



MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #298

April 23, 2020  
10:00 a.m.

**Via Conference Call Number: 1-646-741-5292**  
**Meeting I.D. Number: 112 888 7986**



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



**NOTICE OF MEETING and AGENDA**  
**April 23, 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, April 23, 2020**  
**10:00 a.m.**

**Massachusetts Gaming Commission**  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 888 7986

All documents and presentations related to this agenda will be available for your review on the morning of April 23 by [clicking here](#).

**PUBLIC MEETING - #298**

1. Call to order
2. Approval of Minutes
  - a. March 20, 2020
  - b. March 25, 2020
  - c. April 3, 2020
  - d. April 9, 2020
3. Administrative Update – Karen Wells, Interim Executive Director
4. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
  - a. Encore Boston Harbor Request to Delay Launch of Play My Way – Mark Vander Linden, Director of Research and Responsible Gaming, Katrina Jagroop-Gomes, Chief Information Officer

**VOTE**



Massachusetts Gaming Commission

5. Legal Division – Todd Grossman, Interim General Counsel
  - a. **Licensing and Registration for Vendors and Employees** – Review of the Status and Terms of Licenses and Registrations – Todd Grossman, Interim General Counsel; Commissioner Bruce Stebbins; Bill Curtis, Licensing Manager **VOTE**
  - b. **205 CMR 109.01: Authority of Commission to Act in Emergency Situation**; initial review of the draft regulation, and Small Business Impact Statement – Todd Grossman, Interim General Counsel; Commissioner Eileen O’Brien; Carrie Torrisi, Associate General Counsel **VOTE** to begin the promulgation process
6. Commissioners Update
7. 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](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

April 21, 2020

*Cathy/Judd-Stein*, Chair

**Date Posted to Website:** April 21, 2020 at 10:00 a.m.



Massachusetts Gaming Commission

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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 20, 2020 –10:00 a.m.

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

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

**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 #294 of the Massachusetts Gaming Commission ("Commission").

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

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Cameron: Aye.*

*Chair Judd-Stein: Aye.*

10:05 a.m. On behalf of the Commission, the Chair extended sympathy to Plainridge Racecourse Director Mr. O'Toole as well as others who have been personally touched by the reported deaths of the Jackson-Fusco family members. She asked that he extend the Commission's thoughts and prayers to the family directly.

## Racing Division

10:09 a.m.

### **Postponement of Opening of Live Racing at Plainridge Park Casino**

MGC Director of Racing Dr. Alexandra Lightbown presented with Mr. O'Toole, as well as Bob McHugh, President of the Harness Horsemen's Association of New England ("HHANE"), and Alice Szpila Tisbert, Managing Director of the HHANE.

Dr. Lightbown noted that this crisis is affecting the horsemen, staff, and Plainridge Racetrack staff. The testing laboratory has contacted all of their clients and is still currently open and running. However, they asked that everyone is made aware that this may change.

Mr. O'Toole, Commissioner Cameron, and Dr. Lightbown met to discuss delaying the opening of live racing to June 1.

As horsemen gather in the paddock to work, staff gather in the casino, and MGC employees gather to perform their respective jobs, they would exceed the current recommendations by the governor (no more than 25 people) and the Center for Disease Control (CDC). She stated that the Commission does not take this lightly, and she acknowledged the devastating economic effects this has on the racing industry and community, as well as the potential health hazard of remaining operational.

10:14 a.m.

Mr. O'Toole listed other racetracks that have also closed, with one closing indefinitely. He hopes that postponing to June 1 will be aggressive enough. He then reported that one employee who was present in the paddock on March 7 has since tested positive for COVID-19. Other personnel present on that day are being tested. He mentioned other individuals have also tested positive. Judges have self-quarantined. He listed other racetracks in Canada that have also ceased operations and stated that one owner has converted their park into a testing and triage center.

He noted that it would be complicated to re-open live racing simultaneously with the re-opening of the casino, as it would be logistically problematic with the needed preparation of horses and the track.

Mr. O'Toole supports the recommendation to re-open live racing on June 1, and would like to revisit this during the first week or two of May to evaluate the proposed schedule or if it will need to extend out further.

10:19 a.m.

Mr. McHugh stated that he supports the efforts by the Commonwealth and Commission to delay the opening until the governor determines that it is safe to conduct business as usual. He stated that it is the HHANE's strong opinion that racing should commence when the casino opens, stating that the vast majority of

horses are in racing condition as they have been preparing to qualify for the races on March 26. Mr. McHugh then noted that the restrictions for racing would be safer than those for the general public since racing staff can be screened for infection. He compared this to the lack of ability for the casino staff to screen patrons for infection when they re-enter the casino. Mr. McHugh then paused to express his condolences to the Fusco family.

Next, Mr. McHugh stated that the racing staff has just missed their first paycheck, with no opportunity for income for four months, and will be suffering financially.

The HHANE requests that the Commission take steps and implement procedures to ensure that racing commences assisting the horsemen and women who experience financial distress in the current environment.

[10:22 a.m.](#) Ms. Szpila stated that she has completed the Federal Emergency Management Agency (FEMA) training course, and feels that this unprecedented situation will be far-reaching. She is in favor of a meeting in May to address the situation at that point. Ms. Szpila believes that when the governor lifts the curfew for casinos and businesses, they can work with the Commission to open racing on the same timeline.

