

MASSACHUSETTS GAMING COMMISSION  
MEETING  
MAY 22nd, 2019  
9:30 A.M.

CONFIDENTIAL  
ROUGHLY EDITED REALTIME FILE

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P R O C E E D I N G S

>> CHAIR JUDD-STEIN: Good morning, Austin. Today is Austin's first time helping us stream today. So we welcome Austin Bumpus and good luck to you.

[ Laughter ]

Thank you for everything you do, Austin. Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> COMMISSIONER STEBBINS: Good morning.

>> CHAIR JUDD-STEIN: I will now call to order the 268th meeting of the Massachusetts Gaming Commission on May 22nd, 2019, at 9:30 a.m. at our offices at 101 Federal Street here in Boston. Before we begin with the matters identified on the agenda, I would like to address an issue of public interest. The Commission was recently notified about exploratory discussions between our two category 1 gaming licensees, Wynn Resorts, and MGM Resorts regarding the potential transfers of interest. As everyone is also now aware, these discussions have reportedly ceased. To be clear, at no time was there a proposed transaction pending before the Commission. However, like many, we were, of course, closely monitoring developments. And our focus appropriately remained and continues to remain on the regulatory preparations needed to open Encore Boston Harbor by June 23rd.

It is, however, worth noting that the gaming law wisely contemplated the potential for such transfers of interest and provides a specific procedure governing the process. Under the statute, any transfer of interest will always require Commission approval preceded by an extended period of evaluation and review, excuse me. Like all matters that come before the Commission and as is required of all of us by law, any such request would be fairly and objectively reviewed based on all merits and with a strict enforcement of all applicable laws to protect the best interest of the Commonwealth, including our host and surrounding communities.

Looking ahead, Boston Harbor is scheduled to open its doors and commence operations shortly. Indeed, the first item up for consideration today is the construction time line. Despite the many challenges to bring this massive and complex project to

fruition, the fact remains that Massachusetts and the City of Everett is home to a nearly complete, world-class \$2.6 billion development that has dramatically transformed the waterfront, a land that was previously dormant, desolate and contaminated. Which upon issuance of a certificate of operation will soon become a place of employment for 5,000 people.

The MGC is fully committed to dedicating all the resources and attention necessary to ensure that the property can open in a timely and orderly fashion and in accordance with what is required by law just as the MGC has successfully done twice previously. No one ever said -- and I'm new here -- that the Gaming Commission's job was going to be easy. And on that front, it does not disappoint. But I'd like to thank our staff for consistently monitoring and maintaining focus. The Commissioners and I think I can speak for all of us are profoundly aware of all the staff, all of our team's dedication and hard work. We thank you for your continued professionalism at all times, and we thank you for your eagerness to rise to every challenge before you.

And with that, if my fellow Commissioners would like to add any comments, I welcome them. Otherwise we will get to business.

>> COMMISSIONER CAMERON: I'd just like to add, you know, we have been -- excuse me -- we have been laser focused on -- and our licensees know this, all three of them -- on making sure all the commitments were met, to communities, hosts surrounding, the jobs, all of those commitments, all of those positive impacts of gaming, I mean, that really has always been our focus, and it will continue to be our focus. We meet regularly, no matter what talks are going on, we meet regularly with the folks in the community, with police chiefs, with mayors, with other administrators, our staff meets, God, these days probably daily. And so that's something we've never forgotten about. We think that's a crucial responsibility for us as a Commission to make sure those commitments are met, and that has never changed, and that will continue to be the case no matter what else is going on. We're focused on that and making sure our licensees meet those commitments.

>> COMMISSIONER ZUNIGA: Yeah. That's well said. And I would only emphasize something that you also mentioned, Madam Chair, that the statute contemplated -- contemplates the potential for these kinds of transactions, what was reported. And it also lays out a clear process for such a transaction. If they come, whenever they come before this Commission.

I think what I know from other jurisdictions, these kinds of transfers do happen from time to time, and I'm glad that the statute here contemplated it, the regulations were further clarified with the great help of our legal team as to how a process like that would take place. And if it comes before us, we will adhere to those guidelines and regulations in the review of any kind of these transfers. But as you say well, Commissioner, our focus remains the same, remains to bring the benefits and try to mitigate the impacts that the casinos bring, and that's always been our business.

>> COMMISSIONER STEBBINS: Well said.

>> CHAIR JUDD-STEIN: Let's get started. Item number 2. Approval of minutes. Commissioner Stebbins, please.

>> COMMISSIONER STEBBINS: Sure, Madam Chair, as we move on to the exciting step of approval of minutes. You have in front of you the meeting minutes from the May 1st, 2019, meeting. I would move their approval, again, subject to correction for

any typographical errors or any other nonmaterial matters.

>> COMMISSIONER ZUNIGA: I'll second that.

>> CHAIR JUDD-STEIN: Any discussion? Corrections? Those in favor. Opposed? 5-0. Thank you.

>> COMMISSIONER STEBBINS: Madam Chair, I would further move that we approve the minutes from the May 6th, 2019, meeting. The minutes are included in your packet and I would move their approval, again, subject to any nonmaterial errors or typographical corrections.

>> CHAIR JUDD-STEIN: Do we have a second?

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Any discussion or edits? All in favor? Opposed? 5-0. Thank you. Okay.

Director Bedrosian is not able to be here today, but Counselor Blue, do you have any update on behalf of Director Bedrosian?

>> MS. BLUE: I do not have any updates on behalf of Executive Director Bedrosian although I believe he will have updates at the Commission meeting tomorrow.

>> CHAIR JUDD-STEIN: And Catherine is referencing we do have a full Commission meeting tomorrow in Springfield. Thank you. Next, item 4, Ombudsman Ziembra and Mr. Delaney. Thank you.

>> MR. ZIEMBA: Thank you, Chair. Good morning, Commissioners. On the agenda today are a couple of items that require just a little bit more time to prepare before they're ready for consideration by the Commission. These items are Encore Boston Harbor summary of material changes since design approval and the second amended Encore Boston Harbor Section 61 findings. After speaking with Executive Director Ed Bedrosian, my recommendation is that the Commission could consider these items next Wednesday before or after our planned agenda setting meeting. If that timetable meets with the satisfaction of the Commission, I will move to the next item.

>> COMMISSIONER ZUNIGA: Just to remind us that is there one of these items that is time sensitive because of publication of the -- in the monitor?

>> MR. ZIEMBA: That's correct.

>> COMMISSIONER ZUNIGA: That would be the Section 61 findings?

>> MR. ZIEMBA: That's right. The monitor publication date, we have to meet a May 31st deadline, and it would appear in the June 10th Monitor.

>> COMMISSIONER ZUNIGA: But if we have a meeting next Wednesday, as you alluded to, that would still --

>> MR. ZIEMBA: We can still meet that timetable.

>> COMMISSIONER ZUNIGA: Okay.

>> CHAIR JUDD-STEIN: Any further questions for Ombudsman Ziembra on the rescheduling? That would be the item subparts A and C. Or just A? I'm sorry.

>> MR. ZIEMBA: A and C would be moved to next Wednesday.

>> COMMISSIONER ZUNIGA: But only C needs to be published in the Monitor.

>> MR. ZIEMBA: That's correct. So the procedure would be the Commission would have its vote. We would file it with the publication, and it would appear in the Monitor in early June.

>> COMMISSIONER ZUNIGA: Okay.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. ZIEMBA: Thank you. So the remaining item, item B, is a vote on a matter that was brought before the Commission two weeks ago. As you're aware, we discussed approval of the detailed construction timetable that is required under our regulations. That timetable assumes a June 23rd opening date for the Encore Boston Harbor Casino. In order to provide further clarity regarding this date, I am joined by Robert DeSalvio, president of Encore Boston Harbor, Jacqui Krum, senior vice president and General Counsel, and Peter Campot, Director of Construction. In addition to talking about the opening date, they will give a further update on the status of the project. Construction Project Oversight Manager Joe Delaney is also here to answer any questions that the Commission may have. And with that, let me just turn it over to Bob.

>> MR. DeSALVIO: Good morning, Madam Chair. Good morning, Commissioners. Thank you for the time this morning to do the update. Before I get -- turn this over to Peter to talk about construction, I just wanted to go on the record and affirmatively say that with the Commission's approval, we plan on opening on June 23rd at 10:00 a.m. And with that, I am going to turn it over to Peter Campot.

>> MR. CAMPOT: Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> MR. CAMPOT: Don't take this the wrong way, but hopefully this is my last update.

[ Laughter ]

I'm pleased to announce that we are 100% on schedule. The entire facility, every space will be substantially complete by June 10th and that we intend to file for a certificate of occupancy May 31st and receive it a few days later. So I think we're in really good shape. All safety systems, vertical transportation, everything is just right on schedule, and I don't see any major problems at this point in time to make that happen.

