



MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING#315

August 13, 2020
10:00 a.m.

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 408 7438



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA
August 13, 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, August 13, 2020
10:00 a.m.

Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
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All documents and presentations related to this agenda will be available for your review on the morning of August 13, 2020 by [clicking here](#).

PUBLIC MEETING - #315

1. Call to order
2. Approval of Minutes
 - a. June 23, 2020
3. Administrative Update – Karen Wells, Interim Executive Director/Director of IEB
 - a. (i) General Casino Reopening Update
 - (ii) Craps and Roulette Request **VOTE**
 - (iii) Poker Status
 - b. Legislative Development Update – Todd Grossman, Interim General Counsel



Massachusetts Gaming Commission

4. Racing Division – Dr. Alex Lightbown, Director of Racing
 - a. Racing Local Aid Payment – Dr. Alex Lightbown; Chad Bourque, Financial Analyst **VOTE**
5. Ombudsman Division – Joseph Delaney, Construction Project Oversight Manager
 - a. Plainridge Park Casino Relicensing Schedule
6. Legal Division – Todd Grossman, Interim General Counsel
 - a. Commission Election of Secretary/Treasurer **VOTE**
7. Commissioners Update
 - a. Preliminary Equity and Inclusion Working Group Update – Chair Cathy Judd-Stein; Commissioner Enrique Zuniga
 - b. Independent Monitor Update – Chair Cathy Judd-Stein; Commissioner Eileen O’Brien
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 and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

August 11, 2020

Cathy Judd-Stein, Chair

Date Posted to Website: August 11, 2020 at 10:00 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 23, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 515 5953

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 #309 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.

Administrative Update

10:01 a.m. **Adoption of Licensee Reopening Minimum Standards**
Interim Executive Director Karen Wells established the discussion content for the meeting. She noted three issues for today's discussion (mask enforcement, height requirement for plexiglass, and occupancy level requirements for each casino)

that require a consensus to allow the Commission to move forward with guidelines for reopening the casinos.

The Commission reached an informal consensus on several minimum requirements at an open meeting held on Thursday, June 11, 2020, which included extensive input from the executive staff, the Investigations and Enforcement Bureau (IEB), and the Commission's three licensees.

Ms. Wells directed the Commission to the outstanding issues listed in the IEB's document for discussion. She noted that the licensees had advised the Commission that they would need no less than 10-14 days in advance of reopening to prepare their gaming establishments for compliant operations and adequately train employees.

- [10:06 a.m.](#) The Chair opened the discussion addressing the topic of mask enforcement, noting that the Commission's focus today is on standards and circumstances to be set for wearing masks at the casinos, as opposed to purely enforcement.
- [10:09 a.m.](#) Commissioner O'Brien stated that as she does not feel comfortable altering the language settled on at the previous Commission meeting. She proposed that the IEB clarify a reasonable standard for the guests (not moving around without masks) enforcement.
- [10:10 a.m.](#) The IEB's Chief Enforcement Counsel Loretta Lillios described some alternative language to add, reflecting the comments made for the Commission's consideration.
- [10:12 a.m.](#) Commissioner Stebbins emphasized the importance of a strong education plan for patrons before they enter the casino that will aid significantly in reducing any "infraction" interactions with staff.
- [10:13 a.m.](#) Vice President and General Counsel of MGM Springfield, Seth Stratton, expressed his specific concerns on mask enforcement regarding patrons walking through the casino with a beverage in-hand. There was additional discussion around scenarios for implementation.
- [10:10 a.m.](#) Concerning the issue of if guests could transport alcoholic beverages across the gaming floor, the commissioners provided feedback. Commissioners noted the importance of wearing their mask versus leaving a beverage behind if guests want to move. Commissioner Cameron noted the potential for guests to drink more rapidly to finish their alcoholic beverages before moving if they are not allowed to transport their beverage with them.
- [10:32 a.m.](#) The Commission reached a consensus that Ms. Lillios will edit the language in the guidelines in this section to read, "Guests shall not be allowed to carry or drink

beverages while moving about the gaming area. Licensees shall make reasonable efforts to ensure that guests do not violate this rule.”

