



MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING#313

July 16, 2020  
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1 646 741 5293**  
**PARTICIPANT CODE: 111 497 8159**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA**  
**July 16, 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, July 16, 2020**  
**10:00 a.m.**

**Massachusetts Gaming Commission**  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 111 497 8159

All documents and presentations related to this agenda will be available for your review on the morning of July 16, 2020 by [clicking here](#).

**PUBLIC MEETING - #313**

1. Call to order
2. Approval of Minutes
  - a. June 16, 2020
  - b. June 17, 2020
3. Administrative Update – Karen Wells, Interim Executive Director/Director of IEB
  - a. Report on Licensees Re-opening and Racing Re-opening - Karen Wells, Bruce Band, Assistant Director and Gaming Agents Division Chief; Dr. Alex Lightbown, Director of Racing **VOTE**
  - b. Massachusetts Gaming Commission’s Status on Return to Workplace Compliance and Guidelines – Karen Wells; Trupti Banda, Human Resource Manager
  - c. MGC Internal Controls Update – Karen Wells



Massachusetts Gaming Commission

4. Legal Division – Todd Grossman, Interim General Counsel
  - a. **205 CMR 109.00: Authority of Commission to Act in Emergency Situation** – Clarifies the authority of 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; and Amended Small Business Impact Statement **VOTE** to finalize the promulgation process
  - b. **205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund** - Establishes that the one-year period a casino patron has to claim winnings shall not include any period of time that a casino is not in operation; and Amended Small Business Impact Statement **VOTE** to finalize the promulgation process
5. Executive Director Search Update – Commissioner Enrique Zuniga
6. Formation of Working Group on Equity and Inclusion in the MGC Workplace– Chair Cathy Judd-Stein
7. Commissioners Update
8. 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).

July 14, 2020

*Cathy Judd-Stein*, Chair

**Date Posted to Website:** July 14, 2020 at 10:00 a.m.



Massachusetts Gaming Commission



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** June 16, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 023 5667

**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 #306 of the Massachusetts Gaming Commission (Commission).

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

The Chair noted that this meeting is to discuss protocols for conducting safe and sustainable racing, with respect to the opening phased protocols in response to COVID-19 status. Additional next steps for opening the racetrack and commencement of racing, under Governor Baker's ordered phase three status, will also be discussed.

## **Racing Division**

### **10:03 a.m. Plainridge Park Casino Racing Roundtable Discussion**

Interim Executive Director Karen Wells opened the discussion by stating that reopening at the beginning of phase three appears very positive. She asked Racing Director Dr. Lightbown for her comments and highlights of the reopening plan.

**10:05 a.m.** Dr. Lightbown stated that Chris McErlean, Vice President of Penn National Gaming, was present to review Penn's opening plan for Plainridge Racecourse with the Commission. Also present was Bob McHugh, President of the Harness Horsemen's Association of New England (HHANE), Frank Antonacci, Director of the HHANE, and Attorney Marty Corry

**10:06 a.m.** Mr. McErlean stated that by barring any changes in the governor's guidelines, they are making preparations to conduct qualifying races on June 29<sup>th</sup> and July 2<sup>nd</sup> with the intent to have the first live pari-mutuel race on July 6<sup>th</sup>. The qualifying races will provide the opportunity to assess the protocols and make any adjustments necessary.

**10:17 a.m.** Dr. Lightbown stated that there is a general agreement on the protocols that comprise Penn's reopening plan, and provided highlights of the plan for the Commission. She stated that the key items in the plan are social distancing, disinfecting, and implementing those protocols into the horse racing business. There will be restrictions for which individuals are allowed on the grounds. Access to the racing office will be restricted to designated staff, and business will be conducted electronically. A protocol for online licensing is currently being discussed as well. A lockbox will be installed outside of the racing office so individuals to drop off their license applications and payments and mail.

**10:18 a.m.** The Chair suggested a new agenda item for a future Commission meeting to discuss any necessary policy changes regarding the licensing applications that would require an emergency regulation change. Mr. Grossman stated that the Commission could engage in a waiver or a variance to the license application process in lieu of regulation amendments.