And then one other thing I'd like to add is that I've been very fortunate to work with a great team of people. Both Wynn but the construction managers have done such an outstanding job, the subcontractors, and most importantly the union workforce has been outstanding, and the quality is really just out of this world. Not only are they finishing on time, but it's going to look fantastic and I'm pretty pleased to be able to tell you that. Everyone deserves a tremendous amount of credit.

>> CHAIR JUDD-STEIN: Thank you for that.

>> COMMISSIONER ZUNIGA: Yeah, thank you. Peter, can you say those dates about -- was it the temporary or the permanent certificate?

>> MR. CAMPOT: We're going to file for a permanent certificate of occupancy. There's always a detail. It may turn out that we have a temporary one for a number of days. Our intention is to have everything done and filed for permanent certificate of occupancy May 31st.

>> COMMISSIONER ZUNIGA: May 31st.

>> MR. CAMPOT: I'm trying to get Jim Sopa to work the weekend. I should also say the City of Everett has been fantastic to work with. I'm trying to get Jim to work on Saturday. I'm not sure I'm going to be able to do that.

[ Laughter ]

But no, the inspector should be in really good shape by May 31st, and I think it will just be a matter of paperwork at that point.

>> MR. DeSALVIO: One other point I'd like to add, it's been a pleasure working with Joe throughout this process. He had the detailed task of actually being on that jobsite almost all the time and working with the construction team, and he handled that extremely professionally, and I just wanted to say thank you for that process.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. CAMPOT: Big picture, I think that's it. You'll see final paving is next week, final landscaping is going in. After June 10th, we'll be doing punch lists. We expect to have all punch lists complete before the opening. There's always some item, but I think big picture we're going to have almost everything done. It's going to look great.

>> COMMISSIONER ZUNIGA: Also on the -- can you speak a little bit to the outside -- outside improvements, rather, in terms of schedule?

>> MR. CAMPOT: All of the road work is on schedule to be complete. Pavement 100% done, landscaping done. Lighting controls done. So the last pieces of pavement are being done next week. But about 80, 90% of it's complete right now. We've got striping to do in Sullivan Square. We've got to do that at night, obviously, work around the traffic. But it's all on schedule, and I don't see anything that's going to prevent that.

>> COMMISSIONER ZUNIGA: And there's also -- have we settled on test nights? I know there's potentially --

>> MR. DeSALVIO: Correct. June 17th, June 19th and June 20th are the test days.

>> COMMISSIONER ZUNIGA: Yeah.

>> COMMISSIONER CAMERON: Usually, Mr. Campot, when you come in and talk to us, there's something that you're worried about or it's keeping you up at night. It doesn't sound like that that's the case right now.

>> MR. CAMPOT: I wouldn't lie to you. There's quite a few things that I'm worried about, but I think we have them all under control. There's nothing that's a game changer right now. We've got a lot of work to do over the next ten days, but everything's on track. Things come up every day. We put fires out every day, but I don't see anything that's going to prevent us from hitting the dates I just shared with you. It wouldn't be construction --

>> COMMISSIONER CAMERON: Is that true for our team as well, that we feel like we will be prepared as well as the licensee for this opening?

>> MR. DELANEY: Yeah, I think we're on target to get all of our things done. You know, we just had a meeting on Monday with all of the stakeholders regarding all the off-site roadway improvements. We had MassDOT, City of Everett, Massport and off-site road work will be completely the end of next week. We've asked sign-offs for us by June 10th and all of the heads were shaking in the right direction. So that was all good. As far as on-site, I mean, I think, you know, I think everything's on schedule there. Some of the things will be pushing right up till the very end, more than likely. But I think we feel pretty comfortable that we're going to make the finish line.

>> COMMISSIONER CAMERON: And the last meeting here with the Encore folks. We had a public safety report that's critical to a successful opening. How well we manage traffic, incidents that may occur. They gave us a positive report. It looked like it was well planned. Is that still on track, all of those plans that we heard about?

>> MR. ZIEMBA: Yeah, I think, Commissioners, we'll have a further update regarding all the opening preparations at the beginning of June, either the June 6th or

the June 13th meeting, and that will give you the final detail on all of those opening preparations.

>> COMMISSIONER CAMERON: Great.

>> MR. ZIEMBA: But they continue and they're moving absolutely in the right direction, and I think everybody's paying attention to the challenge that's before us.

>> COMMISSIONER CAMERON: Okay.

>> COMMISSIONER ZUNIGA: So it sounds like we will have a meeting next week to look at the two items that we just talked about Section 61 findings, and what was the other one?

>> MS. KRUMM: The design changes.

>> COMMISSIONER ZUNIGA: The design changes, that's right. You have -- you mentioned a meeting on June 6th and then June 13th as well?

>> MR. ZIEMBA: June 13th is what we're planning right now for the -- basically that would be the date all of the directors give their reports to the Commission.

>> COMMISSIONER ZUNIGA: That's right.

>> MR. ZIEMBA: On the status of all the items, responsible gaming preparations, construction.

>> COMMISSIONER ZUNIGA: Workforce development.

>> MR. ZIEMBA: Internal controls, workforce development, regional tourism, a number of other items.

>> COMMISSIONER ZUNIGA: Right. Right.

>> COMMISSIONER STEBBINS: I just had a quick question, if I can from Peter. Go back to Sullivan Square on the construction schedule we have. That work is looking to be completed six days before opening. I heard you talk about painting. Is that really all the work that's got left to be done prior to that package number 4 being completed?

>> MR. CAMPOT: That's it. I don't think there's anything else.

>> MR. DeSALVIO: Nope. Not that we're aware of.

>> There was some landscaping.

>> MR. CAMPOT: That's almost done. They're cleaning that out. It's almost done right now.

>> COMMISSIONER STEBBINS: But the heavy stuff is done basically?

>> MR. CAMPOT: Absolutely.

>> MR. DELANEY: Yeah, we're looking at May 31st of being a substantial completion. Now, will there be some punch list items, sure, that will go beyond that, but really substantial completion, you know, it's all paved now. The traffic signals are up and operating. They're real close.

>> COMMISSIONER STEBBINS: We just hear a lot about Sullivan Square. That's the one that's closest to the opening date.

>> CHAIR JUDD-STEIN: And the good news is the weather seems to be shifting to cooperate with some --

>> MR. DeSALVIO: Yes. We certainly appreciate that.

>> CHAIR JUDD-STEIN: So thank you. Yes. Thank you. Are there any further questions?

>> COMMISSIONER ZUNIGA: I know you started with these remarks, Bob, but in the last earnings call, CEO Matt Maddox mentioned the possibility of opening a week or

two later. Is that, we take it, no longer the case?

>> MR. DeSALVIO: That is no longer the case. We'll be ready to go on June 23rd at 10:00 a.m.

>> COMMISSIONER ZUNIGA: Excellent. Thank you.

>> MR. ZIEMBA: Great. If there are no other questions, we recommend that the Commission approve the timetable as specified in the packet. Included in the packet is a description that nothing in the approval of this Encore Boston Harbor schedule shall be construed to otherwise impact or impair the Commission's Section 61 findings issued in relation to the Encore Boston Harbor project as we discussed, those would be up for consideration at a future meeting. But I think it would be sufficient for the Commission to move that they would approve the construction schedule as detailed in the memorandum included in the packet.

>> CHAIR JUDD-STEIN: Do I have a motion?

>> COMMISSIONER CAMERON: So --

>> CHAIR JUDD-STEIN: Or any further questions for Ombudsman Ziemba?

>> COMMISSIONER CAMERON: Madam Chair, I move that we approve the construction schedule pursuant to 205 CMR 135.022A based on the information provided in the memo.

>> CHAIR JUDD-STEIN: Do I have a second?

>> COMMISSIONER STEBBINS: I'll second that.

>> CHAIR JUDD-STEIN: All those -- any further discussion or questions? All those in favor? Opposed? 5-0. Thank you. And I also wish to thank both you, John and Joe, for your thorough work in the benefit of the thorough briefings that we do get in the course of our daily operations. So thank you very much.

>> MR. ZIEMBA: Thank you very much.

>> COMMISSIONER ZUNIGA: Thank you.

>> COMMISSIONER STEBBINS: Thanks.

>> MR. ZIEMBA: That concludes my report.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. BAND: Madam Chair, Commissioners.

>> CHAIR JUDD-STEIN: Good morning.

>> MR. BAND: I'm before you again today on the boundaries to the gaming establishment. What you have in your packet is -- has a small revision from the last one you reviewed. It now includes loading dock area that the previous one had omitted. And that's the only change from what you saw at the last meeting.

