



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING#325**

November 5, 2020
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 216 6879**



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



NOTICE OF MEETING and AGENDA
November 5, 2020 – 10:00 a.m.

PLEASE NOTE: Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology. If there is any technical problem with our remote connection, an alternative conference line will be noticed immediately on our website: MassGaming.com.

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday, November 5, 2020
10:00 a.m.
Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
PARTICIPANT CODE: 111 216 6879

All documents and presentations related to this agenda will be available for your review on the morning of November 5, 2020 by [clicking here](#).

PUBLIC MEETING - #325

1. Call to order
2. Approval of Minutes
 - a. August 13, 2020
3. Administrative Update – Karen Wells, Executive Director
 - a. Job Listing Update
 - b. Racing Overview – Dr. Alex Lightbown, Director of Racing
4. COVID-19 Developments and Related Minimum Standards, Protocols, and Plans
 - a. On-site Casino Updates – Loretta Lillios, Interim Director IEB/Chief Enforcement Counsel/Bruce Band, Assistant Director, Gaming Agents Division Chief



Massachusetts Gaming Commission

- b. Update regarding COVID-19 Order No. 53 – Karen Wells, Executive Director; Loretta Lillios, Interim Director IEB/Chief Enforcement Counsel
 - (i) Review and Discussion Regarding Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments (the “Gaming Guidelines”) **VOTE**
 - (ii) Review and Discussion Regarding Protocols for Conduct of Live Racing Under COVID-19 (the “Horse Racing Guidelines”) **VOTE**
 - (iii) Review and Discussion Regarding Plans for Reopening of Simulcast Facilities (PPC; Raynham; Suffolk Downs) (the “Simulcast Guidelines”) **VOTE**
- 5. Licensing Division – Derek Lennon, Chief Financial and Accounting Officer; Loretta Lillios, Interim Director IEB/Chief Enforcement Counsel
 - a. MGM Springfield Gaming Beverage License Amendment Request – addition of new licensed area (“smart bar service bar”) – Loretta Lillios, Interim Director IEB/Chief Enforcement Counsel; Daniel Miller, MGM Director of Compliance; Abdallah Berry, MGM Vice President of Hospitality **VOTE**
 - b. Gaming Service Employee Exemption Requests - Derek Lennon, Chief Financial and Accounting Officer **VOTE**
- 6. Investigations and Enforcement Bureau – Loretta Lillios, Interim Director IEB/Chief Enforcement Counsel
 - a. Two Plainridge Park Casino Suitability Individual Qualifiers – Katherine Hartigan, Senior Enforcement Counsel **VOTE**
 - b. Five Encore Boston Harbor Suitability Entity Qualifiers – Katherine Hartigan, Senior Enforcement Counsel **VOTE**
- 7. Community Affairs Division – Joseph Delaney, Community Affairs Division Chief
 - a. Community Mitigation Fund – Foxborough/Plainville/Wrentham Grant Amendment; Joe Delaney; Mary Thurlow, Program Manager **VOTE**
- 8. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. 2021 Racing Application **VOTE**
- 9. MGC Administration – Karen Wells, Executive Director
 - a. Internal Compliance and Audit Discussion
- 10. Legal Division – Todd Grossman, General Counsel
 - a. Licensee Non-disclosure Agreement Discussion
- 11. Commissioner Updates



Massachusetts Gaming Commission

12. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

November 3, 2020

Cathy Judd-Stein, Chair

Date Posted to Website: November 3, 2020 at 10:00 a.m.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 13, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
MEETING ID: 112 408 7438

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

Absent: Commissioner Gayle Cameron

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order public meeting #315 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

Approval of Meeting Minutes

10:01 a.m. Commissioner Stebbins moved to approve the minutes from the Commission meeting of June 23, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Zuniga seconded the motion.
Roll Call Vote:

Commissioner O'Brien: Aye.
Commissioner Zuniga: Aye.
Commissioner Stebbins: Aye.
Chair Judd-Stein: Aye.
The motion passed 4-0.

Administrative Update

10:02 a.m. General Casino Reopening Update

Investigations and Enforcement Bureau (IEB) Chief Enforcement Counsel/Deputy Director Loretta Lillios is filling in for Interim Executive Director Karen Wells for this item today. Joining her is IEB Assistant Director/Gaming Agents Division Chief Bruce Band.

Ms. Lillios provided the Commission with a general update on current casino operations. She stated that the casinos are in their fifth week of operations after the re-openings, and things are consistently going well. Each licensee is adhering to their plan regarding mask requirements, beverage handling, and there are no new reports with any adverse trends. Occupancy levels that have been set by the Commission are working well.

10:05 a.m. Mr. Band confirmed for Commissioner Stebbins that occupancy levels are well below the Commission's set standards, as they are just over half (50% of the Commissions' formula, based on available gaming positions). Mr. Band stated that the occupancy level rises in the evenings and weekends; however, they do not reach the maximum limit. The licensees are continuing to show strong compliance with the Commission's set standards.

10:08 a.m. **Craps and Roulette Request**
MGM Springfield (MGM) and Encore Boston Harbor (Encore) have requested to add Craps and Roulette back to their gaming options. The IEB is currently reviewing this request. Mr. Band stated that in light of the Governor's announcements regarding reported statewide trending COVID-19 case numbers, the IEB feels that expansion of operations would not be appropriate at this time. The IEB will reconsider when these case numbers subside and is not requesting a vote at this time.

The Chair confirmed that the recommendation is consistent with how the Commission has approached the guidelines from the start and will continue to monitor the public health metrics. She added that it would not be prudent to expand the gaming options at this juncture. The Commission reached a consensus that IEB will continue to review these requests and can reevaluate at a future date.

10:13 a.m. **Poker Status**

Next, Mr. Band reported on the status of Poker in the casinos. He stated that to make Poker a safe game, only four people would be allowed at a table, which is not profitable. Consequently, Poker will not be reactivated at this time.

10:15 a.m. Ms. Lillios stated that Encore has instituted retraining for dealers to be able to work at other games as well. 70 Poker dealers have taken advantage of this training.

10:35 a.m. **Legislative Development Update**

Interim General Counsel Todd Grossman updated the Commission on the status of [HB 4879](#), An Act Enabling Partnerships for Growth, which would have allowed sports wagering, to which the Commission would have regulatory authority. It would also require the Commission to submit a report to the legislature on the status of Region C. This bill passed on July 29, 2020, and was sent to the Senate where it was amended to become [S.2842](#) and no longer contains language regarding sports wagering or Region C. No action was taken on sports wagering. Still, the Commission will continue to monitor those bills and report on the status.

Racing Division

10:20 a.m. **Racing Local Aid Payment**

Financial Analyst Chad Bourque requested the Commission's approval of the Local Aid Quarterly Distribution for Q2 C.Y. 2020 of \$169,456.07, payable to each city and town where racing activities are conducted.

10:22 a.m. Commissioner Stebbins asked Mr. Bourque if he would provide these communities with information based on Q1 and Q2 of 2020 to give a sense of what to expect for revenue and assist local officials in their budget forecasting efforts. Mr. Bourque stated that he can provide estimates based on the quarter ending in June 2020 and will continue to do so moving forward.

10:24 a.m. *Commissioner Stebbins moved that the Commission approve the Local Aid Quarterly Distribution for Q2 of 2020 in the amount of \$169,456.07 pursuant to the Commonwealth of Massachusetts Budget and Appropriation 1050-0140, and as described in the memorandum dated August 3, 2020, in the Commissioners' Packet. Commissioner O'Brien seconded the motion.*

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed 4-0.

Ombudsman Division

10:25 a.m. **Plainridge Park Casino (PPC) Relicensing Schedule**

Construction Project Oversight Manager Joe Delaney updated the Commission on the timeline for the relicensing schedule for PPC.

A public hearing and meeting has been scheduled for Wednesday, September 16, 2020, from 3:00–6:00 p.m. The purpose of this hearing/meeting is to provide the Commission with input from the host and surrounding communities, impacted live entertainment venues (ILEVs), and the general public regarding the PPC relicensing. Because this hearing/meeting will happen remotely, the Commission will need communities and the public wishing to speak to notify the Commission in advance so they can be invited to speak at the appropriate time.

A Commission meeting has also been tentatively scheduled for September 30, 2020, at a time to be determined for the Commission to deliberate on the renewal of PPC's gaming license. This meeting will follow the format used for the MGM and Encore openings whereby MGC staff will present the licensee's compliance status in each person's particular area of expertise. The Commission will vote on PPC's re-licensure at this meeting.

10:29 a.m. Commissioner Stebbins explained that anyone who cannot participate in this hearing/meeting can view it after it is posted on the MGC website and submit comments to mgccomments@massgaming.gov in time for the public discussion and vote on September 30. The Chair will ask at the end of the meeting if any attendees would like to comment.

Mr. Delaney confirmed for the Chair that if any new information or issues arise at the hearing that needs further discussion, the Commission can schedule a subsequent Commission meeting to address it.

Legal Division

10:40 a.m. **Commission Election of Secretary/Treasurer**

Mr. Grossman introduced the annual election of the secretary and treasurer. He noted that Commissioner Zuniga currently serves as treasurer, and Commissioner Stebbins currently serves as secretary.

The Chair nominated Commissioner Stebbins and Commissioner Zuniga to continue in their roles as secretary and treasurer.

10:43 a.m. *Commissioner O'Brien moved that the Commission nominate Commissioner Stebbins for election as the secretary of the Commission in accordance with chapter 23K, section 3(f). Commissioner Zuniga seconded the motion.*

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.
Commissioner Stebbins: Abstained.
Chair Judd-Stein: Aye.
The motion passed 3-0.

10:51 a.m. Commissioner Stebbins moved that the Commission nominate Commissioner Zuniga for election as the treasurer of the Commission in accordance with chapter 23K, section 3(f). Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner O'Brien: Aye.
Commissioner Zuniga: Abstained.
Commissioner Stebbins: Aye.
Chair Judd-Stein: Aye.
The motion passed 3-0.

Commissioners' Update

10:52 a.m. Preliminary Equity and Inclusion Working Group Update

Chair Judd-Stein updated the Commission on her convening an Equity and Inclusion Working Group in the workplace. She stated that this group's goal is to ensure that the Commission's systems, policies, and practices do not result in a disproportionately negative impact on people of color or communities of color. She added that the work is critically important and must be ongoing, given the agency's broad reach.

The Working Group has already commenced work. Members of the group are Commissioner Zuniga, Interim Executive Director Karen Wells, Director of Workforce, Supplier and Diversity Development Jill Griffin, Human Resources Manager Trupti Banda, Program Assistant Tania Perez, and Financial Investigator Paul Eldredge.

10:54 a.m. Commissioner Zuniga summarized the work of the Equity and Inclusion Group to date. He stated that he will be reporting back to the Commission and the rest of the staff regularly. The group has begun drafting a statement of purpose.

Commissioner Zuniga stated that there is a renewed effort regarding racism because of current events and that the Commission remains committed to ensuring that there is no discrimination against protected classes. The group has started drafting a statement of purpose, as well as a five-point plan. They will ask for additional help, training, and regulatory review to implement this plan, then report back at a public Commission meeting when it is ready.

10:59 a.m. The Chair then noted that Equity and Inclusion Group's plan will affect the entire Commission team. She added that the work ensures that the Commission reviews and conducts its responsibilities with a lens that bears in mind the critical effort to

ensure practices and policies do not inadvertently affect people of color disproportionately.

11:01 a.m.

Independent Monitor Update

Next, the Chair stated that a key member of the team at the Washington, D.C. based law firm Miller & Chevalier, Attorney Preston Pugh, has left the company to pursue an opportunity with another D.C. law firm. The Commission is currently working on a contract with him to retain him on the monitorship for his experience and expertise in employment law. The Chair has recommended that the team at Miller & Chevalier work to establish a contractual arrangement with Mr. Pugh.

Mr. Grossman has been working with the General Counsel at Miller & Chevalier to ensure compliance with the existing contract. The Chair noted that the Commission's goal is for the two firms to independently work out the details.

11:04 a.m.

Commissioner O'Brien added that both Attorneys Alejandra Montenegro and Preston Pugh were contracted as essential employees, largely due to their respective critical expertise areas for proper execution. She stated that she believes they will be able to work out the mechanism in a subcontract that is not anticipated to increase costs. The commissioner added that she feels the best way to move forward is to finalize the arrangement to include Mr. Pugh with Ms. Montenegro leading and finishing the monitorship.

11:05 a.m.

Mr. Grossman stated that the Commission might need to amend the contract with the monitorship to authorize the Chair as the contract manager to execute the amendment.

11:08 a.m.

With no further business, Commissioner Zuniga moved to adjourn.

Commissioner Stebbins seconded the motion.

Roll Call Vote:

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Commissioner Stebbins: Aye.

Chair Judd-Stein: Aye.

The motion passed 4-0.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated August 13, 2020
2. Draft Commission Meeting Minutes dated June 23, 2020
3. Memorandum: Quarterly (Q2) Local Aid Payments dated August 3, 2020
4. Memorandum: Plainridge Park Casino Relicensing Update, dated August 10, 2020

/s/ Bruce Stebbins

Secretary



Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours for Alcohol at the Commonwealth's Gaming Establishments

Introduction & Background:

On June 23, 2020, following the temporary closure of casino operations due to the Covid-19 pandemic, the Commission approved the "Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments" in the Commonwealth. (Addendum A – Minimum Requirements to the Initial Phase 3 Opening of Gaming Establishments, also referred to as the "Gaming Guidelines," attached and incorporated herein).¹ On October 8, 2020, the Commission approved the "Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments." (Addendum B – Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments, attached and incorporated herein).

On November 2, the Baker-Polito Administration issued "COVID-19 Order No. 53," effective at 12:01 AM on Friday, November 6, 2020, requiring early closing for certain businesses, including the Commonwealth's three licensed gaming establishments. (Addendum C – Order Requiring Early Closing for Certain Businesses and Adult Activities, Limiting Hours for Alcohol and Adult Use Cannabis Sales, and Modifying Chapter 38 License Renewal Requirements, attached and incorporated herein). Also on November 2, 2020, the Department of Public Health issued a "Stay at Home Advisory," referenced in COVID-19 Order No. 53, "urg[ing] all persons in the Commonwealth to remain at home between the hours of 10 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives[.]"

COVID-19 Order No. 53 provides in part as follows:

[Each gaming establishment] must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the "mandatory closing period").^[2] Except as otherwise specifically permitted . . . ,

¹ Addendum A – Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments has applied to Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino, including the PPC simulcasting area. The Commission will address the Simulcast Guidelines in agenda item 4.b.(iii) of its November 5, 2020 open meeting.

² The mandatory closing period set forth in COVID-19 Order No. 53 does not mandate closing of casino hotels; however, the limits on alcohol apply to such hotels.

during the daily mandatory closing period, . . . [the gaming establishments] may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of [each gaming establishment] may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

With respect to the service of alcohol, COVID-19 Order No. 53 provides in part as follows:

During the mandatory closing period . . . no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol services or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

COVID-19 Order No. 53 further provides that the Commission is “authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.”

Requirements for Gaming Establishments to Ensure Compliance with COVID-19 Order No. 53:

In keeping with COVID-19 Order No. 53 and the Stay at Home Advisory, the Commission determines to supplement the Minimum Requirements For the Initial Phase 3 Opening of Gaming Establishments (Addendum A) with the instant Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours for Alcohol at the Commonwealth’s Gaming Establishments. These supplemental Requirements direct that each of the licensed gaming establishments shall submit to the Commission a Plan that:

1. identifies the operational steps and measures which the gaming establishment will take to achieve compliance with the mandatory closing period required by COVID-19 Order No. 53 *in an orderly and safe manner* while also continuing to comply with the health and safety guidance and protocols set forth in Addendum A;³

³ The first mandatory closing period under COVID-19 Order No. 53 begins at 9:30 PM on Friday, November 6, 2020.

2. supplements its communications plan and website information to inform the public of the mandatory closing period and related expectations while also continuing to inform the public of additional COVID-19 related measures they should expect to encounter and adhere to at each property;
3. identifies the steps and measures which the licensee will take to ensure compliance with the restrictions on the service and sale of alcohol upon the premises of the gaming establishment during the mandatory closing period as set forth in COVID-19 Order No. 53; and
4. describes the training and communication the licensee will undertake with its employees, restaurants, vendors, lessees, amenities, and other partners to ensure compliance with COVID-19 Order No. 53.



Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

Background:

On March 14, 2020, the Massachusetts Gaming Commission (the “Commission” or the “MGC”) temporarily suspended operations of its three licensees due to the unprecedented public health risks associated with the Coronavirus pandemic (COVID-19) and Governor Charles D. Baker’s declaration of a State of Emergency and issuance of related orders and advisories. To guide the economic reopening of the Commonwealth, Governor Baker later convened a Reopening Advisory Board (the “Advisory Board”) and determined that industries would re-introduce their services over the course of four phases in accordance with certain industry sector specific standards. The Baker-Polito Administration set the reopening of casinos for Phase 3 and announced that Phase 3 will not begin before July 6, 2020 with the precise date to be dependent on public health data. In addition to any industry sector specific standards adopted by the Baker-Polito Administration, the gaming establishments must reopen in accordance with requirements of the CDC, state and local departments of public health, and protocols and guidance established by the Commission.

