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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** November 25, 2020 – 10:45 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 005-6913

**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

10:45 a.m. Chair Cathy Judd-Stein called to order public meeting #328 of the Massachusetts Gaming Commission (Commission).

*The Chair confirmed a quorum for the meeting with a Roll Call. The following commissioners were present:*

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

### Investigations and Enforcement Bureau (IEB)

**Encore Boston Harbor Gaming Beverage License Amendment Request –  
Takeout Service during the COVID-19 State of Emergency**

Encore Boston Harbor requested an amendment to their gaming beverage license, based on Chapter 53 of the Acts of 2020 (An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19). Expressly, three of the restaurants located in the gaming establishment (Red 8, Rare Steakhouse, and Mystique) be permitted to sell alcoholic beverages with takeout orders for off-premises consumption. Interim Director of IEB/Chief Enforcement Counsel Loretta Lillios reviewed the special act that presumptively allows alcoholic beverages to be served with takeout orders under certain conditions (buyers over 21 years of age, product be in a “sealed container,” a food transaction required, specified limits as to amounts of alcoholic beverages sold, limited to hours of operation of restaurant). There was a full description of the proposal in the Commissioner’s packet.

There was discussion as to whether any difficulties brought on by this amendment are contemplated regarding COVID-19, particularly relative to patrons congregating before the exit time of 9:30 p.m. It was noted that patrons typically call-in for takeout orders in advance and that there have not been any significant issues. Encore Boston Harbor General Counsel Jacqui Krum joined the discussion and addressed the impact of the requested amendments. Ms. Krum stated that there have been no issues, and staff at Encore have placed marked spots where people stand to pick up takeout before closing. Ms. Krum indicated that it was expected that amendment would largely be used so that sealed wine could be included with take-out meals.

It was clarified that per the special act, mixed drinks are allowed for takeout as well. Ms. Krum noted that Encore is focused on wine and beer bottle service though mixed cocktails in appropriately sealed containers is a possibility for Mystique.

Ms. Lillios confirmed that she was not aware of any widespread abuses elsewhere upon the implementation of takeout beer and wine and mixed drinks that have been available to all restaurants since April. The request before the Commission at the meeting included allow beer, wine and mixed drinks to be sold for carry-out service.

*Commissioner O'Brien moved that the Commission amend the Encore Boston Harbor gaming beverage license consistent with Section 13 of Chapter 53 of the Acts of 2020 and Senate Bill 2812 amending Section 53 of the Acts of 2020. 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.*

The Chair asked that this topic be part of the update at the December 3<sup>rd</sup> Commission meeting.

*With no further business, Commissioner O'Brien 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 November 25, 2020
2. Encore Boston Harbor Appendix to Gaming Beverage License Application
3. Wynn MA, LLC dba Encore Boston Harbor Gaming Beverage License Amendment Application Form dated November 20, 2020