>> CHAIR JUDD-STEIN: And I do want to introduce you. So this is Assistant Director Gaming Agents Division Chief Bruce Band and who has been very helpful on the matters that he will now move forward. So in terms of 5, subpart A with respect to the gaming establishment boundary. And please.

>> MR. BAND: Yes. The print that you have before you, the only change from the last meeting that we discussed this was the inclusion of the loading dock area which includes the armored car bay and a lot of the liquor storage and so on.

>> CHAIR JUDD-STEIN: And just to be clear, that's on the right side of the map.

>> MR. BAND: Yes.

>> CHAIR JUDD-STEIN: Right, Bruce? So --

>> MR. BAND: Any questions about that?

>> CHAIR JUDD-STEIN: It's the same sketch with the inclusion of just the --

>> MR. BAND: Yes.

>> CHAIR JUDD-STEIN: -- the loading.

>> MR. BAND: Any questions or anything regarding that?

>> COMMISSIONER CAMERON: Director Band, there was some discussion last time about some of the boundaries.

>> MR. BAND: Yes.

>> COMMISSIONER CAMERON: And we heard some testimony regarding landscaping, heavy landscaping. Can you just provide your rationale for inclusion of all of the properties as they're outlined here?

>> MR. BAND: From my standpoint, I thought it would be easier for my staff, but actually seeing this physically, that all the area that's not included is a landscaped area, bushes, trees and everything else, so what they have there makes sense for the property.

>> COMMISSIONER CAMERON: Okay. So this -- this outline sketch with the red -- the delineations in red -- that is the proposed gaming establishment, and it does exclude some landscaped areas.

>> MR. BAND: Yes.

>> COMMISSIONER CAMERON: Because it just didn't make sense. It's so heavily landscaped.

>> MR. BAND: You would have a difficult time being in that area, yes.

>> COMMISSIONER CAMERON: Okay. So you've discussed that, and you're confident this is the way we should move forward.

>> MR. BAND: Correct.

>> COMMISSIONER CAMERON: Okay.

>> CHAIR JUDD-STEIN: And I think received a little bit of clarification. Bob, maybe you can address this, too, because I know I raised this earlier at the -- where the harbor walk intersects at the end of your garden area.

>> MR. DeSALVIO: Correct.

>> CHAIR JUDD-STEIN: We had talked about there wasn't really a boundary of landscaping separating the public harbor walk and the garden.

>> MR. DeSALVIO: The pavilion at the end.

>> CHAIR JUDD-STEIN: And I learned this, to be clear, because we have had the benefit of a tour which really helped put --

>> MR. DeSALVIO: The context.

>> CHAIR JUDD-STEIN: -- appropriately on our 2 by 2s, 2 by 1. We took the tour and I saw the open area, and I think there's been further clarification, so --

>> MR. DeSALVIO: There has been. What I learned even after the tour is there is some landscaping that will delineate all areas except the pathway on both sides where the intersection point is.

>> CHAIR JUDD-STEIN: Right. So right at that end where the harbor -- near the gazebo.

>> MR. DeSALVIO: Correct. There's a circular path that wraps. And what we did was just leave open the two portions where the intersection point is.

>> CHAIR JUDD-STEIN: Okay. So there has been further --



>> MR. DeSALVIO: Yeah. So it actually will give a little bit more of a delineation.

>> CHAIR JUDD-STEIN: Thank you for that clarification. So that would be the only other change.

>> MR. DeSALVIO: And it won't affect the actual diagram, but the landscaping is there, the new plan.

>> CHAIR JUDD-STEIN: Thank you. Any further questions? So, Bruce, you are seeking a vote today. Do I have a motion?

>> COMMISSIONER STEBBINS: Madam Chair, I move the Commission approve the boundaries of the gaming establishment as described in the drawing included in the May 22nd, 2019, Commission packet.

>> COMMISSIONER O'BRIEN: Second.

>> CHAIR JUDD-STEIN: Any further discussion? Questions? All those in favor. Opposed? 5-0. Thank you. Good morning, Manager Curtis. How are you?

>> MR. CURTIS: Very well. The first item I have for you --

>> COMMISSIONER ZUNIGA: Bill, is your mic on?

>> MR. CURTIS: I do that all the time.

>> CHAIR JUDD-STEIN: And again, this is Bill Curtis, Licensing Manager. Thank you.

>> MR. CURTIS: Okay, the first item I have here, consideration and approval are two positions for the Dunkin' Donuts that will be operated at Encore Boston Harbor. We're seeking exemptions for two positions, the expert centralized crew trainer as well as crew members. There will be two positions that at this time won't be exempt, and that's the manager as well as the assistant manager.

There was a little bit of confusion in the exemption request. The back of the house question. It was answered yes, and then it was answered no. I spoke with my contact for Dunkin' Donuts, and she was just trying to be very honest, saying that their employees will be coming in from the employee entrance, and she wasn't sure if that was back of house or not. But all their storage will be enclosed in their facility. So they won't really have any reason to go to the back of the house. Only the employee entrance.

>> CHAIR JUDD-STEIN: Do we need to correct that?

>> MR. CURTIS: I'll have that corrected.

>> CHAIR JUDD-STEIN: Okay, excellent. Thank you. That's a very helpful clarifier.

>> COMMISSIONER ZUNIGA: Bill, so you were -- I see in the packet there's other exemptions requested. Are you going to go by vendor?

>> MR. CURTIS: Yes.

>> COMMISSIONER ZUNIGA: Okay.

>> MR. CURTIS: This would be Dunkin' Donuts.

>> COMMISSIONER STEBBINS: Bill, if we're going to be kind of editing the applications they gave us, you know, they put down Encore Boston Harbor as the licensee. Can we just get them to --

>> MR. CURTIS: Yeah, I think we need to do a little bit of rearranging with this. We keep it as the licensee and then also the vendor.

>> COMMISSIONER STEBBINS: Okay.

>> MR. CURTIS: It would probably be helpful underneath, if you think that's okay.

>> COMMISSIONER STEBBINS: I think that's perfect. I think it's confusing to look at it the first time, I wasn't sure who they were working for, but it makes sense.

>> MR. CURTIS: Correct.

>> CHAIR JUDD-STEIN: Counsel Blue, are you comfortable with those changes being made by Mr. Curtis if we vote on substantively, would you be able to review that?

>> MS. BLUE: Yes, I'm comfortable with that.

>> CHAIR JUDD-STEIN: Okay, thank you.

>> COMMISSIONER CAMERON: And Mr. Curtis, this was the same analysis that you've conducted in the past to recommend to us that this position is consistent with other positions that we have exempted?

>> MR. CURTIS: Yes, Commissioner Cameron, yes. We did the same thing at Starbucks at MGM. As well as Dunkin' Donuts at Plainridge Park Casino.

>> CHAIR JUDD-STEIN: Would you like us to vote on this as a package or on --

>> MR. CURTIS: Just on this one right here, and then we'll discuss big items.

>> CHAIR JUDD-STEIN: That makes sense. Do I have a motion?

>> COMMISSIONER ZUNIGA: Sure. I'll move that the Commission exempt from licensure the two positions described in the packet from vendor Dunkin' Donuts.

>> COMMISSIONER CAMERON: Second.

>> COMMISSIONER STEBBINS: Second.

>> CHAIR JUDD-STEIN: Is there any further discussion? Just for purposes of clarification, the two positions are the expert centralized crew trainer and then crew member.

>> COMMISSIONER ZUNIGA: Yes.

>> CHAIR JUDD-STEIN: I don't think we need to amend the --

>> COMMISSIONER ZUNIGA: The motion?

>> CHAIR JUDD-STEIN: -- the motion, no. As presented in the package. All those in favor. Opposed? 5-0. Thank you. Do you want to continue?

>> MR. CURTIS: Good morning again. I am joined by Christine Roane from Big Night Entertainment.

>> CHAIR JUDD-STEIN: Could you just say that a little bit louder, Mr. Curtis, please?

>> MR. CURTIS: Okay. I said I'm joined by Christine Roane from Big Night Entertainment Group.

>> MS. ROANE: Hi, Commission. My name is Christine Roane. I am the Vice President for Big Night Entertainment Group.

>> MR. ZUNIGA: Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> MR. CURTIS: Before you, you will find a memo as well as 16 positions that we're seeking consideration and approval to be considered to be exempt from registration for Big Night Entertainment Group. These folks will be working at Mystique and Memoir. There will be two facilities, outlets, that will be at Encore Boston Harbor. And they will be operated by Big Night Entertainment Group.

