



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 21, 2018 – 10:00 a.m.

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

Present: Chairman Steve Crosby
Commissioner Gayle Cameron
Commissioner Eileen O'Brien
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 245th Commission meeting.

Approval of Minutes

See transcript pages 2 - 4

The June 7, 2018 Commission meeting minutes will be presented for a vote at the next Commission meeting at the Senior Center in Plainville on Tuesday, June 26th at 5:30 p.m.

Administrative Update

See transcript pages 4 - 12

[10:00 a.m.](#) **General Update.**

Executive Director Ed Bedrosian reported that Mass Gaming and Entertainment, the entity that applied for the Region C license in Brockton submitted a request to the Commission asking for reconsideration of their license application. Director Bedrosian has been working with the Legal Division and staff, and will have a proposed response on that process at the July 19th Commission meeting for public discussion.

Director Bedrosian also informed the Commission that one of the principals of FBT Everett Realty LLC has filed a new lawsuit against Wynn Resorts Ltd and Wynn MA LLC regarding the 2013 land transaction in Everett. Director Bedrosian and the Legal Division will conduct the appropriate review of that matter and monitor the litigation.

MGM – Opening Update.

Director Bedrosian reported that construction is moving at an expeditious pace. The Gaming School is underway for new gaming agents and the Gaming Enforcement Unit (GEU). 2,500 slot machines are now on premise with 2,300 in place, and 348 machines are currently verified. It is anticipated that MGM will have all the machines in place and verified with the state seal by approximately the 3rd week of July.

MGM has reported that they currently have 328 on-boarded employees, approximately 29% are Springfield residents, and this number is expected to rise as the hiring effort continues. There have been 2,200 job offers made, and there are just under 800 jobs left to offer. MGM conducted another hiring event on June 18th and 19th. There were 520 job offers made, to which 53% were Springfield residents.

Licensing Division

See transcript pages 12 - 135

10:12 a.m. **MGM Vendor Employee Exemption Request**

Paul Connelly, Director of the Licensing Division, requested that the Commission approve the exemption of 20 Gaming Service Employee (SER) job positions from the mandatory registration process. Four of the positions are employed by MGM while 18 of the positions are employed by vendors to perform work on-site at MGM Springfield. There were originally 22 positions listed in the packet; however two positions were withdrawn from the request after careful consideration.

10:15 a.m. *Commissioner Stebbins moved that the Commission approve the Gaming Service Employee exemptions for the MGM Springfield positions as included in the packet, as well as the Vendor Employee positions as provided for in the packet, excluding the two Facilities positions. Commissioner Cameron seconded. The Motion passed 5 – 0.*

MGM Gaming Beverage License

Director Connelly presented MGM Springfield’s application for a Gaming Beverage License, and recommended that the Commission approve the application pending the submission of information regarding jointly responsible parties, as well as any conditions that the Commission deem appropriate.

Director Connelly described three components of this application for the Commission to consider and discuss. First was the general beverage license, second was the alcohol service on the gaming floor from 2 a.m. to 4 a.m., and the third was the outdoor plaza. The Commission asked that MGM start by speaking about their specific plans for the outdoor area.

Mike Mathis, President/COO of MGM Springfield first made an announcement that they have partnered with Regal Cinemas, a vendor who will provide a luxury seven screen movie complex in the retail plaza.

[10:25 a.m.](#) Seth Stratton, Vice President & General Counsel of MGM Springfield then presented MGM Springfield's plan for safety, security, and surveillance for beverage consumption in the outdoor plaza. Attorney Stratton reported that Springfield is trying to develop a walkable entertainment district. He referenced successful outdoor events that involve entertainment and consumption of alcohol in downtown Springfield, which are run by the Springfield Business Improvement District (BID).

Chris Russell, Executive Director of the Springfield BID reported on his experience with outdoor event programming in downtown Springfield over the last four years to the Commission. He reported that these events have been issue-free.

Attorney Stratton further described MGM Springfield's safety, security, and surveillance plan proposing alcohol service until midnight, a 24/7 surveillance program, alcohol served in plastic cups, and security protocols.

[10:54 a.m.](#) Commissioner Stebbins asked Director Bedrosian what type of training is being conducted with gaming agents, Massachusetts State Police, and Springfield Police units to facilitate awareness of all the issues and circumstances that may arise during the execution of some of these events.