- [10:33 a.m.](#) The Commission moved on to discuss “Social Distancing” for slots. Ms. Lillios reviewed the guidelines that were previously discussed regarding physical distancing and plexiglass dividers. Ms. Wells asked the licensees for comment.
- [10:35 a.m.](#) Senior Vice President and General Counsel at Encore Boston Harbor Jacqui Krum noted the two to three-week procurement period for plexiglass. The standard size is 5' 5" and any taller size would require custom orders. Vice President and General Manager of Plainridge Park Casino (PPC) Lance George stated that PPC is having the vendor reengineer their plexiglass to reach the prescribed six feet in height. Mr. Stratton noted that as MGM's other jurisdictions are not using plexiglass dividers, the business case may be difficult to make for procurement. MGM Springfield may need to open with guests maintaining six-foot physical distancing instead.
- [10:40 a.m.](#) Commissioner Zuniga inquired if any of the licensees have considered any other non-porous materials besides plexiglass. Ms. Krum replied that Encore is contemplating an alternate material to plexiglass. There was further discussion around the height requirement for plexiglass with regard to risks associated with a height below six feet.
- [11:15 a.m.](#) The Chair affirmed that the Commission's decision as a regulator is based on guidance from the federal, state, local authorities, and particularly the Governor's advisory board. If the Commissioners reach a consensus, it is subject to being overruled.
- [11:21 a.m.](#) The Commissioners reached a consensus that the required height of plexiglass barriers should be six feet unless the Governor's advisory board advises otherwise.
- [11:22 a.m.](#) Next, the Commission discussed restrictions for table games. Ms. Wells stated the minimum height requirement for plexiglass barriers at Blackjack tables across other jurisdictions is 5'10". The Commission needs to determine whether they would like to adopt this into the guidelines as well. This height is based on what has become the industry standard for these gaming tables. The Commission reached a consensus to adopt the standard of 5'10" plexiglass at table games.
- [11:26 a.m.](#) There was discussion around the determination of occupancy levels by calculating the number of open gaming positions on the gaming floor, the number of employees on the floor, and amenities/restaurant capacities. She noted that casinos with restaurants will follow the guidance that has been provided to those restaurants by the Governor's advisory board. Ms. Wells also noted the additional racing component to PPC that has its own occupancy metric.

- [11:30 a.m.](#) Commissioner O'Brien discussed the conversations that the MGC Reopening Working Group had and the calculations that the group agreed upon concerning occupancy percentages.
- [11:34 a.m.](#) The Commission agreed to change the language in the guidelines of "restaurants" to "amenities" when determining the occupancy level requirement. Ms. Lillios reviewed the formula that would be used to make such a determination. The licensees expressed their agreement and the commissioners reached a consensus.
- [11:40 a.m.](#) Ms. Lillios will make the final edits to the guidelines today. Ms. Wells clarified that they will be adding racing numbers of PPC employees, MGC employees, and patrons in an appendix separately. These numbers are excluding the barn area. Mr. George stated that the words "simulcast area" will replace "gaming floor" in terms of racing. The Governor's advisory board guideline on the percentage of occupancy is what they will use for their calculation.
- [11:43 a.m.](#) Acting General Counsel Todd Grossman advised the Commission to clearly state its intention for these guidelines, how and when they will go into effect, and the duration. Mr. Grossman presumed they would run parallel with the Governor's reopening committee's recommendations.
- [11:44 a.m.](#) *Commissioner O'Brien moved that the Commission adopt the minimum requirements for the initial Phase three opening of gaming establishments as set forth in the memorandum provided by the IEB on June 16, 2020, but consistent with amendments discussed on that date and at today's meeting. Commissioner Stebbins seconded the motion.*
Roll Call Vote:
Commissioner Cameron: Aye.
Commissioner O'Brien: Aye.
Commissioner Zuniga: Aye.
Commissioner Stebbins: Aye.
Commissioner Judd-Stein: Aye.
The motion passed unanimously.
- [11:46 p.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 June 23, 2020
2. Document: Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

/s/ Bruce Stebbins
Secretary

DRAFT



Division of Racing

MEMORANDUM

TO:	Massachusetts Gaming Commission
FROM:	Chad Bourque, Financial Analyst
SUBJECT:	Local Aid Quarterly Distribution for Q2 CY 2020
DATE:	August 03, 2020

In accordance with the Commonwealth of Massachusetts Budget and appropriation 1050-0140, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

- Local aid quarterly payment | June 30, 2020 \$169,456.07

With the Commission's authorization payments will be made to the appropriate cities and towns.

Encl. localaid_q2_cy_2020

Cdb



Massachusetts Gaming Commission

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

Computation of Local Aid Distributions Quarter End 06/30/2020

	<u>Oct, Nov, Dec</u>	<u>Local Aid .0035</u>	<u>Payable to City / Town</u>
Plainridge :			
On track	6,093,315		
Exports	3,146,906		
Hollywood Bets	930,321		
Total	<u>10,170,542</u>	\$35,596.90	Plainville
Raynham:			
On track	5,482,247		
Total	<u>5,482,247</u>	\$19,187.86	Raynham
Suffolk Downs:			
On track	8,431,825		
Exports	-		
TVG	12,596,554		
Twin Spires	5,900,365		
Xpress Bets	3,374,125		
NYRA Bets	2,332,477		
Total	<u>32,635,345</u>	\$114,223.71	Boston 2/3 Revere 1/3
Wonderland			
On track	127,887		
Total	<u>127,887</u>	\$447.60	Boston 2/3 Revere 1/3
Grand Total	<u><u>48,416,021</u></u>	<u><u>\$169,456.07</u></u>	

