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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** December 21, 2021, 3:45 p.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 870 3691

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Gayle Cameron  
Commissioner Brad Hill  
Commissioner Eileen O'Brien

### **1. [Call to Order](#) (0:00)**

Chair Judd-Stein called to order the 365th public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

### **2. [Licensing Division](#) (0:39)**

#### **a. Encore Boston Harbor Gaming Beverage License Amendment**

Nakisha Skinner, Chief of the Licensing Division presented the Application for an Amendment to the existing Gaming Beverage License held by Licensee, Wynn MA, LLC, who owns and operates the gaming establishment, Encore Boston Harbor. Licensee is seeking to add a new licensed area, the Black Tier Lounge to its existing license. The Black Tier Lounge will be operated by the Encore Boston Harbor and will not be a leased area. Chief Skinner and the Licensing Division provided Commissioners with a supplemental memorandum complete with their findings and recommendation, pursuant to 205 CMR 136.04. The memorandum and the Gaming Beverage License Amendment Application from the Licensee are included in the Commissioners' Packet on pages 2 through 6. Senior Supervising Gaming Agent, Luis Lozano, and IEB Director Loretta Lillios were present at the meeting to answer Commissioner's questions as well.

Division Chief Skinner explained that the Black Tier Lounge will open tomorrow, December 22nd, 2021, and will be dedicated to Black Tier Rewards members of the Encore Boston Harbor. The lounge will occupy the existing space of the Garden Lounge, which is currently included in the licensed area within the Licensee's existing Gaming Beverage License. The Black Tier Lounge will provide free food and beverages to patrons and offer video poker machines they can play while seated at the bar area. Chief Skinner explained that in the time since her last presentation to the Commissioners on this issue, construction had concluded in the Lounge, and it had been given a full inspection by the Investigation and Enforcement Bureau ("IEB"). The IEB approved the space, its surveillance systems, and alcohol storage areas. Chief Skinner explained that the anticipated hours of operation for the lounge would be 2:00 PM and 12:00 AM, on Sunday through Thursday; and 2:00 PM and 2:00 AM on Friday and Saturday. Chief Skinner noted that as the Lounge is new, the Licensee would be testing the demand for the space and its amenities at different times of day, which may extend beyond the anticipated hours. To that end Licensee is seeking Commission approval through a formal vote to allow for flexible hours, which is why the hours for permitted alcoholic beverage service were listed between 8:00 AM and 4:00 AM on the Application.

Commissioner O'Brien highlighted her concern that the alcoholic beverage service may not be tied to gaming, as is required for service between 2:00 AM and 4:00 AM. She asked if there were mechanisms to ensure that only patrons engaging in gaming within the Lounge were able to receive alcoholic beverages, or measures Gaming Agents or the IEB could employ to assist these endeavors. Senior Agent Lozano explained that while the slot machines are not currently within the space, as they are on back order, only patrons seated and gaming at the machines would have the potential to be served alcoholic beverages. Patrons from other areas in the casino would not be able to walk into the lounge and receive alcohol service. IEB Director Lillios added that the space will also be monitored in real time by agents and staff as well as surveillance to ensure proper service protocols are followed.

Commissioner O'Brien inquired if the Commission would need to vote to also approve the extension of hours to serve alcohol between 2:00 AM and 4:00 AM, despite the anticipated service hours being stated on their application, or if it would be inherently authorized by the Commission's vote to approve the application outright. Director Lillios explained that the authorization to serve between 2:00 AM and 4:00AM would be inherent, as the hours outside of the anticipated operation were listed within the Licensee's amended application.

With that, Commissioner Cameron moved that the Commission approve the request submitted by Licensee Wynn MA, LLC, that owns and operates Encore Boston Harbor to amend its Gaming Beverage License to add a new licensed area referred to as the Black Tier Lounge in accordance with the terms outlined in the submission contained in the Commissioners' Packets and discussed at the meeting today.

*Roll Call Vote:*

|                              |             |
|------------------------------|-------------|
| <i>Commissioner Cameron:</i> | <i>Aye.</i> |
| <i>Commissioner Hill:</i>    | <i>Aye.</i> |
| <i>Commissioner O'Brien</i>  | <i>Aye.</i> |
| <i>Chair Judd-Stein:</i>     | <i>Aye.</i> |

*Motion passed unanimously*

3. Commissioner Updates (14:45)

There were no Commissioner Updates presented.

