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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** March 20, 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

**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 #294 of the Massachusetts Gaming Commission (“Commission”).

*The Chair confirmed a quorum for the meeting with a Roll-Call Vote.*

*Commissioner O'Brien: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Cameron: Aye.*

*Chair Judd-Stein: Aye.*

10:05 a.m. On behalf of the Commission, the Chair extended sympathy to Plainridge Racecourse Director Mr. O'Toole as well as others who have been personally touched by the reported deaths of the Jackson-Fusco family members. She asked that he extend the Commission's thoughts and prayers to the family directly.

## Racing Division

[10:09 a.m.](#)

### **Postponement of Opening of Live Racing at Plainridge Park Casino**

MGC Director of Racing Dr. Alexandra Lightbown presented with Mr. O'Toole, as well as Bob McHugh, President of the Harness Horsemen's Association of New England ("HHANE"), and Alice Szpila Tisbert, Managing Director of the HHANE.

Dr. Lightbown noted that this crisis is affecting the horsemen, staff, and Plainridge Racetrack staff. The testing laboratory has contacted all of their clients and is still currently open and running. However, they asked that everyone is made aware that this may change.

Mr. O'Toole, Commissioner Cameron, and Dr. Lightbown met to discuss delaying the opening of live racing to June 1.

As horsemen gather in the paddock to work, staff gather in the casino, and MGC employees gather to perform their respective jobs, they would exceed the current recommendations by the governor (no more than 25 people) and the Center for Disease Control (CDC). She stated that the Commission does not take this lightly, and she acknowledged the devastating economic effects this has on the racing industry and community, as well as the potential health hazard of remaining operational.

[10:14 a.m.](#)

Mr. O'Toole listed other racetracks that have also closed, with one closing indefinitely. He hopes that postponing to June 1 will be aggressive enough. He then reported that one employee who was present in the paddock on March 7 has since tested positive for COVID-19. Other personnel present on that day are being tested. He mentioned other individuals have also tested positive. Judges have self-quarantined. He listed other racetracks in Canada that have also ceased operations and stated that one owner has converted their park into a testing and triage center.

He noted that it would be complicated to re-open live racing simultaneously with the re-opening of the casino, as it would be logistically problematic with the needed preparation of horses and the track.

Mr. O'Toole supports the recommendation to re-open live racing on June 1, and would like to revisit this during the first week or two of May to evaluate the proposed schedule or if it will need to extend out further.

[10:19 a.m.](#)

Mr. McHugh stated that he supports the efforts by the Commonwealth and Commission to delay the opening until the governor determines that it is safe to conduct business as usual. He stated that it is the HHANE's strong opinion that racing should commence when the casino opens, stating that the vast majority of

horses are in racing condition as they have been preparing to qualify for the races on March 26. Mr. McHugh then noted that the restrictions for racing would be safer than those for the general public since racing staff can be screened for infection. He compared this to the lack of ability for the casino staff to screen patrons for infection when they re-enter the casino. Mr. McHugh then paused to express his condolences to the Fusco family.

Next, Mr. McHugh stated that the racing staff has just missed their first paycheck, with no opportunity for income for four months, and will be suffering financially.

The HHANE requests that the Commission take steps and implement procedures to ensure that racing commences assisting the horsemen and women who experience financial distress in the current environment.

[10:22 a.m.](#) Ms. Szpila stated that she has completed the Federal Emergency Management Agency (FEMA) training course, and feels that this unprecedented situation will be far-reaching. She is in favor of a meeting in May to address the situation at that point. Ms. Szpila believes that when the governor lifts the curfew for casinos and businesses, they can work with the Commission to open racing on the same timeline.

[10:24 a.m.](#) Commissioner Cameron expressed her concern that many of the horses, drivers, and trainers travel from track to track as a regular course of business. She asked Mr. O'Toole to comment on the ability to restrict gathering, and on how safe that would keep the industry.