Director Bedrosian described a regulatory component that is handled by gaming agents, and a criminal component that is handled by the Gaming Enforcement Unit, Massachusetts State Police, and Springfield Police.

There was discussion around how alcohol would be served in plastic and/or glass when patrons move from inside to outside, and about how wristbands would be used.

[11:12 a.m.](#) Commissioner Stebbins suggested putting a condition on the license that a 90 day review be conducted, after the opening in August. He also suggested giving Executive Director Bedrosian the authority to suspend a portion of the license until the Commission has a chance to work with MGM modify, review, or correct an issue arising from outdoor alcohol service.

[11:18 a.m.](#) Director Bedrosian requested that as part of the license conditions, there be staff approval with the GEU and the ABCC of the activation of the outside plaza

area. For example, he referenced that the GEU could determine any physical barriers and security measures that they believe could be enhanced, such as installing a camera in the back alley. Should they make such determinations, staff would have authority to do that before giving final approval for the beverage license in that area.

[11:37 a.m.](#) Director Connelly addressed MGM's license request to serve alcohol on the gaming floor between the hours of 2 a.m. and 4 a.m. He explained how MGM Springfield will shift from regular service to the 2 a.m. to 4 a.m. plan.

Attorney Stratton stated that he met with a couple of different stakeholder groups, in particular the City of Springfield; both the Casino Oversight Committee of the City Council as well as the mayor discussed how MGM is going to handle the license. He also had two meetings with law enforcement from Chicopee, Longmeadow, and Springfield. He reported that no formal position has been taken by any of the agencies.

[11:52 a.m.](#) Chairman Crosby summarized the two conditions that Commissioner Stebbins requested for the Commission. The first was to give the Executive Director the authority to suspend any of the approvals that the Commission gives on a real-time basis, and then to report back at the next Commission meeting with any corrective actions taken. The second request was that there is a three-month review of MGM's alcohol beverage license concerning the outdoor service and 2 am-4 am service.

Mr. Mathis assured the Commission that they have MGM's full commitment. He also stated that he would report back in 90 days even if MGM was not required to do so.

[11:56 a.m.](#) Commissioner O'Brien stated that she has public safety concerns, and concerns regarding extended access to alcohol in the Commonwealth. She further stated that she is not convinced that it is in the best interest of the Commonwealth to extend the service of alcohol from 2 a.m. to 4 a.m. and is not in favor of the extension.

Director Bedrosian requested an additional condition regarding the outdoor plaza, to have the staff conduct one final walk through before the property opens to make sure the Gaming Agents, GEU, ABCC approve of the plan.

[12:00 p.m.](#) *Commissioner Stebbins moved that the commission approve the gaming beverage license for MGM Springfield as provided in the packet with consideration of the conditions already presented by Director Connelly, and with the following added conditions:*

- 1. The Commission review the alcohol license 90 days after the opening of MGM Springfield;*
- 2. The Executive Director have the opportunity to review the outdoor service plan with Commission staff, GEU, ABCC and the licensee prior to opening; and*

3. *The Commission authorize the Executive Director to suspend any portion of the license or modify any staffing or procedures of the license for compliance and report back to the full Commission at the next convenient meeting. Commissioner Cameron seconded.*
The Motion passed 4 – 1 with Commissioner O’Brien opposed.

Legal Division

See transcript pages 135 - 237

12:03 p.m. **Penn National Gaming – Gaming and Leisure Properties, Inc. (GLPI) Legal Issues**

Deputy General Counsel Todd Grossman introduced a transfer of interest matter involving GLPI and Penn National Gaming.

He explained that Plainridge Park Casino, owned by Plainridge Gaming and Redevelopment LLC, a subsidiary of Penn National Gaming, will be transferred to an entity owned by GLPI.

The first preliminary matter pertained to the length of the term of the lease between GLPI and Plainridge Gaming and Redevelopment and the second matter pertains to the one of the terms of the trust agreement that is required by the Commission’s transfer regulations.

Deputy General Counsel Grossman explained the statutory interpretation issue regarding the length of the term of the lease and brought to the Commission’s attention the term of the trust agreement for their consideration. Deputy General Counsel Grossman reported that the Legal Division as well as the Investigations and Enforcement Unit (IEB) supports the the legal interpretations forwarded to the Commission that day by the petitioners.