4. [Other Business](#) (14:51)

Chair Judd-Stein explained that there was one other matter that had arisen that required discussion by the Commission. She introduced Executive Director Wells to explain that the matter pertained to the Governor's advisory issued with respect to the ongoing pandemic. Director Wells explained to the Commissioners that the Executive Office of Health and Human Services ("EOHHS") had issued an advisory in partnership with the Governor's office, with provisions she wished to review before the Commission. The Advisory recommended that all residents of the Commonwealth, regardless of vaccination status, wear a mask or face covering when indoors and not in their own homes. Given that this advisory will likely have implications for the gaming establishments, Executive Director Wells introduced IEB Director Lillios to provide an update on casino compliance.

Director Lillios stated that because the advisory was issued today, she had reached out to the three gaming establishments, Plainridge Park Casino, MGM Springfield and Encore Boston Harbor to remind them of their obligation to adjust their communications, signage, website and social media platforms to include the advisory. Director Lillios explained that she will keep the Commissioners abreast of the establishments' compliance, and has every expectation that they will make the necessary changes as promptly as possible.

Commissioner O'Brien asked if the current mandate from the EOHHS has changed or altered the existing municipal mandates for the cities in which the gaming establishments are located. Director Lillios stated that nothing had changed. She clarified that the city of Springfield had a mask mandate that was lifted sometime ago. She added that there were no mandates in the host communities of Plainville or Everett, where the other two gaming establishments are located.

Commissioner O'Brien then inquired about the employee masking requirements at the different gaming establishments. Director Lillios shared that Encore Boston Harbor employees are required to wear a mask and must prove proof of vaccination to be able to receive a different badge that indicates they are not required to wear a mask on the premises. Director Lillios clarified that employees who are vaccinated can continue to wear a mask if they feel more comfortable doing so. MGM Springfield employees also have a badging differential for employees who are vaccinated, but later clarified that all employees are in fact required to wear a mask. Plainridge Park Casino employees have a voluntary vaccination policy, but proof of vaccination is required for employees to not wear a mask as well. Director Lillios stated that given the advisory, she is anticipating all three properties will require employees to wear masks regardless of their vaccination status in the near future. Chair Judd-Stein thanked Director Lillios for her report.

Executive Director Wells then began discussing how the advisory would impact the Boston office. Director Wells suggested that it would be beneficial to urge or require masks for employees who are onsite at the casinos and then potentially vote to allow some discretion within the management

team over the next few weeks. Executive Director Wells added that the Boston office is not necessary a public place as listed within the advisory because the office is not open to the public in its current state. Director Wells suggested that the office could change its Hybrid Work policy to a voluntary policy on an interim basis until the next meeting on January 12th. Director Wells suggested that this could be beneficial as well given the approaching holiday season, and the anticipated rise in cases until they are able to get a deeper understanding of public health metrics. Commissioner Cameron agreed with this plan , and stated that a switch to a voluntary hybrid program where employees could work remotely or come to the office at their individual comfort levels would be extremely beneficial until the next meeting. Commissioners all voiced their support for this decision.

Next, Executive Director Wells inquired about mask wearing in the office. After much discussion on the matter, Commissioners reached a consensus that employees in the office would be required to wear masks when working, walking, or meeting in all common areas, but if employees were working alone in in their offices or conference rooms - and able to close the door, they could take their masks off. Executive Director Wells stated that she would keep the Commissioners and staff updated during the holidays if something arises at the offices or at any of the gaming establishments, and that she would provide a full update at the January 12th meeting.

5. [Executive Session](#) (39:34)

a. The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(3) to continue its discussion from December 20th 2022 in executive session to discuss strategy with respect to litigation related to the confidentiality of certain documents and information, as discussion of the subject matter at an open meeting may have a detrimental effect on the litigating position of the Commission, and in accordance with G.L. c. 30A, § 21(a)(7) to evaluate a matter relative to the Nondisclosure Agreement between the Commission and Wynn MA, LLC pursuant to G.L. c. 23K, § 21(a)(7) and 205 CMR 139.02, as discussion of the matter in a public forum would frustrate the purpose of the statute, the regulation, and agreement.

Commissioner Hill moved that the Commission move into executive session. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

The Commission moved into executive session, and the meeting did not reconvene in a public format.

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

1. Notice of Meeting and Agenda dated December 20, 2021.
2. [Commissioners' Packet](#) from the December 21, 2021, meeting (posted on massgaming.com)