**10:21 a.m.** Mr. McErlean then provided the Commission with an overview of the protocols in Penn's reopening plan.

**10:30 a.m.** Mr. McErlean confirmed for Commissioner Stebbins that he is not aware of any issues with Plainridge Racecourse acquiring sufficient supplies of Personal Protective Equipment (PPE), and will follow-up to confirm. Commissioner Stebbins then asked if they have been communicating their guidelines to staff and

the drivers and handlers. The Chair asked more specifically about how they are going to enforce social distancing. Mr. McErlean replied that depending on the number of horses; they will leave stalls vacant to distance the horses, draw lines in the paddock, and rely on self-discipline from the staff. There will be security to enforce this as well. Mr. Antonacci stated that, in general, safety protocols for the horsemen creates social distancing.

[10:40 a.m.](#) A system for the horsemen to document that cleaning the paddock areas has been completed each time will be considered for implementation by Mr. McErlean. He is still working on determining if there should be staggered times for horses' arrival.

[10:43 a.m.](#) Dr. Lightbown provided her perspective for Commissioner Cameron on pre and post-race testing, stating that they still require a signature on the evidence cards and that testing will remain much the same. There will be a written protocol to ensure clarity on the process for everyone.

The Chair noted that the bathrooms should be cleaned more than once a day and that hand sanitizer is readily available to combat any potential spread, should any person become infected. The Chair also emphasized that there should be messaging that personnel is mindful of their interactions. Mr. Antonacci anticipates an active communication plan in place immediately with the horsemen and women. He added that they have proactively secured their additional PPE and that he also encourages personnel to show up with their own masks and sanitizer.

[10:52 a.m.](#) Commissioner Stebbins stated that educating individuals in texts with links to videos instead of in writing could be very effective.

The Chair noted the importance of training for sanitization and the use of PPE. Dr. Lightbown stated that the HHANE has already posted signage for PPE, and she will forward Human Resources' training videos to them and Mr. McErlean at Plainridge.

[10:55 a.m.](#) Next, Dr. Lightbown elaborated on the training for the Commission staff that the Reopening Working Group has implemented, and stated that the office has been set up with signage. Licensing Specialist Bill Egan is now working on accepting licensing applications and taking calls. Dr. Lightbown also stated that the testing process will be different. The office is very small, so it will be off-limits to everyone except for the coordinator, the veterinary assistant, and the trainer's representative, who can observe from the door. Dr. Lightbown stated that there will be optional shields to wear with masks. There will also be a plexiglass partition installed for Mr. Egan's protection. Commissioner Zuniga noted that the official's booth is also very small. Dr. Lightbown explained that they will use an adjacent office that will allow for social distancing for the three officials.

[11:00 a.m.](#) Should any individual become unwell and need to call in sick, Dr. Lightbown stated that there is a back-up staff that is cross-trained regularly, as well as show-in judges.

[11:03 a.m.](#) The Chair stated that should someone test positive for COVID-19, there should be protocols similar to the casinos. Protocols would include a pandemic security officer accountable for ensuring proper outreach to the local public health department for the contact tracing program, notifying them of an outbreak.

[11:06 a.m.](#) Today's feedback on the draft will be incorporated into a final draft and brought before the Commission for formal adoption.

Commissioner Cameron asked that Mr. McErlean report on anything learned within the next week from his other jurisdictions in the interim, and work with Dr. Lightbown to implement any changes needed to the best practices reopening plan.

The Commission will review the final draft and formally endorse or adopt the plan with a vote. Should there be a need to address any variances, a separate Commission meeting can be scheduled before June 29<sup>th</sup>.

[11:12 a.m.](#) Next, Mr. McErlean updated the Commission on the necessary preparations being conducted for safe racing at Plainridge Racetrack. Dr. Lightbown stated that the United States Trotting Association (USTA) issued guidance on racetrack maintenance and that Plainridge Racetrack will follow that protocol.

[11:18 a.m.](#) Mr. McErlean also mentioned a previous discussion that took place regarding simulcasting and noted a conflict in the language regarding phase three concerning the requirement of no spectators for simulcasting. He clarified that simulcasting inherently has spectators and that Raynham and Suffolk both are conducting simulcasting. The Chair provided clarification that the terminology in the language regarding spectators is intended for live racing.

Mr. McErlean then stated that the plan for reentrance into the casino is a single entrance that simulcast customers will have to use. Simulcast customers will undergo the same entry process as casino customers.