The Commission held three open meetings (on Thursday, June 11, 2020; Wednesday, June 17, 2020; and Tuesday, June 23, 2020) to discuss minimum requirements (“Minimum Requirements”) for the initial reopening of casinos. Each of these open meetings included extensive input from the executive staff, the Investigations and Enforcement Bureau (“IEB”), and the Commission’s three licensees. At the conclusion of the meeting on June 23, 2020, the Commission voted to adopt the Minimum Requirements reflected in this document.¹ The licensees have informed the Commission that they will need no less than 10 to 14 days in advance of reopening to prepare the gaming establishment for compliant operations and to adequately train employees.

Any Minimum Requirement as set forth in this document is subject to change based on public health data.

¹ Any Minimum Requirement set by the Commission will be adjusted if a more restrictive requirement is set by the Baker-Polito Administration.

Minimum Requirements:

1. Detailed Plan from Each Licensee

- a. Each licensee is required to submit a detailed plan to the Commission at least 7 days in advance of reopening (the "Licensee's Reopening Plan" or the "Plan"). The Plan shall identify steps and measures the licensee will take to achieve compliance with the guidance and protocols issued by the CDC, the Department of Public Health ("DPH"), the Board of Health in the host community, the Baker-Polito Administration, and the Guidelines adopted by the Commission.
- b. Each licensee shall work in conjunction with an individual with expert qualifications in the fields of public health and/or epidemiology to develop and approve its Plan. The credentials of these individuals shall accompany the submission of each Plan to the Commission.
- c. Each licensee's Compliance Department shall be responsible for adherence to its Plan, and compliance shall be subject to all required reporting and audit requirements both internal and by the MGC. The Pandemic Safety Officer (referenced in section 12.o below) shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.

2. Pre-opening Cleaning

- a. Before reopening, perform full cleaning and disinfecting of the gaming establishment in accordance with CDC Guidelines for Cleaning and Disinfecting Your Facility and any sector-specific protocols and best practices indicated by the Baker-Polito Administration.

3. Compliance with Public Health Guidance

- a. Comply with all guidance and protocols issued by the CDC, DPH, local Board of Health in the host community, and the Baker-Polito Administration for dealing with COVID-19.

4. Entry/Screening of Guests

- a. The licensee shall develop a communications plan to inform guests of its expectations regarding COVID-19. The licensee's communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if "YES" to any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries) or come into close contact with a confirmed case of COVID-19 in the past 14 days.
- b. Provide hand sanitizer at points of entry, along with signage and casino staff to encourage guests to use it before entering. All hand sanitizer throughout property shall comport with CDC Guidelines (minimum 60% ethanol or 70% isopropanol).
- c. Licensees shall consider performing non-touch temperature checks and prohibiting entry to any guest registering 100.4 degrees or above on two consecutive tests. Licensees, in

conjunction with their experts, shall continue to monitor new information with respect to the efficacy of temperature checks as a method of determining infection and contagion.

- d. At all significant points of entry and exit, separate ingress from egress in order to avoid two-way flow of guest traffic.
- e. At points of entry, casino staff to provide guests with masks (if guest needs one) that cover the nose and mouth. Require guests to wear masks that cover the nose and mouth upon entry and while in the gaming area.
- f. Guests should be discouraged from wearing hats and will be required to remove hat and briefly lower mask for identity check.
- g. Casino staff shall be present at entry points to ensure compliance with these Minimum Requirements and the licensee's Plan.

5. Cleaning & Sanitization – Slots

- a. Casino staff to sanitize operating slot machines and chairs as frequently as possible between player turnover and at regular intervals, at a minimum of every 4 hours.
- b. Licensees shall make sanitizing wipes (if available through licensees' best procurement efforts) readily and conspicuously available for guests wishing to wipe down the slot machine and chair before using, or shall provide conspicuous signage informing guests that they may ask for casino staff to do so.
- c. Sanitizing solutions and sanitizing wipes to comply with CDC Guidelines for COVID-19.
- d. A log using slot zone and shift schedule shall be maintained to track slot cleaning.
- e. Provide guests with the option of receiving jackpot payouts via TITO ticket or cash in an enclosed envelope and provide in that manner upon guest's election.

6. Cleaning & Sanitization – Table Games

- a. Guests shall be encouraged to use hand sanitizer prior to start of play.
- b. Develop protocol for chip sanitization such that all chips coming from the cage have been sanitized.
- c. Develop protocol to replace cards based on volume and frequency of play.
- d. Increase the frequency of cleaning and sanitization of all gaming equipment and devices with a focus on high touch areas.
- e. Increase the frequency of cleaning and sanitization of chairs and table rails.
- f. Make hand sanitizer available to guests in each gaming pit.
- g. Make sanitizing wipes available (if available through licensees' best procurement efforts) with corresponding signage to guests in each gaming pit.
- h. Limit the touching of cards and chips by players to the extent possible.

7. Cage

- a. Install protective plexiglass² partitions at cage locations between guests and cage employees.
- b. Close alternating cage windows or install protective plexiglass between cage windows for 6' social distancing.
- c. Provide guests with option to receive cash in enclosed envelopes and provide in that manner upon guest's election.
- d. Disinfect counters and touch screens frequently, at least hourly.
- e. Make hand sanitizer available near cage area.
- f. Implement protocols to maintain 6' social distancing for queuing and interactions in cage area, with conspicuous explanatory signage and spacing marked on the floor.

8. Food and Beverage Service

- a. Licensees shall limit food service and consumption to designated areas which shall be operated in accordance with the Governor's guidelines for Restaurants.
- b. Bars will remain closed under the Governor's guidelines and until further Commission guidance.
- c. Beverage service is allowed in the gaming area and shall be limited to guests who are seated and actively engaged in gambling as defined in G.L. c. 23K, § 2, and who lower their masks for drinking only. Guests shall not be allowed to carry or drink beverages while moving about the gaming area. Licensees shall make reasonable efforts to ensure that guests do not violate this rule.

9. Social Distancing – Slots (Plainridge Park Casino, MGM Springfield and Encore Boston Harbor)

- a. Licensees shall promote social distancing of slots play by either maintaining a minimum of 6' distance between operating slot positions or by installing plexiglass dividers not less than 6' high between operating slot positions.
- b. There shall be a minimum of 4' between slot machines separated by plexiglass dividers (measured from the center of each chair).³
- c. Chairs shall be removed from disabled slot machines.

10. Social Distancing – Table Games (MGM Springfield and Encore Boston Harbor)

- a. For Blackjack-style tables, install plexiglass dividers not less than 5'10" tall separating dealer from player positions and between player positions.
- b. No more than 3 player positions at each Blackjack-style table, with chairs for unavailable positions removed.
- c. No craps or roulette until further notice.
- d. No poker until further notice.

² Plexiglass dividers shall be clear to enable adequate camera coverage.

³ Disabling every other slot machine results in a distance of approximately 4.5 feet between players.

11. Occupancy Limits

- a. The occupancy limit for each licensee shall be set by the following formula: Number of gaming positions available x 3 + gaming area employees of the licensee and MGC + capacity of open amenities utilizing the occupancy limits set by the Governor's guidelines for each amenity.⁴

12. Additional Measures for the Gaming Area

- a. Sanitization and disinfecting products as well as hand sanitizer (touchless where possible) to be made available at each point of entry and exit and throughout the gaming area for usage by guests at their discretion.
- b. Enhanced cleaning and sanitization throughout the gaming area with staff deployed regularly to clean and disinfect restrooms and high touch point locations.
- c. Signage at each point of entry and at prominent locations throughout the gaming area to remind guests of safe practices including frequent hand washing, use of hand sanitizer, proper wearing of masks, and to go home if sick.
- d. In areas where lines normally form or are expected to form (inside or outside), signage combined with floor markings and other methods, including an appropriate level of staffing, to remind guests to remain 6' apart.
- e. Casino staff (or other staff, e.g., hotel staff, security staff, etc.) to implement and monitor procedures for elevators, escalators, and stairs to ensure social distancing.
- f. Provide appropriate receptacles for disposal of PPE.
- g. No promotions or activities outside of normal operations to be held that challenge the ability to maintain 6' social distancing.
- h. No valet service until further notice (unless necessary due to physical or geographic constraints in order to accommodate individual guests with disabling conditions).
- i. No coat check services until further notice.
- j. Each licensee's Plan shall detail procedures for dealing with guests who are noncompliant with the required COVID-19 related health and safety protocols.
- k. Each licensee's Plan to outline measures to ensure air quality, including possible filtration upgrade to increase fresh air, and ongoing inspections and maintenance of HVAC systems.
- l. Each licensee's Plan to identify anticipated supplies needed to stop furthering the spread of COVID-19 and measures to ensure the availability of supplies
- m. Each licensee's Plan to detail procedures for managing guests with fevers above 100.4 degrees and/or who exhibit other symptoms of COVID-19 (maintain supply of non-touch thermometers for this purpose).
- n. Each licensee's communications plan and website information shall inform the public of COVID-19 related measures they should expect to encounter and adhere to at each property.

⁴ The occupancy limit for PPC shall also include racing participants + racing employees of the licensee and MGC + the capacity of the simulcasting area utilizing the occupancy limit set by the Governor's guidelines.

- o. Each licensee to designate (and identify for the MGC) a Key-level employee to act as liaison to federal, state, and local public health agencies. This liaison – the Pandemic Safety Officer for the licensee - shall be responsible for notifying the local Board of Health, as well as the MGC, if the licensee is alerted to a COVID-19 positive case on the premises of the gaming establishment, and to assist with data sharing and identification of individuals for contact tracing purposes. Accountability for these duties shall remain with the Pandemic Safety Officer who may designate one or more other staff to ensure responsiveness to the requests of public health authorities on a 24/7 basis. The Pandemic Safety Officer shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.
- p. Each licensee to obtain and follow legal advice to ensure appropriate safeguards put in place for any HIPAA-protected material.
- q. Each licensee's Plan to include protocols to be implemented if the licensee is alerted to a COVID-19 positive case on the premises of the GE, including a deep cleaning of affected areas.

13. Additional Measures Pertaining to GameSense Areas

- a. Each licensee shall install protective plexiglass barriers of the GameSense counters with an opening at the bottom to enable items to be slid underneath.
- b. Each licensee shall place markings and/or queuing devices at appropriate locations to assist with maintaining social distancing at and around GameSense Centers.
- c. Each licensee shall educate casino staff, including security personnel, that the GameSense Centers are reserved for GameSense related activity (except in an emergency).
- d. GameSense Centers shall be cleaned at the same frequency as gaming area.

14. Additional Employee-Related Measures

- a. As businesses and employers in the Commonwealth, each licensee must follow all guidelines and protocols for businesses and employers issued by the CDC, DPH, the local board of health for the host community, the Baker-Polito Administration (including any sector-specific protocols and best practices), and these Minimum Requirements set by the Commission.
- b. Licensees must provide employees with COVID-19 training which provides an overview of COVID-19 mitigation protocols, including proper use and disposal of PPE and recognition of COVID-19 symptoms.
- c. Licensees shall identify the Pandemic Safety Officer to all employees. Licensees shall encourage any employee who has a COVID-19 related concern to report it to the Pandemic Safety Officer through a process implemented by the licensee.
- d. At each employee entrance, employees (including MGC employees) may be required to undergo a temperature check.
- e. At each employee entrance, the licensee shall place markings and/or queuing devices to maintain social distancing of employees reporting to work. At each employee entrance, the

licensee shall post signs setting forth a checklist of COVID-19 symptoms and instructing employees to remain at home if they experience any of the symptoms.

- f. Signage shall be placed in back-of-the house areas reminding employees to follow CDC and DPH guidelines for handwashing, using sanitizers, wearing masks, and staying home if sick.
- g. The licensee also shall establish protocols to maintain social distancing of employees in dining areas, uniform control areas, shared office spaces, and other high density employee areas.
- h. Rolling periodic announcements in back-of the house areas shall remind employees of COVID-19 protocols.
- i. Employees shall wear masks while performing their work duties. The licensee shall provide masks for all employees.
- j. Break schedules and shift times shall be staggered to the extent possible to avoid congregating in back-of-the-house areas.
- k. Employee meetings shall be accomplished in a manner to promote social distancing.



Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments

Background:

On June 23, 2020, the Commission approved the “Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments” in the Commonwealth. Item 10.c. of those Minimum Requirements provides that no craps or roulette are to be allowed “until further notice.” The two Category 1 Gaming Licensees, Encore Boston Harbor and MGM Springfield, have renewed their requests to reintroduce roulette at their respective gaming establishments at this time.¹ If approved by the Commission, the reintroduction of roulette shall be accompanied by the health and safety measures set forth below. It is noted that the measures below correspond with those required by the Commission for blackjack style tables, which are currently in operation.

Minimum Requirements for Roulette:

- a. There shall be a maximum of 3 players per roulette table.
- b. Players are required to remain seated while gambling.
- c. No patrons are permitted to stand or congregate around roulette tables.
- d. Players shall be separated by plexiglass barriers not less than 6 feet high, with a minimum of 4 feet separating seats, measured from the center of each chair.
- e. The dealer at each roulette table shall be separated by a plexiglass barrier not less than 6 feet high, with a pass-through opening of approximately 8 to 10 inches at the bottom.
- f. The roulette tables shall be configured in a manner consistent with the guidelines for the blackjack style tables already in operation, including the installation of the plexiglass barriers and the distancing between seats.
- g. Chips shall be sanitized each time they go to the cage, at a minimum on a daily basis.
- h. Hand sanitizers shall be available at each table.
- i. No more than 16 roulette tables are permitted at Encore Boston Harbor (maximum of 48 players with 3 players per table). No more than 7 roulette tables are permitted at MGM Springfield (maximum of 21 players with 3 players per table).
- j. Compliance with layout requirements shall be approved by the IEB before becoming operational.
- k. No increase in overall permitted occupancy of the gaming establishment is allowed over the limit set by the Commission on June 23, 2020, despite the addition of the roulette gaming positions.

¹ The Commission considered the licensees’ requests to reintroduce roulette at its open meeting on August 13, 2020, but declined to approve it at that time.

Temporary Change to Rules of the Game:

The reintroduction of roulette is accompanied by the following rule: *As a temporary rule in conjunction with Covid-19-related health and safety measures, all bets must be placed prior to the spin and a sign shall be placed at the table stating that no bets are allowed once the ball is in motion. The dealer shall wave their hand over the roulette layout prior to the spin and say in a clear and concise voice, "No more bets." While the ball is still rotating in the track around the wheel, the dealer shall call "No More Bets."*



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
 STATE HOUSE • BOSTON, MA 02133
 (617) 725-4000

CHARLES D. BAKER
 GOVERNOR

KARYN E. POLITO
 LIEUTENANT GOVERNOR

**ORDER REQUIRING EARLY CLOSING FOR CERTAIN BUSINESSES AND
 ACTIVITIES, LIMITING HOURS FOR ALCOHOL AND
 ADULT USE CANNABIS SALES, AND MODIFYING CHAPTER 138
 LICENSE RENEWAL REQUIREMENTS**

COVID-19 Order No. 53

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of large number of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, commencing with COVID-19 Order No. 33 issued on May 18, 2020 and continuing through COVID-19 Order No. 51 issued on September 29, 2020, I issued a series of executive orders that designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permits periodic adjustments to safety measures;

WHEREAS, the Commonwealth has seen an increase in cases since its lowest point in July, and there has been a steep increase in cases during the month of October. On September 26, the 7-day daily average of new confirmed cases was 385, whereas as of October 31, the 7-day daily average of new confirmed cases was 1,214;

WHEREAS, the Commonwealth's COVID-19-related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past 2 months. On August 31, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 290, whereas on November 1, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 613. The COVID-19 ICU census was 47 on September 9, whereas on November 1, the COVID-19 ICU census was 113, with 55 individuals intubated. As of November 1, 67% of hospital beds were full, and during the month of October a number of hospitals reported using surge capacity;

WHEREAS, the public health data indicate that informal social activity is contributing to the rise in cases, as evidenced by the fact that household transmission and social gatherings represent 88% of all new and ongoing COVID-19 clusters identified as of September 27;

WHEREAS, left unchecked, the current COVID-19 case growth poses a risk to the Commonwealth's healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity;

WHEREAS, the Department of Public Health has today issued a Stay at Home Advisory that urges all persons in the Commonwealth to remain at home between the hours of 10:00 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives;

WHEREAS, certain establishments that hold licenses issued pursuant to section 12 of chapter 138 of the General Laws (a "section 12 license") authorizing the sale of alcoholic beverages for on-premises consumption remain closed to the public because of business disruptions caused by COVID-19, and certain others are not permitted to open to the public until Phase IV of the Commonwealth's Re-Opening Plan; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses, permits or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions, and regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;

NOW, THEREFORE, I hereby Order the following:

1. Mandatory Night-Time Closing Period for Certain Businesses and Activities

Effective at 12:01 AM on November 6, 2020, all businesses, facilities, or activities included within the categories listed below must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the “mandatory closing period”). Except as otherwise specifically permitted below, during the daily mandatory closing period, businesses, facilities, or activities within the categories listed below may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of affected businesses, facilities, or activities may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

Businesses, facilities, and activities subject to the daily mandatory closing period:

1. Restaurants, provided however that restaurants may offer food and non-alcoholic beverages for take-out and by delivery during the mandatory closing period
2. Arcades and Other Indoor and Outdoor Recreation
3. Indoor and Outdoor Events
4. Indoor and Outdoor Theaters, Movie Theaters, and Performance Venues
5. Drive-In Movie Theaters
6. Youth and Adult Amateur Sports Activities
7. Golf Facilities
8. Recreational Boating and Boating Businesses
9. Outdoor Recreational Experiences and Educational Activities
10. Casinos, Horse Racing Tracks, and Simulcast Facilities
11. Driving and Flight Schools
12. Zoos, Botanical Gardens, Wildlife Reserves, and Nature Centers
13. Close Contact Personal Services
14. Fitness Centers and Health Clubs
15. Indoor and Outdoor Pools (Public and Semi-Public Swimming Pools)

16. Museums/Cultural & Historical Facilities/Guided Tours

Categories of businesses, facilities, and activities listed above correspond to enterprise sectors established in Exhibit A to COVID-19 Order No. 51 and further defined in Sector-Specific COVID-19 Safety Rules and related guidance documents and protocols issued and administered by the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission. Those agencies are each authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.

