



Massachusetts Gaming Commission Meeting Minutes

Date/Time: May 26, 2021, 10:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 122 1716

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 Eileen O'Brien
Commissioner Enrique Zuniga

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

Chair Judd-Stein called to order the 345th public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. [Review of MGC Covid-19 related orders for gaming establishments](#) (5:53)

IEB Director Loretta Lillios discussed three orders issued by the Commission relative to Covid-19 related restrictions. A copy of each order is included in the Commissioners' Packet. The first order dated 6/23/2020 is entitled *Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments*, the second dated 10/8/2020 is entitled *Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments*, and the third dated 3/11/2021 is entitled *Minimum Requirements for (1) Expanding Blackjack-Style Tables to Include a 4th Player Position and (2) the Reintroduction of Craps at the Category 1 Gaming Establishments*. Director Lillios reported that the licensees have been in compliance with these orders.

Jacqui Krum from Encore Boston Harbor addressed the Commission and requested that the policies be adjusted to reflect the present state of CDC and state related orders. She indicated that

the licensee will be able to monitor the vaccination status of its employees via a badging system. Employees who are not fully vaccinated will be required to wear a mask. However, there cannot be any formal system to verify the vaccination status of every patron though signage will be posted. She further addressed the property's sanitation and masking measures throughout the property, communication measures with guests, security measures, operation of poker including the 'bad beat' jackpot, and the reopening plans for its amenities including the conference and outdoor spaces. She requested that occupancy levels be returned to previous levels.

Seth Stratton and Daniel Miller addressed the Commission on behalf of MGM Springfield. Mr. Stratton indicated that MGM's plan will be similar to that described for Encore Boston Harbor. Mr. Miller advised that MGM has an incentive program for its employees to become vaccinated. Vaccination status will be monitored via a badging system. Mr. Miller indicated that MGM is prepared to reopen all its games and amenities. Mr. Stratton clarified that MGM was interested in having discretion to do so in accordance with all applicable guidelines. Mr. Miller further discussed communications of policies and protocols with guests, the IEB, and local board of health, as well as plans for the service of food and beverage, and for the return of poker and handling of the 'bad beat' jackpot.

North Grounsell addressed the Commission on behalf of Plainridge Park Casino. He sought approval to resume 'normal' operations at the facility consistent with Governor Baker's and the CDC's guidelines and orders. He reviewed the differences in the new operations standards as compared to the pre-pandemic standards. He discussed that face coverings for fully vaccinated individuals, both employees and guests, would not be required, that PPC has an incentive program for employees to become vaccinated though no proof will be required, the sanitation measures including the offering of masks and hand sanitizer, the alcoholic beverage service program returning to prior standards, the plan for the return of the food and beverage program, and the manner in which the license will communicate the rules and expectations to guests and with employees.

Commissioner Zuniga inquired about the plexiglass approach for each property, specifically whether there was a plan to remove partitions and whether it would affect the occupancy levels. Ms. Krum responded and discussed customer preferences. Mr. Stratton similarly responded and discussed the customer preferences relative to both slots partitions and those at table games. Mr. Grounsell indicated that customer preference is looked at in making decisions relative to configuration and need for plexiglass.

Commissioner O'Brien inquired about the plexiglass dividers as they apply to the employees and employee preferences. She further inquired about the lifting of occupancy limits and the associated messaging. Ms. Krum and Mr. Stratton indicated that occupancy is closely monitored. They further generally acknowledged the importance of messaging to patrons in areas like the availability of amenities and occupancy limits for purposes of setting expectations and controlling the volume of patrons at any one time. Bruce Band indicated that the occupancy is unlikely to be problematic.

Commissioner Cameron inquired about the verification of vaccination status for employees of the facilities. Ms. Krum indicated that approximately 50 percent of the Encore staff is fully

vaccinated and others who are partially vaccinated. Mr. Grounsell indicated that while PPC is not verifying vaccination status he had reason to believe that the numbers are likely consistent with those of the general population. Mr. Miller offered similar sentiments.

Chair Judd-Stein inquired relative to the Commonwealth Bar including the staffing levels. Mr. Stratton indicated that the space would continue to be used for slot machines and drink service for the time being though it will be reevaluated in the future, and that the staffing is usually around 10 employees.

Commissioner Zuniga inquired about the buffet at Encore. Ms. Krum indicated that the buffet is gone and that the programming has changed for the area.