[11:30 a.m.](#) **Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(7) – Qualifying Race Requirement**

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of a waiver of 205 CMR 3.12(7) for the 2020 racing season at Plainridge Park Casino.

205 CMR 3.12(7) states that the Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.

The requested waiver would change the requirement from 30 days to 45 days. Plainridge requested this same waiver in 2018 and 2019, and the Commission approved it.

Dr. Lightbown recommends that the Commission approve the request of Plainridge Park Casino of a waiver for the 2020 racing season concerning 205 CMR 3:12(7) which would require all horses not showing a satisfactory racing line during the previous 45 days to run a qualifying mile in a race before the Judges.

[11:34 a.m.](#) Commissioner Zuniga remarked on his anticipation of an update on the number of horses and horsemen entering into the qualifying race to indicate how many more qualifying races would be needed.

[11:36 a.m.](#) *Commissioner Stebbins moved that the Commission approve the request of Plainridge Park Casino for a waiver for the 2020 racing season concerning 205 CMR 3.12(7) which would require all horses not showing a satisfactory racing line during the previous 45 days to run a qualifying mile in a race before the Judges. Commissioner Cameron seconded the motion. The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

[11:38 a.m.](#) **Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel**

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of their Key Operating Personnel and Racing Officials dated March 5th, 2020. The list of individuals is referenced in the Commissioners' Packet. All were licensed by the Massachusetts Gaming Commission in 2019 and are currently applying for their 2020 licenses. The Massachusetts State Police will conduct their background checks.

Dr. Lightbown recommends that the Commission approve Plainridge Park Casino's request to approve their March 5th, 2020 list of Key Operating Personnel and Racing Officials, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of their background checks by the Massachusetts State Police.

[11:40 a.m.](#) *Commissioner Cameron moved that the Commission approve Plainridge Park Casino's list of Key Operating Personnel and Racing Officials dated March 5th, 2020, as included in the Commissioners' Packet, pending satisfactory completion*



*of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of their background checks by the Massachusetts State Police. Commissioner O'Brien seconded the motion.*

*The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

[11:41 a.m.](#) **Standardbred Owners of Massachusetts (SOM) Recognition Request as Breeders' Representative Group**

Under Massachusetts General Law Chapter 128, Section 2 (j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested they be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.

[11:42 a.m.](#) Nancy Longobardi, Secretary/Treasurer for the SOM, provided the Commission with highlights from the 2019 season to the Commission and noted that for 2020 there are 121 mares registered, spread across 35 farms throughout the Commonwealth. The Chair requested Ms. Longobardi's statistics be provided in a memorandum to the Commission.

Ms. Longobardi added that outside of racing this year, the SOM is planning to support the Polar plunge, a local charitable event arranged by Norfolk, Wrentham, and Plainville, as well as a retraining program for the Massbred horses.

Dr. Lightbown recommends that the Commission approves the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.

[11:45 a.m.](#) *Commissioner O'Brien moved that the Commission approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.*

*Commissioner Cameron seconded the motion.*

*The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

11:46 a.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 June 16th, 2020
2. Protocols for Conduct of Live Racing Under COVID-19
3. Harness Horsemen Biosecurity Protocol (Draft)
4. HHANE Risk Management Plan
5. Plainridge Racing Officials Request 2020
6. MGC Request 2020 Officials
7. Plainridge Waiver Request of 205 CMR 3.12(6)
8. PPC Request 45 Days dated March 5th, 2020
9. Memorandum: SOM Recognition dated March 6th, 2020
10. SOM MSRC Request 2020

/s/ Bruce Stebbins  
Secretary



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** June 17, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 184 8097

**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 #307 of the Massachusetts Gaming Commission (Commission). She thanked all of the commissioners, as well as Chief Enforcement Counsel Loretta Lillios, Gaming Agents Division Chief Bruce Band, Deputy Gaming Agent Division Chief Burke Cain, and the entire Internal Investigations Bureau (IEB) team under Interim Executive Director Karen Wells' leadership, for the creation of today's document included in the Commissioners' Packet establishing safety protocols for the casinos' re-opening. The Chair then outlined her plan for the meeting's discussion.