2. Restriction on Service and Sale of Alcohol and Adult-Use Cannabis During Mandatory Closing Period

Effective at 12:01 AM on November 6, 2020, the following restrictions shall apply to the service and sale of alcohol and the sale of adult-use cannabis:

Service and Sale of Alcohol. During the daily mandatory closing period established in Section 1, no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol service or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

This restriction shall not displace any provisions of Chapter 138 or Chapter 23K or of any license issued under those authorities that may establish more restrictive limitations on the hours during which a licensee may offer sale or service or provision of alcohol each day.

Retail Sale of Adult-Use Cannabis. During the daily mandatory closing period established in Section 1, no individual, business, organization, establishment, premises, or entity holding or operating under a marijuana retailer license issued pursuant to Chapter 94G of the General Laws may sell adult-use cannabis or adult-use cannabis products of any kind to any person anywhere in the Commonwealth.

For violations of the restrictions established in this Section, each individual sale or delivery or service made during the mandatory closing period may be treated as a separate violation for purposes of administering fines and other penalties.

3. Renewal of Chapter 138 Licenses by Establishments Remaining Closed During the State of Emergency

Notwithstanding anything to the contrary in section 12 of Chapter 138 of the General Laws, the holder of a section 12 license that remains closed to the public during the state of

emergency shall be permitted to renew its section 12 license for 2021 pursuant to section 16A of the same chapter with the benefit of the following allowances:

- a. A licensee shall not be required to submit proof of having liquor liability insurance, provided, however, that no licensee that has renewed its license under this allowance may re-open to the public without first submitting to the licensing authority proof of a current liquor liability insurance policy that names the licensee as the insured and that otherwise meets the requirements of section 12. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any liquor liability insurance policy obtained under the terms of this allowance; and
- b. A licensee shall not be required to submit proof of having a workers' compensation insurance policy, provided, however, that (1) no licensee that has renewed its license under this allowance shall have any payroll at the time of renewal; and (2) no licensee that has renewed its license under this allowance shall commence operations that involve employees or re-open to the public without first providing satisfactory proof of workers' compensation insurance as required by a municipal licensing authority. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any such workers' compensation insurance policy obtained under the terms of this allowance.

A rescission of this Order or a termination of the state of emergency shall not invalidate any section 12 license that was renewed pursuant to this Section during the period in which this Order was in effect.

4. Enforcement Provisions

The Department of Public Health, the Department of Labor Standards, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the restrictions adopted in Sections 1 or 2 of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. Each individual instance of non-compliance and each day of a continuing violation may be fined as a separate violation.

This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action

upon satisfactory proof that the licensee has violated or permitted a violation of Section 1 or 2 of this Order.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Sections 1 and 2 of this Order are effective at 12:01 AM on November 6, 2020, and Section 3 is effectively immediately. This Order shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 1:50 AM/PM this 2nd
day of November, two thousand and twenty

A handwritten signature in dark ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts



Encore Boston Harbor
Compliance Plan for COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours for
Alcohol at the Commonwealth's Gaming Establishments

Encore Boston Harbor remains committed to ensuring the health and safety of its employees and guests during the Covid-19 pandemic. This Compliance Plan (this "Plan") is submitted to the Commission on behalf of Wynn MA, LLC dba Encore Boston Harbor in response to "Covid-19 Order No. 53" issued by the Baker-Polito Administration on November 2, 2020, requiring early closure for certain businesses, including the Commonwealth's three licensed gaming establishments.

1. Operational Steps

Casino Operations: Casino operations will cease at 9:00 p.m. on Friday, November 6, 2020 and re-open the following morning, Saturday, November 7, 2020, at 9:00 a.m. Thereafter, casino operations will be open daily from 9:00 a.m. to 9:00 p.m. Guests will not be permitted to enter the casino after 8:30 p.m. each day.

Beginning each evening at 8:30 p.m., public service announcements will begin informing guests that gaming operations will be closing at 9:00 p.m. This announcement will be made again at 8:45 p.m. At 9:00 p.m., a public service announcement will be made announcing that all gaming operations are closed. At 9:20 p.m., a final announcement will be made that all guests have ten (10) minutes to leave the building.

Starting at 9:00 p.m., Security will begin the process of sweeping the slot floor to prevent guests from further play. Signs will be on all gaming tables advising that the last shoe will be dealt at 8:30 p.m. and dealers will provide a verbal announcement to guests between 8:55 p.m. and 9:00 p.m. of pending closure.

The cage will remain open until 9:15 p.m.

Guests will be directed to orderly, socially distanced lines, organized by Security to enter the elevator lobbies in accordance with the previously established limits. In addition, Security will direct guests to stairwells and into the self-parking garage.

Food and Beverage: The following food and beverage outlets will operate between the hours of 9:00 a.m. and 9:30 p.m., based on demand.

On Deck
Lucky Dogs
Ramen Cantina
Salon Prive



Red 8
Rare

Leased Outlets:
Dunkin
Mystique
Fratelli

Hours may be adjusted from time-to-time, but will be within the foregoing window. Any guests arriving after 8:00 p.m. will be informed that they will be required to leave by 9:00 p.m.

Hotel: The hotel will be closed until further notice.

Retail: The retail outlets will operate between the hours of 9:00 a.m. and 9:30 p.m., in accordance with demand. Hours may be adjusted from time-to-time, but will be within the foregoing window. No guests will be admitted into any retail outlet after 9:00 p.m.

Spa: The spa will operate between the hours of 10:00 a.m. and 7:00 p.m. on Saturdays and Sundays in accordance with applicable State guidance.

Event Space: The event space will operate between the hours of 9:00 a.m. and 9:00 p.m., based on demand, and in accordance with applicable State guidance.

Parking: The parking garage will be open from 8:45 a.m. and no cars will be admitted following 8:30 p.m.

2. Communications

Encore Boston Harbor has updated its website to reflect a 9:00 a.m. to 9:00 p.m. property operation. This will also be announced through social media. Encore Boston Harbor has contacted guests with hotel reservations to cancel the reservations.

Table signs will remind guests that the cage will close at 9:15 p.m.

Encore Boston Harbor will physically close the front drive each evening and re-open it the following morning. Variable messaging traffic signs will be changed to reflect opening hours and closure.

Digital billboards will be adjusted to advertise daily operating hours.



3. Service and Sale of Alcohol

Alcohol service in all venues, including, the gaming floor, will terminate at 8:45 p.m. (i.e., last drink served). "Last call" will be at 8:30 p.m. Encore Boston Harbor will notify all lessees and monitor compliance.

4. Training and Communication with Employees, Lessees, and Other Partners

All management will receive a copy of this Plan and will be responsible for training their specific divisions. In addition, we will use daily "Pre-Shifts" to reinforce messaging. We will provide a copy of this Plan to all vendors and will meet with them individually to review.



MGM SPRINGFIELD
ONE MGM WAY
SPRINGFIELD, MA 01103

413.273.5000
MGMSPRINGFIELD.COM

November 3, 2020

Via Email

Karen Wells, Executive Director
Massachusetts Gaming Commission
Division of Licensing
101 Federal St, 12th Floor
Boston, MA 02110

Re: Plan for casino operations under new Executive Order.

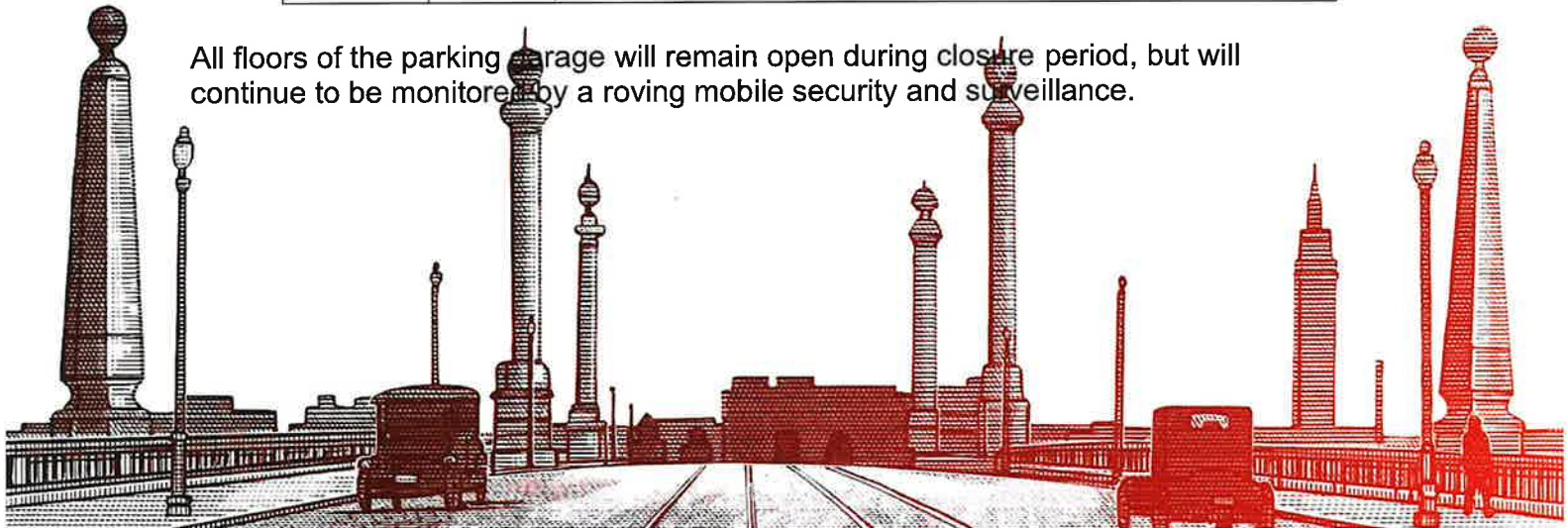
Dear Ms. Wells:

In accordance with Governor Baker's COVID-19 Order No. 53, effective November 6, 2020 MGM Springfield will be reducing operating hours to 10:00am – 9:30pm daily. We will also be temporarily closing certain non-casino operations.

Please see the following schedule under the new temporal restrictions:

10:00am	MGM Springfield opens to the public for casino access only.
11:00am	South End Market opens for food service
8:45pm	On the casino floor, a last call will be announced for beverage service, as well as the first notice of early closure.
9:00pm	All beverage service will cease, and the closure announcement will begin to sound every ten minutes. Employees on the casino floor will remind patrons of the 9:30 closing time. Table games dealers will warn players of final hand. Food and beverage service in the South End Market will cease. Signage and security will inform guests of no new entry.
9:15pm	Physical sweep of the casino floor to remove all beverages.
9:30pm	Facility closed. Security will sweep the property to make sure all patrons have vacated the premises and then, with help of facilities, will check and secure all exterior doors.

All floors of the parking garage will remain open during closure period, but will continue to be monitored by a roving mobile security and surveillance.





MGM SPRINGFIELD
ONE MGM WAY
SPRINGFIELD, MA 01103

413.273.5000
MGMSPRINGFIELD.COM

MGM Springfield will be updating our website and social media outlets, to reflect the new opening times, as well as installing physical signage at the property advising of same. This information will also be shared in pre-meetings and internal messaging to our team members. MGM Springfield only has one operating tenant at this time, and they have been notified of the changes as well.

In addition to the reduction in operating hours, we will cease operations of our Hotel and TAP Restaurant, until further notice. Chandler Steakhouse will continue to operate, but with an adjusted schedule of 4:00pm – 9:30pm on Fridays and Saturdays only.

Sincerely,

DF Miller

Daniel Miller
Compliance Director



PLAINRIDGE PARK
CASINO



PPC Order #53 Plan
RE: 11/04/2020

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Overview

On November 2, 2020, the State Administration issued “COVID-19 Order No. 53” which requires early closing for certain businesses, including casinos, and activities in addition to limiting the hours for alcohol sales/service. On November 3, 2020, the Massachusetts Gaming Commission issued supplemental requirements and directed each licensed gaming establishment to submit a “Plan” that addresses these requirements. In order to comply with the directives and to maintain the health and well-being of our guests and team members, Plainridge Park Casino (PPC) is implementing the following protocols Friday, November 6, 2020:

Operational Measures:

- New daily hours of operation will be 7:00AM - 9:30PM. PPC will implement the mandatory daily closure requirement beginning Friday, November 6th, 2020 at 9:30PM
- All three entrances/exits will be open during operational hours and closed during the mandatory closure
- Rolling loud-speaker announcements will be made reminding guests of operational hours
- There will be no entry into the Casino or Racing entrances after 8:30PM
- PPC will begin sweeping the floor of guests at approximately 8:45PM to ensure all guests have exited the property by 9:30PM
- PPC will monitor garage elevator capacity and is installing additional signage regarding elevator capacity limits
- COVID-19 cleaning and disinfecting protocols will continue to occur during our hours of operation and mandatory closure

Communication - Guests:

Marketing will communicate operational changes resulting from the COVID-19 Order No. 53 via the following methods:

- PPC will utilize digital, social media, website, and phone calls to notify customers of revised operating hours and what to expect in order to enter the casino
- Guests will be emailed a newsletter that will notify guests of the revised operating hours
- Website will include communication to the public on hours of operation and links to helpful resources regarding Covid-19.
- Signage will be placed outside and inside the casino ensuring guests are aware of the revised operational hours.
- Marketing will continue to run limited promotions with all promotions ending by 8:00PM, until further notice

Communication - Team Members:

Human Resources will communicate operational changes resulting from the COVID-19 Order No. 53 via the following methods:

- Email
- Textcaster
- UltiPro (HR System) Dashboard
- Back of House/Department Signage

Alcohol Service/Sales:

PPC's current alcohol service/sales hours comply with restrictions of this Order. PPC's current beverage service hours are 8:00AM-8:45PM.

Amenities Operation Hours Information:

Food Court:

- Dunkin 7:00AM – 9:00PM, Daily
- Smashburger 11:00AM – 9:00PM, Daily
- Slice 11:00AM – 9:00PM, Daily

Dining:

- Slacks
 - Hours of Operation: 2:00PM – 9:00PM, Friday through Sunday
 - 8:00PM (Last dine-in seating)
 - 8:01PM – 8:45PM (Take-out Only)

Racing Operations

- 12:00PM – 8:00PM, Sunday through Thursday
- 12:00PM – 9:00PM, Friday through Saturday



Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours for Alcohol at the Commonwealth's Live Horse Racing Tracks¹

Introduction & Background:

On July 2, 2020, the Commission approved Plainridge Park Casino's ("PPC") "Protocols for Conduct of Live Racing Under Covid-19." (Addendum A – PPC Protocols for Conduct of Live Racing Under Covid-19, also referred to as the "Horse Racing Guidelines," attached and incorporated herein). The live horse racing season commenced under these Protocols in early July, with qualifier races on July 6, 2020 and the first live racing event on July 13, 2020. The last live race of the season is scheduled for Friday, November 27, 2020.

On November 2, the Baker-Polito Administration issued "COVID-19 Order No. 53," effective at 12:01 AM on Friday, November 6, 2020, requiring early closing for certain businesses, including the live horse racing tracks in the Commonwealth. (Addendum B – Order Requiring Early Closing for Certain Businesses and Adult Activities, Limiting Hours for Alcohol and Adult Use Cannabis Sales, and Modifying Chapter 38 License Renewal Requirements, attached and incorporated herein). Also on November 2, 2020, the Department of Public Health issued a "Stay at Home Advisory," referenced in COVID-19 Order No. 53, "urg[ing] all persons in the Commonwealth to remain at home between the hours of 10 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives[.]"

COVID-19 Order No. 53 provides in part as follows:

[Each horse racing track] must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the "mandatory closing period"). Except as otherwise specifically permitted . . . , during the daily mandatory closing period, . . . [the horse racing track] may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of [each horse racing track] may keep their

¹ The harness racing track at Plainridge Park Casino is the sole live horse racing track operating in the Commonwealth at this time.

premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

With respect to the service of alcohol, COVID-19 Order No. 53 provides in part as follows:

During the mandatory closing period . . . no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol services or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

COVID-19 Order No. 53 further provides that the Commission is “authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.”

Requirements for PPC Live Horse Racing to Ensure Compliance with COVID-19 Order No. 53:

In keeping with COVID-19 Order No. 53 and the Stay at Home Advisory, the Commission determines that PPC is required to supplement its Protocols for Conduct of Live Racing Under Covid-19 (Addendum A) to incorporate the requirements set forth in COVID-19 Order No. 53 (Addendum B).



**PLAINRIDGE PARK
CASINO**

PROTOCOLS FOR CONDUCT OF LIVE RACING UNDER COVID-19

The conduct of live harness racing in a safe, controlled and sustainable fashion is the paramount and shared goal of stakeholders Plainridge Park Casino (PPC), the Harness Horsemen's Association of New England (HHANE) and the Massachusetts Gaming Commission (MGC).

