



Massachusetts Gaming Commission Meeting Minutes

Date/Time: October 8, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 111 337 0269

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 #323 of the Massachusetts Gaming Commission (Commission).

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were in attendance:

*Commissioner Cameron
Commissioner O'Brien
Commissioner Zuniga
Commissioner Stebbins
Chair Judd-Stein*

Approval of Meeting Minutes

10:04 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of July 16, 2020, subject to correction for typographical errors and other nonmaterial matters. 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.

Administrative Update

10:04 a.m. Commission Staffing Update

Executive Director Karen Wells announced that a new Division of Community Affairs will replace the Ombudsman's Office and that Construction Oversight Manager Joe Delaney has been promoted to Chief of the Division of Community Affairs. This division will manage the Community Mitigation Fund (CMF) and oversee the grant contracts. The division will also oversee licensee compliance with license commitments and host community agreements. The Division of Community Affairs will also coordinate licensee quarterly reports, among other reporting for the Commission. Ms. Wells then reviewed Mr. Delaney's credentials with the Commission and publicly acknowledged the outstanding job he has done for the Commission to date.

10:09 a.m. Casino Reopening Status

Interim IEB Director Loretta Lillios stated that there have been no significant changes. She then noted for the Commission that one floor of occupancy has been opened in the MGM hotel for invited guests only. Also, specific services are being offered to guests via Chandler's Steakhouse.

10:10 a.m. IEB Assistant Director and Gaming Agents Division Chief Bruce Band stated that all is going smoothly and has nothing of concern to report. The Chair said that she would like to keep this cadence going with these status reports as part of the Executive Director's report.

Investigation and Enforcement Bureau (IEB) / Legal Division

10:15 a.m. Amendments to "Rules of the Games"

Next, Mr. Band introduced proposed changes to the Rules of the Game as posted on the Commission's website. He stated that these changes are being made for continuity throughout all the games' rules to reduce errors by dealers who work multiple games. Other changes include the modernization of all the new technology used in gaming and social distancing protocols needed during times of a pandemic.

Next, Deputy Gaming Agent Division Chief Burke Cain reviewed a memorandum with the Commission entitled, "Changes to the Rules of the Game," describing general and specific additions, deletions, and clarifications to the rules.

- 10:23 a.m. Regarding Blackjack, Associate General Counsel Carrie Torrisi described separate pieces of litigation filed against MGM and Encore in connection with the rules pertaining to the 6:5 variation of Blackjack. Mr. Cain further explained the variation and the rules.
- 10:30 a.m. Mr. Band then confirmed for the Commission that it is the casino's decision as to when they will be using one Blackjack variation or the other. The Chair stated that bringing the rules up-to-date and modernizing the rules is very important.
- 10:34 a.m. The Chair asked for clarification on the status of the litigation and court decisions. Ms. Torrisi updated the Commission on the dismissal of the state court matter and ongoing federal case.
- 10:34 a.m. *Commissioner Stebbins moved to amend the various rules of the game as posted on the Commission's website in the manner discussed and as included in the Commissioners' Packet. 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.
- 10:36 a.m. **205 CMR 146.13: Blackjack Table; Card Reader Device: Physical Characteristics; Inspections**
The Commission reviewed a proposed amendment to 205 CMR 146.13 that clarifies that the Blackjack table layout should include an inscription identifying either '3-to-2' or '6-to-5' payout odds.
- 10:36 a.m. Mr. Cain described the changes.
- 10:41 a.m. *Commissioner Cameron moved that the Commission approve the Small Business Impact Statement for 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections as included in the Commissioners' Packet. Commissioner Zuniga 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.

Commissioner Cameron further moved that the Commission adopt the version of 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections, as included in the Commissioners' Packet and authorize the staff to take all steps necessary to begin the regulation promulgation process. 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.