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

## Executive Update

### 10:03 a.m.     **Adoption of Licensee Reopening Minimum Standards**

Ms. Wells reviewed the attached guideline document that was compiled in response to the previous Commission meeting discussion. Areas in need of a consensus today are beverage service, distance in gaming positions at slot machines, physical distance in gaming positions at table games, and occupancy levels.

10:07 a.m.     The Chair suggested that commissioners identify any items outside the four categories outlined where they are seeking any clarification. She noted that a consensus had not been reached on any hand sanitizer requirements at the last meeting.

10:08 a.m.     After comments from Commissioner O'Brien regarding the document's references to compliance, the Chair suggested that language from page 5(n) regarding a pandemic safety officer also be placed on page 2, subsection 1(c) to maintain uniformity.

Commissioner O'Brien also asked for guidance regarding page 5(d) concerning the locations for the formation of lines, and ways to address this. As a result, a reference to the use of floor markings will be added to the document.

Language from Massachusetts' lodging guidelines prohibiting coat checks will also be added to the document.

10:14 a.m.     Commissioner Zuniga suggested a provision stating that this document is a working version that is subject to change in response to state and federal guidelines. The Chair stated that the Commission could consider asking for regular reporting from the licensees during the re-openings.

10:17 a.m.     Ms. Lillios then began the discussion of beverage service in the gaming area, which was the first of four topics. She noted that the IEB is now providing direction here and balancing several factors. The IEB suggested that beverage service be allowed in the gaming area and limited to gaming guests. Guests would raise and lower their mask to consume beverages at the gaming machines or tables, but not walk through the gaming floor with beverages.

10:20 a.m.     At Commissioner O'Brien's request, the IEB will edit the language in the document to reflect that guests must be actively engaged in gaming to consume alcoholic beverages, consistent with the language set forth for the 2:00 – 4:00 a.m. beverage service protocol.

The Chair also added that public health specialists have stated that there is more of a health risk from masks being frequently raised and lowered.

- [10:21 a.m.](#) Commissioner Zuniga expressed concern regarding controlling the self-serve, non-alcoholic beverages. He noted that the protocols and/or prohibitions should be understood to encompass all beverages, not just alcohol. Encore General Counsel Jacqui Krum confirmed for the Commission that self-serve stations are prohibited.
- [10:32 a.m.](#) Commissioner O'Brien suggested the addition of language to read, "guests are not to be allowed to carry or drink beverages when moving about the gaming area," as it would complement the requirement that guests be actively gaming to consume beverages and not roaming the gaming floor. A concern was raised that enforcement of this guideline may present a challenge, which led to a further discussion concerning beverage service.
- [10:39 a.m.](#) Next, the Commission discussed social distancing concerning slot machines. Ms. Lillios directed the Commission to reference a chart on page seven of the IEB's draft protocol document. The IEB recommends either a requirement of a minimum of six feet between machines, or installation of plexiglass dividers not less than six feet tall. At a minimum, every other machine should be disabled with chairs removed.
- [10:41 a.m.](#) Ms. Wells noted that licensees had notified her that there may be a supply issue with six-foot plexiglass dividers. The licensees described the current challenge regarding the height requirement of the free-standing plexiglass that the casinos procured before the six-foot guideline was in place. Should they find and procure the now required size, the turn-around time for purchasing the new plexiglass and re-installation would further push the casinos' re-opening schedule to a later date.
- [10:51 a.m.](#) The Chair stated that she would like to maintain the six-foot requirement while considering a potential variance for plexiglass partitions. Commissioner O'Brien suggested obtaining some clarification from the Governor's advisory board. Mr. Grossman confirmed that the Executive Director could grant a variance to the extent that it is part of the internal controls.
- [10:58 a.m.](#) The IEB will conduct additional research in conjunction with a variance instead of postponing today's decision.
- Next, the minimum space requirement between patrons with the addition of plexiglass dividers was discussed, and Commissioner O'Brien suggested entering an exact measurement into the language for guidance. The Commission reached a consensus on a distance requirement of four feet.
- [11:09 a.m.](#) There was discussion around edits to the language in the IEB's initial Phase 3 Minimum Standards. Ms. Lillios will edit this section to reflect a standard physical distance requirement of six feet without plexiglass and four feet with plexiglass.