Distributions:

Town of Plainville	On Plainridge	\$35,596.90
Town of Raynham	On Raynham	\$19,187.86
City of Boston (line 1)	On Suffolk	\$76,149.52
City of Revere (line 1)	On Suffolk	\$38,074.19
City of Boston (line 2)	On Wonderland	\$298.40
City of Revere (line 2)	On Wonderland	\$149.20
Total		<u>\$169,456.07</u>

Payments should be made to the above communities for the amounts indicated.



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2019 Q4 HANDLES	OCT	NOV	DEC	TOTALS
PLAINRIDGE ON TRACK	2,132,349	2,362,845	1,598,120	6,093,315
EXPORTS	1,874,089	1,272,817	-	3,146,906
WINLINE	290,325	353,072	286,924	930,321
TOTALS	4,296,763	3,988,735	1,885,044	10,170,542
RAYNHAM ON TRACK	1,680,966	2,144,377	1,656,904	5,482,247
TOTALS	1,680,966	2,144,377	1,656,904	5,482,247
SUFFOLK ON TRACK	2,712,167	3,206,684	2,512,974	8,431,825
EXPORTS	-	-	-	-
TVG	3,972,078	5,036,831	3,587,645	12,596,554
TWS	1,891,481	2,489,124	1,519,760	5,900,365
XPRESS BETS	1,088,526	1,362,626	922,973	3,374,125
NYRA	828,449	936,059	567,969	2,332,477
TOTALS	10,492,700	13,031,323	9,111,322	32,635,345
WONDERLAND ON TRACK	50,300	40,569	37,018	127,887
TOTALS	50,300	40,569	37,018	127,887
TOTALS	16,520,728	19,205,004	12,690,288	48,416,021

Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.



Massachusetts Gaming Commission



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

FROM: Joseph E. Delaney

CC: Karen Wells, Interim Executive Director

DATE: August 10, 2020

RE: Plainridge Park Casino Relicensing Update

Over the last couple of weeks, we have worked out a tentative schedule and outline of the public meetings that will be held as part of the Plainridge Park Casino (PPC) relicensing process.

- Public Hearing – A public hearing has been scheduled for Wednesday September 16, 2020 from 3:00-6:00 PM. The purpose of this meeting is for the Commission to get input from the host and surrounding communities, impacted live entertainment venues (ILEVs) and the general public regarding the PPC relicensing. The following is a draft agenda:
 - Opening remarks from the Chair
 - Licensee presentation providing a historic review of the preceding license period and a discussion about the future of the gaming establishment
 - Commission questions for the licensee
 - Statements/Presentations from the host and surrounding communities, and ILEVs
 - Public Comments

Because this meeting will happen remotely, we will need communities and the public wishing to speak at the meeting to notify us in advance so they can be invited to speak at the appropriate time.

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



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- Compliance with existing gaming license conditions
 - Status and compliance with host and surrounding community agreements
 - Status and compliance with ILEV agreements
 - Status and compliance with the approved capital expenditure plan
 - Suitability of individual and entity qualifiers
 - A review of existing conditions of the gaming license and associated commitments
 - A review of the licensee’s financial suitability
 - A review of the licensee’s business ability to operate a successful gaming establishment
- Outreach strategy – In addition to direct outreach to the host and surrounding communities, MGC staff will conduct significant outreach through the MGC website and social media. The following is our general outreach strategy.

WEEK OF AUGUST 17, 2020	- Post meeting information on MassGaming.com - Post meeting information on blog post on MassGaming.com homepage - Send out media advisory to local news outlets - Distribute meeting information on MGC’s social media platforms (Twitter, Facebook, LinkedIn, Constant Contact)
WEEK OF AUGUST 24, 2020	- Redistribute information through MGC’s social media platforms (Twitter, Facebook, and LinkedIn)
WEEK OF SEPTEMBER 1, 2020	- Highlight hearing in MGC’s September Newsletter
WEEK OF SEPTEMBER 7, 2020	- Redistribute information through MGC’s social media platforms (Twitter, Facebook, and LinkedIn)
WEEK OF SEPTEMBER 14, 2020	- Send out media advisory to local news outlets - Redistribute information through MGC’s social media platforms (Twitter, Facebook, and LinkedIn)
WEEK OF SEPTEMBER 15, 2020	- Redistribute information through MGC’s social media platforms (Twitter, Facebook, and LinkedIn)