12:49 p.m. Attorney Jonathan Albano, representing Penn National Gaming and GLPI presented the positions of the parties and discussed the issues at hand.

Loretta Lillios, Chief Enforcement Counsel stated that the IEB would return to the commission at an August Commission meeting to request an interim authorization, where the IEB will have preliminary recommendation regarding suitability.

1:25 p.m. *Commissioner Zuniga moved that the Commission approve the terms of the trust agreement as presented. Commissioner O’Brien seconded.* *The Motion passed 5 – 0.*

Commissioner Zuniga further moved that the Commission agree with the staff’s recommendation on G.L. c. 23K § 15 that pertains to applicants, specifically the 60 year provision relative to lease of the land, does not apply to current licensees. Commissioner O’Brien seconded.
The motion passed 5 – 0.

[1:35 p.m.](#)

MGM Request for Waiver from CPR Training

General Counsel Catherine Blue presented a request from MGM Springfield and the Massachusetts Casino Careers Training Institute (MCCTI) for a waiver of the requirement set forth in 205 CMR 137.02(a)(12) requiring CPR training, for all attendees of the MCCTI Gaming School participating in table games training.

The reasons cited by MGM for their request are that essentially medical emergencies are “handled by a trained security staff under the MGM Springfield’s Emergency Response Plan, and that any time spent training on anything other than core skills would be a detriment to the students ability to be ready for an audition with the company.”

[1:40 p.m.](#)

Commissioner Zuniga stated that a dealer being trained to recognize symptoms in order to immediately respond by calling security as a result of going through CPR training would actually serve the public interest.

Commissioner Stebbins stated that he was reluctant to grant the exemption, as the regulations should be revisited to determine if they can meet the standards set forth in the exemption.

FOLLOW-UP

[Commissioner Zuniga stated that he feels that the waiver request does not meet the standards set up by the Commission for waivers, and that the Commission could revisit this issue in the future concerning the curriculum.]

[1:25 p.m.](#)

*Commissioner Zuniga moved that the Commission deny the waiver petition from MGM MCCTI relative to the training on CPR measures as presented and discussed today. Commissioner Cameron seconded.
The Motion passed 5 – 0.*

[1:56 p.m.](#)

Final Draft Version of 205 CMR 101.00: Adjudicatory Proceedings and Amended Small Business Impact Statement

The Commission reviewed the final draft version of this regulation as well as approval of the Amended Small Business Impact Statement in order to complete the promulgation process.

The Commission reviewed this regulation and the proposed amendments therein, relevant to the adjudicatory proceedings of the Commission, to include hearings before the Commission and hearing officer, orders, review process, and decisions.

[1:58 p.m.](#)

*Commissioner Cameron moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 101.00: Adjudicatory Proceedings as included in the packet. Commissioner Zuniga seconded.
The Motion passed 5 – 0.*

Commissioner Cameron further moved that the Commission approve the version of the amendments to 205 CMR 101.00: Adjudicatory Proceedings, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Zuniga seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 115.00 et al.: (Hearing Procedure Updates) and Amended Small Business Impact Statement

The Commission reviewed the proposed regulations and amendments that clarify authority and ensure that all decisions in adjudicatory proceedings made by the Commission, hearing officer, and internal divisions have clear processes.

[1:59 p.m.](#)

Commissioner Stebbins moved that the Commission approve the Amended Small Business Impact Statement for the amendments to 205 CMR 115.00 et al: Hearing Procedure Updates, as included in the packet. Commissioner Cameron seconded. The Motion passed 5 – 0.

Commissioner Stebbins further moved that the Commission approve the version of the amendments to 205 CMR 115.00 et al: Hearing Procedure Updates, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Cameron seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 138.62: Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from the Table Inventory and Amended Small Business Impact Statement

The Commission reviewed this added new section that is an internal control related to table game progressive equipment and procedures.

[1:59 p.m.](#)

Commissioner Cameron moved that the Commission approve the Amended Small Business Impact Statement for the amendments to 205 CMR 138.62: Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from the Table Inventory, as included in the packet. Commissioner Zuniga seconded. The Motion passed 5 – 0.