The positions that we're seeking to exempt are -- I'm going to say back of the house. It's not the typical back of the house as we look at it as a casino, but back of the house of the restaurant. There will be the cooks, dishwashers, chefs, assistant chefs, food servers. And the position in the front of the house will be the host person.

These positions all align with exemptions that have been approved for Encore Boston Harbor for their restaurants as well as MGM. But there are -- in the memo you see, there are 25 positions that we're not putting forward for consideration as exempt -- as exempt positions. These positions are pretty much the front of the house. They're also -- they have active duties with alcohol, and that's one of the parameters that you as a Commission set that these positions should not be exempt.

>> COMMISSIONER STEBBINS: Bill, we have just a quick question as you talked about alcohol service. Obviously food servers are identified for both Mystique and Memoir. And you're recommending that they be exempt, but is there any information you can give us as to training that you put food servers through in terms of, you know, do they do Safe Serve and any other type of alcohol training before they go out on the floor?

>> MS. ROANE: They do. We do have in-house ServSafe tips is what we use trainer and all of our -- actually, there's a lot of positions, but food servers is one of the positions that's required to take that class before going on the floor.

>> COMMISSIONER STEBBINS: Thank you.

>> COMMISSIONER ZUNIGA: Bill, I know you mentioned there's a parallel to something with exempt -- positions that we've exempted in the past notably at MGM, but is there a vendor this size with MGM? I don't think --

>> MR. CURTIS: No, no, MGM operates all their own facilities.

>> COMMISSIONER ZUNIGA: Right.

>> MR. CURTIS: This is the first time we've ever dealt with -- just to jump a little bit -- a responsible party. So we've never had a vendor like this. Even at Plainridge Park. They're all franchisees, and they're operated by Plainridge Park.

>> COMMISSIONER ZUNIGA: Right.

>> MR. CURTIS: So it's a little bit different.

>> COMMISSIONER ZUNIGA: Mm-hmm.

>> COMMISSIONER CAMERON: But you feel confident that the folks exempted do not pose any risk that we have not anticipated because it's a little bit different? There's nothing there that gives you pause?

>> MR. CURTIS: In my opinion, no. Not at all. I feel very comfortable with these positions. I also feel very comfortable in the positions that are requiring folks to register so we can do a little background and feel safer with what they're going to be doing and how they'll interact with the folks that are going to be coming to their establishment.

>> COMMISSIONER CAMERON: Right. And you feel confident that everyone in this joint venture understands their responsibilities with regard to what we're looking for as a regulator?

>> MR. CURTIS: Absolutely. I mean, we've had detailed discussions on the positions that did put up for consideration to be exempt. We went back and forth on quite a few of the positions. But at the end of the day, we did come to an agreement.

>> COMMISSIONER CAMERON: Okay.

>> MR. CURTIS: And they understood where I was coming from.

>> COMMISSIONER CAMERON: Great. Did you want to speak to that?

>> MS. ROANE: I do agree, we took Bill's guidance in all of the positions in his expertise and recommendation, and gratefully.

>> COMMISSIONER CAMERON: Great.

>> COMMISSIONER STEBBINS: Bill, the other question I had was both Memoir and Mystique have receiver positions, and as it's described, they're going to be going to the loading dock for transportation and receipt of alcohol? So we've just added the loading dock to the footprint of the gaming establishment? Does that change any of your recommendations? Are they going to be assisted by security as they go back to the loading dock area?

>> MR. CURTIS: I'm assuming they will be. They'll have to have security with them to go and get them. If not, I'll clarify that with the Big Night Entertainment Group and make that suggestion. But, again, they're not really serving. They're just coming to take the box from the delivery and then bring it to their establishment. So there's nothing more than just picking up a box of alcohol, they're not going to go anywhere. And if they do -- they will have a security escort, and then bring it either right to Memoir or Mystique. And we're exempt to that position already.

>> COMMISSIONER STEBBINS: MGM?

>> MR. CURTIS: Yes.

>> COMMISSIONER STEBBINS: But that's their internal people?

>> MR. CURTIS: Correct.

>> COMMISSIONER STEBBINS: I would just recommend -- I don't think I have a problem exempting it, but let's look to the process as to how the person gets back to the loading dock area.

>> MR. CURTIS: Okay. I will get that from them. Any follow-up questions?

>> CHAIR JUDD-STEIN: I'm just checking one thing. I was just clarifying that with respect to the receiver position, we have in the past exempt that same position. Correct. So it's my understanding that you've applied the same standards here for these positions that we've applied in the past.

>> MR. CURTIS: Yes, ma'am.

>> CHAIR JUDD-STEIN: And you don't perceive any additional risk in this case?

>> MR. CURTIS: No, but Ms. Roane, she can explain a little further what the position entails and how they deliver the alcohol.

>> CHAIR JUDD-STEIN: Thank you.

>> MS. ROANE: The receiver is responsible for both food and alcohol, mixed deliveries. They do not do any of the unpacking or storage of any of the alcohol. It is strictly a transport to our -- each of our venues.

>> CHAIR JUDD-STEIN: Okay. Thank you very much. Do we have any further questions for Mr. Curtis?

>> COMMISSIONER CAMERON: Would you like a motion?

>> CHAIR JUDD-STEIN: Sure.

>> COMMISSIONER CAMERON: Madam Chair, I move that the Commission approve the service employee exemption requested in the memo from Mr. Curtis, the Licensing Manager, included in the May 22nd, 2009, packet for Big Night Entertainment Group, and their exceptions include chef, executive chef, executive sous chef, assistant chef, lead kitchen worker, cook, kitchen worker, porter, assistant chef pastry, food server, host person, bus person, food runner receiver, kitchen worker porter, food server, host person, and receiver.

>> CHAIR JUDD-STEIN: Do we have a second?

>> COMMISSIONER ZUNIGA: Second.

>> CHAIR JUDD-STEIN: All those -- further discussion? All those in favor? Opposed? 5-0. Thank you.

>> COMMISSIONER CAMERON: Thank you all.

>> CHAIR JUDD-STEIN: Thank you.

>> COMMISSIONER CAMERON: You need to get the group? Okay.

>> COMMISSIONER O'BRIEN: Should we just take a short break?

>> CHAIR JUDD-STEIN: I've been asked if we could just have a short break. We just need a few minutes for setup, so we will reconvene in ten minutes. We'll do 10:30. Thank you.

[ A break was taken at 10:16 a.m. ]

>> CHAIR JUDD-STEIN: So we're reconvening. Good morning again. Licensing Manager Curtis and Assistant Director Band. The request is for an alcohol permit, which was -- oh, I'm so sorry. Austin, we're violating the rules. We'll get back to make sure we're -- usually Janice's retreat is my cue. Thank you. Thank you so much, Austin. We'll start again. We're reconvening today's meeting. Number 268. Again, Licensing Manager Curtis, Assistant Director Band and the request is for an alcohol permit which was also, as we know, put out for public comment. So thank you.

>> MR. CURTIS: Thank you, Madam Chair. Madam Chair, Commissioners, good morning. I sit here with Bruce Band, and we are presenting you with the application for Wynn Mass DBA Encore Boston Harbor for gaming beverage license. A version of this application was presented to you on May 6th. And then it was put out for public comment.

Since that time it has been determined that the application contains all the elements required in accordance with 205 CMR 134.04. With the exception of the registration application from jointly responsible parties. In addition, the Commission has received public comments regarding Encore Boston Harbor's request to serve alcoholic beverages until 4:00 a.m. on the gaming floor. The application contains requests for 23 licensed alcohol outlets. There will be 15 outlets on the ground floor including the harbor walk concessions. On the second floor there will be five including the in-room dining. And then there will be three on the third floor.

Amongst the 23 gaming licenses -- excuse me, alcohol beverage licenses, there will be three that will be operated by jointly responsible parties. We do have the owners of their jointly responsible parties sitting in the second row right here, so they'll be available for questions as well. At this time, myself and Assistant Director Band will not make a recommendation on the application. So if we could, we would appreciate it if Ms. Krum from Wynn Mass LLC could make the presentation.

>> MS. KRUM: Good morning, Commissioners.

>> CHAIR JUDD-STEIN: Good morning.

>> MS. KRUM: I know we've been before you with this application. I'm happy to walk you through it again, or I'm available, obviously, to answer any questions that you have. I just wanted to highlight a couple of the changes that we've made since the last time you've seen this application. In particular, we were asked to clarify that with the exception of Memoir, which is the nightclub, the bottle service would be for private parties only in all the other restaurants.

The other change that we made was with respect to the service in the salon and the spa areas. We have limited that service to supervisor positions only. So those

were the two changes. And I can walk you through the application again or --

>> COMMISSIONER CAMERON: Could you please provide the highlights of, you know, the locations and the times that they will be ending with alcohol service and the limited times and location for what you're requesting, which is the 2:00 to 4:00? Could you just give us those highlights, please?