- [11:14 a.m.](#) Next, Ms. Lillios outlined the section concerning social distancing for table games on pages eight and nine in the IEB's initial Phase 3 Minimum Standards. The IEB recommends plexiglass dividers not less than six feet tall separating dealer from player positions and between player positions, no more than three player positions at each Blackjack-style table, with chairs for unavailable positions removed. Additionally, there will be no Craps or Roulette until further notice due to the difficulty to maintain six feet or installation of plexiglass.
- [11:17 a.m.](#) The Chair opened this discussion by describing the plexiglass situated at the gaming tables that were observed at a previous Commission meeting. Mr. Band further described the plexiglass divider configuration. The Commission then reached a consensus that no changes are needed for this section.
- [11:22 a.m.](#) Lastly, Ms. Lillios reviewed the section addressing occupancy in the IEB's initial Phase 3 Minimum Standards. Licensees will need to map out their gaming floors and submit documentation to the IEB. Ms. Lillios then shared a document that described the number of gaming positions currently at the three casinos that can be used for reference in setting occupancy levels. It was noted that those numbers might fluctuate as licensees reconfigure their floors.
- [11:28 a.m.](#) Commissioner Zuniga stated that he believes using a percentage of the building code as a guide would be appropriate, as the gaming floor is large enough for people can maintain a six-foot physical distance from each other with masks on.
- [11:42 a.m.](#) The Chair noted that the number of employees on the gaming floor should be considered in the occupancy level. There was discussion around employees included in the occupancy levels and installing plexiglass in the slot machine areas. All three licensees stated that they would need to reconfigure their slot machine areas to accommodate plexiglass.
- [11:52 a.m.](#) The Commission discussed with Legal Counsel for MGM Patrick Madamba the six-foot mandate for restaurants in Phase 2 in Massachusetts, and the feasibility of applying it to the casinos. It was noted that additional guidance would be needed to effectively direct the differences between a restaurant and a casino concerning this mandate. As of now, guests must be six feet apart when they eat or drink, unless a non-porous material separates them.
- [12:01 p.m.](#) The Commission reached a consensus that all table games will require plexiglass dividers. This will offer uniform protection for all employees. Beverages will only be served to those who are seated. The Chair noted that casino bars are not open during the current paradigm.
- [12:05 p.m.](#) The Commission will pause on the issue of plexiglass between slot machines and return to this when the licensees provide additional information regarding employee numbers for occupancy.

12:12 p.m. The Commission will reconvene after gathering more information as soon as possible. The Chair encouraged the licensees to share any detail that might be pertinent to the next meeting.

Mr. Madamba will provide additional info on MGM Springfield's HVAC systems as soon as possible.

12:15 p.m. *With no further business, Commissioner Zuniga moved to adjourn. 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.*

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

1. Notice of Meeting and Agenda dated June 16, 2020
2. Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

/s/ Bruce Stebbins  
Secretary



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c.30A, § 5 relative to the new regulation **205 CMR 109.01: Authority of the Commission to Act in an Emergency Situation** that was adopted by emergency, and for which a public hearing was held on July 2, 2020.

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. Accordingly, this regulation is unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be negatively impacted by this amendment as it solely relates to gaming licensees in an emergency situation. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This amendment does not impose any reporting requirements.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

There are no design or operational standards required in the proposed amendment.



Massachusetts Gaming Commission



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

This amendment is not likely to deter or encourage the formation of new businesses in the Commonwealth as it is limited in its likely impact on the business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

\_\_\_\_\_  
Shara Bedard  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission

### Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
<b>CMR Number</b>	205 CMR 109.01	
<b>Regulation Title</b>	Authority of Commission to Act in Emergency Situation	
<input type="checkbox"/> <b>Draft Regulation</b>		<input checked="" type="checkbox"/> <b>Final Regulation</b>
Type of Proposed Action		
✓ <b>Please check all that apply</b>		
<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 type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<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 was adopted by emergency on 5/7/2020 to address situations arising from the unanticipated closures of the gaming establishments, and any potential future emergencies. This proposed action is to finalize the promulgation process to formally adopt the regulation.

## 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 checked="" type="checkbox"/> Amended SBIS

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 109.00: AUTHORITY OF THE COMMISSION TO ACT IN AN EMERGENCY  
SITUATION

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 and safety 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 and, in the event of a closure of the gaming establishment, shall coordinate with the licensee to execute a safe and orderly closure. 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.