[10:24 a.m.](#) Commissioner Cameron expressed her concern that many of the horses, drivers, and trainers travel from track to track as a regular course of business. She asked Mr. O'Toole to comment on the ability to restrict gathering, and on how safe that would keep the industry.

Mr. O'Toole provided that Rosecroft [Raceway in Fort Washington, MD] recently tried to race without spectators and that it was unsuccessful. He is unsure how he would approach restrictions from a logistical standpoint, as it would be difficult, if not impossible, to avoid spreading the virus. Dr. Lightbown made statements supporting this.

[10:28 a.m.](#) Commissioner O'Brien asked if there are minimum requirements in terms of the number of animals and handlers that would be present on any given day. Dr. Lightbown described the barn accommodations. She stated that there would be over 50 horses, each with a handler, also drivers overlapping between races and coming into contact with each other. She also included racing officials, veterinarians, security, and licensing staff. Commissioner O'Brien concluded that she agrees with the June 1 recommendation.

[10:30 a.m.](#) Commissioner Stebbins stated that he and the Director of Workforce, Supplier, and Diversity Development Jill Griffin and Dr. Lightbown discussed whether state agencies that provide support during crises could help affected members of the harness racing industry and are following-up currently.

10:30 a.m. Commissioner Zuniga asked what a normal lead-time would be between re-opening day and people mobilizing to get ready to open the track. Dr. Lightbown stated that this is unprecedented territory, and it is uncertain. She noted the nation's current shortage of medical supplies, and that they may need to donate gloves to hospitals for human use. She also stated that the lab in Colorado might also close. Dr. Lightbown also stated that as this is also impacting seasonal employees' part-time jobs, wants to be able to communicate to them that racing will not be open right away. This early communication will allow these employees to pick up more hours in their current employment.

10:35 a.m. The Chair stated that given by how fluid and difficult things are with wages and expectations; the Commission needs to revisit this. The Commission will add this to a future meeting agenda, perhaps in April or early May. There is no objection to the June 1 recommendation at this time, however. The Chair stated that the Commission wants to ensure the safety of all the people and horses.

10:37 a.m. The Commissioners all agree with the recommendation to re-open racing on June 1. Commissioner Stebbins asked Mr. O'Toole about any steps he anticipates taking to deep-clean before the re-opening date. Mr. O'Toole stated that the DVS crew was sent to the racing building and will do the same with the paddock when the staff returns.

10:41 a.m. Commissioner Cameron moved that the Commission approve the joint recommendation by Dr. Lightbown and Mr. O'Toole to postpone the start of racing to June 1, 2020. Commissioner Stebbins seconded the motion.  
Roll-Call Vote:

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

10:42 a.m. **Plainridge Park Racecourse Request for Promotional Fund Reimbursement**  
Chief Financial Analyst Chad Bourque reviewed Mr. O'Toole's request for reimbursement of \$5,000.00 for the successful 2020 Winter Wonderland Handicapping Contest. Mr. O'Toole provided details on the event.

10:47 a.m. Commissioner O'Brien moved that the Commission approve Plainville Gaming & Redevelopment LLC's Request for Reimbursement of \$5,000.00 to the Harness Horse Promotional Trust Fund for the 2020 Winter Wonderland Handicapping Contest at Plainridge Racecourse. Commissioner Cameron seconded the motion.  
Roll-Call Vote:

Commissioner Cameron: Aye.  
Commissioner O'Brien: Aye.  
Commissioner Stebbins: Aye.



Commissioner Zuniga: Aye.  
Chair Judd-Stein: Aye.  
The motion passed unanimously.

10:48 a.m. With no further business, Commissioner Stebbins moved to adjourn.  
Commissioner Zuniga seconded the motion.

Roll-Call Vote:

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

### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated March 20, 2020
2. HHANE Letter to Dr. Lightbown dated March 17, 2020
3. Memorandum re Postponement of Live Racing Opening at Plainridge dated March 18, 2020
4. Letter on behalf of HHANE from Bob McHugh to Steve O'Toole re Postponement of Re-opening of Racing
5. Memorandum re Request for Reimbursement | Harness Horse Promotional Trust Fund dated March 5, 2020

/s/ Bruce Stebbins  
Secretary





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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 25, 2020 – 2:00 p.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 916 2822

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

**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

2:00 p.m. Chair Cathy Judd-Stein called to order public meeting #295 of the Massachusetts Gaming Commission ("Commission").

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

Next, the Chair made an opening statement regarding the Commission meeting of March 14, 2020, addressing the temporary suspension of operations for the three casinos, and the governor's order issued on March 23, 2020, for only the operation of essential services and prohibition of gatherings of more than ten people through Tuesday, April 7, 2020, at noon. She commended the licensees and Commission staff in their demonstration of compassionate leadership during

this difficult time. She also expressed gratitude for all essential workers and the military during this time.

## Executive Staff Update

2:04 p.m.

### **Operational Status of Gaming Licensees in light of the Coronavirus**

Interim Executive Director Karen Wells stated that consistent with the governor's directive; all staff is continuing to work remotely, except Massachusetts State Police and municipal police members of the Gaming Enforcement Unit ("GEU") who are onsite at casinos and the Commission's office.