Commissioner Cameron further moved that the Commission approve the version of 205 CMR 138.62: Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from the Table Inventory, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Stebbins seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 143.02: Progressive Gaming Devices and Amended Small Business Impact Statement

The Commission reviewed amendments to the Commission’s adoption of a particular technical standard to ensure that the standard applies to progressive devices used at table games as well as at slot machines.

[2:00 p.m.](#)

Commissioner O'Brien moved that the Commission approve the Amended Small Business Impact Statement for the amendments to 205 CMR 143.02: Progressive Gaming Devices, as included in the packet. Commissioner Zuniga seconded. The Motion passed 5 – 0.

Commissioner O'Brien further moved that the Commission approve the version of 205 CMR 205 CMR 143.02: Progressive Gaming Devices, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Cameron seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 146.23: Chase the Flush Table; Physical Characteristics and Amended Small Business Impact Statement

The Commission reviewed this new section outlines the standards applicable to the equipment used in a specific table game offered for play in a gaming establishment.

[2:01 p.m.](#)

Commissioner Zuniga moved that the Commission approve the Amended Small Business Impact Statement for the amendments to 205 CMR 146.23: Chase the Flush Table; Physical Characteristics, as included in the packet. Commissioner Stebbins seconded. The Motion passed 5 – 0.

Commissioner Zuniga further moved that the Commission approve the version of 205 CMR 146.23: Chase the Flush Table; Physical Characteristics, as included in the packet and authorize the staff to take all steps necessary to complete the regulatory promulgation process. Commissioner Zuniga seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 146.63: Progressive Wager Equipment and Amended Small Business Impact Statement

The Commission reviewed this section that addresses progressive wager equipment as it pertains to table games.

[2:03 p.m.](#)

Commissioner Stebbins moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 146.63: Progressive Wager Equipment, as included in the packet. Commissioner Zuniga seconded. The Motion passed 5 – 0.

Commissioner Cameron further moved that the Commission approve the version of 205 CMR 146.63: Progressive Wager Equipment, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Cameron seconded. The Motion passed 5 – 0.

Final Draft Version of 205 CMR 146.59: Criss Cross Poker Tables; Physical Characteristics and Amended Small Business Impact Statement

The Commission reviewed this section that outlines the standards applicable to the equipment used in a specific table game offered for play in a gaming establishment.

[2:03 p.m.](#)

Commissioner Cameron moved that the Commission approve the Amended Small Business Impact Statement for 205 CMR 146.59: Criss Cross Poker Tables; Physical Characteristics, as included in the packet. Commissioner Zuniga seconded.

The Motion passed 5 – 0.

Commissioner Cameron further moved that the Commission approve the version of 205 CMR 146.59: Criss Cross Poker Tables as included in the packet and authorize the staff to take all steps necessary to begin the regulatory promulgation process. Commissioner Zuniga seconded.

The Motion passed 5 – 0.

Final Draft Version of 205 CMR 146.58: Crazy 4 Poker Table; Physical Characteristics and Amended Small Business Impact Statement

The Commission reviewed this amendment correcting a cited regulation within the section.

[2:04 p.m.](#)

Commissioner O'Brien moved that the Commission approve the Amended Small Business Impact Statement for the amendments to 205 CMR 146.58: Crazy 4 Poker Table, as included in the packet. Commissioner Cameron seconded.

The Motion passed 5 – 0.

Commissioner O'Brien further moved that the Commission approve the version of 205 CMR 146.58: Crazy 4 Poker Table, as included in the packet and authorize the staff to take all steps necessary to finalize the regulatory promulgation process. Commissioner Cameron seconded.

The Motion passed 5 – 0.

Draft Version of Amendment to 205 CMR 135.01: Definitions, and 205 CMR 139.04: Reports and Information to Be Filed with the Commission and Small Business Impact Statement

The Commission reviewed these amendments that update the process by which the Commission recognizes entities certified as Veteran Business Enterprises are recognized by the Supplier Diversity Office.

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

Commissioner Stebbins moved that the Commission approve the Small Business Impact Statement for the amendments to 205 CMR 135.01: Definitions, and 205 CMR 139.04: Reports and Information to Be Filed with the Commission, as included in the packet. Commissioner Cameron seconded.

The Motion passed 5 – 0.