>> MS. KRUM: So we have requested the service of alcohol throughout the entire building until 2:00 a.m. Not that every outlet would necessarily be open until 2:00 a.m. In fact, most of them will not. However -- I'll clarify -- however, with respect to the gaming floor only, for those patrons who are actively involved in gaming, we have requested an extension of that from 2:00 to 4:00 a.m. These are complimentary beverages that patrons receive. And just to take a step back, one of the things that we were looking at is whether our procedures and policies and the obligations of our employees with respect to the service of alcohol don't change whether they're serving a drink at 8:00 a.m., 4:00 P.M., midnight or 3:00 a.m. They are -- they are all trained. They are all -- they're all responsible for making sure that they are responsibly serving all of our patrons.

There was a question about how would we notice that our patrons are actively gaming. How do we limit that? No different to the service of patrons at 2:00 P.M. in the afternoon. There is constant vigilance with respect to that. There's also a restriction in terms of how many drinks that patron can get within an hour. And that's all done through managing their rotations. I also have with me our Executive Director of food and beverage, Warren Richards, and he's got a lot more information about those details in terms of the training as well as the service.

>> MR. RICHARDS: Yes, good morning, everybody.

>> COMMISSIONER ZUNIGA: Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> MR. RICHARDS: So the qualification for complimentary beverage is definitely something that we're going to be emphasizing from the beginning. Our goal is to establish that not through a first look at a guest, especially in the slot sections which is the hardest to gauge of whether someone is actively gaming. Much easier in table games and craps if someone has, you know, a hand in literally cards in their hand or, you know, dice and essentially involved in the game. With slots we understand there's -- there is an establishment of the fact that they're involved in gaming. So as the servers are walking through the sections, they're essentially making a note that that person is in the process, they're then going to revisit that section with the goal being within the first 20 minutes of them playing, they would receive their first beverage. It is not a case of turning the corner and seeing someone in a gaming position and then assuming that they have actively been playing. So we are looking to establish through visual and also making repeated visits to the same area to make sure that person has been there, they have been actively playing for a period of time, before we engage them for the service of beverage.

And from a guest service perspective, it's very easy for our servers to essentially acknowledge their presence, tell them they'll be back with them shortly. And then on the second visit if they're still there and still exhibiting a pattern of gaming, that's when we would then engage them. The structure of the gaming floor and the staffing levels are paced so that a guest would not receive service more than three times per hour.

And that is a goal. It is a service so we do want them to receive beverage, but we're looking to pace it about three drinks per hour, and we've also made adjustments to the pour size and other things to be less, so our standard pour is actually less than 1 ounce for those beverages, again, to pace them accordingly through their time gaming with us.

>> COMMISSIONER CAMERON: Could you speak to me about -- I know that they receive training to identify individuals who may be intoxicated, who may have had too much to drink. But I think your facility is very different than, say, an establishment in any city in this state, meaning maybe they were at one location beforehand and you're trained to maybe identify walking in what their level of intoxication may be. But your facility, as you just outlined, has so -- within one facility so many different restaurants, bars in which they can be served. How are you training your people so that they can really detect someone who may have been in four different, five different establishments, but they're new to the one in which they are asking to be served?

>> MR. RICHARDS: So the tips training and the certified tips training is the basis of all of our service parameters for this area. And that is, again, from our perspective, no different to a guest walking up to a bar in the middle of the afternoon. So, you know, if a guest is exhibiting those clear visual signals, then we hit a moment of pause. And we have a management structure and the ability for that team to always defer to someone for a second opinion. And, again, there is verbiage that we're going to teach them to essentially put a guest on ice, to revisit them, to bring over someone else for a second opinion, whether that's someone on the cocktail services management team, or, if necessary, a second opinion from someone in our security team, of which the presence is very, very strong on our casino area especially.

You know, we teach our team to take personal responsibility for the decisions they make on the casino floor. And every single time -- not just there, in all of our restaurants. If they are going to engage in that transaction, they have to have confidence that the person on the other end of that transaction, the guest, is in a state to receive that alcoholic beverage. Now, nonverbal signals, the speech that someone has, the manner in which they are moving, these are all signals that we're always keying into. And, again, we are looking to provide a service, so we do have the ability to switch someone into a nonalcoholic beverage, which is one of our most common go-tos when it comes to a guest that's maybe we're not sure about is seeing whether they would be okay having a nonalcoholic beverage. Typically we know if there's an aggressive reaction to that. Maybe we did make the right call. If it's someone that is being very reasonable with us, they'll typically accept a cup of coffee or something different, and that allows us to confirm whether or not they were -- should have received service in the first place.

>> MS. KRUM: And just to follow up on a point that Warren touched on, this building has eyes on it like no place else. You know, our security team is also trained in this. We've got 230 people, individuals, who are on our security team. As you know, we obviously have the Gaming Enforcement Unit. There's 19 members of that plus 10 gaming agents. It's -- and that doesn't even take into account the surveillance that's happening as well. All of those individuals will be trained to identify the signs of intoxication and will be trained in how to -- our first goal is obviously to de-escalate. But if it needs to be escalated, of course, we follow up with the appropriate authorities.

>> COMMISSIONER ZUNIGA: Bruce, we approved this for MGM a few months ago,

and now we have at least some track record of what is happening on the ground. One of the concerns from people who comment is the notion that there might exist this rush, if you will, after neighboring bars or restaurants close and the only available operation is the casino that can serve additional hours. Can you speak a little bit about that?

>> MR. BAND: We have not seen that at MGM. I just don't think people make the trip to go somewhere else and park, you know, then engage in gaming.

>> COMMISSIONER CAMERON: So you think they -- individuals who may have thought this was a way to continue drinking now realize they have to be actively gaming and that --

>> MR. BAND: I think that's been the misconception all along. People always leave out that actively gaming part. So if they run to the place and ask for a drink, they won't get it if they're not seated at a table or playing a slot machine or anything like that.

>> CHAIR JUDD-STEIN: At least one of our comments also suggested that there might be a misunderstanding about the cost of these drinks between 2:00 and 4:00, and they are complimentary.

>> MS. KRUM: They are complimentary. I say complimentary. You need to be actively gaming.

>> CHAIR JUDD-STEIN: Actively gaming. There are two conditions to clarify, must be actively gaming. I understand that this is a practice that's generally accepted throughout your industry. Is that -- is that fair to say?

>> MS. KRUM: Absolutely. So, you know, in Nevada, it's 24-hour liquor service available. It's something that our customers expect and anticipate. The other consideration that we have is we're hopefully going to have a lot of international visitation. So we're trying to adjust to the different time zones as well.

>> CHAIR JUDD-STEIN: And we will be briefed on a regular basis as to any concerns that arise, at least with respect to the quarterly report.

>> MS. KRUM: That's correct.

>> CHAIR JUDD-STEIN: I'd like to just go back to the spa and the salon.

>> MS. KRUM: Sure.

>> CHAIR JUDD-STEIN: I understand that now that supervisors only will have access to the alcohol?

>> MS. KRUM: That's correct. It will be locked up. And if a guest requests alcohol service or if it's offered to a guest, the supervisor will be responsible for both retrieving the alcohol and serving the alcohol.

>> COMMISSIONER ZUNIGA: Jacqui, you spoke to this briefly, but there's other comments relative to the following concern, that if there's all these operations that close at the same time, you know, the same restaurants, say, or nightclubs, that there would be a release -- a release of a lot of people --

>> MS. KRUM: They don't actually close all at the same time.

>> COMMISSIONER ZUNIGA: That's what I wanted to -- yeah.

>> MS. KRUM: So while there's -- there's different hours, and we put in the PowerPoint presentation the anticipated hours of service. And so, for instance, Mystique would stay open for later than some of our other places, Rotelli's would be another venue that plans to operate on an extended hours. So there won't be a closeable restaurants at 10:00 P.M. where everyone makes their way onto the gaming floor. That's going to be much more staggered.



>> COMMISSIONER STEBBINS: I would follow up as a question, though, one of the big concerns from me is you have a nightclub with a capacity of up to 600 people that does I'm assuming, close at 2:00. So now you have 600 people kind of coming out?

>> MS. KRUM: Going out actively to game?

>> COMMISSIONER STEBBINS: Hopefully going out actively to game, but, you know, that's -- that's my -- my big concern about, you know, that 600 that have obviously dancing and having a good time now coming out onto the floor. So keep that in mind as I talk about the next question which is based on -- and it's here in the presentation. Maybe it's reflected differently in the application. But on the Center Bar, alcohol dispensing area, beverages will be distributed by bartenders at the counter for cash-paying guests or actively gaming guests. Is that up till 2:00 people can buy a clinic? What do you do between 2:00 and 4:00?