In light of the governor's order, Ms. Wells recommends that the Commission extend the temporary suspension of casino operations from March 14 until April 7 at noon. The Commission will reconvene before April 7 to evaluate and make any further determination. Each Commissioner concurred with Ms. Wells' recommendations.

2:09 p.m.

*Commissioner O'Brien moved that the Commission extend the temporary suspension of operations at the three gaming establishments initially instituted on March 14, 2020, through April 7, 2020, at noon, consistent with Governor Baker's Order issued on March 23, 2020, and the Commission's statutory obligations, which were discussed at the Commission meeting held on March 14, 2020. The Commission will continue to review and assess the public health condition in cooperation with the appropriate authorities and gaming licensees, and make a determination of the status of operations in advance of April 7, 2020. Commissioner Cameron seconded the motion.*

*Roll-Call Vote:*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Cameron: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

2:10 p.m.

### **Report on Receipt of Responses to Request For Information ("RFI") and Public Comments regarding Region C**

Ms. Wells updated the Commission on the receipt of responses to the RFI and public comments regarding questions that the Commission had presented concerning Region C. The deadline for responses and comments was March 16, 2020. She reported six responses received to the RFI, and numerous responses received to the public comments. Ms. Wells recommends that staff distribute them to the Commission allowing time for review and evaluation, and then reconvene at an appropriate time to determine the next steps.

2:16 p.m.

*With no further business, Commissioner O'Brien moved to adjourn. Commissioner Cameron seconded the motion.*

*Roll-Call Vote:*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated March 23, 2020

/s/ Bruce Stebbins  
Secretary



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** April 3, 2020 –10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 111 767 0774

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

**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 #296 of the Massachusetts Gaming Commission ("Commission").

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

The Chair made opening remarks regarding the temporary closure of the three casinos, following the governor's order, until March 29, 2020. She thanked everyone for their ongoing commitment to help reduce the reach and rigor of this public health crisis. Director of Communications Elaine Driscoll and Digital Communications Coordinator Austin Bumpus are requesting that people refer to

the newsletter published regarding COVID-19 at [www.massgaming.com](http://www.massgaming.com), located at the bottom of the page.

The Chair also noted her open letter published on the Commission's [blog](#) offering the agency's heartfelt thanks to all of the front-line workers, the leadership of the licensees, and all Commission staff for ensuring the continuity of the Commission's operational and regulatory duties.

Next, she provided details on the newsletter, stating that it contains a series of announcements about helpful resources and other related initiatives for licensees, small businesses, and casino and racing workers that Ms. Driscoll and Mr. Bumpus will frequently be updating. The Commissioners each thanked everyone involved as well.

### Executive Staff Update

[10:10 a.m.](#)

#### **Operational Status of Gaming Licensees in light of the Coronavirus**

Interim Executive Director Karen Wells stated that Governor Baker has extended his order, to now close non-essential businesses and prohibit gatherings of more than ten people. As a result, she recommends that the Commission extend the temporary extension of the casinos to parallel the governor's order until May 4, 2020, at noon. She also recommended that the Commission continue to review and assess the public health conditions in cooperation with appropriate authorities and gaming licensees, then reconvene before May 4 to make a determination regarding casino operations. The Commissioners all concurred with Ms. Wells' recommendations.

[10:12 a.m.](#)

*Commissioner O'Brien moved that the Commission extend the temporary suspension of operations at the three gaming establishments initially instituted on March 14, 2020, and extended on March 25 to go through May 4, 2020, at noon, consistent with Governor Baker's Order, issued on March 31, 2020, and the Commission's statutory obligations. She further moved that the Commission continue to review and assess the public health conditions in cooperation with appropriate authorities and the gaming licensees and make a determination as to the status of operations in advance of May 4, 2020.*

*Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

10:13 a.m.      **Operational Status of Simulcasting and Advance Deposit Wagering (“ADW”)**  
Dr. Lightbown stated that she has been in communication with all three simulcast licensees who have previously agreed to suspend operations. They are aware of the governor’s extension of the suspension of operations for non-essential businesses to May 4, 2020, and agree to abide by it. The account wagering conducted through Suffolk Downs and Plainridge Racecourse is not on-site, so it continues to operate. Dr. Lightbown recommends similarly for the simulcast licensees to what Ms. Wells recommended for the gaming licensees.

10:14 a.m.      Acting General Counsel Todd Grossman stated that he is not seeking a formal vote from the Commission on this matter as the assent of these operators to remain closed until May 4, 2020, is sufficient.

10:16 a.m.      *With no further business, Commissioner Stebbins moved to adjourn.*  
*Commissioner Cameron seconded the motion.*  
*Roll Call Vote:*  
*Commissioner Cameron:      Aye.*  
*Commissioner O’Brien:      Aye.*  
*Commissioner Zuniga:      Aye.*  
*Commissioner Stebbins:      Aye.*  
*Chair Judd-Stein:      Aye.*  
*The motion passed unanimously.*

#### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated April 1, 2020

/s/ Bruce Stebbins  
Secretary



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** April 9, 2020 –10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 512 4467

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

**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 #297 of the Massachusetts Gaming Commission ("Commission").

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

The Chair noted that the first week of April is National Public Health Week. As the Commission's Research and Responsible Gaming division has worked closely with the Massachusetts Department of Public Health ("DPH") since the Commission's inception, she looks forward to continued work with the DPH again when the casinos re-open.



