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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** April 23, 2020 –10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 888 7986

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

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

The Chair made remarks regarding the Commission’s anticipated steps and precautions for the anticipated re-opening of Massachusetts casinos, per the Governor’s Order for non-essential businesses to remain closed until May 4, 2020. Although there is no definitive timeline for the resumption of operations, the Commission is fully engaged with licensees in preparation for a safe and sustainable re-opening process. She then added that it is helpful that Wynn and

MGM can share valuable insight based on relevant experience in Macau during that public health crisis.

Next, the Chair noted that Wynn CEO Matt Maddox issued a 23-page report that detailed a health and sanitation program for their Las Vegas property. Additionally, MGM and Penn National have publicly noted that their plans continue to evolve as new information and data become available.

The Chair then expressed gratitude on behalf of the Commission to the licensees, Commission staff, all medical and all supply chain personnel for their continued commitment to health and safety.

## Approval of Minutes

10:06 a.m. *Commissioner Stebbins moved to approve the minutes from the Commission meeting of March 20, 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.*

*Commissioner Stebbins further moved to approve the minutes from the Commission meeting of March 25, 2020, subject to correction for typographical errors and other nonmaterial matters. 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.*

*Commissioner Stebbins further moved to approve the minutes from the Commission meeting of April 3, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

Chair Judd-Stein: Aye.  
The motion passed unanimously.

Commissioner Stebbins then moved to approve the minutes from the Commission meeting of April 9, 2020, subject to correction for typographical errors and other nonmaterial matters. The Chair noted a clarification needed, and Chief Financial Officer Derek Lennon stated that he would provide language to amend the minutes. Commissioner O'Brien 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, pending the requested edit.

## Administrative Update

[10:11 a.m.](#) Interim Executive Director Karen Wells described that the focus has been on the process of re-opening the casinos at the appropriate time. She described that Commission staff is currently focusing on two areas. The first is regulations that will need to be in place that protect the integrity of the games as well as operations before re-opening. Second, the Commission and the casinos will need to address specific concerns regarding COVID-19 to ensure the safety of staff, patrons, and employees at the casinos.

Ms. Wells also affirmed that the Investigations and Enforcement Bureau (IEB) Assistant Director/Gaming Agents Division Chief Bruce Band, and Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief Burke Cain both have experience with re-opening a gaming establishment after an emergency shut-down. They have checklists and previously established procedures to reference after re-opening casinos in Atlantic City that were shut down as a result of Hurricane Sandy.

[10:14 a.m.](#) In response to an inquiry made by Commissioner Zuniga regarding Wynn and MGM's experience in Macau during their public health crisis, Ms. Wells stated that there is a team meeting scheduled to discuss what lessons they learned during the closure and re-opening of casinos in Macau. The Chair then recommended that Ms. Wells update the Commission on the team's discussions on an ongoing basis in the form of incremental reports.

## Research and Responsible Gaming

[10:16 a.m.](#) **Encore Boston Harbor Request to Delay Launch of PlayMyWay**  
Director of Research and Responsible Gaming Mark Vander Linden described a shared request from MGM Springfield and Encore Boston Harbor to delay the

implementation of PlayMyWay to no later than September 1, 2021. In their request, they cited a need to postpone capital expenditure projects due to the COVID-19 outbreak and the resulting suspension of operations.

Mr. Vander Linden and the Commission's Chief Information Officer Katrina Jagroop-Gomes met with representatives from both licensees to discuss the rationale of the request and the revised schedule. Mr. Vander Linden and Ms. Gomes agree the request is reasonable and recommend the Commission grant the request to delay implementation.

10:23 a.m. *Commissioner O'Brien moved that the Commission allow Encore Boston Harbor and MGM Springfield's request to delay the implementation of the PlayMyWay play management system until no later than September 1, 2021, due to the COVID-19 pandemic and the resulting suspension of operations, and as discussed here today. 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.*

## **Legal Division**

### 10:24 a.m. **Licensing and Registration for Vendors and Employees**

Acting General Counsel Todd Grossman summarized an issue that was brought to the staff by the licensees. The issue pertains to license and registration renewals for vendors and employees that are set to expire during the temporary closure of the casinos. He stated that some administrative difficulties are anticipated as a result of the renewal of applications not being feasible during this time.