>> MS. KRUM: Up until 2:00 a.m., people would be able to buy a drink much like any other bar. We do have gaming stations at that center bar. So when they talk about, you know, giving actively gaming customers, those would be the customers that are actually sitting at that bar.

>> COMMISSIONER STEBBINS: Right.

>> MS. KRUM: And involved in active gaming.

>> COMMISSIONER STEBBINS: Okay.

>> MR. RICHARDS: So between 2:00 and 4:00, essentially the bar shuts down as a cash bar, and we -- or as a bar, in general, and we actually -- if you could imagine putting a wall up there, we essentially treat it like a slot section. So it's actually visited by servers from behind the bar as if that was a straight blank wall with slot machines against it. So they actually come from behind the guest and would offer them beverage, and that comes from the casino service bars. So at 2:00, we make that clear delineation. Now, there may still be someone behind that bar cleaning and doing other things, but the actual alcohol service no longer happens from behind the bar. It actually happens from the cocktail servers that are on the casino floor.

>> COMMISSIONER STEBBINS: Okay. On the page 18 of the presentation -- and maybe this is just a clarification or I'm not reading it right -- the last bullet, you say between 2:00 a.m. and 4:00 a.m. actively gaming guests will be provided complimentary beverage service from the cocktail service staff through the casino service bar. Maybe this is what you're alluding to, the center bar will not provide alcoholic -- it's a little confusing but until you gave me that explanation, it's a little more clear.

You have two -- two facilities that shut down that essentially have no front door.

>> MS. KRUM: That's right.

>> COMMISSIONER STEBBINS: In the oyster bar. On Deck is located near the smoking patio. So in all likelihood you'll have somebody from security there. How do you cover that long stretch of hallway where the oyster bar is and making sure that people aren't just wandering in to essentially an open venue?

>> MS. KRUM: So we have looked at the spaces where we do not have a locked door to protect, and we've actually positioned security officers at those places.

>> COMMISSIONER STEBBINS: Okay.

>> MS. KRUM: To prevent entry.

>> COMMISSIONER STEBBINS: Okay. The only other -- the only other thought or -- and I share this with our team that will be on site during the test nights -- and,

again, I appreciate the test nights. From my experience being held well in advance of your official opening because it does give you a chance to work out some of the kinks. But I'll be very mindful of hearing about lockup procedures. You have a lot of establishments that will be going through the lockdown procedures. Again, based on our experience, that needs to become a little bit more routine. But, you know, I'll be looking to our team to see how well that's executed, and we have the benefit of three test nights to make sure it gets done right. So thank you.

>> MS. KRUM: Commissioner Stebbins, I just wanted to answer one question you had raised about people coming out of the nightclub. One of the things that we thought about was to make sure that there's some food -- restaurants open to facilitate that sort of transitional period, get people out and into the restaurants to eat something as well as.

>> COMMISSIONER ZUNIGA: Remind me, how many restaurants are open beyond normal dinner times?

>> MR. RICHARDS: So in the post-2:00 a.m. period, especially on the weekends, which is obviously the most important time, the Red 8 restaurant will be staying open late. Fratelli will be open light and we plan to open the sports bar On Deck. And again, you're taking that guest and tempting them with food and hoping that, you know, they move into one of those venues late. The two cafes on property as well also stay open 24 hours, that's both Dunkin' Donuts and our own which is called Brew.

>> COMMISSIONER O'BRIEN: One of the other concerns that was raised both when MGM asked and then in the comments for your request from 2:00 to 4:00 also was the impact possibly on increased OUIs, operating under the influence, given the extension of alcohol service. Can you speak to, in addition to identifying who's gaming and their state of sobriety, whether you're going to serve them, what you're doing, if at all, in general but in particular 2:00 to 4:00 if someone shouldn't be going out where there's no public transportation available?

>> MS. KRUM: Right. So again, I'd say that's one of those issues that is impacted no matter what the time is. So if somebody's trying to -- if they go to the valet to retrieve their vehicle and they are showing signs of impairment, the valet will not hand them their keys. We have people entering the parking garage to see visible signs of intoxication. We've also had extensive conversations with the City of Everett and the police chief. And they are increasing their police force. They know that this is a consideration, and they're going to be closely monitoring that.

>> COMMISSIONER O'BRIEN: I would say the distinction, though, is there is a peak time with no public transportation available where earlier in the evening is. Do you have something planned in terms of relationships with, you know, Uber, Lyft, cabs, anything like that to get someone safely home?

>> MR. BAND: Commissioner, I'd like to address that one because I've experienced this at other casino operations. I make sure that our staff 100% knows that if they have any question about a customer and their ability to operate a motor vehicle, they have the full authority to provide them a ride home. I will not ask a single question about it other than that somebody thought that it might be a good idea because they weren't sure if somebody should be operating a motor vehicle and we give them the full authority, if need be, to get a Lyft, an Uber, a bus, a car service or whatever. We would do it any time, and we have their back on that.

>> MS. KRUM: And we also train the employees so that they're told, for instance, make sure the person has a friend and don't just let them leave. Let's make sure they've got a friend or they call a family member or they've got an Uber. All of our employees are trained to make sure that it's not just identifying someone and walking them to the door, that they've actually got a safe passage home.

>> COMMISSIONER O'BRIEN: And then in terms of members of IEB and anyone in the state police who might have experience with MGM and the 2:00 to 4:00 there, I know it's relatively new, but if there's anything that you would want to comment on in terms of differences in how GEU or security acts, you know, as a result of the 2:00 to 4:00, I'd be happy to hear it.

>> CHAIR JUDD-STEIN: We have a comment. One moment, please.

>> COMMISSIONER CAMERON: Detective Lieutenant Connors is going to speak to this.

>> MR. CONNORS: Good morning, Commissioners.

>> COMMISSIONER CAMERON: Good morning.

>> MR. CONNORS: Specifically regarding the 2:00 to 4:00 service and our experience at MGM as Director Band had mentioned, the short answer is we haven't had a significant period of issues with that service. That being said, that night shift is our busiest shift. It certainly does lengthen the night for people, so there are people on site probably later due to that 2:00 to 4:00, but I wouldn't directly attribute any of the issues that we're dealing with on a consistent basis with that 2:00 to 4:00 alcohol service. It's something that we closely monitor, the Gaming Enforcement Unit of the state police with the Springfield Police as well as Director Band's team with the gaming agents and the surveillance and security group. We do monitor those late-night activities very extensively. We're proactive, and again, just in summary, we haven't had a continuous issue with that 2:00 to 4:00 service to the point where we think that we would need to readdress this for the Commission.

>> COMMISSIONER CAMERON: Detective Lieutenant Connors, did you identify -- your team identify individuals who may have thought they could come and just extend their evening, not realizing they have to be actively gaming? Is that something you kind of -- or did that not occur at all? People understood what the rules were?

>> MR. CONNORS: No, I believe there's a learning period, a learning curve for the general public. We were seeing increased crowds coming in, but I think word got out pretty quickly that you have to be actively gaming. A challenge is, then, for the staff to be actively monitoring people who are gaming and who are just there as hang-arounds trying to get additional drinks. We have seen instances where people that are not actively gaming, they may be watching a game, attempting to get drinks and things like that, and certainly there have been issues of that -- instances of that. But not to the point where I think it's an ongoing problem. So I think there has been a learning curve for the public, in general.

>> MR. BAND: I think since opening we've had three incidents that we observed, maybe somebody got served that wasn't actively gaming, but that was instantly dealt with by the MGM executive staff.

>> COMMISSIONER CAMERON: And we just heard the team from Encore talk about their policy with providing rides. I know that your team has done something similar, right, make sure -- not allow people to get behind the wheel.

>> MR. CONNORS: Absolutely. And we aggressively monitor that. And we do put it on -- we do hold the licensees accountable for options for us when we do have to deal with somebody to get them safely off property, to get them safely home, and that they also bear some of that responsibility and burden to facilitate that with us. So when we come in contact with these people that have been gaming or that have been at the facility, that we do have options to get them safely home.

>> COMMISSIONER ZUNIGA: Those options -- maybe Bob alluded to them -- but the providing means complimentary? Okay.

>> MS. KRUM: Yes.

>> COMMISSIONER ZUNIGA: Thank you. Not just offering some alternative. Thank you.