## Approval of Minutes

10:05 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of March 12, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Stebbins further moved to approve the minutes from the Commission meeting of March 14, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Stebbins suggested an edit to the format of the minutes for the duration of the public restrictions to memorialize the governor's exception to the Open Meeting Law, allowing for remote collaboration technology. Commissioner Zuniga seconded the motion, with the edit.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Stebbins then moved to approve the minutes from the Commission meeting of March 16, 2020, subject to correction for typographical errors and other nonmaterial matters. He noted the previous request to edit the current format of minutes. Commissioner O'Brien seconded the motion, with the edit.*

*Roll Call Vote:*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## Administrative Update

### 10:09 a.m. Department Reports

Interim Executive Director Karen Wells provided the Commission with departmental reports. She reported that a significant portion of the Commission's normal operations is continuing, despite the interruption in casino operations.

Other much-needed areas are also being focused on now as well. She stated that the Information Technology (“IT”) Division quickly transitioned the Commission to a remote workforce. She then described all current tasks, procedures, and projects that are ongoing during the casino shutdown, by departments.

Ms. Wells stated that casino operations will resume once the public health and government officials allow. The re-openings will be a considerable task for each casino in a condensed time-frame; however, staff will be prepared as a result of ongoing efforts and steps being taken at this time.

10:30 a.m.

The commissioners each thanked everyone on the Commission’s teams for the continuing work that they are performing. Commissioner Stebbins thanked the Workforce, Supplier, and Diversity Development team for reaching out to small businesses impacted by the shutdowns. He also commented on the planning for potential sports betting and the work needed on other critical issues during the suspension period. The Chair commented that if the legislature does allow sports betting and designate the Commission to regulate it, the Commission will be poised to do so.

10:40 a.m.

**Legislative Activities Report**

Construction Project Oversight Manager Joe Delaney, Director of Workforce, Supplier, and Diversity Development Jill Griffin, presented the Commission with a legislative update regarding the pandemic.

Mr. Delaney reported that they are closely monitoring the 80 bills filed related to COVID-19. He discussed the portions of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act that are most relative to the Commission, casino, and vendors.

Mr. Delaney stated that the gaming industry is eligible to participate in the Small Businesses Act. He also described potential benefits available to licensees and vendors in terms of financial assistance.

10:47 a.m.

Ms. Griffin described the Paycheck Protection Program (“PPP”) and provided that the Small Business Administration advises small businesses to apply through their bank. She also noted the Economic Injury Loan Advance Program that provides immediate relief and may be of particular interest to horse racing independent contractors, non-profits, and small businesses. Information is on the [www.sba.gov](http://www.sba.gov) website. The Commission has been continuing to post helpful info on its website as well.

## Accounting and Finance

### 10:57 a.m.     **Budget Updates**

Chief Financial Officer Derek Lennon, Finance and Budget Office Manager Agnes Beaulieu, Revenue Manager Doug O'Donnell presented the second and third quarterly budget updates to the Commission

The Chair noted that Derek has advised the Commission to proceed as scheduled with a budget review as a prudent step in an appropriate fashion, particularly in light of emerging fiscal considerations.

Mr. Lennon noted an error on his memorandum, as the figures should indicate that the total number of gaming positions for each casino should be slightly lower, which changes the distribution of the assessment, but will not change the actual assessment amount. He will re-calculate the distribution and provide the revised numbers to the Commission.

In response to the changing environment, MGC staff has prepared a series of recommendations for spending reductions. The recommendations are based on sound fiscal policy and focus on stopping projects that have a natural stop point, not beginning projects that do not have the necessary resources available to start, and reducing budgets where spending most likely cannot happen. The majority of these initiatives represent reduced spending levels for April, May, and June. Therefore, if facilities open and business is resumed, the full savings may not be realized. The total amounts of spending reductions identified are summarized in the chart provided in the Commissioners' Packet and total \$1.5M.

There was a discussion around the need to reassess the Commission's fiscal priorities. Licensees will receive the benefit of the full \$5M assessment. Mr. Lennon stated that the team will meet monthly to discuss these and other related issues.

11:29 a.m.     Commissioner Zuniga discussed the potential modification of existing contracts, as revenues will not match what the current conditions are. He suggests that the team continue exploring what can be accomplished with the changing circumstances. He recommends billing monthly instead of quarterly.

11:35 a.m.     *Commissioner Zuniga moved that the Commission adopt the recommendations outlined in the memorandum from CFAO Lennon as included in the packet and take steps necessary to effectuate those recommendations. Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron:     Aye.*

*Commissioner O'Brien:     Aye.*

*Commissioner Stebbins:     Aye.*

*Commissioner Zuniga:     Aye.*

Chair Judd-Stein: Aye.  
The motion passed unanimously.

## Research and Responsible Gaming

11:37 a.m.

### **Springfield Lottery Impact Study**

Director of Research and Responsible Gaming Mark Vander Linden, and Dr. Mark Nichols of the Social and Economic Impacts of Gambling in Massachusetts (“SEIGMA”) Research Team presented the impacts of MGM Springfield on the Massachusetts State Lottery revenue.