Commissioner O'Brien inquired about the status of the poker dealers and the plan moving forward. Ms. Krum indicated that the licensee continues to offer a dealer school and has made efforts to offer the dealers other positions at the property. Mr. Miller indicated that cross-training for poker dealers has been discussed so that they may return in different roles.

Mr. Stratton discussed the difficulties associated with staffing certain parts of the facility including food and beverage. Ms. Krum similarly discussed the difficulty and how the licensee is managing the issue. Mr. Grounsell echoed the prior comments.

All licensees reported that they intend to keep their pandemic officer in place and report relevant numbers. It was further noted that the licensees' internal control submissions would need to be updated to reflect the present masking requirements.

All commissioners indicated a comfort level with the plans described by the licensees. The IEB indicated that it is closely monitoring the status of matters at the properties and has not identified any major concerns.

Commissioner O'Brien moved for the reasons discussed at the meeting, I move that the following three Commission orders be rescinded effective May 29, 2021, at 12:01 a.m.:

- (1) *the June 23, 2020, order entitled Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments;*
- (2) *the October 8, 2020, order entitled Minimum Requirements for the Reintroduction of Roulette at the Category 1 Gaming Establishments; and*
- (3) *the March 11, 2021, order entitled Minimum Requirements for (1) Expanding Blackjack-Style Tables to Include a 4th Player Position and (2) the Reintroduction of Craps at the Category 1 Gaming Establishments.*

These orders are being rescinded subject to the gaming licensees' agreement to do the following:

- (1) *they shall conduct business in accordance with all Covid-19 related orders and advisories issued by the Governor and the Commonwealth of Massachusetts that remain in effect, as well as any applicable CDC guidelines;*
- (2) *they will ensure that a pandemic safety officer remains in place until further notice;*
- (3) *they will report any positive Covid-19 tests related to the gaming establishment to the IEB and the respective local boards of health; and*

- (4) *the licensees will continue to work cooperatively with the IEB to ensure that all relevant guidance and practices are being followed.*

Commissioner Cameron seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

3. [Review of MGC Covid-19 related plans for horseracing and simulcasting facilities](#) (1:58:10)

Steve O'Toole addressed the Commission relative to the racing and simulcasting operation on behalf of Plainridge Park Casino. He indicated that the protocols previously discussed by Mr. Grounsell will equally apply to the racing operation. He noted that the minimum age for entry will remain at 21, that cleaning and disinfecting of the racing areas and paddock will be a focus, and that he would like for owners to be allowed into the paddock area as well as the winner's circle. In response to inquiries by Commissioner Cameron and Commissioner Zuniga, he discussed the plexiglass status for the protection of the employees, as well as the use of the betting terminals, and the spacing at the bar area. Commissioner O'Brien inquired relative to social distancing measures to which Mr. O'Toole responded that there would be options available for patrons who desired to be able to maintain social distancing including the ample availability of self-serve, stand-alone betting terminals. Chair Judd-Stein inquired into each of the Commission's dedicated spaces at the property. Dr. Lightbown described the status of the Commission's office facility and the vaccination status of individuals who may occupy or use the building as well as the status of the outdoor spaces, test barn, and the judges stand. There was discussion about the executive branch requirements and the application to the spaces at PPC.

Commissioner Cameron moved that for the reasons discussed at the meeting the Commission allow the racing licensee at Plainridge Park Casino to rescind its Commission approved Covid-19 related reopening plan provided as follows:

- (1) *they shall conduct business in accordance with all Covid-19 related orders or advisories issued by the Governor and the Commonwealth of Massachusetts that remain in effect, as well as any applicable CDC guidance;*
- (2) *they will ensure that a pandemic safety officer remains in place until further notice;*
- (3) *they will report any positive Covid-19 tests related to the racing facility to the director of racing and the respective local board of health; and*
- (4) *they will continue to work cooperatively with the racing division to ensure that all relevant guidance and practices are being followed.*

Commissioner Zuniga seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Sue Rodriguez, the assistant general manager of Raynham Park, addressed the Commission on behalf of Raynham Park. Ms. Rodriguez expressed a desire to lift certain restrictions and resume full operations at the facility consistent with Governor Baker's order. Specifically, she addressed the wearing of masks (on the honor system based on vaccination status), social distancing, communication with patrons, the pandemic safety officer, and reporting of positive tests. She requested that seating be returned at all bars, full bar service be resumed, consumption by patrons while moving about the facility be permitted, the return of self-service wagering machines. Ms. Rodriguez further addressed the sanitation plan for the facility, use of hand sanitizer and plexiglass barriers, use of entrances and exits, and placement of signage. She indicated that there was some labor shortage though most of their employees have been with them for many years and remain with them.