Mr. O'Toole provided that Rosecroft [Raceway in Fort Washington, MD] recently tried to race without spectators and that it was unsuccessful. He is unsure how he would approach restrictions from a logistical standpoint, as it would be difficult, if not impossible, to avoid spreading the virus. Dr. Lightbown made statements supporting this.

[10:28 a.m.](#) Commissioner O'Brien asked if there are minimum requirements in terms of the number of animals and handlers that would be present on any given day. Dr. Lightbown described the barn accommodations. She stated that there would be over 50 horses, each with a handler, also drivers overlapping between races and coming into contact with each other. She also included racing officials, veterinarians, security, and licensing staff. Commissioner O'Brien concluded that she agrees with the June 1 recommendation.

[10:30 a.m.](#) Commissioner Stebbins stated that he and the Director of Workforce, Supplier, and Diversity Development Jill Griffin and Dr. Lightbown discussed whether state agencies that provide support during crises could help affected members of the harness racing industry and are following-up currently.

[10:30 a.m.](#) Commissioner Zuniga asked what a normal lead-time would be between re-opening day and people mobilizing to get ready to open the track. Dr. Lightbown stated that this is unprecedented territory, and it is uncertain. She noted the nation's current shortage of medical supplies, and that they may need to donate gloves to hospitals for human use. She also stated that the lab in Colorado might also close. Dr. Lightbown also stated that as this is also impacting seasonal employees' part-time jobs, wants to be able to communicate to them that racing will not be open right away. This early communication will allow these employees to pick up more hours in their current employment.

[10:35 a.m.](#) The Chair stated that given by how fluid and difficult things are with wages and expectations; the Commission needs to revisit this. The Commission will add this to a future meeting agenda, perhaps in April or early May. There is no objection to the June 1 recommendation at this time, however. The Chair stated that the Commission wants to ensure the safety of all the people and horses.

[10:37 a.m.](#) The Commissioners all agree with the recommendation to re-open racing on June 1. Commissioner Stebbins asked Mr. O'Toole about any steps he anticipates taking to deep-clean before the re-opening date. Mr. O'Toole stated that the DVS crew was sent to the racing building and will do the same with the paddock when the staff returns.

[10:41 a.m.](#) Commissioner Cameron *moved that the Commission approve the joint recommendation by Dr. Lightbown and Mr. O'Toole to postpone the start of racing to June 1, 2020. Commissioner Stebbins seconded the motion.*  
*Roll-Call Vote:*

*Commissioner O'Brien: Aye.*  
*Commissioner Cameron: Aye.*  
*Commissioner Zuniga: Aye.*  
*Commissioner Stebbins: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously.*

[10:42 a.m.](#) **Plainridge Park Racecourse Request for Promotional Fund Reimbursement**  
**Chief Financial Analyst** Chad Bourque reviewed Mr. O'Toole's request for reimbursement of \$5,000.00 for the successful 2020 Winter Wonderland Handicapping Contest. Mr. O'Toole provided details on the event.

[10:47 a.m.](#) *Commissioner O'Brien moved that the Commission approve Plainville Gaming & Redevelopment LLC's Request for Reimbursement of \$5,000.00 to the Harness Horse Promotional Trust Fund for the 2020 Winter Wonderland Handicapping Contest at Plainridge Racecourse. 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.*

10:48 a.m. *With no further business, Commissioner Stebbins moved to adjourn.*  
*Commissioner Zuniga seconded the motion.*

*Roll-Call Vote:*  
*Commissioner Stebbins: Aye.*  
*Commissioner Zuniga: Aye.*  
*Commissioner O'Brien: Aye.*  
*Commissioner Cameron: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated March 20, 2020
2. HHANE Letter to Dr. Lightbown dated March 17, 2020
3. Memorandum re Postponement of Live Racing Opening at Plainridge dated March 18, 2020
4. Letter on behalf of HHANE from Bob McHugh to Steve O'Toole re Postponement of Re-opening of Racing
5. Memorandum re Request for Reimbursement | Harness Horse Promotional Trust Fund dated March 5, 2020

/s/ Bruce Stebbins  
Secretary