Dr. Nichols reviewed a slide presentation with the Commission that described the statewide and local analysis, statewide lottery sales trends, annual lottery sales growth rates in Springfield and Surrounding Communities, and lottery sales over the first year of operation, with how they may be related to the casino. He then stated that lottery sales in Springfield and surrounding communities have seemed to be flattening out over time. There does not appear to be a change from the opening of MGM Springfield. Dr. Nichols then concluded that there appears to be no damage statewide.

11:58 a.m.

Commissioner Zuniga asked to what degree lottery agents (businesses that sell lottery tickets) numbers may have changed. Dr. Nichols replied that there was a turnover in the number of agents, as there always are, but the number in Springfield remained about the same. Many agents saw increases in their revenues, and a small number of agents experienced a decrease in revenue.

12:02 p.m.

Stebbins noted that lottery sales are broken down by zip code in Springfield and that some of the neighborhoods surrounding the casino might have seen the decrease in lottery sales. He then asked what percentage of the communities statewide experienced increases or decreases in lottery sales. Dr. Nichols will consider this for future data gathering and analysis.

Mr. Vander Linden stated this pandemic will reflect on their research as if the study is establishing a new baseline since the onset of COVID-19.

## Investigations and Enforcement Bureau (IEB)

12:10 a.m.

### **MGM and Encore Boston Harbor Qualifiers**

Chief Enforcement Counsel Loretta Lillios recommended that the Commission find the MGM Qualifier Atif Rafiq and Wynn Qualifier Rajeev Rai suitable. She stated the IEB’s investigatory steps taken that ultimately resulted in the IEB’s approval. She described both of the qualifiers’ positions and credentials to the Commission.

12:15 p.m.

*Commissioner Cameron moved that the Commission find Mr. Atif Rafiq, President of Commercial and Growth for MGM Resorts International, suitable as a*

*Qualifier for Blue Tarp reDevelopment, LLC. Commissioner Stebbins seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

[12:18 p.m.](#)

*Commissioner O'Brien moved that the Commission find Rajeev Rai, Chief Information Officer, North America suitable as a Qualifier for Wynn MA, LLC. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## **Workforce, Supplier, and Diversity Development**

[12:19 p.m.](#)

### **Hampden Prep Amendment Request (Community Mitigation Fund – Workforce Development Grant 2019)**

Ms. Griffin and Program Manager Crystal Howard presented a request for an amendment to the Community Mitigation Fund grant that for Springfield Technical Community College and Holyoke Community College that was approved by the Commission last year.

Ms. Howard described the request that would allow their Hamden Prep program to switch from in-person courses to a digital model. She described items being requested for the implantation of the new model.

[12:24 p.m.](#)

*Commissioner Stebbins moved that the Commission approve Springfield Community College's request to move to a new digital learning model, and to allow for the purchase of necessary technology, including Chromebooks and Hotspots, to support it. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## Legal Division

12:25 a.m.     **Initial Review for Emergency Adoption and Commencement of Promulgation Process for 205 CMR 138.68: Expiration of Gaming-related Obligations to Patrons; Payment to the Gaming Revenue Fund**  
Interim General Counsel Todd Grossman described the proposed amendment to the allowance of one year to collect winnings. This remedies the issue of not being able to cash winning tickets during the temporary closure of the casinos due to COVID-19. The amendment states that any period of time in which the operation is closed is excluded from the calculation. This applies to gaming winnings only, and not racing winnings. Racing winning calculations are not impacted by the temporary closures and are handled separately.

12:31 p.m.     *Commissioner Stebbins moved that the Commission approve the Small Business Impact Statement for the amendments to 205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund as included in the packet. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron:     Aye.*

*Commissioner O'Brien:     Aye.*

*Commissioner Zuniga:     Aye.*

*Commissioner Stebbins:     Aye.*

*Chair Judd-Stein:     Aye.*

*The motion passed unanimously.*

*Commissioner Stebbins further moved that the Commission approve the version of the amendments to 205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund as included in the packet and authorize the staff to take all steps necessary to begin the regulation promulgation process by emergency. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron:     Aye.*

*Commissioner O'Brien:     Aye.*

*Commissioner Zuniga:     Aye.*

*Commissioner Stebbins:     Aye.*

*Chair Judd-Stein:     Aye.*

*The motion passed unanimously.*

## Commissioner Updates

12:33 p.m.     Commissioner Stebbins stated that he would like to reflect on the retirement or “stepping down” of Jill McCarthy Payne from the Region B Local Community Mitigation Advisory Committee (“LCMAC”). The Commission thanks her for her service, and will award her a Certificate of Appreciation. He also



acknowledged Tim Brennan, who was the Executive Director of the Pioneer Valley Planning Commission and held that position for 38 years before retiring in 2019. Commissioner Stebbins acknowledged his passing on March 13, 2020, and extended prayers and condolences to Tim's family. He thanked Mr. Brennan for his service.

12:36 p.m. Commissioner Zuniga stated that as the point person for the procurement of the executive director, he has received responses. Still, he recommends that the Commission refrain from evaluating those responses temporarily and suspend the procurement until further notice.