Commissioner Zuniga moved that for the reasons discussed at the meeting the Commission allow the racing licensee at Raynham Park to rescind its Commission approved Covid- 19 related reopening plan provided as follows:

- (1) they shall conduct business in accordance with all Covid-19 related orders or advisories issued by the Governor and the Commonwealth of Massachusetts that remain in effect, as well as any applicable CDC guidance;*
- (2) they will ensure that a pandemic safety officer remains in place until further notice;*
- (3) they will report any positive Covid-19 tests related to the racing facility to the director of racing and the respective local board of health; and*
- (4) they will continue to work cooperatively with the racing division to ensure that all relevant guidance and practices are being followed.*

Commissioner Cameron seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Chip Tuttle addressed the Commission on behalf of Suffolk Downs. He indicated that the facility planned to lift the face covering requirement, consistent with Governor Baker's order, for individuals who are fully vaccinated, that employees will be allowed to remove coverings if fully vaccinated, there will be social distancing measures in place, that plexiglass barriers will remain

at betting windows, there will be a thorough sanitation and disinfectant plan in place, they will return to their fully licensed capacity limits, and there will be a signage and communications plan in place for patrons.

Commissioner Cameron moved that for the reasons discussed at the meeting the Commission allow the racing licensee at Suffolk Downs to rescind its Commission approved Covid- 19 related reopening plan provided as follows:

- (1) they shall conduct business in accordance with all Covid-19 related orders or advisories issued by the Governor and the Commonwealth of Massachusetts that remain in effect, as well as any applicable CDC guidance;*
- (2) they will ensure that a pandemic safety officer remains in place until further notice;*
- (3) they will report any positive Covid-19 tests related to the racing facility to the director of racing and the respective local board of health; and*
- (4) they will continue to work cooperatively with the racing division to ensure that all relevant guidance and practices are being followed.*

Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

4. Legal Division and Legislative Affairs (2:52:48)

Jill Griffin addressed the Commission relative to a letter to be sent to legislative leadership in support of changes to G.L. c.30A, s. 20(d) regarding the requirement that members of a public body be physically present at an open meeting for purposes of establishing a quorum. Mr. Grossman offered an overview of the Open Meeting Law and associated regulations including quorum requirements, the accessibility of public meetings, voting requirements, and other provisions. He then described the measures Governor Baker put in place in response to the pandemic and the sunseting of the orders on June 15, and then noted publicly reported activity underway to amend the actual law to incorporate some, or all, of the principles addressed by the emergency order. Ms. Griffin indicated that she would circulate the draft letter to the commissioners for comment prior to sending it out. It was noted that the provisions in place likely gave the public greater access to Commission proceedings. Each commissioner offered perspective and agreed that it would be beneficial to send the letter as described.

Commissioner Cameron moved that the Commission issue a letter in support of amending the Open Meeting Law to legislative leadership as discussed at the meeting.

Commissioner Zuniga seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

5. [Extension of horseracing and simulcasting authorization](#) (3:11:30)

Jill Griffin addressed the Commission relative a letter to be sent to legislative leadership in support of HB337 relative to extending live horse racing and simulcasting. Dr. Lightbown explained that the present authorization runs through July 31. This matter effects jobs at the respective facilities, the horsemen, as well as the funding for the Commission's racing operations. Each commissioner offered perspective and agreed that it would be beneficial to send the letter as described.

Commissioner Cameron moved that the Commission issue a letter in support of extending the live horse racing and simulcasting authorization to legislative leadership as discussed at the meeting.

Commissioner O'Brien seconded the motion.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner O'Brien [moved to adjourn](#) (3:18:38). The motion was seconded by Commissioner Zuniga.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Chair Judd-Stein: Aye.

Commissioner Zuniga: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated May 26, 2021
2. [Commissioners' Packet](#) from the May 26, 2021, meeting (posted on massgaming.com)