



Massachusetts Gaming Commission Meeting Minutes

Date/Time: March 14, 2020 –10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, Floor 12
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

The Commission held this public meeting utilizing remote collaboration technology.

Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order public meeting #292 of the Massachusetts Gaming Commission. This is an emergency meeting in response to the unprecedented circumstances resulting from the global Coronavirus pandemic. This meeting is being held pursuant to [M.G.L. c. 30A, § 20\(b\)](#).

Executive Staff Update

10:00 a.m. **Operational Status of Gaming Licensees in light of the Coronavirus: Representatives from Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino**
Interim Executive Director / IEB Director Karen Wells stated that there has been ongoing communication with staff and licensees on this issue and that Encore Boston Harbor (Encore), MGM Springfield (MGM), and Plainridge Park Casino (PPC) have agreed to suspend operations. Ms. Wells asked that each of these licensees comment with any statements they may have, and stated that due to the emergency nature of the situation, the Commission and licensees will have frequent communication going forward. She indicated that this meeting is a

preliminary matter to determine the next steps, and a subsequent meeting regarding logistics will follow.

President of Encore Boston Harbor Brian Gullbrants stated that with the rise in Coronavirus cases in the Commonwealth and the recently announced school closures, it is prudent at this time to pause operations and put the safety and health of their guests and employees first. Mr. Gullbrants recommends a two-week shutdown to evaluate the circumstances, during which time Encore would continue to pay all full-time employees.

General Manager of PPC Lance George General stated that PPC will agree to take any steps that the Commission deems necessary and follow its direction.

Vice President and General Counsel of MGM Seth Stratton stated that MGM is also happy to comply and work collaboratively toward an orderly closure, in the best interest of public health, and the health and safety of their employees and patrons.

The Chair asked the commissioners for any questions they may have for the licensees or Ms. Wells.

10:10 a.m. Commissioner O'Brien stated that she affirms the [declarations of] the Federal Centers for Disease Control, Center for Disease Control and Prevention, Governor Baker, and the guidance issued by the (Massachusetts) Department of Public Health. She added that at this time, the only prudent action is to suspend operations for at least two weeks, with ongoing assessment of the situation.

Commissioner O'Brien then asked whether MGM or PPC could comment regarding their employee pay, as well as any licensees' comment on any possible funds to pay part-time employees. [No response heard]

10:12 a.m. Commissioner Stebbins stated that the Commission welcomes the opportunity to hear from the licensees during this time regarding preparations they are making to inform staff. The Commission will also take into consideration any questions from local officials and host and surrounding communities and will work with licensees to answer those questions in the most precise manner.

10:14 a.m. Commissioner Zuniga noted for the Chair that the call dropped in the middle of Commissioner O'Brien's comments, causing him to miss a small portion of the conversation. However, he expressed that he agrees that it is warranted and prudent to have a temporary closure and continue to assess this fluid situation on a daily or even an hourly basis.

10:16 a.m. Commissioner Cameron stated that she concurs that it is prudent to take at least a two-week closure at this point and then reassess. She added that it is important that the Commission follow suit with all five licensees, including Raynham Park

and Suffolk Downs simulcasting centers, to ensure those facilities do not face overcrowding due to the closing of the casinos.

- 10:18 a.m. The Chair expressed concern that representatives from Raynham Park and Suffolk Downs are not in attendance at this meeting, and noted that the Commission could hold another emergency meeting for those facilities.

Acting General Counsel Todd Grossman stated that as the Commission has broad superintendent authority over all licensees, it is prudent to ensure that all five facilities are included in any directive issued by the Commission. Ms. Wells expressed her concern that the two licensees are not in attendance and that she has not had contact with them. Mr. Grossman agrees that Raynham Park and Suffolk Downs should be included in the discussion. Ms. Wells confirmed with the commissioners and Mr. Grossman that there will be a subsequent meeting/call with the remaining two licensees to provide them with proper notice, forthwith.

The Chair asked the commissioners for any further questions or comments for the licensees.

- 10:25 a.m. Commissioner Zuniga then asked if the rest of the facilities (restaurants, etc.) are subject to the discretion of the licensees. The Chair made note of the governor's issued order and asked for comments from the licensees. Mr. Gullbrants stated that Encore is a fully integrated resort, and to isolate only the gaming floor would prove difficult. He proposed that to prepare for an orderly and well-orchestrated closing fully, at least 24-48 hours is needed to communicate effectively with guests, employees, partners, and suppliers. Ms. Wells acknowledged the process needed for a closure includes the gaming agents as well.