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c.30A, § 5 relative to the amendment to **205 CMR 138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund** was adopted by emergency, and for which a public hearing was held on July 2, 2020.

The proposed amendment clarifies that the one-year period a casino patron has to claim winnings shall not include any period of time that a casino is not in operation. This amendment is primarily governed by G.L. c.23K, §4(28), 5.

The amendment to 205 CMR 138.68 applies to the gaming establishments and patrons. Accordingly, this regulation is unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be negatively impacted by this amendment as it solely relates to the manner in which a patron can collect their winnings in the event of a temporary casino closure. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This amendment does not impose any reporting requirements.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

There are no design or operational standards required in the proposed amendment.



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

This amendment is not likely to deter or encourage the formation of new businesses in the Commonwealth as it is limited in its likely impact on the business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

\_\_\_\_\_  
Shara Bedard  
Paralegal  
Legal Division

Dated: \_\_\_\_\_



Massachusetts Gaming Commission

### Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Todd Grossman		
Overview		
<b>CMR Number</b>	205 CMR 138.68	
<b>Regulation Title</b>	Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund	
<input type="checkbox"/> <b>Draft Regulation</b>		<input checked="" type="checkbox"/> <b>Final Regulation</b>
Type of Proposed Action		
✓ <b>Please check all that apply</b>		
<input type="checkbox"/> Retain the regulation in the current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 2/8/2019		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
The proposed amendment clarifies that the one-year period a casino patron has to claim winnings shall not include any period of time that a casino is not in operation.
Nature of and Reason for the Proposed Action
This amendment was adopted by emergency on 4/9/2020 in an effort to fairly remedy an issue that emerged as a result of the unanticipated closures of the gaming establishments. This proposed action is to finalize the promulgation process to formally adopt the regulation.



## Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of the proposed amendment to the regulation, including repeals	<input 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 bases for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES  
AND INTERNAL CONTROLS

138.68: Expiration of Gaming-related Obligations Owed to Patrons; Payment to the Gaming Revenue Fund

(1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the expiration of gaming-related obligations, and unclaimed cash and prizes that provide, at a minimum, that:

(a) Any money that is owed to a patron by a gaming licensee as a result of a gaming transaction must be claimed within one year of the date of the gaming transaction or the obligation of the gaming licensee to pay the patron will expire. Upon expiration of the obligation, the involved funds must be transferred to the Gaming Revenue Fund in accordance with M.G.L. c. 23K, §§ 53 and 59. **In calculating the one year period referenced herein and in M.G.L. c. 23K, § 53, any period of time for which the gaming establishment was not in operation shall be excluded;**

(b) Any unsecured funds that did not register on a slot machine's coin-in meter, as described in 205 CMR 138.33(7), must be claimed by the owner within one year of the date the funds are located or the obligation of the gaming licensee to pay the patron will expire. Provided, verification procedures designed to prevent fraudulent claims shall be included in the provision. Upon expiration of the obligation, the cash or equivalent cash value of the subject funds shall be transferred to the Gaming Revenue Fund in accordance with M.G.L. c. 23K, §§ 53 and 59. **In calculating the one year period referenced herein and in M.G.L. c. 23K, § 53, any period of time for which the gaming establishment was not in operation shall be excluded;** and

(c) A gaming licensee shall maintain a record of all unclaimed cash and prizes and gaming-related obligations that have expired.

(2) Before the end of each calendar month the gaming licensee shall report the total value of gaming debts owed to its patrons that expired during the preceding calendar month in a format prescribed by the commission.

(3) Each gaming licensee shall submit a check with its monthly report payable to the Gaming Revenue Fund in accordance with M.G.L. c. 23K, § 59 in the amount of the gaming debts owed to its patrons that expired during the preceding month as stated in the report.

(4) Upon the payment of the expired debt, the gaming licensee shall post the payment and remove the amount from its records as an outstanding debt.

(5) Failure to make the payment to the Gaming Revenue Fund by the due date shall result in the imposition of penalties and interest as prescribed by 205 CMR.

(6) Nothing in 205 CMR 138.68 shall preclude the gaming licensee from, in its discretion, issuing cash or other form of complimentary to a patron to compensate the patron for a gaming debt that has expired.