The following policies shall be put into effect with the start of live racing at PPC at a date to be determined based on guidance from the State, the MGC and health officials.

The goal of these procedures shall be to meet or exceed the recommended guidelines as set forth by the Centers for Disease Control (CDC), the Massachusetts Department of Health, local health officials and shall be consistent with the comprehensive outline for dealing with COVID-19 as set forth in the state's "Reopening Massachusetts" plan published on May 18, 2020, and with the Minimum Requirements set by the MGC.

All of the enclosed procedures are subject to constant review by the stakeholders and outside health experts with any updating or changes being communicated to stakeholders in an expedited fashion.

General Guidelines:

PPC, HHANE and MGC shall develop a communication checklist with contact information of key members of each organization (cell phone/email) to establish and execute procedures in the execution of the attached protocols. Horsemen and PPC employees will be encouraged to sign up for PPC Textcaster system to receive pertinent and up to date information via text messaging.

PPC shall develop a communications plan to inform guests of its expectations regarding COVID-19. PPC's communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if they indicate "YES" to feeling or exhibiting any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries), or have come into close contact with an individual with a confirmed case of COVID-19 in the past 14 days, and shall further discourage people at increased risk for severe illness or who are generally feeling ill from entering the property.

While on the grounds of PPC all individuals shall wear a suitable face mask at all times that covers the nose and mouth. The only exception is for horsemen while racing or training a horse

while on the track.

At all times, individuals on the grounds of PPC shall follow appropriate social distancing (maintaining at least a 6-foot clearance from any other individual). Individuals should not congregate in groups. Individuals may be removed from PPC grounds for failure to adhere to rules/protocols put in place.

PPC, MGC and individual horsemen shall be responsible for training their employees on COVID-19 best practices including reminders on social distancing requirements, outlining proper hygiene (including frequent hand washings and regular use of sanitizer) and ensuring the use of face masks at all times.

Horsemen should make themselves aware of potential COVID-19 symptoms and check themselves for symptoms prior to their arrival at PPC. Individuals showing signs of symptoms shall not enter the restricted areas and should take proper precautions to self-quarantine or seek medical attention.

All individuals entering PPC racing areas shall be temperature checked by Security. Anyone with a temperature of 100.4 degrees Fahrenheit or higher will be logged by Security and shall not be permitted entry and will not be permitted to enter PPC grounds for a minimum of fourteen (14) days.

Employees of PPC and MGC shall follow the published requirements in place by their employers regarding presence of potential COVID-19 symptoms and their ability to work under such conditions.

All horsemen entering PPC grounds shall sign and have on file a COVID-19 release form.

Access to Racing Areas:

Access shall only be through designated points of entry as determined by PPC.

All individuals will be temperature checked at the Security checkpoint.

All individuals must have MGC license or authorization visible and will be logged in by security.

Access shall be restricted to essential, MGC licensed or authorized personnel required for the conduct of live racing (or qualifiers.) Essential personnel shall be defined as:

- PPC racing officials/staff
- PPC maintenance staff
- MGC racing officials/staff
- Trainers
- Drivers

- Grooms
- Veterinarians
- Farrier
- Outrider
- Medical personnel
- Any other positions or individuals as determined by PPC or MGC

No owners, unless they fall under a category listed above, shall be permitted access to any restricted racing areas. No guests shall be permitted entry to restricted areas and no one under the age of 16 shall be permitted in the restricted racing areas.

Only individuals with horses entered to race on that day or have prior approval from MGC and PPC shall be permitted access to the restricted racing areas.

Ship-Ins/Barn Area

Only horses approved by the Racing Secretary shall be approved to ship in. Proper equine health information for each horse arriving at PPC is required.

Parking for ship-in vehicles shall be designated by PPC.

Only horses racing on that day may ship in. No training of horses will be permitted at any time.

All horses shipping onto grounds of PPC will be assigned specific stalls by the Racing Secretary. Spacing of stalls to promote social distancing requirements shall be done.

Horses requiring Lasix shall be required to arrive in time for Lasix to be administered no later than four (4) hours prior to the scheduled post time of their race. Horses not requiring Lasix shall arrive no later than three (3) hours prior to their scheduled race post time.

Lasix will be administered outside at a designated Lasix veterinarian's office no later than four (4) hours prior to the scheduled post time of their race.

Only minimum staffing may accompany each horse brought on the grounds. A trainer with only one (1) horse shall have only one groom accompany the horse. A trainer with 2-5 horses may have two (2) grooms. Exceptions shall be made for those individuals that are a driver/trainer with one groom for every two horses entered shall be permitted in such situation, or at the discretion/approval of the Racing Secretary and MGC.

Individuals in the barn area should exhibit proper social distancing at all times and wear a proper mask covering the nose and mouth at all times.

Horsemen, Trainers and their contractors/vendors/employees shall be responsible for cleaning frequently touched surfaces (e.g. faucets, door handles etc..) throughout the barn areas where they are assigned and shall be responsible for making sanitizer available for their contractors, vendors, and employees in the areas where they operate.

PPC will clean all common areas of the paddock and barn area and provide sanitizer in those same areas.

Identification of horses shall take place at ship in stall.

Horses shall prepare and warm up prior to their races from ship-in stalls. Saddle pads will be left at each stall. Horses should not proceed to the paddock until their race is called.

Individuals may bring their own food and beverages to the barn area but should not share and should dispose of trash in proper receptacles.

Horsemen are required to thoroughly clean their assigned stalls prior to leaving and PPC shall keep records of individuals not adhering to this requirement. All trailers and equipment shall be thoroughly cleaned and disinfected. No overnight stabling of horses shall be permitted unless it is an emergency situation and approved by the Racing Secretary.

Race Paddock

Only individuals associated with horses approved to be in the paddock should be present.

The paddock judge will assign races/horses to the appropriate paddock stalls. Every effort will be made to provide separation between horses and races in paddock and to rotate use of paddock stalls throughout the race card. Paddock stalls will be disinfected daily with CDC-approved cleaning solutions.

Horsemen should make efforts to assist in cleaning all common equipment/high touch point items in paddock (cross ties, faucets) and sharing of equipment or tools should be discouraged. Use of work gloves is encouraged.

Saddle pads shall be cleaned and disinfected after each race.

Paddock lounge shall be locked. Individuals shall not congregate in any common area of the paddock (near TV, etc.) and are encouraged to practice safe distancing including moving outside, weather permitting, whenever possible.

Only the bathrooms shall be utilized in locker room facilities. Staff shall be deployed regularly to clean and disinfect restrooms and other high touch point locations.

Driver/Trainers should arrive at track with colors (and a spare or change if needed) and their necessary equipment for the race day.

Individuals should not enter any racing official's office areas in the Paddock unless instructed.

Proper distancing should be practiced with horses going from paddock to the racetrack and from racetrack to paddock. Weather permitting, drivers should get on/off their race bike outside of the paddock. Drivers should regularly clean their race bikes.

No winner's circle ceremony shall take place. The photographer will attempt to take a win picture with the driver only.

Racing Office

No individuals other than race office staff and MGC shall be permitted in the racing office building. All individuals must wear masks covering the nose and mouth.

Office space use and configuration shall comply with the Sector Specific Workplace Safety Standards for Office Spaces to Address COVID-19 as issued by the Department of Labor Standards.

All entries will be made on-line or via telephone; racing updates shall be communicated via Textcaster.

All draws will be done via conference call or other approved method.

MGC

Horsemen are responsible for bringing their own pens to Lasix administration and the Test Barn.

Horsemen shall stand on the opposite side of their horse from the veterinarian during blood draws.

Horsemen will observe the sealing of samples from outside of the Test Barn office to maintain social distancing.

MGC Offices/Licensing

License applications shall be emailed, faxed or mailed to the MGC Division of Racing.

Judges hearings shall be held via video or conference call when possible.

Racing Officials/Employees in Main Gaming/Racetrack Building

Only essential racing officials, employees and 3rd party vendors shall be permitted in the main gaming/racetrack building ("main building") during racing. (Until such time as spectators are permitted as described below).

All individuals entering the main building should follow the previously outlined requirements for individuals regarding self-checking for COVID-19 symptoms and following the respective policies put in place.

All individuals entering the main building shall be temperature checked.

All individuals entering the main building must practice social distancing and must wear face coverings at all times except where unsafe due to disability or medical condition.

Racing official office areas will be arranged to separate individuals as much as possible and, if necessary, physical barriers may be added. Racing office space use and configuration shall otherwise comply with the Sector Specific Workplace Safety Standards for Office Spaces to Address COVID-19 as issued by the Department of Labor Standards and all Minimum Requirements set by the Commission.

Individuals shall make efforts to keep their respective areas clean and sanitized.

At such time that spectators for outdoor viewing are permitted by Executive Order issued by the Governor as part of the Commonwealth's phased re-opening plan, the following limitations shall apply:

- Spectators may not gather in groups of more than six people
- The occupancy level in the outdoor apron area adjacent to the main building shall not exceed a count necessary to ensure that proper social distancing practices can be achieved.
- All spectators must wear face masks except where unsafe due to disability or medical condition
- Food or beverage service and consumption shall be restricted to designated areas, which shall be operated in accordance with Sector-Specific Workplace Safety Standards for restaurants.
- Bars shall remain closed until permitted to re-open by Executive Order issued by the Governor as part of Commonwealth's phased re-opening plan and until further MGC guidance
- Spectators shall not be allowed to carry or drink beverages while moving about the outside spectating area. Staff shall make reasonable efforts to ensure that guests comply with this rule.

The indoor areas, including the simulcasting area, at the gaming establishment shall be subject to the Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments and any superseding rules adopted by the Massachusetts Gaming Commission.

PPC/MGC shall take appropriate actions in the event of a positive test for COVID-19 by a horseman or PPC/MGC employee who was in the racing areas or in contact with individuals associated with the conduct of racing. These actions could include access restrictions for certain individuals for a certain period of time, additional cleaning requirements or cessation of racing for a period of time to take further appropriate measure to ensure the health and safety of all individuals. PPC will designate (and identify for the MGC) a Key-level employee to act as the Pandemic Safety Officer-a liaison to federal, state, and local public health agencies. This liaison

shall be responsible for notifying the local Board of Health, as well as the MGC, if there is a report of a COVID-19 positive case, and to assist with data sharing and identification of individuals for contact tracing purposes.



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER REQUIRING EARLY CLOSING FOR CERTAIN BUSINESSES AND
ACTIVITIES, LIMITING HOURS FOR ALCOHOL AND
ADULT USE CANNABIS SALES, AND MODIFYING CHAPTER 138
LICENSE RENEWAL REQUIREMENTS**

COVID-19 Order No. 53

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of large number of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, commencing with COVID-19 Order No. 33 issued on May 18, 2020 and continuing through COVID-19 Order No. 51 issued on September 29, 2020, I issued a series of executive orders that designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permits periodic adjustments to safety measures;

WHEREAS, the Commonwealth has seen an increase in cases since its lowest point in July, and there has been a steep increase in cases during the month of October. On September 26, the 7-day daily average of new confirmed cases was 385, whereas as of October 31, the 7-day daily average of new confirmed cases was 1,214;

WHEREAS, the Commonwealth's COVID-19-related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past 2 months. On August 31, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 290, whereas on November 1, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 613. The COVID-19 ICU census was 47 on September 9, whereas on November 1, the COVID-19 ICU census was 113, with 55 individuals intubated. As of November 1, 67% of hospital beds were full, and during the month of October a number of hospitals reported using surge capacity;

WHEREAS, the public health data indicate that informal social activity is contributing to the rise in cases, as evidenced by the fact that household transmission and social gatherings represent 88% of all new and ongoing COVID-19 clusters identified as of September 27;

WHEREAS, left unchecked, the current COVID-19 case growth poses a risk to the Commonwealth's healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity;

WHEREAS, the Department of Public Health has today issued a Stay at Home Advisory that urges all persons in the Commonwealth to remain at home between the hours of 10:00 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives;

WHEREAS, certain establishments that hold licenses issued pursuant to section 12 of chapter 138 of the General Laws (a "section 12 license") authorizing the sale of alcoholic beverages for on-premises consumption remain closed to the public because of business disruptions caused by COVID-19, and certain others are not permitted to open to the public until Phase IV of the Commonwealth's Re-Opening Plan; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses, permits or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions, and regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;

NOW, THEREFORE, I hereby Order the following:

1. Mandatory Night-Time Closing Period for Certain Businesses and Activities

Effective at 12:01 AM on November 6, 2020, all businesses, facilities, or activities included within the categories listed below must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the “mandatory closing period”). Except as otherwise specifically permitted below, during the daily mandatory closing period, businesses, facilities, or activities within the categories listed below may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of affected businesses, facilities, or activities may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

Businesses, facilities, and activities subject to the daily mandatory closing period:

1. Restaurants, provided however that restaurants may offer food and non-alcoholic beverages for take-out and by delivery during the mandatory closing period
2. Arcades and Other Indoor and Outdoor Recreation
3. Indoor and Outdoor Events
4. Indoor and Outdoor Theaters, Movie Theaters, and Performance Venues
5. Drive-In Movie Theaters
6. Youth and Adult Amateur Sports Activities
7. Golf Facilities
8. Recreational Boating and Boating Businesses
9. Outdoor Recreational Experiences and Educational Activities
10. Casinos, Horse Racing Tracks, and Simulcast Facilities
11. Driving and Flight Schools
12. Zoos, Botanical Gardens, Wildlife Reserves, and Nature Centers
13. Close Contact Personal Services
14. Fitness Centers and Health Clubs
15. Indoor and Outdoor Pools (Public and Semi-Public Swimming Pools)

16. Museums/Cultural & Historical Facilities/Guided Tours

Categories of businesses, facilities, and activities listed above correspond to enterprise sectors established in Exhibit A to COVID-19 Order No. 51 and further defined in Sector-Specific COVID-19 Safety Rules and related guidance documents and protocols issued and administered by the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission. Those agencies are each authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.

2. Restriction on Service and Sale of Alcohol and Adult-Use Cannabis During Mandatory Closing Period

Effective at 12:01 AM on November 6, 2020, the following restrictions shall apply to the service and sale of alcohol and the sale of adult-use cannabis:

Service and Sale of Alcohol. During the daily mandatory closing period established in Section 1, no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol service or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

This restriction shall not displace any provisions of Chapter 138 or Chapter 23K or of any license issued under those authorities that may establish more restrictive limitations on the hours during which a licensee may offer sale or service or provision of alcohol each day.

Retail Sale of Adult-Use Cannabis. During the daily mandatory closing period established in Section 1, no individual, business, organization, establishment, premises, or entity holding or operating under a marijuana retailer license issued pursuant to Chapter 94G of the General Laws may sell adult-use cannabis or adult-use cannabis products of any kind to any person anywhere in the Commonwealth.

For violations of the restrictions established in this Section, each individual sale or delivery or service made during the mandatory closing period may be treated as a separate violation for purposes of administering fines and other penalties.

3. Renewal of Chapter 138 Licenses by Establishments Remaining Closed During the State of Emergency

Notwithstanding anything to the contrary in section 12 of Chapter 138 of the General Laws, the holder of a section 12 license that remains closed to the public during the state of

emergency shall be permitted to renew its section 12 license for 2021 pursuant to section 16A of the same chapter with the benefit of the following allowances:

- a. A licensee shall not be required to submit proof of having liquor liability insurance, provided, however, that no licensee that has renewed its license under this allowance may re-open to the public without first submitting to the licensing authority proof of a current liquor liability insurance policy that names the licensee as the insured and that otherwise meets the requirements of section 12. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any liquor liability insurance policy obtained under the terms of this allowance; and
- b. A licensee shall not be required to submit proof of having a workers' compensation insurance policy, provided, however, that (1) no licensee that has renewed its license under this allowance shall have any payroll at the time of renewal; and (2) no licensee that has renewed its license under this allowance shall commence operations that involve employees or re-open to the public without first providing satisfactory proof of workers' compensation insurance as required by a municipal licensing authority. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any such workers' compensation insurance policy obtained under the terms of this allowance.

A rescission of this Order or a termination of the state of emergency shall not invalidate any section 12 license that was renewed pursuant to this Section during the period in which this Order was in effect.

4. Enforcement Provisions

The Department of Public Health, the Department of Labor Standards, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the restrictions adopted in Sections 1 or 2 of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. Each individual instance of non-compliance and each day of a continuing violation may be fined as a separate violation.

This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action

upon satisfactory proof that the licensee has violated or permitted a violation of Section 1 or 2 of this Order.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Sections 1 and 2 of this Order are effective at 12:01 AM on November 6, 2020, and Section 3 is effectively immediately. This Order shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 1:40 AM PM this 2nd
day of November, two thousand and twenty

A handwritten signature in dark ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



PLAINRIDGE PARK
CASINO

November 4, 2020

Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal St.
Boston, MA 02110

MEMORANDUM

RE: Live Racing and COVID-19 Order #53

In the month of November 2020 Live Racing post time is set at 1:00pm. The racing card is completed by 4:30pm each racing day, Monday, Thursday and Friday. Live Racing patrons and horsemen exit the property within the hour, well before our 9:00pm close of simulcast operating hours. The Live Racing hours will remain the same until the end of the racing season scheduled to be completed on Friday, November 27, 2020.