11:50 a.m. Licensee Roulette Renewal Request

Ms. Lillios stated that Encore Boston Harbor (Encore) and MGM Springfield (MGM) have renewed their requests to reintroduce roulette at their respective gaming establishments. She then reviewed the identified Minimum Requirements for Roulette's Reintroduction at the Category 1 Gaming Establishments with the Commission.

10:50 a.m. The Commission viewed a slide illustrating the way table games are outfitted with plexiglass. The Chair asked whether it is a challenge when a dealer is taller than six feet, as the plexiglass height is six feet. Mr. Band stated that the dealer's proximity to the table typically is not an issue, as they step back from the table to get a view of everything. The Chair later noted that dealers should also have the additional safety precaution of a face shield available to them.

10:52 a.m. There was discussion about the placement of bets while the ball was rolling. It was noted that there is a similar concern with craps.

10:54 a.m. There was a discussion regarding the distance between the chairs at the tables. The current space is 48 inches with plexiglass and six feet without.

10:58 a.m. Ms. Lillios confirmed for Commissioner Stebbins that she would come back to the Commission if the licensees request to add tables to the gaming floor. Commissioner O'Brien asked about rehiring dealers. Ms. Lillios stated that there will be a minimum of 60 rehires by Encore, but the number is uncertain for MGM. She confirmed for the Chair that the rehires will not affect the occupancy number requirements approved by the Commission in June.

11:02 a.m. Next, Ms. Lillios reviewed the specific addition of a temporary rule in conjunction with COVID-19, requiring no bets to be placed while the ball is rolling in Roulette.

11:05 a.m. *Commissioner Stebbins moved that the Commission adopt the Minimum Requirements for Roulette's Reintroduction at the Category 1 gaming*

establishments, as those requirements are set forth in the document discussed. Commissioner Zuniga 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.

Commissioner Stebbins further moved to amend the Rules of the Game for Roulette as posted on the Commission's website in the manner discussed, and as included in the Commissioners' Packet. 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.

Ombudsman Division

11:10 a.m. Gaming Policy Advisory Committee (GPAC) – Subcommittee Appointments

Chief of Community Affairs, Joe Delaney reviewed the GPAC subcommittee appointments with the Commission. There was discussion about the work and involvement of Commissioners O'Brien and Cameron on the Public Safety Subcommittee, and Commissioner O'Brien's appointment. There was clarification that Director of Research and Responsible Gaming, Mark Vander Linden, is being reappointed to the Addiction Services Subcommittee. Commissioner Zuniga remarked that there is renewed energy with support of the Chair to activate the Committee.

11:13 a.m. Commissioner Zuniga moved that the Commission appoint Commissioner Bruce Stebbins representative to the Community Mitigation Advisory Subcommittee.

Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Stebbins: Abstained.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed 4 – 0.

Commissioner Cameron moved that the Commission appoint Commissioner Eileen O'Brien as representative to the Public Safety Subcommittee. Commissioner Stebbins seconded the motion.

Roll Call Vote:

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

Commissioner Zuniga then moved to appoint the Director of Research and Responsible Gaming Mark Vander Linden to the Addiction Services Subcommittee.

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.*

Commissioner Updates

11:14 a.m. Commissioner Zuniga and Commissioner Stebbins offered thanks and congratulations to Mr. Delaney.

The Chair noted an upcoming speaking engagement for Commissioner Cameron. Commissioner Cameron thanked the team for helping to prepare her remarks.

11:18 a.m. *Commissioner Zuniga moved to adjourn. Commissioner Cameron seconded the motion.*

Roll Call Vote:

*Commissioner Stebbins: 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 October 8, 2020

2. Draft Commission Meeting Minutes of July 16, 2020
3. Memorandum: Update to the Rules of the Game dated September 8, 2020
4. Game Rules Combined PDF document
5. 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections – Small Business Impact Statement Draft
6. 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections – Regulation Cover Sheet
7. 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections – Draft Regulation
8. Roulette Rules
9. Memorandum: Appointment of Commission Members under the Gaming Policy Advisory Committee dated September 30, 2020