12:38 p.m. Commissioner Cameron continues to work with regulators and advisors from around the world on the International Joint Conference with International Masters of Gaming Law ("IMGL") and the International Association of Gaming Regulators ("IAGR") conference the third week in September 2020. The group is monitoring the global pandemic, and there may be some changes as a result. She stated that they are asking for input from the Commission. The groups are continuing to meet and monitor at the same time.

12:39 p.m. *With no further business, Commissioner Cameron moved to adjourn. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

### **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated April 9, 2020
2. Draft Commission Meeting Minutes dated March 12, 2020
3. Draft Commission Meeting Minutes dated March 14, 2020
4. Draft Commission Meeting Minutes dated March 16, 2020
5. Memorandum re: Fiscal Year (FY20) Second and Third Budget Update dated April 9, 2020
6. Attachment A FY20 Actuals Spending and Revenue dated April 3, 2020
7. Attachment B QRY – Step 16A Budget Amendment Requests 2<sup>nd</sup> Quarter by Object Class
8. Attachment C QRY – Step 16A Budget Amendment Requests 3<sup>rd</sup> Quarter by Object Class
9. Lottery and MGM Springfield Presentation dated February 20, 2020
10. Massachusetts Lottery Sales and MGM Springfield First-Year Analysis
11. SEIGMA Fact Sheet 2020



12. Small Business Impact Statement for Amendments to 205 CMR 138.68
13. Cover Sheet for Draft Regulation Amendment to 205 CMR 138.68
14. Draft Regulation Amendment to 205 CMR 138.68
15. Memorandum: 2019 Workforce Development Community Mitigation Fund Grant:  
Amendment Request for Hampden Prep dated April 8, 2020

/s/ Bruce Stebbins  
Secretary

DRAFT



TO: Chair Judd-Stein, Commissioner Cameron, O'Brien, Stebbins, and Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,  
Katrina Jagroop-Gomes, Chief Information Officer

CC: Karen Well, Interim Executive Director

DATE: April 23, 2020

RE: Category 1 request to delay implementation of a play management system

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On October 1, 2018, the MGC entered into a memorandum of understanding with Encore Boston Harbor (EBH) and MGM Springfield (MGM) to develop and implement a play management system, similar to PlayMyWay at Plainridge Park Casino at their properties no later than September 1, 2020.

Since that time, both operators, IGT and the MGC, have worked diligently and in good faith toward the completion and launch of a play management system. However on March 27, 2020, Interim Executive Director, Karen Wells, received a joint memo from MGM and EBH (attached), requesting a delay to launch until September 1, 2020, citing a need to postpone capital expenditure projects due to the COVID-19 outbreak and the resulting suspension of operations. On April 10, CIO, Jagroop-Gomes, and I had a follow-up meeting with representatives from both licensees to discuss the rationale of the request and the revised schedule. Given the current situation, we agree the request is reasonable and recommend the Commission grant the request to delay implementation.



Massachusetts Gaming Commission



***By Email***

March 27, 2020

Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02119  
Attn: Karen Wells, Acting Executive Director

**Re: Request for Extension of Implementation Timeline for Play My Way**

Dear Commissioners:

As you are aware, MGM Springfield and Encore Boston Harbor both previously committed to implement the Play My Way software upgrade to our slot machines by September 2020. While each licensee has continued to work diligently and in good faith on this project, due to unexpected recent events related to the worldwide COVID-19 outbreak and the resulting suspension of our operations, we are being forced to re-evaluate and consider postponing capital expenditure projects contemplated for the near future.

Accordingly, we respectfully request that the timeline set forth in the MOU between our companies and the Commission be extended for one (1) year, until September 1, 2021, which is a more realistic and financially feasible goal assuming operations are able to resume in the reasonably near future.

Please note that this request supersedes the prior extension of this timeline requested by Wynn MA, LLC.

We are happy to address any questions or concerns.

Sincerely,

Seth N. Stratton  
Vice President and Legal Counsel  
Blue Tarp reDevelopment, LLC

Jacqui Krum  
Senior Vice President & General Counsel  
Wynn MA, LLC

cc: Katrina K. Jagroop-Gomes, Chief Information Officer, MGC  
Mark Vander Linden, Director of Research and Responsible Gaming, MGC



TO: Chair Judd-Stein, and Commissioners Cameron, O'Brien, Stebbins, and Zuniga

FROM: Todd Grossman, Interim General Counsel, and Bill Curtis, Licensing Manager

CC: Karen Wells, Interim Executive Director

DATE: April 21, 2020

RE: Vendor and Employee License/Registration Expiring During Shutdown (Grace Period)

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**SUMMARY:**

Due to the current closure of the Massachusetts gaming establishments, vendors and employees have been unable to file their license and registration renewals on time. The staff does not want these licenses and registrations to expire due to the hardship that this could cause a vendor and employee. Staff is requesting your approval to institute a grace period for the renewal of licenses and registrations for only the affected vendors and employees. By establishing this grace period, vendors and employees will be allowed to submit their renewal application while staying in compliance. Staff is requesting that the length of the grace period equal the number of days that the gaming establishments are closed. We believe that this is the most cost-effective and efficient way to address this issue.