Steve O'Toole
Director of Racing
Plainridge Park Casino
Plainville Gaming and Redevelopment, LLC



Requirements to Ensure Compliance with COVID-19 Order No. 53, Requiring Early Closing and Limiting Hours for Alcohol at the Commonwealth's Simulcast Facilities

Introduction & Background:

On July 2, 2020, following the temporary closure of simulcasting activity in the Commonwealth due to the Covid-19 pandemic, the Commission approved the following three plans connected to the three simulcast facilities in the Commonwealth:

- (1) the Suffolk Downs Plan for resumption of on-site simulcasting (Addendum A – Letter from Suffolk Downs, dated June 29, 2020, attached and incorporated herein);
- (2) Raynham Park Re-Opening Plan (Addendum B, attached and incorporated herein); and
- (3) Plainridge Park Casino (“PPC”) Protocols for Conduct of Live Racing Under Covid-19, (Addendum C, attached and incorporated herein).¹

On November 2, the Baker-Polito Administration issued “COVID-19 Order No. 53,” effective at 12:01 AM on Friday, November 6, 2020, requiring early closing for certain businesses, including the Commonwealth’s casinos, horse racing tracks and simulcasting facilities. (Addendum E – Order Requiring Early Closing for Certain Businesses and Adult Activities, Limiting Hours for Alcohol and Adult Use Cannabis Sales, and Modifying Chapter 38 License Renewal Requirements, attached and incorporated herein). Also on November 2, 2020, the Department of Public Health issued a “Stay at Home Advisory,” referenced in COVID-19 Order No. 53, “urg[ing] all persons in the Commonwealth to remain at home between the hours of 10 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives[.]”

COVID-19 Order No. 53 provides in part as follows:

[Each casino, horse racing track, and simulcast facility] must close their premises to the public each day not later than 9:30 PM and may not

¹ The PPC Protocols provide that “the simulcasting area [at PPC] shall be subject to the Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments . . .” which the Commission adopted on June 23, 2020. (Addendum D – Minimum Requirements to the Initial Phase 3 Opening of Gaming Establishments, also referred to as the “Gaming Guidelines,” attached and incorporated herein).

re-open their premises to the public before 5:00 AM the following day (the “mandatory closing period”). Except as otherwise specifically permitted . . . , during the daily mandatory closing period, . . . [the casinos, horse racing tracks, and simulcasting facilities] may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of [each casino, horse racing track, and simulcasting facility] may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

With respect to the service of alcohol, COVID-19 Order No. 53 provides in part as follows:

During the mandatory closing period . . . no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol services or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

COVID-19 Order No. 53 further provides that the Commission is “authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.”

Requirements for the Commonwealth’s 3 Simulcast Facilities to Ensure Compliance with COVID-19 Order No. 53:

In keeping with COVID-19 Order No. 53 and the Stay at Home Advisory, the Commission determines that Raynham Park, Suffolk Downs, and PPC are required to supplement their respective plans (Addenda A, B, and C) to incorporate the requirements set forth in COVID-19 Order No. 53 (Addendum E).



June 29, 2020

Dr. Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal St, 12th Floor
Boston, MA 02110

Dear Dr. Lightbown:

Per our most recent discussion and prior discussions with the Commission, we have revised the plan for our resumption of on-site simulcasting. We look forward to the Commission's meeting this Thursday and its continuing guidance as we work through the process.

SSR intends to re-open on-site simulcasting operations in July consistent with guidelines issued by the CDC, the Massachusetts Department of Public Health, Governor Baker, the Executive Office of Housing and Economic Development, and the Commission designed to reduce the risk of COVID-19 transmission among employees and customers.

SSR is modifying its operations to adhere to recommended or required guidelines on social distancing, the wearing of masks that cover the nose and mouth, hygiene and sanitation, cleaning and disinfecting, staffing and operations, and communication and guidance to staff and customers. SSR will initially limit simulcast operations to the first floor of the clubhouse and the clubhouse apron while limiting occupancy to 50% of authorized capacity.

In addition, food and beverage service will be limited to outside on the clubhouse apron consistent with the public health guidelines issued for restaurants by the state and by the city of Boston. Guests will be served at tables spaced 6 feet apart or otherwise in accordance with the state guidelines and will not be allowed to carry food or beverages away from their individual tables in the designated dining areas. SSR will make reasonable efforts to ensure that customers do not violate this rule.

<https://www.mass.gov/doc/restaurants-checklist-english/download>

Later in the summer, depending upon demand and consistent with the state's phased re-opening guidelines, we plan to re-open the second floor of the clubhouse, and will update the commission on those plans as they move forward. For now, here are our plans for opening on or about July 11th complying with all public health guidelines issued by the CDC, DPH and the Governor.

Pre-Opening Cleaning

- Complete cleaning and disinfecting of all areas open to the public and employees in accordance with CDC Guidelines for Cleaning and Disinfecting and best practices as indicated by the Governor

Ongoing Cleaning and Sanitation

- Daily cleaning and disinfecting of all areas open to the public and to employees in accordance with CDC Guideline
- Sanitary wipes available to customers at self-betting terminals
- During hours of operation, regular cleaning of pari-mutuel wagering areas, self-betting terminals and other surfaces
- Hand sanitizer dispensers throughout clubhouse (wall-mounted and at pari-mutuel windows) All hand sanitizer throughout property shall comport with CDC Guidelines (minimum 60% ethanol or 70% isopropanol)
- Maintain handwashing capabilities throughout the facility
- Disposable gloves available for all mutual clerks, money room, security and maintenance personnel

Employee Training

- Train employees on cleanliness and sanitation protocols, including safe money-handling
- Train employees on identifying symptomatic individuals and reporting to management for potential intervention and additional screening

Occupancy

- Limit total occupancy to less than 50% (e.g., 1st floor Clubhouse occupancy is 600 not including the apron; will be limited to 250)

Entrance/Screening of Guests

- Customer entrance restricted to main clubhouse entrance
- Separate entrance for employees
- At points of entry, signage and greeters will require guests to wear masks¹ that cover the nose and mouth while at the facility except while eating or drinking.

¹ Note that the requirement for guests to wear masks will not apply to people with medical conditions or disabilities that preclude them from safely doing so

Eating and drinking will be restricted to specific outdoor areas on the clubhouse apron consistent with state and local public health requirements

- Provide hand sanitizer at points of entry and signage and greeters to require guests to use it before entering. All hand sanitizer throughout property shall comport with CDC Guidelines (minimum 60% ethanol or 70% isopropanol)

Social Distancing

- Maintain separate entrance and exit areas
- Entrance through turnstiles only with customer service staff monitoring and advising guests of social distancing requirements
- Mutual windows spaced more than six feet apart with plexiglass shields
- Self-bet terminals spaced more than six feet apart
- Program terminals spaced more than six feet apart
- Clearly defined and marked queuing areas with a minimum of six feet of spacing between those waiting

Pandemic Safety Advisor

SSR has designated David Lanzilli, our Controller, to act as the Pandemic Safety Officer, to liaison to federal, state, and local public health agencies. This liaison shall be responsible for notifying the local Board of Health, as well as the MGC, if there is a report of a COVID-19 positive case, and to assist with data sharing and identification of individuals for contact tracing purposes.

Public Notices, Communication and Signage

SSR shall develop and implement a communications plan to inform guests of its expectations regarding COVID-19. The communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if they indicate "YES" to feeling or exhibiting any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries), or have come into close contact with an individual with a confirmed case of COVID-19 in the past 14 days, and shall further discourage people at increased risk for severe illness or who are generally feeling ill from entering the property. It will also include the following elements:

- Prominent display of signage and posters at entrance and throughout the open areas informing customers of safety protocols and requirements
- Update to the SSR web site (suffolkdowns.com) to prominently feature Covid 19 safety protocols
- Email messages to SSR database advising of re-opening and Covid 19 requirements for patrons
- Display of Executive Office of Housing and Economic Development Mandatory Safety Standards Posters in multiple languages

- Signage shall be placed in back-of-the house areas reminding employees to follow CDC and DPH guidelines for handwashing, using sanitizers, wearing masks, and staying home if sick.
- Break schedules and shift times shall be staggered to the extent possible to avoid congregating in back-of-the-house areas.
- Employee meetings conducted with social distancing protocols

As always, I am happy to answer any questions the Commission may have for us.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chip Tuttle".

Chip Tuttle
COO

RAYNHAM PARK

REOPENING PLAN

This reopening plan details procedures that have or will be implemented, to ensure the safety of our employees and guests. Raynham Park will continue to monitor directives from federal, state, and local governments, and agencies, such as the Centers for Disease Control (CDC), and the Massachusetts Gaming Commission. We understand this is a fluid situation and will make changes, as necessary, to our protocols and procedures.

EMPLOYEE AND GUEST SAFETY

The health and safety of our employees and guests is our foremost priority. All employees and guests will enter and exit through one controlled and monitored set of doors. Social distancing markers and directional arrows will be placed throughout the property, to guide and separate all employees and guests.

Temperature Checks – Upon arrival, all employees will have a temperature check, in a designated private area. Any employee displaying a temperature of 100.4°F or above will not be allowed to work. They will be directed to return home and contact their doctor or nearest medical facility.

Physical Distancing - All employees and guests will be advised to practice social distancing, keeping at least six feet away from others or others not in their group. Tables, chairs, walkways, betting stations, etc. have been arranged, to ensure appropriate distancing. Our facility will be significantly below the maximum permitted occupancy limit.

Hand Sanitizer - Additional hand sanitizer dispensers have been placed throughout the facility, including all high contact areas and the entrance and exit doors

Signage – Throughout the facility, signage will be displayed to remind guests and employees of safe practices, including: frequent and proper hand washing, use of hand sanitizer, proper wearing and disposal of masks and gloves, to stay home when feeling sick, to avoid touching the face, and how to sneeze to minimize droplet dispersal.

EMPLOYEE RESPONSIBILITIES

Hand Washing - All employees will be instructed to properly wash their hands or use hand sanitizer (if a sink is not readily available) every hour and after any of the following activities: use of restrooms, sneezing and/or blowing nose, touching face, cleaning, sweeping, mopping, smoking, eating, drinking, before and after breaks, and before and after shifts.

COVID-19 Training

All employees will receive training on recognizing COVID-19 symptoms, best practices to prevent spread, and disinfection protocols. More specific training will be provided to our staff involved in food handling and preparation.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Appropriate receptacles, for disposal of PPE, will be provided.

Employee Protocols - All employees will be required to wear a mask that covers the nose and mouth while on the property. Masks will be provided, for those who need one. Gloves will be available to all employees. Gloves will be required to be worn by employees whose responsibilities have been determined to require the wearing of gloves.

Guest Protocols - Guests will enter and exit the facility through one designated means. They will be offered hand sanitizer and be advised they must wear a mask covering the nose and mouth at all times, except when eating or drinking. While eating and drinking, they must be seated at a table.

CLEANING PRODUCTS AND PROCEDURES

Our facility will use cleaning products and protocols, which meet EPA guidelines for use against the COVID-19 virus and are effective against viruses, bacteria, and other airborne and blood borne pathogens. We are working with our vendors to ensure an uninterrupted supply of these cleaning products and PPE. A privately contracted cleaning company will be responsible for cleaning and disinfecting all bathrooms and high touch areas, before, during, and after business hours. Employees will sanitize point of sale screens and countertops every hour and tables and chairs, in between guests.

Preopening Cleaning – Before reopening, full cleaning and disinfecting of the facility will be performed, in accordance with CDC “Guidelines for Cleaning and Disinfecting Your Facility” and any other sector specific protocols and best practices, as indicated by the Governor.

Public Spaces and Communal Areas - The frequency of cleaning and disinfecting will be increased, with an emphasis on high contact surfaces, in all public spaces and communal areas, including but not limited to: counters, program sales area, kitchen areas, offices, door handles, bathrooms, point of sale screens, ATM’s, stair and ramp handrails, lottery ticket machines, self-service betting machines, table surfaces, and seating areas. Disinfecting wipes (subject to availability) will be placed near high touch areas.

Program Stand - Countertops will be disinfected, at least once per hour.

Concession Stand - Countertops will be disinfected, at least once per hour. Point of sale terminals will be assigned to a single employee and disinfected before and after each shift. Utensils will be given by cashier or server. Condiments will be served in single use containers. Pens and other reusable guest contact items, will be disinfected after each use. Single use, disposable menus will be utilized. Food preparation stations will be disinfected every hour. Kitchens will be deep cleaned and disinfected each day.

Pari-Mutuel Lines – Countertops will be disinfected, at least once per hour. Terminals will be assigned to a single employee and disinfected before and after each shift.

CLEANING PRODUCTS AND PROCEDURES (cont.)

Money Room - Countertops will be disinfected, at least once per hour. Cash counting machines will be assigned to a single employee and disinfected before and after each shift.

Air Filter and HVAC Cleaning - Air filter replacement and HVAC system cleaning are done on a regular basis. Fresh air exchange will be maximized, to the greatest extent possible.

PHYSICAL DISTANCING

Throughout the facility, we will meet or exceed state and local health authority guidelines, on proper physical distancing.

Queuing – All areas where employees or guests queue have been clearly marked, at six foot intervals, for appropriate physical distancing. This includes: entry ways, ticket windows, and concession stand areas.

Seating – The facility has drastically reduced seating capacities, by reconfiguring tables, chairs, and stools, to allow for a minimum of six feet, between each seated group of guests. Groups will be limited to six people.

Self-Service Machines – The number of operating self-service betting machines, lottery ticket kiosks, vending machines, and ATM's have been reduced or relocated, to allow a physical separation, of at least six feet between guests.

Program Stand – There will be a maximum of two employees, seated at least six feet apart, stationed at the program stand. Plexiglas barriers will be installed to provide protection between employees and guests.

Pari-mutuel /Lottery Windows – Employees will be spaced a minimum of six feet apart. Plexiglas barriers have been installed, to provide protection between employees and guests.

Concession Stand/Waitstaff – Employees will have assigned point of sale terminals. There will be a maximum of two cashiers, behind concession counter. Cooks will have designated work areas, which will allow them to remain at least six feet apart. A glass barrier will be installed, to provide protection between concession stand employees and guests.

Money Room – Employees will have designated work areas, which will allow them to remain at least six feet apart. A Plexiglas barrier has been installed to provide protection between money room employees, in their workspaces, and where other employees retrieve and return money. Plexiglas barriers have been installed, on all cash counting machines, to decrease airflow and spread of contaminants, as cash is processed through the machines.

FOOD AND BEVERAGE SERVICE

Food and non-alcoholic beverage service will be allowed, in our second floor Clubhouse area, by waitress service or by self-service, at our concession stand. Alcoholic beverages will be available, by waitress service only and shall be limited to guests who are seated and who lower their masks for drinking and/or eating only. Guests shall not be allowed to carry or drink beverages, while moving about the simulcasting area. Staff will make reasonable efforts, to ensure that guests do not violate this rule.

COMMUNICATIONS PLAN

Raynham Park will develop a communications plan, to inform guests of its expectations, regarding COVID- 19. The communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if they are exhibiting any of these symptoms. The communications plan, website, and signage shall also direct guests not to visit/enter if, in the past 14 days, they have traveled to any CDC Level 3 Warning Country, (list countries) or have come into close contact, with an individual with a confirmed case of COVID-19, and shall further discourage people, at increased risk for severe illness or who are generally feeling ill, from entering the property.

Pandemic Safety Officer – A key-level employee will be designated (and identified for the MGC), to act as the Pandemic Safety Officer-a liaison to federal, state, and local public health agencies. This liaison shall be responsible for notifying the local Board of Health, as well as the MGC, if there is a report of a COVID-19 positive case, and to assist with data sharing and identification of individuals, for contact tracing purposes.



**PLAINRIDGE PARK
CASINO**

PROTOCOLS FOR CONDUCT OF LIVE RACING UNDER COVID-19

The conduct of live harness racing in a safe, controlled and sustainable fashion is the paramount and shared goal of stakeholders Plainridge Park Casino (PPC), the Harness Horsemen's Association of New England (HHANE) and the Massachusetts Gaming Commission (MGC).

The following policies shall be put into effect with the start of live racing at PPC at a date to be determined based on guidance from the State, the MGC and health officials.

The goal of these procedures shall be to meet or exceed the recommended guidelines as set forth by the Centers for Disease Control (CDC), the Massachusetts Department of Health, local health officials and shall be consistent with the comprehensive outline for dealing with COVID-19 as set forth in the state's "Reopening Massachusetts" plan published on May 18, 2020, and with the Minimum Requirements set by the MGC.

All of the enclosed procedures are subject to constant review by the stakeholders and outside health experts with any updating or changes being communicated to stakeholders in an expedited fashion.

General Guidelines:

PPC, HHANE and MGC shall develop a communication checklist with contact information of key members of each organization (cell phone/email) to establish and execute procedures in the execution of the attached protocols. Horsemen and PPC employees will be encouraged to sign up for PPC Textcaster system to receive pertinent and up to date information via text messaging.

PPC shall develop a communications plan to inform guests of its expectations regarding COVID-19. PPC's communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if they indicate "YES" to feeling or exhibiting any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries), or have come into close contact with an individual with a confirmed case of COVID-19 in the past 14 days, and shall further discourage people at increased risk for severe illness or who are generally feeling ill from entering the property.

While on the grounds of PPC all individuals shall wear a suitable face mask at all times that covers the nose and mouth. The only exception is for horsemen while racing or training a horse

while on the track.

At all times, individuals on the grounds of PPC shall follow appropriate social distancing (maintaining at least a 6-foot clearance from any other individual). Individuals should not congregate in groups. Individuals may be removed from PPC grounds for failure to adhere to rules/protocols put in place.