Licensing Manager Bill Curtis described the circumstances surrounding some applicants that prevent them from submitting renewal applications during the casino closures. He explained the actions taken by the staff to find a remedy for the issue. He provided options for the Commission's consideration.

Mr. Curtis then requested the Commission's approval to institute a grace period for the renewal of licenses and registrations for only the affected vendors and employees. As a result, they would be allowed to submit their renewal application while staying in compliance. Further, Mr. Curtis requested that the length of the grace period equal the number of days that the gaming establishments are closed. The actual term of the licenses and registrations would not be extended.

10:36 a.m. Commissioner Zuniga stated for the record that there is a mechanical issue with the Commission's Licensing Management System (LMS), which he described,

and stated that the LMS developer will remedy the issue. However, he affirmed that there would be no change in policy regarding the term of employee and vendor licenses and registrations and that they will continue to expire on a rolling basis. Mr. Curtis answered in the affirmative, clarifying that there are only around 20 individuals that are affected where this grace period would apply.

10:48 a.m. Commissioner Stebbins recommended that the Licensing Division send an email or a letter to vendors and employees to explain what the Commission's process will be.

Upon the Chair's request for clarification and Commissioner Zuniga's previously described concern, Mr. Curtis changed the recommendation. He recommended that the proposed grace period executes in 30-day increments, instead of the number of days that the casinos are closed.

10:53 a.m. *Commissioner Cameron moved that the Commission approve the Licensing Division's request to institute a grace period for vendors and employees affected by the closure of casinos due to the COVID-19 pandemic to file their license and registration renewals. The length of this grace period will be executed in 30-day increments. Commissioner O'Brien 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.*

10:54 a.m. **205 CMR 109.01: Authority of the Commission to Act in an Emergency Situation**

Associate General Counsel Carrie Torrisi described the memorandum and draft regulation addressing the IEB and the Commission's authority in an emergency. She stated that the regulation would not create any new authority; that it only clarifies and consolidates existing authority via G.L. 23K and 205 CMR, which she summarized for the Commission's consideration.

10:58 a.m. Commissioner O'Brien and the Chair further described the intentions of and clarified the process behind the formulation of this regulation.

11:01 a.m. At the request of the Chair for clarification regarding a vote, Mr. Grossman stated that he would like to allow the licensees to comment on this regulation prior to a vote. He recommends that at the conclusion of the discussion, the regulation should be circulated to the licensees for review and comment. The Commissioners concurred.

## Commissioner Updates

11:07 a.m. Commissioner Zuniga commented on Wynn Resort's widely reported on approach to COVID-19 and stated that their employee retention is remarkable. Wynn is paying employees in full, and paying them out-of-pocket in tips, through May 15, 2020. The Chair stated that Wynn's Chief Executive Officer Matt Maddox will re-train employees upon re-opening as well.

Commissioner Stebbins stated that he was on a conference call with the GameSense team for a presentation to prepare for the eventual re-opening of casinos. He said that he was pleased to see that everyone is still hard at work and preparing.

11:11 a.m. *With no further business, Commissioner Cameron moved to adjourn. 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.*

## List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated April 23, 2020
2. Draft Commission Meeting Minutes dated March 20, 2020
3. Draft Commission Meeting Minutes dated March 25, 2020
4. Draft Commission Meeting Minutes dated April 3, 2020
5. Draft Commission Meeting Minutes dated April 9, 2020
6. Memorandum re: Category 1 Request to Delay Implementation of a Play Management System dated April 23, 2020
7. Memorandum re: Request for Extension of Implementation Timeline for PlayMyWay dated March 27, 2020
8. Memorandum re: Vendor and Employee License/Registration Expiring During Shutdown (Grace Period) dated April 21, 2020
9. Memorandum re: Authority of the Commission to Act in an Emergency Situation dated April 21, 2020
10. Draft Small Business Impact Statement re: 205 CMR 109.01: Authority of the Commission to Act in an Emergency Situation
11. Draft Regulation 205 CMR 109.01: Authority of the Commission to Act in an Emergency Situation

/s/ Bruce Stebbins  
Secretary