happen.

Mr. Stratton stated that while some contingencies are still in place, they are all moving forward. Therefore MGM Springfield is comfortable committing to the project at this stage. He also indicated that after discussions with the City and the developer, they are just weeks from final documentation. The goal is to have a public announcement about the details, funding sources, participants, and timeline within the next 30 to 60 days.

Ombudsman Ziemba recommended that the Commission approve the request for an extension, and listed conditions for the Commission to consider.

[11:28 a.m.](#) *Commissioner Stebbins moved that the Commission approve the request for an extension for the 31 Elm Street construction project, with the following conditions:*

- 1. MGM Springfield shall not be required to comply with item number three of the Commission's motion regarding MGM Springfield's construction schedule dated April 12th, 2018, until further advised by the Commission;*
- 2. As required under the approved construction schedule, MGM Springfield shall continue to inform the Commission of any material event that would significantly alter the potential of MGM Springfield proceeding with the City's plan to rehabilitate 31 Elm Street in Springfield with assistance provided by MGM Springfield;*
- 3. Staff shall remain in regular contact with MGM Springfield and the City of Springfield to monitor the progress of the 31 Elm Street project, its documentation, and its schedule and report back to the Commission at an appropriate time; and*

4. *MGM will provide an update at its quarterly report for the first quarter, likely in April or early May.*  
*Commissioner Cameron seconded the motion.*  
*The motion passed unanimously.*

## **Racing Division**

See transcript pages 15 - 24

### **11:00 a.m. Suffolk Downs Request to Add Dates and Amend Racing Schedule**

The Commission reviewed Suffolk Downs' request to add dates and amend their live racing schedule at Suffolk Downs in 2019. They are requesting to keep their May 18-19 dates. Instead of racing one weekend in June (15-16), they are requesting to race two weekends (June 8-9 and June 29-30). June 8 is Belmont day. The Massachusetts Gaming Commission Racing Division has adequate staffing to accommodate this request.

Chip Tuttle, COO of Suffolk Downs stated that the demolition schedule for the barns at Suffolk Downs Racecourse has been postponed from April 1, 2019 until after July 1, 2019. This postponement has afforded the racecourse the continued full operation of the barn area.

The Racing Division recommends that the Commission approve the request of Suffolk Downs to add dates and amend their live racing schedule, racing on May 18-19, June 8-9, and June 29-30 in 2019.

Commissioner Zuniga made note that as this is an incremental couple of days, and as the barn area is still in full operation, he will vote to approve the request. However, he emphasized that there is a lot of uncertainty relative to the future of the racing piece for thoroughbreds unless the legislature acts in some way.

**11:05 a.m.** *Commissioner Cameron moved to approve the request of Suffolk Downs to add dates and amend their live racing schedule to reflect racing days on May 18-19, June 8-9, and June 29-30 in 2019. Commissioner Stebbins seconded the motion.*  
*The motion passed unanimously.*

### **Suffolk Downs Purse Request**

The Commission reviewed Suffolk Downs' \$3.8 million purse request from the Racehorse Development Fund (RHDF). This request comes in anticipation of the Commission's approval of Suffolk Downs' request to expand the meet from four to six days, as the Commission granted the same expansion of days to the prior year's meet.

The funding from the RHDF would be used for overnight purses, making their program competitive with other jurisdictions, as well as for bonuses to attract owners. As the Massachusetts Thoroughbred Breeders' Association will be providing Suffolk Downs less funding this year, they are asking that the Commission approve their request for funding by the RHDF and that the purses be distributed before the meet opens, to ensure prompt payment.

Commissioner Zuniga asked if it is getting more expensive to race. Mr. Tuttle responded that the purse levels have been reduced for safety reasons. More specifically, the best practices around the country have established ratios between the lowest-level claiming price and the purse level to discourage anyone from putting horses at risk because the purse level is too high. Therefore, Suffolk Downs is moving back to the best practices nationwide on that ratio.

[11:22 a.m.](#) *Commissioner Cameron moved that the Commission approve Suffolk Downs' request for the distribution of \$3.8 million from the Race Horse Development Fund, with an expansion of the meet from four days to six days, consistent with their last few years of operation. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

Commissioner Zuniga stated that he is opposed to the upfront disbursement of the purse money, as he believes that this year is set up similarly to prior years. He said that considering the first two weekends should generate enough funds for planning purposes and that Suffolk Downs should come back at any other Commission meeting for a request regarding the final weekend.