PPC, MGC and individual horsemen shall be responsible for training their employees on COVID-19 best practices including reminders on social distancing requirements, outlining proper hygiene (including frequent hand washings and regular use of sanitizer) and ensuring the use of face masks at all times.

Horsemen should make themselves aware of potential COVID-19 symptoms and check themselves for symptoms prior to their arrival at PPC. Individuals showing signs of symptoms shall not enter the restricted areas and should take proper precautions to self-quarantine or seek medical attention.

All individuals entering PPC racing areas shall be temperature checked by Security. Anyone with a temperature of 100.4 degrees Fahrenheit or higher will be logged by Security and shall not be permitted entry and will not be permitted to enter PPC grounds for a minimum of fourteen (14) days.

Employees of PPC and MGC shall follow the published requirements in place by their employers regarding presence of potential COVID-19 symptoms and their ability to work under such conditions.

All horsemen entering PPC grounds shall sign and have on file a COVID-19 release form.

Access to Racing Areas:

Access shall only be through designated points of entry as determined by PPC.

All individuals will be temperature checked at the Security checkpoint.

All individuals must have MGC license or authorization visible and will be logged in by security.

Access shall be restricted to essential, MGC licensed or authorized personnel required for the conduct of live racing (or qualifiers.) Essential personnel shall be defined as:

- PPC racing officials/staff
- PPC maintenance staff
- MGC racing officials/staff
- Trainers
- Drivers

- Grooms
- Veterinarians
- Farrier
- Outrider
- Medical personnel
- Any other positions or individuals as determined by PPC or MGC

No owners, unless they fall under a category listed above, shall be permitted access to any restricted racing areas. No guests shall be permitted entry to restricted areas and no one under the age of 16 shall be permitted in the restricted racing areas.

Only individuals with horses entered to race on that day or have prior approval from MGC and PPC shall be permitted access to the restricted racing areas.

Ship-Ins/Barn Area

Only horses approved by the Racing Secretary shall be approved to ship in. Proper equine health information for each horse arriving at PPC is required.

Parking for ship-in vehicles shall be designated by PPC.

Only horses racing on that day may ship in. No training of horses will be permitted at any time.

All horses shipping onto grounds of PPC will be assigned specific stalls by the Racing Secretary. Spacing of stalls to promote social distancing requirements shall be done.

Horses requiring Lasix shall be required to arrive in time for Lasix to be administered no later than four (4) hours prior to the scheduled post time of their race. Horses not requiring Lasix shall arrive no later than three (3) hours prior to their scheduled race post time.

Lasix will be administered outside at a designated Lasix veterinarian's office no later than four (4) hours prior to the scheduled post time of their race.

Only minimum staffing may accompany each horse brought on the grounds. A trainer with only one (1) horse shall have only one groom accompany the horse. A trainer with 2-5 horses may have two (2) grooms. Exceptions shall be made for those individuals that are a driver/trainer with one groom for every two horses entered shall be permitted in such situation, or at the discretion/approval of the Racing Secretary and MGC.

Individuals in the barn area should exhibit proper social distancing at all times and wear a proper mask covering the nose and mouth at all times.

Horsemen, Trainers and their contractors/vendors/employees shall be responsible for cleaning frequently touched surfaces (e.g. faucets, door handles etc..) throughout the barn areas where they are assigned and shall be responsible for making sanitizer available for their contractors, vendors, and employees in the areas where they operate.

PPC will clean all common areas of the paddock and barn area and provide sanitizer in those same areas.

Identification of horses shall take place at ship in stall.

Horses shall prepare and warm up prior to their races from ship-in stalls. Saddle pads will be left at each stall. Horses should not proceed to the paddock until their race is called.

Individuals may bring their own food and beverages to the barn area but should not share and should dispose of trash in proper receptacles.

Horsemen are required to thoroughly clean their assigned stalls prior to leaving and PPC shall keep records of individuals not adhering to this requirement. All trailers and equipment shall be thoroughly cleaned and disinfected. No overnight stabling of horses shall be permitted unless it is an emergency situation and approved by the Racing Secretary.

Race Paddock

Only individuals associated with horses approved to be in the paddock should be present.

The paddock judge will assign races/horses to the appropriate paddock stalls. Every effort will be made to provide separation between horses and races in paddock and to rotate use of paddock stalls throughout the race card. Paddock stalls will be disinfected daily with CDC-approved cleaning solutions.

Horsemen should make efforts to assist in cleaning all common equipment/high touch point items in paddock (cross ties, faucets) and sharing of equipment or tools should be discouraged. Use of work gloves is encouraged.

Saddle pads shall be cleaned and disinfected after each race.

Paddock lounge shall be locked. Individuals shall not congregate in any common area of the paddock (near TV, etc.) and are encouraged to practice safe distancing including moving outside, weather permitting, whenever possible.

Only the bathrooms shall be utilized in locker room facilities. Staff shall be deployed regularly to clean and disinfect restrooms and other high touch point locations.

Driver/Trainers should arrive at track with colors (and a spare or change if needed) and their necessary equipment for the race day.

Individuals should not enter any racing official's office areas in the Paddock unless instructed.

Proper distancing should be practiced with horses going from paddock to the racetrack and from racetrack to paddock. Weather permitting, drivers should get on/off their race bike outside of the paddock. Drivers should regularly clean their race bikes.

No winner's circle ceremony shall take place. The photographer will attempt to take a win picture with the driver only.

Racing Office

No individuals other than race office staff and MGC shall be permitted in the racing office building. All individuals must wear masks covering the nose and mouth.

Office space use and configuration shall comply with the Sector Specific Workplace Safety Standards for Office Spaces to Address COVID-19 as issued by the Department of Labor Standards.

All entries will be made on-line or via telephone; racing updates shall be communicated via Textcaster.

All draws will be done via conference call or other approved method.

MGC

Horsemen are responsible for bringing their own pens to Lasix administration and the Test Barn.

Horsemen shall stand on the opposite side of their horse from the veterinarian during blood draws.

Horsemen will observe the sealing of samples from outside of the Test Barn office to maintain social distancing.

MGC Offices/Licensing

License applications shall be emailed, faxed or mailed to the MGC Division of Racing.

Judges hearings shall be held via video or conference call when possible.

Racing Officials/Employees in Main Gaming/Racetrack Building

Only essential racing officials, employees and 3rd party vendors shall be permitted in the main gaming/racetrack building ("main building") during racing. (Until such time as spectators are permitted as described below).

All individuals entering the main building should follow the previously outlined requirements for individuals regarding self-checking for COVID-19 symptoms and following the respective policies put in place.

All individuals entering the main building shall be temperature checked.

All individuals entering the main building must practice social distancing and must wear face coverings at all times except where unsafe due to disability or medical condition.

Racing official office areas will be arranged to separate individuals as much as possible and, if necessary, physical barriers may be added. Racing office space use and configuration shall otherwise comply with the Sector Specific Workplace Safety Standards for Office Spaces to Address COVID-19 as issued by the Department of Labor Standards and all Minimum Requirements set by the Commission.

Individuals shall make efforts to keep their respective areas clean and sanitized.

At such time that spectators for outdoor viewing are permitted by Executive Order issued by the Governor as part of the Commonwealth's phased re-opening plan, the following limitations shall apply:

- Spectators may not gather in groups of more than six people
- The occupancy level in the outdoor apron area adjacent to the main building shall not exceed a count necessary to ensure that proper social distancing practices can be achieved.
- All spectators must wear face masks except where unsafe due to disability or medical condition
- Food or beverage service and consumption shall be restricted to designated areas, which shall be operated in accordance with Sector-Specific Workplace Safety Standards for restaurants.
- Bars shall remain closed until permitted to re-open by Executive Order issued by the Governor as part of Commonwealth's phased re-opening plan and until further MGC guidance
- Spectators shall not be allowed to carry or drink beverages while moving about the outside spectating area. Staff shall make reasonable efforts to ensure that guests comply with this rule.

The indoor areas, including the simulcasting area, at the gaming establishment shall be subject to the Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments and any superseding rules adopted by the Massachusetts Gaming Commission.

PPC/MGC shall take appropriate actions in the event of a positive test for COVID-19 by a horseman or PPC/MGC employee who was in the racing areas or in contact with individuals associated with the conduct of racing. These actions could include access restrictions for certain individuals for a certain period of time, additional cleaning requirements or cessation of racing for a period of time to take further appropriate measure to ensure the health and safety of all individuals. PPC will designate (and identify for the MGC) a Key-level employee to act as the Pandemic Safety Officer-a liaison to federal, state, and local public health agencies. This liaison

shall be responsible for notifying the local Board of Health, as well as the MGC, if there is a report of a COVID-19 positive case, and to assist with data sharing and identification of individuals for contact tracing purposes.



Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

Background:

On March 14, 2020, the Massachusetts Gaming Commission (the "Commission" or the "MGC") temporarily suspended operations of its three licensees due to the unprecedented public health risks associated with the Coronavirus pandemic (COVID-19) and Governor Charles D. Baker's declaration of a State of Emergency and issuance of related orders and advisories. To guide the economic reopening of the Commonwealth, Governor Baker later convened a Reopening Advisory Board (the "Advisory Board") and determined that industries would re-introduce their services over the course of four phases in accordance with certain industry sector specific standards. The Baker-Polito Administration set the reopening of casinos for Phase 3 and announced that Phase 3 will not begin before July 6, 2020 with the precise date to be dependent on public health data. In addition to any industry sector specific standards adopted by the Baker-Polito Administration, the gaming establishments must reopen in accordance with requirements of the CDC, state and local departments of public health, and protocols and guidance established by the Commission.

The Commission held three open meetings (on Thursday, June 11, 2020; Wednesday, June 17, 2020; and Tuesday, June 23, 2020) to discuss minimum requirements ("Minimum Requirements") for the initial reopening of casinos. Each of these open meetings included extensive input from the executive staff, the Investigations and Enforcement Bureau ("IEB"), and the Commission's three licensees. At the conclusion of the meeting on June 23, 2020, the Commission voted to adopt the Minimum Requirements reflected in this document.¹ The licensees have informed the Commission that they will need no less than 10 to 14 days in advance of reopening to prepare the gaming establishment for compliant operations and to adequately train employees.

Any Minimum Requirement as set forth in this document is subject to change based on public health data.

¹ Any Minimum Requirement set by the Commission will be adjusted if a more restrictive requirement is set by the Baker-Polito Administration.

Minimum Requirements:

1. Detailed Plan from Each Licensee

- a. Each licensee is required to submit a detailed plan to the Commission at least 7 days in advance of reopening (the "Licensee's Reopening Plan" or the "Plan"). The Plan shall identify steps and measures the licensee will take to achieve compliance with the guidance and protocols issued by the CDC, the Department of Public Health ("DPH"), the Board of Health in the host community, the Baker-Polito Administration, and the Guidelines adopted by the Commission.
- b. Each licensee shall work in conjunction with an individual with expert qualifications in the fields of public health and/or epidemiology to develop and approve its Plan. The credentials of these individuals shall accompany the submission of each Plan to the Commission.
- c. Each licensee's Compliance Department shall be responsible for adherence to its Plan, and compliance shall be subject to all required reporting and audit requirements both internal and by the MGC. The Pandemic Safety Officer (referenced in section 12.o below) shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.

2. Pre-opening Cleaning

- a. Before reopening, perform full cleaning and disinfecting of the gaming establishment in accordance with CDC Guidelines for Cleaning and Disinfecting Your Facility and any sector-specific protocols and best practices indicated by the Baker-Polito Administration.

3. Compliance with Public Health Guidance

- a. Comply with all guidance and protocols issued by the CDC, DPH, local Board of Health in the host community, and the Baker-Polito Administration for dealing with COVID-19.

4. Entry/Screening of Guests

- a. The licensee shall develop a communications plan to inform guests of its expectations regarding COVID-19. The licensee's communications plan, website, and signage at points of entry shall list COVID-19 symptoms and direct guests not to visit/enter if "YES" to any symptoms. The communications plan, website, and signage also shall direct guests not to visit/enter if they have traveled to any CDC Level 3 Warning country in the past 14 days (list countries) or come into close contact with a confirmed case of COVID-19 in the past 14 days.
- b. Provide hand sanitizer at points of entry, along with signage and casino staff to encourage guests to use it before entering. All hand sanitizer throughout property shall comport with CDC Guidelines (minimum 60% ethanol or 70% isopropanol).
- c. Licensees shall consider performing non-touch temperature checks and prohibiting entry to any guest registering 100.4 degrees or above on two consecutive tests. Licensees, in

conjunction with their experts, shall continue to monitor new information with respect to the efficacy of temperature checks as a method of determining infection and contagion.

- d. At all significant points of entry and exit, separate ingress from egress in order to avoid two-way flow of guest traffic.
- e. At points of entry, casino staff to provide guests with masks (if guest needs one) that cover the nose and mouth. Require guests to wear masks that cover the nose and mouth upon entry and while in the gaming area.
- f. Guests should be discouraged from wearing hats and will be required to remove hat and briefly lower mask for identity check.
- g. Casino staff shall be present at entry points to ensure compliance with these Minimum Requirements and the licensee's Plan.

5. Cleaning & Sanitization – Slots

- a. Casino staff to sanitize operating slot machines and chairs as frequently as possible between player turnover and at regular intervals, at a minimum of every 4 hours.
- b. Licensees shall make sanitizing wipes (if available through licensees' best procurement efforts) readily and conspicuously available for guests wishing to wipe down the slot machine and chair before using, or shall provide conspicuous signage informing guests that they may ask for casino staff to do so.
- c. Sanitizing solutions and sanitizing wipes to comply with CDC Guidelines for COVID-19.
- d. A log using slot zone and shift schedule shall be maintained to track slot cleaning.
- e. Provide guests with the option of receiving jackpot payouts via TITO ticket or cash in an enclosed envelope and provide in that manner upon guest's election.

6. Cleaning & Sanitization – Table Games

- a. Guests shall be encouraged to use hand sanitizer prior to start of play.
- b. Develop protocol for chip sanitization such that all chips coming from the cage have been sanitized.
- c. Develop protocol to replace cards based on volume and frequency of play.
- d. Increase the frequency of cleaning and sanitization of all gaming equipment and devices with a focus on high touch areas.
- e. Increase the frequency of cleaning and sanitization of chairs and table rails.
- f. Make hand sanitizer available to guests in each gaming pit.
- g. Make sanitizing wipes available (if available through licensees' best procurement efforts) with corresponding signage to guests in each gaming pit.
- h. Limit the touching of cards and chips by players to the extent possible.

7. **Cage**

- a. Install protective plexiglass² partitions at cage locations between guests and cage employees.
- b. Close alternating cage windows or install protective plexiglass between cage windows for 6' social distancing.
- c. Provide guests with option to receive cash in enclosed envelopes and provide in that manner upon guest's election.
- d. Disinfect counters and touch screens frequently, at least hourly.
- e. Make hand sanitizer available near cage area.
- f. Implement protocols to maintain 6' social distancing for queuing and interactions in cage area, with conspicuous explanatory signage and spacing marked on the floor.

8. **Food and Beverage Service**

- a. Licensees shall limit food service and consumption to designated areas which shall be operated in accordance with the Governor's guidelines for Restaurants.
- b. Bars will remain closed under the Governor's guidelines and until further Commission guidance.
- c. Beverage service is allowed in the gaming area and shall be limited to guests who are seated and actively engaged in gambling as defined in G.L. c. 23K, § 2, and who lower their masks for drinking only. Guests shall not be allowed to carry or drink beverages while moving about the gaming area. Licensees shall make reasonable efforts to ensure that guests do not violate this rule.

9. **Social Distancing – Slots (Plainridge Park Casino, MGM Springfield and Encore Boston Harbor)**

- a. Licensees shall promote social distancing of slots play by either maintaining a minimum of 6' distance between operating slot positions or by installing plexiglass dividers not less than 6' high between operating slot positions.
- b. There shall be a minimum of 4' between slot machines separated by plexiglass dividers (measured from the center of each chair).³
- c. Chairs shall be removed from disabled slot machines.

10. **Social Distancing – Table Games (MGM Springfield and Encore Boston Harbor)**

- a. For Blackjack-style tables, install plexiglass dividers not less than 5'10" tall separating dealer from player positions and between player positions.
- b. No more than 3 player positions at each Blackjack-style table, with chairs for unavailable positions removed.
- c. No craps or roulette until further notice.
- d. No poker until further notice.

² Plexiglass dividers shall be clear to enable adequate camera coverage.

³ Disabling every other slot machine results in a distance of approximately 4.5 feet between players.