- 10:27 a.m. Commissioner O'Brien asked for a timeline from the licensees present and the Investigations and Enforcement Bureau (IEB) concerning the closing process. Mr. Gullbrants confirmed that Encore could close the gaming floor by this evening, and non-gaming and full operations can close by Sunday night. Encore will also need to reassign and contact expected incoming as well as present guests.

Ms. Wells affirmed that gaming agents are ready and have a plan in place, per confirmation from Assistant Director of IEB / Gaming Agents Division Chief Bruce Band.

- 10:30 a.m. Commissioner Zuniga asked for comment from MGM regarding their approach relative to the hotel and other non-gaming areas in the resort. Mr. Stratton replied that he believes that MGM's approach is aligned with Wynn. Lance George of PPC stated that staff will need a few hours to communicate with employees prior to an announcement.

10:33 a.m. President of MGM Chris Kelly stated that MGM's approach to suspending operations is aligned with Wynn, also with respect to paying the employees over the two weeks.

Next, there was discussion around setting a specific time for closing all casinos simultaneously at midnight. Encore Boston Harbor President Brian Gullbrants recommended closing at the end of the gaming day at 5:59 a.m. There was also discussion of closing the gaming floor at midnight and then closing the non-gaming facilities on Sunday at midnight.

10:35 a.m. In response to an inquiry by Commissioner Stebbins, Mr. Kelly stated that MGM has had preliminary conversations with the business partners operating in the facilities connected to the casino and that MGM has left the decision for temporary closures to them. Mr. Kelly will follow-up with them and report back to Ms. Wells.

Massachusetts State Police Captain Brian Connors expressed concern about closing the gaming floors at midnight, as that will pose a public safety challenge due to the casinos potentially being full, as opposed to a more orderly exit with fewer patrons at the scheduled close of the gaming floors at 5:59 a.m.

The Chair concurred with Captain Connors' recommendation and stated that the goal is to keep order, and it is a public safety challenge due to a larger crowd at midnight. Ms. Wells stated that upon consulting with Mr. Band who has experience with casino closings, he has also advised that it will be best to close the casino with a smaller crowd present. Commissioner Cameron also agreed with Captain Connors and stated that public safety is paramount.

The Chair again asked the commissioners for any further questions or comments for the licensees.

10:43 a.m. Commissioner O'Brien readdressed her question regarding employee pay during the suspension of operations, specifically to PPC. Mr. George responded, stating that PPC intends to pay employees for the two weeks and then will reevaluate, consistent with the approach of the other licensees present.

Commissioner O'Brien also commented that she will defer to Captain Connors and Mr. Band to close the casinos expeditiously but in the safest way possible. The commissioners all concur with Captain Connors and Mr. Band's recommendation for the timing of closure.

10:44 a.m. Commissioner Zuniga asked about conduct during the casino's closure to include any remaining working staff, security cameras, etc. Mr. Gullbrants stipulated that Encore will have a management team, security and surveillance personnel, a crew to disinfect and clean, call center personnel, and a small crew of Human Resource leaders to protect the asset and inform everyone of what is happening. Captain

Connors added that the Gaming Enforcement Unit will remain operational 24-7. PPC and MGM both have similar plans that also include security staff and cleaning and disinfecting of the facility.

The Chair expressed gratitude to all commission staff and licensees during this trying time for all of their work on these matters, while continuing their daily obligations to which they are so committed.

Commissioner O'Brien clarified for the upcoming motion that the timeline for the casinos' two-week closure will technically begin on March 15, 2020, and should, therefore, conclude in 15 days on March 29, 2020.

10:49 a.m. *Commissioner Stebbins moved, in light of the present public health emergency, that the Commission authorize executive staff to work in collaboration with Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino to prepare a written agreement for Commission review as soon as possible effectuating a safe and orderly suspension of operations of the respective gaming establishments for a period ending on March 29th. The Commission shall reserve the right to revisit the matter periodically, but no later than March 29th. Commissioner O'Brien seconded the motion.*

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Cameron: Aye.

Commissioner Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Yes.

The motion passed unanimously.

10:53 a.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 Stebbins: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Yes.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated March 13, 2020

/s/ Bruce Stebbins

Secretary