[11:23 a.m.](#) *Commissioner Zuniga moved that the Commission approve the disbursement for two weekends of racing and allow staff to disburse funds for the following third weekend then. Commissioner Cameron seconded the motion. The motion passed unanimously.*

### **Suffolk Downs Request for Capital Improvement Fund Consideration**

Chad Bourque, Senior Financial Analyst for the Racing Division reported the procedure for depositing funds and presented a memo with these statistics reflecting deposit amounts, totaling \$118,964.23. He stated that he reviewed all supporting documents in this request, and with the Commission's authorization, the Racing Division will approve the scope of work to be completed at the licensee facility.

[11:28 a.m.](#) *Commissioner Stebbins moved that the Commission approve the request for consideration items for the Suffolk Downs capital improvement trust fund as provided in the Meeting Materials for a total of \$108,964.23. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

### **Suffolk Downs Request for Capital Improvement Fund Payment**

The Commission then reviewed a memo regarding Suffolk Downs' request for reimbursement from the Capital Improvement Trust Fund for \$94,046.17. Mr. Bourque presented letters to the Commission from Dixon Salo, who provided the documentation of the completed projects.

Mr. Bourque stated that after review and confirmation of the request for reimbursement, with the Commission's authorization, the Racing Division will make payment to the track from the appropriate trust fund.

[11:29 a.m.](#) *Commissioner Cameron moved to approve the request for reimbursement from the Suffolk Downs Capital Improvement Trust Fund for \$94,046.17, as outlined in the Request for Reimbursement Memo dated March 28, 2019. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

### **Suffolk Downs Request for Promotional Fund Consideration and Payment**

The Commission reviewed Suffolk Promotional Trust Fund's Request for Consideration/Reimbursement. He stated that he reviewed and confirmed all supporting documents, invoices, and checks made payable to vendors. He said that with the Commission's authorization, the Racing Division will make payment to the track from the appropriate trust fund.

[11:30 a.m.](#) *Commissioner Cameron moved that the Commission approve Suffolk Downs' request to reimburse the Suffolk Promotional Trust Fund \$194,523.01. Commissioner Stebbins seconded the motion. The motion passed unanimously.*

### **Quarterly Local Aid Payments**

The Commission reviewed a memo from Mr. Bourque, outlining the Local Aid Quarterly Payment of \$249,454.13. Mr. Bourque stated that with the Commission's authorization, payments will be made to the appropriate cities and towns.

[11:32 a.m.](#) *Commissioner Cameron moved that the Commission approve the request to distribute the local aid as designated on March 31st in the memo for the amount of \$249,454.13. Commissioner O'Brien seconded the motion. The motion passed unanimously.*

### **Commissioner Updates**

See transcript page 24

[11:33 a.m.](#) *Commissioner Stebbins updated the Commission that the Boston chapter of the American Institute of Architects held a forum on casino design.*

Commissioner Stebbins had the opportunity to take the Executive Director to tour MGM Springfield and stated that the Director was extremely impressed by the facility, the grounds, the buildings and, the historic reuse.

Commissioner Cameron reported that she went to a forum about sports betting and that she learned what other states are planning to do as we learn as much as we can about the topic here in the Commonwealth.

11:34 a.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 28, 2019
2. Draft Commission Meeting Minutes dated March 14, 2019
3. Draft Executive Session Minutes dated March 14, 2019
4. 2019 Problem Gambling Awareness Month Report
5. Excerpt from the Massachusetts Gaming Commission Meeting Minutes, dated April 12, 2018
6. Email – MGM HCA Housing Component and 31 Elm Street, dated March 27, 2019
7. Memo to Commissioners – Suffolk Downs Request to Add Dates and Amend Live Racing Schedule, dated March 25, 2019
8. Suffolk Downs’ Request to Add Racing Dates and Amend Schedule, dated February 21, 2019
9. NEHBPA Letter RE: Live Dates and Purse Money, dated March 25, 2019
10. MTBA Letter RE: Live Dates and Purse Money, dated March 25, 2019
11. Suffolk Downs’ Race Horse Development Fund Request, dated March 22, 2019
12. New England Breeding Syndicate LLC RE: Purse Money, dated March 24, 2019
13. Memo to Commissioners – Suffolk Request for Capital Improvement Fund Payment, dated March 28, 2019
14. Memo to Commissioners – Suffolk Downs’ Request for Promo Fund Payment, dated March 28, 2019
15. Memo to Commissioners – Local Aid Distribution, dated March 31, 2019

/s/ Catherine Blue  
Assistant Secretary