11. Occupancy Limits

- a. The occupancy limit for each licensee shall be set by the following formula: Number of gaming positions available x 3 + gaming area employees of the licensee and MGC + capacity of open amenities utilizing the occupancy limits set by the Governor's guidelines for each amenity.⁴

12. Additional Measures for the Gaming Area

- a. Sanitization and disinfecting products as well as hand sanitizer (touchless where possible) to be made available at each point of entry and exit and throughout the gaming area for usage by guests at their discretion.
- b. Enhanced cleaning and sanitization throughout the gaming area with staff deployed regularly to clean and disinfect restrooms and high touch point locations.
- c. Signage at each point of entry and at prominent locations throughout the gaming area to remind guests of safe practices including frequent hand washing, use of hand sanitizer, proper wearing of masks, and to go home if sick.
- d. In areas where lines normally form or are expected to form (inside or outside), signage combined with floor markings and other methods, including an appropriate level of staffing, to remind guests to remain 6' apart.
- e. Casino staff (or other staff, e.g., hotel staff, security staff, etc.) to implement and monitor procedures for elevators, escalators, and stairs to ensure social distancing.
- f. Provide appropriate receptacles for disposal of PPE.
- g. No promotions or activities outside of normal operations to be held that challenge the ability to maintain 6' social distancing.
- h. No valet service until further notice (unless necessary due to physical or geographic constraints in order to accommodate individual guests with disabling conditions).
- i. No coat check services until further notice.
- j. Each licensee's Plan shall detail procedures for dealing with guests who are noncompliant with the required COVID-19 related health and safety protocols.
- k. Each licensee's Plan to outline measures to ensure air quality, including possible filtration upgrade to increase fresh air, and ongoing inspections and maintenance of HVAC systems.
- l. Each licensee's Plan to identify anticipated supplies needed to stop furthering the spread of COVID-19 and measures to ensure the availability of supplies
- m. Each licensee's Plan to detail procedures for managing guests with fevers above 100.4 degrees and/or who exhibit other symptoms of COVID-19 (maintain supply of non-touch thermometers for this purpose).
- n. Each licensee's communications plan and website information shall inform the public of COVID-19 related measures they should expect to encounter and adhere to at each property.

⁴ The occupancy limit for PPC shall also include racing participants + racing employees of the licensee and MGC + the capacity of the simulcasting area utilizing the occupancy limit set by the Governor's guidelines.

- o. Each licensee to designate (and identify for the MGC) a Key-level employee to act as liaison to federal, state, and local public health agencies. This liaison – the Pandemic Safety Officer for the licensee - shall be responsible for notifying the local Board of Health, as well as the MGC, if the licensee is alerted to a COVID-19 positive case on the premises of the gaming establishment, and to assist with data sharing and identification of individuals for contact tracing purposes. Accountability for these duties shall remain with the Pandemic Safety Officer who may designate one or more other staff to ensure responsiveness to the requests of public health authorities on a 24/7 basis. The Pandemic Safety Officer shall work in conjunction with the Compliance Department and provide the Compliance Department with a log of all material communications with public health agencies related to COVID-19 at the gaming establishment.
- p. Each licensee to obtain and follow legal advice to ensure appropriate safeguards put in place for any HIPAA-protected material.
- q. Each licensee's Plan to include protocols to be implemented if the licensee is alerted to a COVID-19 positive case on the premises of the GE, including a deep cleaning of affected areas.

13. Additional Measures Pertaining to GameSense Areas

- a. Each licensee shall install protective plexiglass barriers of the GameSense counters with an opening at the bottom to enable items to be slid underneath.
- b. Each licensee shall place markings and/or queuing devices at appropriate locations to assist with maintaining social distancing at and around GameSense Centers.
- c. Each licensee shall educate casino staff, including security personnel, that the GameSense Centers are reserved for GameSense related activity (except in an emergency).
- d. GameSense Centers shall be cleaned at the same frequency as gaming area.

14. Additional Employee-Related Measures

- a. As businesses and employers in the Commonwealth, each licensee must follow all guidelines and protocols for businesses and employers issued by the CDC, DPH, the local board of health for the host community, the Baker-Polito Administration (including any sector-specific protocols and best practices), and these Minimum Requirements set by the Commission.
- b. Licensees must provide employees with COVID-19 training which provides an overview of COVID-19 mitigation protocols, including proper use and disposal of PPE and recognition of COVID-19 symptoms.
- c. Licensees shall identify the Pandemic Safety Officer to all employees. Licensees shall encourage any employee who has a COVID-19 related concern to report it to the Pandemic Safety Officer through a process implemented by the licensee.
- d. At each employee entrance, employees (including MGC employees) may be required to undergo a temperature check.
- e. At each employee entrance, the licensee shall place markings and/or queuing devices to maintain social distancing of employees reporting to work. At each employee entrance, the

licensee shall post signs setting forth a checklist of COVID-19 symptoms and instructing employees to remain at home if they experience any of the symptoms.

- f. Signage shall be placed in back-of-the house areas reminding employees to follow CDC and DPH guidelines for handwashing, using sanitizers, wearing masks, and staying home if sick.
- g. The licensee also shall establish protocols to maintain social distancing of employees in dining areas, uniform control areas, shared office spaces, and other high density employee areas.
- h. Rolling periodic announcements in back-of the house areas shall remind employees of COVID-19 protocols.
- i. Employees shall wear masks while performing their work duties. The licensee shall provide masks for all employees.
- j. Break schedules and shift times shall be staggered to the extent possible to avoid congregating in back-of-the-house areas.
- k. Employee meetings shall be accomplished in a manner to promote social distancing.



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER REQUIRING EARLY CLOSING FOR CERTAIN BUSINESSES AND
ACTIVITIES, LIMITING HOURS FOR ALCOHOL AND
ADULT USE CANNABIS SALES, AND MODIFYING CHAPTER 138
LICENSE RENEWAL REQUIREMENTS**

COVID-19 Order No. 53

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention ("CDC") have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of large number of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and movement outside the home and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, in response to gradual improvements in the public health data, commencing with COVID-19 Order No. 33 issued on May 18, 2020 and continuing through COVID-19 Order No. 51 issued on September 29, 2020, I issued a series of executive orders that designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, the CDC, the Department of Public Health, and other public health authorities continue to improve their understanding of how COVID-19 is spread, where the risk of spread is greatest, and how best to mitigate the risk of transmission, all of which permits periodic adjustments to safety measures;

WHEREAS, the Commonwealth has seen an increase in cases since its lowest point in July, and there has been a steep increase in cases during the month of October. On September 26, the 7-day daily average of new confirmed cases was 385, whereas as of October 31, the 7-day daily average of new confirmed cases was 1,214;

WHEREAS, the Commonwealth's COVID-19-related hospitalizations and COVID-19 Intensive Care Unit (ICU) census have more than doubled over the past 2 months. On August 31, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 290, whereas on November 1, the number of individuals in the hospital with a confirmed or suspected case of COVID-19 was 613. The COVID-19 ICU census was 47 on September 9, whereas on November 1, the COVID-19 ICU census was 113, with 55 individuals intubated. As of November 1, 67% of hospital beds were full, and during the month of October a number of hospitals reported using surge capacity;

WHEREAS, the public health data indicate that informal social activity is contributing to the rise in cases, as evidenced by the fact that household transmission and social gatherings represent 88% of all new and ongoing COVID-19 clusters identified as of September 27;

WHEREAS, left unchecked, the current COVID-19 case growth poses a risk to the Commonwealth's healthcare system, and intervention is warranted to moderate case growth and preserve hospital capacity;

WHEREAS, the Department of Public Health has today issued a Stay at Home Advisory that urges all persons in the Commonwealth to remain at home between the hours of 10:00 PM and 5:00 AM in order to slow the spread of the virus, preserve hospital capacity, and save lives;

WHEREAS, certain establishments that hold licenses issued pursuant to section 12 of chapter 138 of the General Laws (a "section 12 license") authorizing the sale of alcoholic beverages for on-premises consumption remain closed to the public because of business disruptions caused by COVID-19, and certain others are not permitted to open to the public until Phase IV of the Commonwealth's Re-Opening Plan; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting the state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses, permits or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions, and regulation of the business of insurance and protection of the interests of the holders of insurance policies and contracts and of beneficiaries thereunder and of the interest of the public in connection therewith;

NOW, THEREFORE, I hereby Order the following:

1. Mandatory Night-Time Closing Period for Certain Businesses and Activities

Effective at 12:01 AM on November 6, 2020, all businesses, facilities, or activities included within the categories listed below must close their premises to the public each day not later than 9:30 PM and may not re-open their premises to the public before 5:00 AM the following day (the “mandatory closing period”). Except as otherwise specifically permitted below, during the daily mandatory closing period, businesses, facilities, or activities within the categories listed below may not admit customers, patrons, or members of the public to their premises or otherwise offer, provide, or permit in-person, on-premises services or activities. Operators of affected businesses, facilities, or activities may keep their premises open to employees and other workers during the mandatory closing period and otherwise conduct business activities and operations that do not involve admitting customers, patrons, or members of the public to their premises.

Businesses, facilities, and activities subject to the daily mandatory closing period:

1. Restaurants, provided however that restaurants may offer food and non-alcoholic beverages for take-out and by delivery during the mandatory closing period
2. Arcades and Other Indoor and Outdoor Recreation
3. Indoor and Outdoor Events
4. Indoor and Outdoor Theaters, Movie Theaters, and Performance Venues
5. Drive-In Movie Theaters
6. Youth and Adult Amateur Sports Activities
7. Golf Facilities
8. Recreational Boating and Boating Businesses
9. Outdoor Recreational Experiences and Educational Activities
10. Casinos, Horse Racing Tracks, and Simulcast Facilities
11. Driving and Flight Schools
12. Zoos, Botanical Gardens, Wildlife Reserves, and Nature Centers
13. Close Contact Personal Services
14. Fitness Centers and Health Clubs
15. Indoor and Outdoor Pools (Public and Semi-Public Swimming Pools)

16. Museums/Cultural & Historical Facilities/Guided Tours

Categories of businesses, facilities, and activities listed above correspond to enterprise sectors established in Exhibit A to COVID-19 Order No. 51 and further defined in Sector-Specific COVID-19 Safety Rules and related guidance documents and protocols issued and administered by the Department of Public Health, the Department of Labor Standards, the Executive Office of Energy and Environmental Affairs, and the Massachusetts Gaming Commission. Those agencies are each authorized and directed to amend all relevant rules, guidance documents, and protocols to incorporate the mandatory closing period requirement.

2. Restriction on Service and Sale of Alcohol and Adult-Use Cannabis During Mandatory Closing Period

Effective at 12:01 AM on November 6, 2020, the following restrictions shall apply to the service and sale of alcohol and the sale of adult-use cannabis:

Service and Sale of Alcohol. During the daily mandatory closing period established in Section 1, no person, business, organization, establishment, premises, or service holding or operating under a license issued pursuant to Chapter 138 or Chapter 23K of the General Laws may sell or serve or provide alcohol of any kind to any person anywhere in the Commonwealth. This restriction applies, without limitation, to all retailers, restaurants, private clubs, catering halls, events, and delivery services licensed to offer alcohol service or retail sale pursuant to Chapter 138 or, in the case of casinos, Chapter 23K.

This restriction shall not displace any provisions of Chapter 138 or Chapter 23K or of any license issued under those authorities that may establish more restrictive limitations on the hours during which a licensee may offer sale or service or provision of alcohol each day.

Retail Sale of Adult-Use Cannabis. During the daily mandatory closing period established in Section 1, no individual, business, organization, establishment, premises, or entity holding or operating under a marijuana retailer license issued pursuant to Chapter 94G of the General Laws may sell adult-use cannabis or adult-use cannabis products of any kind to any person anywhere in the Commonwealth.

For violations of the restrictions established in this Section, each individual sale or delivery or service made during the mandatory closing period may be treated as a separate violation for purposes of administering fines and other penalties.

3. Renewal of Chapter 138 Licenses by Establishments Remaining Closed During the State of Emergency

Notwithstanding anything to the contrary in section 12 of Chapter 138 of the General Laws, the holder of a section 12 license that remains closed to the public during the state of

emergency shall be permitted to renew its section 12 license for 2021 pursuant to section 16A of the same chapter with the benefit of the following allowances:

- a. A licensee shall not be required to submit proof of having liquor liability insurance, provided, however, that no licensee that has renewed its license under this allowance may re-open to the public without first submitting to the licensing authority proof of a current liquor liability insurance policy that names the licensee as the insured and that otherwise meets the requirements of section 12. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any liquor liability insurance policy obtained under the terms of this allowance; and
- b. A licensee shall not be required to submit proof of having a workers' compensation insurance policy, provided, however, that (1) no licensee that has renewed its license under this allowance shall have any payroll at the time of renewal; and (2) no licensee that has renewed its license under this allowance shall commence operations that involve employees or re-open to the public without first providing satisfactory proof of workers' compensation insurance as required by a municipal licensing authority. No insurer, broker, agent, or their representative shall impose or collect any surcharge penalty, fee, or other charge in addition to the premium for any such workers' compensation insurance policy obtained under the terms of this allowance.

A rescission of this Order or a termination of the state of emergency shall not invalidate any section 12 license that was renewed pursuant to this Section during the period in which this Order was in effect.

4. Enforcement Provisions

The Department of Public Health, the Department of Labor Standards, local boards of health and their authorized agents pursuant to G. L. c. 111, § 30, and State and municipal police are authorized to enforce this Order. Violation of the restrictions adopted in Sections 1 or 2 of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, § 8, provided that any fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. Each individual instance of non-compliance and each day of a continuing violation may be fined as a separate violation.

This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Alcoholic Beverages Control Commission or a local licensing authority may, after notice to the licensee and a reasonable opportunity to be heard, suspend, revoke, or cancel a license for the sale or service of alcoholic beverages or take other appropriate enforcement action

upon satisfactory proof that the licensee has violated or permitted a violation of Section 1 or 2 of this Order.

If any provision of this Order or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

Sections 1 and 2 of this Order are effective at 12:01 AM on November 6, 2020, and Section 3 is effectively immediately. This Order shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 1:40 AM PM this 2nd
day of November, two thousand and twenty

A handwritten signature in dark ink, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

***Raynham Park
Simulcast Center***

**1958 Broadway
Raynham, MA 02767**

**508-824-4071
raynhampark.net**

Memo

To: Massachusetts Gaming Commission
From: Sue Rodrigues
Date: November 3, 2020
Re: Addendum to Raynham Park Reopening Plan

Please be advised that the management of Raynham Park Simulcast Center has read Governor Baker's COVID-19 order No. 53 and has a plan in place to meet these requirements. Beginning, Friday, November 6, 2020 Raynham Park will:

- Close our facility on or before 9:30 p.m. every night.
- Maintain six feet of social distance, between all staff members and guests, while exiting the facility.

If you should have any questions, please contact me, at 508-824-4071, ext. 500.

Thank you!



November 3, 2020

Dr. Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal St, 12th Floor
Boston, MA 02110

Dear Dr. Lightbown:

This letter is to confirm Sterling Suffolk Racecourse's compliance with Governor Baker's most recent orders regarding the operation of simulcast facilities, specifically in regard to closing time, the orderly exit of customers and the observance of social distancing protocols.

We are not open for simulcasting past 8 PM with the exception of the Triple Crown events, which have already taken place in 2020. We close the facility between 7:30 and 8:00 PM on Fridays and Saturdays and around 6 PM on Sundays, Wednesdays and Thursday.

Every day at closing, security and members of our management team are on hand to ensure customers comply with the appropriate social distancing guidelines outlined in our June memo to the Commission, a copy of which is attached here.

As always, I am happy to answer any questions that you or the Commission members may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tuttle", written in a cursive style.

Chip Tuttle
COO



PLAINRIDGE PARK
CASINO

November 3, 2020

Alexandra Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal St.
Boston, MA 02110

MEMORANDUM

RE: Protocols to conduct Racing and Simulcasting under COVID-19

In addition to the "Protocols to Conduct Racing and Simulcasting under COVID-19" as approved by the Massachusetts Gaming Commission, and in order to comply Governor Baker's most recent COVID-19 Order #53, effective immediately Plainridge Park Casino will limit simulcast operation hours Sunday, Monday, Tuesday, Wednesday and Thursday 12:00pm to 8:00pm, Friday and Saturday 12:00pm to 9:00pm.

The new hours of simulcast operation will be posted on the company's website as well as signage in the racing area and on the racing programs.

Steve O'Toole
Director of Racing
Plainridge Park Casino
Plainville Gaming and Redevelopment, LLC



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

FROM: Loretta Lillios, Interim Director – IEB/Chief Enforcement Counsel

DATE: October 30, 2020

RE: MGM Springfield Application for Gaming Beverage License Amendment

cc: Karen Wells, Executive Director
Derek Lennon, Chief Financial and Accounting Officer/Interim Manager –
Licensing Division

Summary of Gaming Beverage License Amendment Request

MGM Springfield (MGMS) has submitted an application for a Gaming Beverage License Amendment. The application seeks to add a “Smart Bar Service Bar” near the old promotions area adjacent to Slot Zone 1. This service bar, if allowed, will be used as an additional service bar for the cocktail service staff. MGMS has explained that the current covid-related safety measures prohibit guests from walking up to a bar or to a self-service soda station. Consequently, the cocktail service staff provides *all* drink service, and the addition of a service bar at this location is expected to increase productivity, reduce service round times, and promote social distancing measures amongst cocktail service staff. The service bar is designed to dispense a drink when the cocktail server uses their swipe card and selects the correct mixed drink combination. The service bar as proposed has a locking storage area in the lower half of the bar and is located behind a locked door accessible only via RFID keycard access. There is surveillance coverage of the affected area.

Conclusion & Recommendation

Under 205 CMR 136.03, the Licensing Division is responsible for forwarding the completed application to the Commission (see attached application, with floorplan and photographs), with a recommendation regarding approval. The Gaming Agents Division has inspected the secure nature of the proposed service bar: the bar itself has a locking storage area in the lower half of the bar, and the service bar is located behind a locked door accessible only via RFID keycard access. In addition, the Gaming Agents Division has confirmed the adequacy of the surveillance coverage of the affected area. The Licensing Division and the IEB recommend that the Commission approve this amendment request.