Commissioner Stebbins further moved that the Commission approve the version of the amendments to 205 CMR 135.01: Definitions, and 205 CMR 139.04: Reports and Information to Be Filed with the Commission, as included in the

*packet and authorize the staff to take all steps necessary to begin the regulatory promulgation process. Commissioner Cameron seconded.
The Motion passed 5 – 0.*

Draft Version of Amendment to 205 CMR 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax and Small Business Impact Statement

The Commission reviewed this amendment updates the protocol for processing the monthly gross gaming revenue report that is filed with the Commission.

Commissioner O'Brien noted that the word "be" is missing from the draft version, and should read, "shop to be refunded". She also requested that these amendments be written in active voice in lieu of passive voice, to be compatible with the language throughout the regulation.

[2:12 p.m.](#)

*Commissioner Cameron moved that the Commission approve the Small Business Impact Statement for the amendments to 205 CMR 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax, as included in the packet. Commissioner Zuniga seconded.
The Motion passed 5 – 0.*

*Commissioner Cameron further moved that the Commission approve the version of the amendments to 205 CMR 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax, as included in the packet and authorize the staff to take all steps necessary to begin the regulatory promulgation process. Commissioner Zuniga seconded.
The Motion passed 5 – 0.*

Commissioner's Updates

See transcript pages 237 - 241

Commissioner Cameron was on a gaming conference panel in Niagara Falls. The Gaming Commission received accolades for Responsible Gaming, PlayMyWay, and GameSense research. Commissioner Cameron reported that they were most interested in sports betting and what the U.S. will do state by state. While she was there, Canada's senate passed cannabis on a recreational basis, and gave it to each province's gaming regulators to regulate.

Commissioner Stebbins talked to the Governor's Advisory Commission on Travel and Tourism. He updated them on where the Gaming Commission is with licensees, and what their impact is going to be, as well as the direction of some of the monies that come from the taxes on Class 1 licensees.

He also reported that there was considerable general interest from other regional tourism councils in finding opportunities to work with licensees statewide.

2:17 p.m. *Having no further business, a motion to adjourn was made by Commissioner Cameron. Commissioner Zuniga seconded the motion. The Motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda, dated June 21, 2018
2. MGM and Vendor Employee Exemption Memo
3. MGM Vendor Employee Exemption Request
4. MGM Gaming Beverage Application Memo
5. MGM Gaming Beverage Application form
6. MGC Beverage License Package and Related Information, dated June 19, 2018
7. MGM Liquor License Comments, dated June 4, 2018
8. DPH Information – Alcohol Sales Expansion Links
9. Popova S Hours of Operation
10. Hahn RA Effectiveness of Policies Restricting Hours
11. Casino and Alcohol Related Accidents
12. PMG PGR and GLPI Applications
13. Plainridge Trust
14. MGC – Waiver Request for CPR Training
15. 205 CMR 101.00 Amended Small Business Impact Statement
16. 205 CMR 101.00 Final Draft Regulation
17. 205 CMR 115.00 et al. Amended Small Business Impact Statement
18. 205 CMR 115.00 et al. Final Draft Regulation
19. 205 CMR 138.62 Amended Small Business Impact Statement
20. 205 CMR 138.62 Final Draft Regulation
21. 205 CMR 143.02 Amended Small Business Impact Statement
22. 205 CMR 143.02 Final Draft Regulation
23. 205 CMR 146.23 Amended Small Business Impact Statement
24. 205 CMR 146.23 Final Draft Regulation
25. 205 CMR 146.63 Amended Small Business Impact Statement
26. 205 CMR 146.63 Final Draft Regulation
27. 205 CMR 146.59 Amended Small Business Impact Statement
28. 205 CMR 146.59 Final Draft Regulation
29. 205 CMR 146.58 Amended Small Business Impact Statement
30. 205 CMR 146.58 Final Draft Regulation
31. 205 CMR 135.01 & 205 CMR 139.04 Small Business Impact Statement
32. 205 CMR 135.01 & 205 CMR 139.04 Draft Regulation
33. 205 CMR 140.04 Small Business Impact Statement
34. 205 CMR 140.04 Draft Regulation
35. MGM Gaming License Memo, dated May 22, 2018
36. MGM Comment – City of Springfield
37. MGM Comment – MRA Letter to MGC re: 4:00 a.m. Alcohol Service

/s/ Catherine Blue
Assistant Secretary