Massachusetts Gaming Commission



*Legal Division*

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

FROM: Todd Grossman, Interim General Counsel  
Carrie Torrisi, Associate General Counsel

DATE: April 21, 2020

RE: Authority of the Commission Act in an Emergency Situation

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At the outset of the current global pandemic, the question arose as to what authority, if any, the Commission had to suspend or condition operations at the gaming establishments in the Commonwealth. We have identified the statutes and regulations below which provide the Commission with such authority. In an effort to synthesize the various sources of Commission authority to act in an emergency situation, we have drafted a regulation that highlights the relevant statutes and regulations and fills in any gaps, where necessary. The regulation does not, however, create any new rules or authority.

Pursuant to G.L. c. 23K, the Commission is granted broad authority to carry out its powers and duties under the statute. G.L. c. 23K, § 4 states that the Commission is granted “all powers necessary or convenient to carry out and effectuate its purposes,” among which is the strict oversight of all gaming establishments.<sup>1</sup> G.L. c. 23K, § 4 further states that such powers and authority “shall be construed as broadly as necessary for the implementation, administration and enforcement of [G.L. c. 23K].”

Although G.L. c. 23K does not grant the Commission any explicit authority to close a gaming establishment in the event of an emergency situation, it does permit the Commission to “condition, suspend, or revoke a gaming license upon a finding that a licensee...is no longer capable of maintaining operations at a gaming establishment.” G.L. c. 23K, §23(b)(v). While there is no specific definition of “maintaining operations,” the Commission could interpret this language to apply beyond gaming and financial operations to apply to the inability to maintain operations due to other relevant factors.<sup>2</sup>

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<sup>1</sup> G.L. c. 23K, § 4 lists a number of powers granted to the Commission and states at the outset that “[t]he commission shall have all powers necessary or convenient to carry out and effectuate its purposes including, but not limited to...”

<sup>2</sup> For example, the present social distancing recommendations from the Centers for Disease Control as well as the Governor.



Massachusetts Gaming Commission

Additionally, G.L. c. 23K, § 25(i) requires that “representatives of the commission [be] present at the gaming establishment” in order for any category 1 or category 2 licensee to operate.<sup>3</sup> If Commission staff is unable to be on the premises for health or safety reasons, the Commission may determine that the gaming establishment would be incapable of maintaining operations. In the event this occurs, the Commission may consider whether a virtual staff presence or State Police presence would satisfy the requirement that Commission representatives be present at the gaming establishment.

Further, the Commission’s Investigations and Enforcement Bureau (“Bureau”) has the authority to “issue a temporary suspension of [a] license” if the Bureau finds that “the licensee is engaged in an act or practice that would cause irreparable harm to the security and integrity of the gaming establishment.” G.L. c. 23K, § 35(e).<sup>4</sup> Although Section 35(e) is not explicitly directed towards *gaming* licensees (rather, licensees in general), the Commission could determine that continuing to keep the gaming establishment open in the midst of an emergency situation would cause irreparable harm to the security and integrity of the gaming establishment, its staff, and its patrons.

Additionally, G.L. c. 23K, § 21 requires a gaming licensee to “institute additional public health strategies as required by the commission” as a condition of licensure and the Commission “may include reasonable additional requirements to the license conditions.” G.L. c. 23K, § 21(a)(19); c. 23K, § 21(c). In the event that the gaming establishments are permitted to remain open but require public safety measures to be imposed, the Commission may rely on this authority in implementing various measures.

With the above tools in mind, we have drafted an emergency regulation to clarify the Commission’s authority to act in an emergency situation. The Commission is authorized to promulgate an emergency regulation pursuant to G.L. c. 30A § 2 if it determines that “such regulation is necessary to protect the interests of the commonwealth in regulating a gaming establishment.” G.L. c. 23K, § 5(b). An emergency regulation is permitted if the commission “finds that immediate adoption, amendment, or repeal of a regulation is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest.” G.L. c. 30A, § 2.

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<sup>3</sup> No category 1 or category 2 licensee shall operate unless the gaming establishment manager or the manager's designee is on the premises and representatives of the commission are present at the gaming establishment. 23K s. § 25(i).

<sup>4</sup> “The bureau shall issue an order to cease and desist any activity if the bureau finds that a licensee has engaged in or is about to engage in an act or practice which constitutes a violation of this chapter or any other laws of the commonwealth and may take such affirmative action to effectuate the order. If the bureau finds that the licensee is engaged in an act or practice that would cause irreparable harm to the security and integrity of the gaming establishment or the interests of the commonwealth in ensuring the security and integrity of gaming under this chapter, the bureau may issue a temporary suspension of the license.” G.L. c. 23K, s 25(e).

The regulation compiles existing statutory and regulatory authority to clarify that the Commission has authority to act in a number of emergency situations, including a state of emergency as declared by the Governor of the Commonwealth or the President of the United States, a public health emergency as declared by an organization having expertise in public health, a natural disaster, or any other situation that presents an immediate threat of serious physical harm to the health or wellbeing of the public that requires action without delay.

The regulation provides that in such an emergency situation, both the Bureau and the Commission shall have the authority to order suspension of the gaming license and closure of the gaming establishment and the Commission shall also have the authority to impose conditions related to gaming and non-gaming operations to protect the public health. In addition, the regulation provides that the licensees shall have the right to an adjudicatory hearing in the event that any such action is taken by the Bureau and/or the Commission.