Massachusetts Gaming Commission



GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

REASON FOR FILING AMENDMENT REQUEST

NAME OF GAMING LICENSEE

Blue Tarp reDevelopment, LLC dba MGM Springfield

ADDRESS OF GAMING ESTABLISHMENT

One MGM Way Springfield, MA 01103

NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Daniel Miller, Compliance Director

CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

413-557-8143, dmiller@mgmspringfield.com

NAME OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Smart Bar Service Bar

REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- | | |
|--|--|
| <input checked="" type="checkbox"/> NEW LICENSED AREA | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY | <input type="checkbox"/> ALCOHOL STORAGE |
| <input type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input type="checkbox"/> CHANGE OF HOURS |

FEE

The fee for an application to amend a gaming beverage license is \$100.00

LICENSED AREAS

A licensed area is a specific, limited and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

IMPORTANT INFORMATION

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

LICENSED AREA

NAME OF LICENSED AREA

Smart Bar Service Bar

DESCRIPTION OF AMENDED LICENSED AREA

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN:

Please see previously submitted floor plan.

Floor plan attached. A mobile Smart Bar will be placed in the old promotions area, to be used as an additional service bar for our Cocktail Service staff. Slot zone 1 is the largest and most frequented section of the casino floor. Although there is a service bar in closer proximity, Servers will often find themselves in the position of waiting to use the drink dispenser system and subsequently delaying service. This additional bar will free this up and additionally help in staff members distancing, by having another location to go to.

HOURS OF OPERATION

8:00am – 4:00am daily, in-line with existing casino cocktail service.

CAPACITY OF LICENSE AREA

N/A

WILL YOU PROVIDE BOTTLE SERVICE? Yes ☐ No ☒ **IF YES, PLEASE ELABORATE**

ALCOHOL STORAGE

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

The Smart Bar has a locking storage area in the lower half of the bar. The Smart Bar will only dispense a drink when a cocktail server uses their swipe card and selects the correct mixed drink combination. The unit will also be placed in an area with adequate surveillance and behind an RFID keycard door, that only approved employees have access to.

NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA

Abdallah Berry TLGKS20-0031

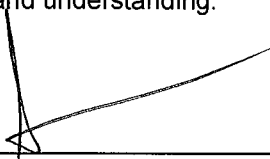
JOINTLY RESPONSIBLE PERSON

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

Blue Tarp reDevelopment, LLC dba MGM Springfield, One MGM Way Springfield, MA 01103.

ATTESTATION

I Abdallah Berry, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.



Signature

Abdallah Berry

Print Name

VP of Hospitality

Title

10/22/2020

Date



Smart Bar location inside surveilled and RFID card locked area.









MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Chair Judd-Stein and Commissioners Cameron, O'Brien, Stebbins, and Zuniga
From: Derek Lennon
Date: 11/5/2020
Re: Gaming Service Employee (SER) Exemption: Encore Boston Harbor

SUMMARY

The following request for a registration exemption at Encore Boston Harbor is being presented to the Commission for consideration and approval. The position will be employed by Encore Boston Harbor a Category 1 Casino Licensee.

VENDOR EMPLOYEE POSITIONS			
Job Profile Number	Position	Department	Property Access Level
N/A	Security Ambassador - Temporary	Security	N ¹

The Licensing staff worked with Encore Boston Harbor in developing this recommendation and is in agreement with the position contained in this packet.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



Massachusetts Gaming Commission

- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: _____

JOB POSITON (AND UNIQUE JOB CODE): _____

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): _____

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	
Managerial responsibilities in any department	
Supervisory responsibilities in Human Resources or Sales and Marketing	
Responsibilities for alcohol sales, distribution, service, and/or storage	
Access to secure casino back-of-the house areas (including executive offices) without security escort	
Responsibilities for accounting and/or finance relating to the gaming establishment	
"Write" access to gaming-related casino databases	
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	
Other (please set forth other relevant information for exemption consideration)	

(Continue to Page 3)

Signature Jacqui Kim / Printed Name _____ Date _____



Security Ambassador – Temporary

POSITION SUMMARY

The Encore Boston Harbor **Security Ambassador** will report to the Security Department. The Security Ambassador will be responsible for welcoming guests to Encore Boston Harbor while implementing certain COVID-19 required safety measures including, but not limited to, distribution of Personal Protection Equipment (PPE) to guests, monitoring thermal cameras, enforcement of social distancing guidelines as required by the Commonwealth, and maintaining all Encore Standards while ensuring excellent guest and team member experience.



MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Chair Judd-Stein and Commissioners Cameron, O'Brien, Stebbins, and Zuniga
From: Derek Lennon
Date: 11/5/2020
Re: Gaming Service Employee (SER) Exemptions: Wahlburgers

SUMMARY

The following request for five (5) registration exemptions at MGM Springfield are being presented to the Commission for consideration and approval. Each position will be employed by Wahlburgers, a licensed vendor.

VENDOR EMPLOYEE POSITIONS			
Job Profile Number	Position	Department	Property Access Level
N/A	Line and Prep Cook	Wahlburgers	N ¹
N/A	Dishwasher	Wahlburgers	N ¹
N/A	Hostess	Wahlburgers	N ¹
N/A	Dining Room Attendant	Wahlburgers	N ¹
N/A	Cashier	Wahlburgers	N ¹

The Licensing staff worked with Wahlburgers in developing this recommendation and is in agreement with the positions contained in this packet.

BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



Massachusetts Gaming Commission

Employee” level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- “Write” access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers Springfield LLC (DBA Wahlburgers)

JOB POSITON (AND UNIQUE JOB CODE): Cashier

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 10/15/2020 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
	<ul style="list-style-type: none">• Understands our culture and does whatever it takes to create a positive and memorable guest experience.• Welcomes guests at their station warmly by smiling and making eye contact.• Answers telephone within three rings; answers guest questions regarding Wahlburgers, to-go ordering, food, beverages, the restaurant, and services available.• Follows the proper procedure for taking to-go orders, packaging and delivering the order to the guest, including delivering orders guests parked in assigned to-go spots curbside.• Provides accurate check to guests, accepts payment from guests, and returns exact change or charge slip to guests to complete transaction.• Communicates with managers and expo regarding the number of to-go orders, any large orders, ticket times, and special requests so that guests receive seamless service.• Handles guest complaints by listening to their concerns, always informing a manager, and resolving issues to ensure a positive, memorable experience.• Thanks guests as they leave and invite them to return to Wahlburgers again.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

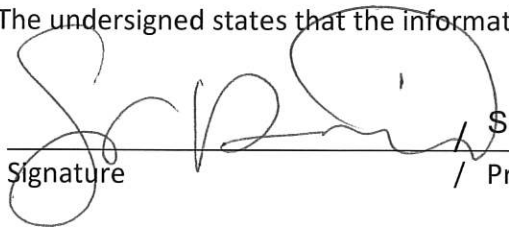
JOB POSITON (AND UNIQUE JOB CODE): Cashier

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Cashier

The undersigned states that the information herein is true and accurate.



Signature

Sarah Dotchin

/ Printed Name

10/15/2020

Date



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers Springfield LLC (DBA Wahlburgers)

JOB POSITON (AND UNIQUE JOB CODE): Hostess

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<ul style="list-style-type: none">• Understands our culture and does whatever it takes to create a positive and memorable guest experience• Welcomes guests warmly by smiling and making eye contact as they enter the restaurant• Answers guest questions regarding flow, food, beverages, restaurant, and Wahlburgers story• Keeps guests entertained and engaged while on wait or in line.• Leads guests at their own pace to a clean, perfectly set table and hands the appropriate menu(s) to each guest after they are seated• Maintains awareness of available tables in the dining area and always knows of a party 'on deck' to be seated• Communicates with servers and managers regarding availability of tables, seating of large parties, or special requests so that guests enjoy a memorable experience.• Handles guests' complaints by listening to their concerns, always informing a manager, and resolving issues to ensure overall guest satisfaction.• Thanks guests as they leave and invite them to return to Wahlburgers again	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Hostess

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Hostess

The undersigned states that the information herein is true and accurate.

Signature

/ Sarah Dotchin

/ Printed Name

10/15/2020

Date



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers Springfield LLC (DBA Wahlburgers)

JOB POSITON (AND UNIQUE JOB CODE): Dining Room Attendant

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 10/15/2020 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<ul style="list-style-type: none">• Understands our culture and does whatever it takes to create a positive and memorable guest experience• Runs food from the kitchen to the guest efficiently, ensuring that each guest receives the correct item(s).• Runs beverages from the service bar (following local liquor laws if applicable) to the guest efficiently, ensuring that each guest receives the correct drink.• Controls seating flow of QSR dining area through communication with cashier.• Follows company policy in handling guest allergies/intolerances, ensuring our guests receive 'safe' meals• Ensures guest satisfaction by asking if the guest needs anything else before leaving the table, and following through by either bringing it or ensuring their server brings it• Maintains clean and stocked side stations, including replenishing ice, emptying trash, returning trays and baskets to the dish area, stocking napkins, straws, condiments, etc.• Maintains clean and stocked expo area and counter, including wiping down surfaces.	

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

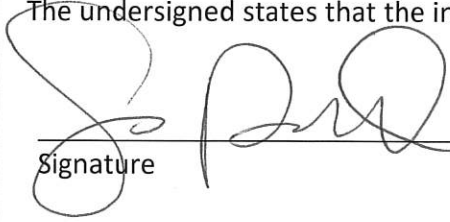
JOB POSITON (AND UNIQUE JOB CODE): Dining Room Attendant

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Dining Room Attendant

The undersigned states that the information herein is true and accurate.


Signature

/ Sarah Dotchin
Printed Name

10/15/2020
Date



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers Springfield LLC (DBA Wahlburgers)

JOB POSITON (AND UNIQUE JOB CODE): Dishwasher

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 10/15/2020

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

- Understands our culture and does whatever it takes to create a positive and memorable guest experience
- Follows company policy in handling guest allergies/intolerances, ensuring our guests receive 'safe' meals
- Sets up dish area to prepare for washing dishes, baskets, trays, pans and all other restaurant washables to ensure that everything is cleaned properly for preparing and serving food to our guests
- Fills sanitizer bucket with hot water and sanitizer to ensure proper sanitation of cleaning cloths.
- Visually inspects service items for food debris and reruns dirty service items through the dish machine if they did not clean completely to ensure all are thoroughly cleaned.
- Sorts clean pans and utensils into dispenser to ensure all are stored in the proper place
- Cleans station floors, counters, tools, cutting boards, and preparation surfaces using the proper cleaning solutions to ensure station is clean and sanitized at all times.
- Empties trash from stations and removes to an exterior dumpster area.
- Cleans/mops any other areas of the restaurant, as necessary, using the proper cleaning solutions
- Places incoming product from vendor into walk-in refrigerator to maintain proper storage and preserved freshness of food products, if applicable.
- Prepares raw ingredients, adhering to all recipes, for use on the line and for use in food prep recipes if applicable.
- Assists other team members by answering questions and helping out as needed to aid in the service of guests.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Dishwasher

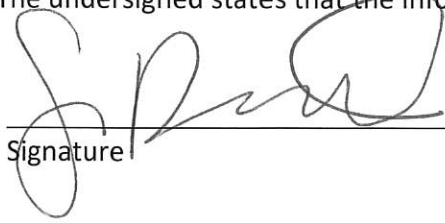
FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Dishwasher

The undersigned states that the information herein is true and accurate.



Signature

/ Sarah Dotchin

/ Printed Name

10/15/2020

Date



MASSACHUSETTS GAMING COMMISSION

IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

GAMING LICENSEE: Wahlburgers Springfield LLC (DBA Wahlburgers)

JOB POSITON (AND UNIQUE JOB CODE): Cook

JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 10/15/2020

(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)

- Understands our culture and does whatever it takes to create a positive and memorable guest experience
- Follows company policy in handling guest allergies/intolerances, ensuring our guests receive "safe" meals
- Sets up station with food products and utensils and turns on equipment to ensure the station is ready for production.
- Prepares raw ingredients, adhering to all recipes, for use on the line and for use in food prep recipes.
- Uses proper portioning techniques and recipe procedures to create prepared food products.
- Reads tickets and/or listens to what dishes are called to determine what/when items need to be prepared
- Checks and adjusts temperature of equipment to ensure food is cooked and stored at the proper temperature.
- Cleans station floors, counters, tools, cutting boards, and preparation surfaces using the proper cleaning solutions to ensure station is clean and sanitized at all times.
- Assists other team members by answering questions and helping out as needed to aid in the service of guests.

(Continue to Page 2)

GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

JOB POSITON (AND UNIQUE JOB CODE): Cook

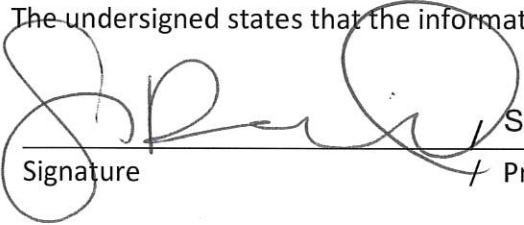
FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	None
Managerial responsibilities in any department	None
Supervisory responsibilities in Human Resources or Sales and Marketing	None
Responsibilities for alcohol sales, distribution, service, and/or storage	None
Access to secure casino back-of-the house areas (including executive offices) without security escort	Access Level: N No access to secure casino BOH without security escort
Responsibilities for accounting and/or finance relating to the gaming establishment	None
"Write" access to gaming-related casino databases	None
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	None
Other (please set forth other relevant information for exemption consideration)	None

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Cook

The undersigned states that the information herein is true and accurate.



Signature

Sarah Dotchin

/ Printed Name

10/15/2020

Date



TO: MGC Commissioners

FROM: Joseph Delaney and Mary Thurlow

CC: Karen Wells

DATE: November 2, 2020

RE: Foxborough 2019 Non-transportation Grant

The towns of Foxborough, Plainville and Wrentham were approved for a Joint 2019 Non-Transportation Grant. Foxborough used its Reserves in the amount of \$75,000 for this project. These funds were used to hire a marketing consultant to prepare a strategic marketing plan for this region.

The cost for the strategic plan was \$47,800 leaving an unexpended balance of \$27,200.

Foxborough respectfully requests the Commission to consider allowing the balance of \$27,200 for the development of website/brand design services highlighting the connection of the casino with the towns of Foxborough, Plainville and Wrentham.



Massachusetts Gaming Commission



Division of Racing

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

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director
Todd Grossman, General Counsel

DATE: November 5, 2020

RE: Application to conduct live horse racing in 2021

Dear Commissioners:

The Commission has received one application to conduct live horse racing in Massachusetts in 2021:

- Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) to conduct 110 days of harness racing from April 12th through November 26th ;

In order to grant a racing license, the Commission must take into consideration the criteria provided in Chapter 128A Section 3 (i), "in addition to any other appropriate and pertinent factors". Those criteria are:

- The financial ability of the applicant to operate a race track;
- The maximization of state revenues;
- The suitability of racing facilities for operation at the time of the year for which the dates are assigned;
- That large groups of spectators require safe and convenient facilities;
- Having and maintaining proper physical facilities for racing meetings;
- According fair treatment to the economic interest and investments of those who in good faith have provided and maintained the facilities



Massachusetts Gaming Commission

In order for the Commission to determine if the criteria are met, the Commission can consider the application materials provided by the applicant and the testimony and comments received from the public.

Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) meets the requirements of Chapter 128A Section 3(i) and is the only facility to apply for harness racing. With 110 days of live racing, they will also meet the requirements of Massachusetts General Laws Chapter 128C Section 2, the requirement for their ability to simulcast. Plainridge raced 105 days in 2015, 115 days in 2016, and 125 days in 2017, as described in Massachusetts General Laws Chapter 23K Section 24. In 2018 they raced 110 days and in 2019 108 days, as approved by the Massachusetts Gaming Commission. In 2020 they are on schedule to complete 68 days due to the delay in opening caused by the global COVID-19 pandemic.

Recommendation: The Racing Division recommends the Commission approve the application of Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) for live harness horse racing in 2021, with the following condition:

1. Plainridge will have an independent expert review the track surface prior to racing. The Massachusetts Gaming Commission reserves the right to ask for further reviews during the racing season.



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION COMPLIANCE OVERVIEW

NOVEMBER 5, 2020



COMPLIANCE ACTIVITIES OVERVIEW

MGC engages in compliance activities which focus not only on our casino licensees but also on our own internal operations:

- **Ensuring On-site Compliance by Casino Licensees at Gaming Establishments**
- **Compliance with Community and Commission Requirements**
- **Internal MGC Compliance Activities.**

Ensuring On-site Compliance by Casino Licensees at Gaming Establishments

- **Gaming Agents Division**
- **Information Technology Services Division**
- **Finance Division**
- **Annual Casino Audit**

Compliance with Community and Commission Requirements

- **Host and Surrounding Community Agreements**
- **Section 61 findings.**
- **License Conditions**
- **RFA-2 application commitments**
- **Licensee capital expenditure requirements**
- **Quarterly and Annual reports**

Internal MGC Compliance Activities

- **Internal Systems**
 - **Particularly robust given function**
 - § **Finance/HR**
 - § **ITS (Corporate Technology Unit)**
- **Internal Control Plan**
- **Internal Control Officer**
- **Designated Security Officer**
- **Internal Control Questionnaire**
- **Internal Audit/Compliance Working Group**

Internal Testing Function

- **State Auditor's office**
- **Routine reporting to management**
- **Where resources allow, program for internal compliance testing**