>> COMMISSIONER STEBBINS: Quick question back to Jacqui. Can you guys just walk through how you shut off service before 4:00, how you sweep the floor, kind of what's the process? You normally do before 2:00, but tell me how --

>> MR. RICHARDS: Yeah, so it's essentially a last call, just a traditional last call around 3:30. Obviously it's a very large gaming area. So that's the goal is 3:30, the process begins. We give everyone that last opportunity to have one last beverage. We've already communicated from around 3:00 a.m. that there is a last call coming. So we're already kind of setting expectations with the guest during that 2:00 to 4:00 period that this is not going to keep going forever. There will be an end of service. And when that moment comes, it is around 3:30, that's when we would try and execute that last round of drinks. Again, that is a process. It is a large building, so we do have all of the folks going back to the service bars, retrieving that round of beverage, dropping it off with the guest that is actively gaming and then one more time verbally confirming with them that the end of beverage service has essentially happened at that point when they receive that last drink, and that at 4:00, the end of the evening essentially from an alcoholic beverage perspective will be complete.

Following 4:00 a.m., that's when we'll start clearing the floor. And again, that large team of individuals will move through the sections, allowing guests a reasonable amount of time to finish their beverage, but essentially 4:00 is our goal to start removing drinks from the area. And at that point continuing nonalcoholic beverage service. Which we will continue through the evening. So a guest can continue to sit. They can continue to enjoy the facility. At that point they'll be switched into coffee, juice or other nonalcoholic beverages.

>> COMMISSIONER STEBBINS: And I'm assuming the policy for active gaming also extends to your private gaming rooms and service in those salons as well?

>> MR. RICHARDS: Very much so, yes. And we have even discussed during that period of time after 4:00 a.m., we may even be bringing coffee carts onto the casino floor, nonalcoholic beverages and really making sure that the guest can still enjoy the evening but have access to nonalcoholic beverages are actually much easier than it is to get alcoholic beverages during the rest of the day.

>> COMMISSIONER STEBBINS: And the service bars are actually manned by a physical bartender? It's not a machine?

>> MR. RICHARDS: Yeah, that's correct. We have a couple of differences from the MGM property. We don't have any alcoholic beverages stations on the casino floor, so everything happens from casino service bars and the physical bartender pours all the

drinks. So service -- cocktail servers go back to those service bars. There are six on the main floor, two upstairs, one in the high limit area and one in the poker room. So eight total. And all of those are manned by a physical bartender. The drink orders are verbalized from the cocktail server to the bartender. The bartender acknowledges those drinks in the system. And then those drinks are poured by the bartender, given to the cocktail server, and then returned to the gaming floor. So it's actually a more traditional format of receiving a drink than a self-service unit where the servers themselves are putting in the orders.

>> COMMISSIONER STEBBINS: I find that commendable, from the security aspect of it, having somebody physically back there.

>> MR. RICHARDS: There's a control point and it also allows us to make sure that certain internal policies, again, like the service of shots, the service of doubles, none of those things is actually happening. Because when someone walks up to a machine, again, that's the only control point is themselves. The bartenders are trained 100%, no doubles, no shots, none of those things on the floor.

>> COMMISSIONER STEBBINS: Thank you.

>> COMMISSIONER CAMERON: Just to revisit the issue, because it is of great concern to those who have provided comments to us, this whole concept of leaving an establishment at 2:00 and going to the casino to try to continue the evening drinking. And from what I'm hearing, it's your experience that, you know, this active gaming, that's something that someone has to be willing to do or wanting to do, and you're not seeing as much of those -- of that shifting from one location off the casino property onto the property for drinking. Is that what I'm -- what I'm -- Director Band has great experience with this.

>> MR. BAND: The drinking or the after 2:00?

[ Laughter ]

We did see it initially, but then after people started to learn that you had to be actively gaming, that really dropped off.

>> COMMISSIONER CAMERON: Same thing, Detective Lieutenant?

>> MR. CONNORS: Yes. Obviously the facility is a 24-hour facility, you're still going to draw crowds that late night. I'm not going to be of the mindset that people are not going to come at that 2:00 a.m. hour to the facility. But I think it's messaging on the front end and I think they'll get the message similar to at MGM that you need to be actively gaming which may curtail some of the -- some of that people coming there just for that late-night destination and that oasis for that last call type of thing. They have to be actively gaming. So it's something that we'll closely monitor right from day one to see how that works with this facility, you know, with the experience that we've had at MGM, two different styles of facility, but we'll continually aggressively monitor it and address any issues that we need to.

>> CHAIR JUDD-STEIN: Could you just explain the parking options? I know that you mentioned the valet, that there's a point of intervention there. If I were attending -- I started my evening at 5:00 P.M., might park elsewhere?

>> MS. KRUM: We do have self-parking.

>> CHAIR JUDD-STEIN: Could you say that again?

>> MS. KRUM: We do have self-parking so the garage is located directly below the building and we offer self-parking there as well. Regardless of whether we see

somebody, whether officers see somebody walking into the garage area or whether they're going to the valet, there are points of interception at all those locations.

>> CHAIR JUDD-STEIN: And the only parking option is for your patrons would be in the garage?

>> MS. KRUM: There's parking in the garage. The City of Everett's also going to be operating a municipal lot across the street. And so patrons could theoretically park there.

>> CHAIR JUDD-STEIN: They could also be across the street? And that's about how long of a walk?

>> MS. KRUM: It depends on how quickly you walk. It's about a ten -- 5 to 10-minute.

>> CHAIR JUDD-STEIN: 5 to 10 minutes. In terms of security for the safety of your patrons leaving the entity that would be going to that lot, will there be any kind of public safety folks or --

>> MS. KRUM: Absolutely. So we'll have our own security team closely monitor that whole -- it's part of our driveway and part of our landscaping. So our security team will be on bicycles. They'll be constantly monitoring that area. There's also, as I said earlier, we have spoken to chief Mazie, the police chief in Everett, and he is going to be monitoring that area as well.

>> CHAIR JUDD-STEIN: So in other words, our further points of interception, should somebody be having trouble visibly if they were missed as they were exiting the entity. And when I say "trouble," meaning that maybe their level of intoxication somehow had been missed when they were exiting the immediate facility. And also for other patrons, there is additional security.

>> MS. KRUM: Right.

>> CHAIR JUDD-STEIN: So that their security will be safe.

>> MS. KRUM: And we also have our surveillance team. That's all monitored which the GEU has access to, and it's closely monitored.

>> CHAIR JUDD-STEIN: And, of course, that includes the garage space as well.

>> MS. KRUM: Yes.

>> COMMISSIONER CAMERON: So your surveillance team is trained to notify the Gaming Enforcement Unit members if, in fact, they see someone who's really struggling, whether it be walking or other behaviors that may indicate intoxication, they really know nears a patron here you should take a look at?

>> MS. KRUM: Absolutely.

>> MR. CURTIS: Commissioners, do you have any questions for the jointly responsible parties?

>> CHAIR JUDD-STEIN: Commissioner Stebbins?

>> COMMISSIONER STEBBINS: I don't have a question but I don't know if they want to take the opportunity to say anything about their operations or add any comments.

>> CHAIR JUDD-STEIN: If you have the opportunity to introduce yourselves, we would appreciate that and appreciate that you have come today. And if you would wish to make a comment. I guess we don't have -- we don't have microphones for them, but thank you.

>> (Off-mic) Very happy to be in this facility, totally excited about it. (Off-mic)

everything that's going on. (Off-mic)

>> COMMISSIONER CAMERON: You --

>> MR. KANE: I'm Ed Kane from Big Night Entertainment Group. (Off-mic) such an amazing opportunity for us. Alcoholic service is an important item (off-mic).

>> COMMISSIONER CAMERON: Yeah. I think very different than how you've operated in other locations where you may have an incident that may -- that may have the local police come and there's an incident with a patron and/or ABCC may come occasionally and make sure you're operating properly. I just think this is very different, and I guess it's important for us to know that you realize that, that this will be closely monitored, and this is something that we take very seriously. So I just think it's very different than how you operate now. I'm not in any way saying that you don't handle intoxicated patients -- patrons appropriately, but I think you're hearing what our concerns are and how closely we'll be monitoring this.

>> We've operated (off-mic).

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: I'll ask individually, Commissioner Stebbins, do you have further questions for them?

>> COMMISSIONER STEBBINS: No further questions other than I think I referred to it as Serve Safe. It's actually the Tips Training which is the alcohol training. My own personal correction.

>> CHAIR JUDD-STEIN: Oh. Thank you. Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: No, no questions. Just to comment that I'm inclined to approve the request as it was presented here. Similarly, as I was in favor of the MGM request when it came before us. I'm not sure that you were here, Chair, but the pro vie zo in all of this, the caveat is that we are closely looking at the procedures. We have a lot of people double-teaming on surveillance, security, gaming agents and the state police to look at how it's being executed and the obligation and natural occurrence that will happen in terms of reporting back to the Commission as soon as we -- as soon as you think that there may be something that we need to address in terms of controls or execution or restrictions, if that's the case. So I would be in favor of this with all of those comments.