*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed regulation **205 CMR 109.01: Authority of the Commission to Act in an Emergency Situation**. This regulation would enable the Commission and the IEB to issue orders and/or establish procedures to be followed by the gaming licensees immediately, in the event of an emergency situation.

The proposed regulation was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth, is primarily governed by G.L. c. 23K, §§ 1, 4, 23(b), and 35, and applies directly to gaming licensees.

Under G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:  
  
As this amendment pertains solely to gaming licensees in an emergency situation. No small businesses are subject to its directives.
2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:  
  
There are no projected reporting, recordkeeping or administrative costs created by this amendment that would affect small businesses.
3. State the appropriateness of performance standards versus design standards:  
  
These amendments do not implicate small businesses.
4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:  
  
There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth. This regulation is consistent with G.L. c.276.



Massachusetts Gaming Commission

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The proposed amendments to this regulation are not expected to encourage or deter the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

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Shara N. Bedard  
Paralegal

Dated:



Massachusetts Gaming Commission

### Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
CMR Number	205 CMR 109.01	
Regulation Title	Authority of Commission to Act in Emergency Situation	
<input checked="" type="checkbox"/> Draft Regulation		<input type="checkbox"/> Final Regulation
Type of Proposed Action		
<input checked="" type="checkbox"/> Please check all that apply		
<input type="checkbox"/> Retain the regulation in the current form.		
<input checked="" type="checkbox"/> New regulation (Please provide statutory cite requiring regulation): G.L. c. 23K, §§ 1, 4, 23(b), 35		
<input checked="" type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted): 4/23/2020		
<input type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised):		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
The proposed regulation would enable the Commission and the IEB to issue orders and/or establish procedures to be followed by the gaming licensees immediately, in the event of an emergency situation.
Nature of and Reason for the Proposed Action
This regulation is being proposed for emergency adoption to address situations arising from the unanticipated closures of the gaming establishments, and any potential future emergencies.

## Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input type="checkbox"/> Redlined version of proposed amendment to the regulation, including repeals	<input checked="" type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as-is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input type="checkbox"/> Amended SBIS

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 109.00

109.01: Authority of the Commission to Act in an Emergency Situation

1. Consistent with the principles outlined in G.L. c. 23K, § 1 and in furtherance of the Commission's broad superintendence powers established in G.L. c. 23K, § 1 and G.L. c. 23K, § 4, in an emergency situation the Commission and/or the Bureau may, in furtherance of the provisions of G.L. c. 23K §§ 23(b) and 35, in its discretion, take any action it deems necessary to preserve the health, safety, or general welfare of its employees, the gaming licensees and their employees, and/or patrons of the gaming establishments. An emergency situation may include, but not be limited to:

- a. A state of emergency declared by the Governor of the Commonwealth pursuant to St 1950 c. 639, § 5;
- b. A national emergency declared by the President of the United States pursuant to 50 U.S.C. 1601 *et seq.*;
- c. A local, national, or global public health emergency as declared by the Massachusetts Department of Public Health, the Federal Centers for Disease Control and Prevention, the World Health Organization, or a similarly situated local or national agency or organization having expertise in public health;
- d. A natural disaster; or
- e. Any situation that presents an immediate threat of serious physical harm to the health or wellbeing of the public that requires action without delay.

2. During such emergency situation:

- a. The Bureau may issue an order to cease and desist activity pursuant to G.L. c. 23K, § 35(a) or § 35(e) or an order of suspension of the gaming license pursuant to G.L. c. 23K, § 35(e), and may make recommendations to the Commission to issue orders to condition, suspend, or revoke a gaming license pursuant to G.L. c. 23K, § 35(d); and/or
- b. The Commission may issue orders and/or establish procedures to be followed by the gaming licensees as a condition of licensure pursuant to G.L. c. 23K, §§ 21(a)(19) and (c) and as a requirement of its operations certificate pursuant to G.L. c. 23K, § 25 that may include but not be limited to orders regarding operations relative to gaming and non-gaming activity at the gaming establishment. The Commission may also issue orders that include but are not limited to cessation of gaming or non-gaming activities or closure of the gaming establishments in whole or in part.

### 3. Hearings.

a. If the Bureau takes action pursuant to 109.01(1) and (2) and G.L. c. 23K, § 35, it may take such action immediately. If the Bureau issues an order to cease and desist activity pursuant to G.L. c. 23K, § 35(a) or § 35(e) or an order of suspension of the gaming license pursuant to G.L. c. 23K, § 35(e), the licensee shall have the right to an adjudicatory hearing before the Commission on such order in accordance with G.L. c. 30A and G.L. c. 23K, § 35(f). Such hearing shall be convened as soon as practicable but in no case later than seven days from the date of the Bureau's action in accordance with G.L. c. 23K, § 35(f).

b. If the Commission intends to take action pursuant to 109.01(1) and (2) and G.L. c. 23K, § 23(b)(v) that will limit or cease gaming or non-gaming operations or result in closure of the gaming establishment in whole or in part, it shall provide reasonable notice of hearing in accordance with G.L. c. 30A. In the event of an emergency situation, notice shall be deemed reasonable if it is provided as promptly as the emergency allows.