>> CHAIR JUDD-STEIN: Commissioner Cameron, do you have additional questions or comments?

>> COMMISSIONER CAMERON: I don't have additional questions. I do believe the team has answered all of those questions. I also voted in favor of this in Springfield. I spent many years in New Jersey and am very accustomed to 24/7 alcohol service and the additional challenges that presents. And as you all know, I'm very concerned about public safety, but with the prepared team and everyone on board really demonstrating to us that they're taking this matter seriously and, of course, our proof will be in -- will have evidence. Will have statistics. We'll know what's going on, and any decision we make can be revisited. So I think we're taking this very seriously, but I am inclined as well to support this. I do understand the international business. I do understand the need to compete with others -- other casinos in the region, but I needed to be assured that everyone was taking this really seriously. I know our team does. I've seen them. And I know our other licensees understand our commitment, and I believe that this

licensee also understands our concerns.

>> CHAIR JUDD-STEIN: Commissioner O'Brien, do you have additional questions or comments?

>> COMMISSIONER O'BRIEN: I don't have any other questions.

My comment would be I still have the same reservations that I had when MGM asked for this initially particularly given the density and the size of this operation. My preference would be to be having this conversation six months out from opening. Again, the density and the size of this give me pause, and I remain in the same position I was when MGM asked, that my position at this point would not be inclined the 2:00 to 4:00 to see how things go before we moved on to that.

>> CHAIR JUDD-STEIN: Thank you. I would like to thank the public for its comments. We received really balanced comments that both supported and also did not support this initiative. It's very important to me, and I think I can speak in this instance for my fellow Commissioners to all of us to get that public input. We take it seriously. We understand that this is a matter of great import that puts public safety at really a paramount concern. I'm also very confident that our team will continue to work very closely with you, and we will receive regular reports on anything that's going to keep you or me or the rest of us up at night. And those reports we like to hear in a very timely fashion because we would hope that we could also be brainstorming for best practices, improved practices, given the challenges that particularly Commissioner O'Brien has mentioned. We don't have public transportation available after a certain hour. There are some limits with respect to -- or limitations and challenges with respect to the property. You are on water and that is both beautiful but presents a challenge. So we take it all very seriously. We appreciate the public input, and we appreciate the relationship we know we will have with you going forward with respect to this matter and, of course, everything, but this does, of course, present an important responsibility on our part, one which the law has asked us to really exercise our discretion on.

So with that said, I believe that you are seeking a vote today.

>> MR. CURTIS: Yes, Madam Chair, we are.

>> CHAIR JUDD-STEIN: And it's my understanding this is not -- this could be, I suppose, a bifurcated vote, but the request is in a license that would put forth a request for a time that extends with the conditions that you've raised which would be between 2:00 and 4:00 with respect to complimentary service to only those participating actively in gaming. Thank you.

>> MR. CURTIS: Yes, ma'am.

>> CHAIR JUDD-STEIN: Okay.

>> COMMISSIONER STEBBINS: Madam Chair, I'd move the Commission approve the alcohol permit described in the memorandum from our licensing manager dated May 17th and included in this -- today's meeting packet, allowing alcohol service from 8:00 a.m. to 2:00 a.m. I think that's the first vote you've asked us to take.

>> MR. CURTIS: Yes.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Any further questions? Those in favor? Opposed? 5-0.

>> COMMISSIONER STEBBINS: Further, I'd move that the Commission approve the service of alcohol on the gaming floor between 2:00 a.m. and 4:00 a.m. as described in the memorandum from the licensing manager, again, dated May 17th and



included in today's Commission packet.

>> COMMISSIONER ZUNIGA: Second.

>> CHAIR JUDD-STEIN: Any further questions or comments? All those in favor? Opposed?

>> COMMISSIONER O'BRIEN: Nay.

>> CHAIR JUDD-STEIN: 4-1. Thank you.

>> MS. KRUM: Thank you.

>> MR. CURTIS: Thank you, Commissioners.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Item number 6, Commissioners updates. Let's start with Commissioner Stebbins. Do you have any update?

>> COMMISSIONER STEBBINS: I do. A couple of quick -- two quick things. First of all, I had the opportunity to go over and visit the gaming school that has been operating at Cambridge College over in Charlestown. I was very impressed. I had a chance to meet the staff. I also had a chance to meet a number of the students. I think we've all learned that people who are exploring a new career in gaming didn't come from gaming, had some other job or career in line and then decided to make a change, but they're doing it with an encouraging sense of enthusiasm as to why they want to make the change. What was interesting, the Cambridge College Gaming School is that they've also set up the room with surveillance cameras, similar to how they would see on the actual gaming floor, and it also gives the instructors and the students to kind of go back and review things that were happening, you know, from the overhead shot of a security camera. So I thought that was very interesting.

I think their first graduation is coming up on June 1st, and Director Griffin and I have been invited to attend their graduation event. I think like some of you, I also had the chance to attend the ice sports betting conference over at the BCEC. That was interesting, kind of looking at the next wave of gaming, certainly seeing a lot of the sports betting products that are out there. I also attended the responsible gaming program the next day that Commissioner Zuniga spoke at. The big takeaway for me from that was, you know, we've moved from the moniker of problem gambling to the moniker of responsible gambling -- gaming, and now there's a move afoot to even change that to player health, healthy player, which I thought was interesting, kind of moving the needle again and having had a chance to talk with our own Director Vander Linden, there might be a change in his job title in the future. But I thought that was an interesting point that was raised by a number of the participants for lots of different reasons. That's my update.

>> CHAIR JUDD-STEIN: Commissioner Cameron?

>> COMMISSIONER CAMERON: I also had the chance to get out to I.C.E. and attend some of those sessions in order to better educate ourselves if it is passed here in Massachusetts and if we are selected to be a regulator, I think it's important to prepare, and I know our staff and all of us are doing that. So some of those sessions were informative. I also got a chance to get out to racing out at Plainridge since our last meeting and observe races and talk to our staff, thank our staff. I think they're doing an excellent job, and I think racing -- standardbred racing continues to improve every year, the quality of the product, so that was nice to get out there and do that as well.

>> CHAIR JUDD-STEIN: Commissioner O'Brien? Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: Thank you. Just a couple of things. I'll just speak a little bit more to the research day that I attended that Commissioner Stebbins referenced. There was an all-day research presentation from the SEIGMA group, the Social and Economic Impact group, that has been doing this research now for us for six years. There are great reports in the works, some preliminary findings that will come before this Commission very soon, in due time. Once the final reports are written that begin to tell us what is going on at MGM one year after its opening. So there is something to look forward to. In this case, it was well attended by some members of the community. So it's just another confirmation, another point of confirmation that the community there is very interested in what's going on there in terms of, of course, positive and potentially negative impacts. There was a lot of interest relative to real estate values and rents and et cetera. So more of that to come. Another reminder that it's also good for us to be out there when we can, and we clearly will be there tomorrow. But especially when it comes to presenting research findings, it's also more important.

I attended the day of training for GameSense advisers that Commissioner Stebbins also mentioned, that I was honored to introduce, and there is a lot of good energy in that group. We were able to bring speakers who are doing a lot of this break ground -- break -- you know, groundbreaking, rather, work in terms of defining positive play and the like, and that was all very positive.

I will be attending a conference next week. So if we have a meeting, as it was suggested, I will be participating by phone because I will be in Las Vegas in the Risk Taking and Gambling Conference that UNLV puts together, and it happens every three years. That's one conference in which at least three people from Massachusetts are presenting. Our own Mark Vander Linden and John Land who works part time for us relative to some of the research that we are -- that we are doing and some of the work that's happening here with the likes of GameSense.

And before we leave, I just want to say thank you to Bob and Jacqui who, despite all of the reports that come before us, you continue to do a lot of the work on the ground that is necessary to keep to these dates and to keep to these commitments. I'm sorry there's not many cameras.

>> MR. DeSALVIO: That's quite all right.

>> COMMISSIONER ZUNIGA: To capture that, but I think it's important to acknowledge that the work that you do is critical.

>> MR. DeSALVIO: Thank you very much, Commissioner.

>> CHAIR JUDD-STEIN: Thank you today for your input. And do we have a motion to adjourn?

>> COMMISSIONER CAMERON: So moved.

>> COMMISSIONER ZUNIGA: Second.

>> CHAIR JUDD-STEIN: All those in favor. Opposed? 5-0. Thank you very much.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. DeSALVIO: Thank you.

[ The meeting concluded at 11:23 a.m. ]