



Massachusetts Gaming Commission Meeting Minutes

Date/Time: June 11, 2020 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 833 8615

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 #305 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 opening remarks. Today is an opportunity to review the Restart Working Group's work regarding the casinos' reopening protocols, determine areas of consensus, gather further clarification, and identify areas where the licensees need further clarification or state and local officials should be consulted additional guidance. The Commission will then vote on these items at a subsequent Commission meeting.

Administrative Update

10:02 a.m. **Licensee Opening Protocol**

To assist the Commission with any guidelines, they may impose for the reopening of the casinos and race track, the Investigations and Enforcement Bureau (IEB)'s Restart Working Group has compiled information from jurisdictions across the nation in a comprehensive memorandum and chart, with recommendations for consideration (included in the [Commissioners' Packet](#)). The Commission will vote on topics discussed today at a subsequent Commission meeting.

10:10 a.m. The IEB Chief Enforcement Counsel Loretta Lillios summarized three categories for a discussion entitled, "Pre-Opening Cleaning," "Compliance with Public Health Guidance," and "Entry/Screening of Guests." She then reviewed the first category of "Pre-Opening Cleaning" with the Commission, to which the Chair then asked for any questions or comments from the Commissioners.

10:12 a.m. Commissioner Zuniga inquired about the rationale behind a deep cleaning before reopening, especially in areas that have been vacant for an extended period, as the virus can only live on surfaces for a couple of days. Ms. Lillios replied that deep cleaning will take place to address any issues arising from staff and vendors inside the premises, making preparations for the reopening.

10:13 a.m. Ms. Lillios then reviewed the second category of "Compliance with Public Health Guidance" with the Commission. She stated that it is regarding compliance with guidelines and protocols from the Commission for Disease Control (CDC), State Departments of Public Health, and any measures from the governor's office. The Chair then requested that the chart include local public health authorities' guidance and protocols as well. She then asked for any other questions or comments from the Commissioners.

10:14 a.m. Commissioner Zuniga remarked that this compliance program's challenge will be the public's response to the guidelines. He noted the importance of the public's compliance with and adherence to the licensees' protocols. Ms. Lillios directed the Commission to page eight of the plan under "General Measures," where there is a point for each licensees' plan to detail their procedures for dealing with guests who are non-compliant with the protocols.

Commissioner Stebbins added that the Commission hopes to minimize any disruptions on the gaming floor, which will be determined mostly by the adherence of the patrons to these guidelines.

10:17 a.m. Ms. Lillios then reviewed the third category of "Entry/Screening of Guests" with the Commission. This category addresses sanitation, signage, identification

checks, Personal Protective Equipment (PPE), employee training, temperature checks, occupancy levels, and Contact Tracing.

10:22 a.m. Ms. Wells requested that the Commission identify the following types of items to guide the IEB in their analysis:

1. Potential to mandate;
2. Licensees could be encouraged to adopt;
3. Possible omission from the draft; and
4. Place on hold until further guidance from public health entities can be obtained.

10:24 a.m. Commissioner O'Brien noted a correction needed in the IEB's proposed recommendations. Strike "Provide appropriate receptacles for the disposal of PPE" from the last bullet point in column A.

10:25 a.m. Commissioner Stebbins would like a robust communications plan to incorporate a list of questions for the patron to answer before entering the property. Some of these questions could be conspicuously listed on the licensees' website to ensure that patrons are aware before they arrive. Senior Vice President and General Counsel for Encore Boston Harbor Jacqui Krum stated that this is already a part of their plan. Commissioner Stebbins requested confirmation that this will be implemented, and the Commission will review to determine whether additional measures should be in place.

10:31 a.m. The Commission and licensees discussed requiring hand sanitizer, and whether to require touchless sanitizer stands. There is consensus among the licensees that they would like to supply sanitizer to patrons and strongly encourage using it, as there are challenges to requiring and enforcing it. Commissioner Stebbins stated that there is a list of 60 suppliers of sanitizer and PPE in Massachusetts on the state's [COVID-19 Updates and Information](#) website. The Chair noted that should the governor's office require sanitizer because of the public health issue, the Commission will adopt it. In the meantime, this could be a provision.

10:43 a.m. Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief Burke Cain commented that his team is researching national and global casino re-openings weekly, and noted that in observations from California and Connecticut, the lines to enter are a significant challenge. Mr. Cain will provide input on best practices for sanitizer for the Commission's report based on findings. Ms. Krum added that in reviewing the governor's guidance on lodging, restaurants, retail, and hair salons, the requirements for handwashing and sanitizer are primarily focused on employees, rather than guests.

10:44 a.m. The Commission reached a consensus that hand sanitizer will be encouraged if available and will not be required. Also, a touchless system will not be required.

- [10:46 a.m.](#) There was a discussion about separate entrance and exit points to separate patrons. Licensees have plans to separate the two-way traffic at the entry and exit points. The Commissioners all concur that this should be required.
- [10:50 a.m.](#) Next, the Commission discussed whether to encourage or mandate face masks at the gaming establishments. After feedback from licensees and questions from the Commissioners concerning the introduction of food and beverages, there is no consensus today because further guidance from the governor's office is expected.
- [10:54 a.m.](#) There was a discussion around food and drink consumption on the gaming floor, with guests wearing masks. Encore will propose continuing to serve food in the food truck area, where the same rules apply as in a restaurant. Guests will be allowed to remove face masks only when they get to the table to eat or drink. Food will only be permitted in the designated areas. MGM Springfield's Vice President and General Counsel Seth Stratton stated that drink service is a key part of the experience on the floor, and is critical to the business. Plainridge Park Casino (PPC) General Manager Lance George remarked similarly. It will be difficult to enforce face masks being up due to beverage consumption being an ongoing activity while gaming. Encore Boston Harbor President Brian Gullbrants suggested that masks be lowered to take a drink and then be raised again, as is practiced at Wynn Macau.
- [11:00 a.m.](#) Commissioner O'Brien raised a concern regarding beverage consumption on the gaming floor in the first phase of reopening. Specifically, the effectiveness of wearing masks will be undermined by constant lowering and lifting to drink amidst a much more diverse flow of traffic for hours at a time compared to an intimate setting of a restaurant table for a much shorter period to eat and drink. The Chair acknowledged that alcohol consumption on the gaming floor is a significant component of the business model. Commissioner Stebbins added that eliminating the choice for guests to wear a mask on the gaming floor will greatly reduce the risk of confrontations. He and Commissioner Cameron noted that the governor's office might issue guidance on this issue.
- [11:07 a.m.](#) Mr. Gullbrants described for the Chair that Wynn Las Vegas is currently encouraging face masks on the gaming floor and that drinks are allowed on the gaming floor. The Commission will wait for more guidance from local and state health departments on this matter, as face masks are required in places where people are currently unable to stay six feet apart.
- [11:19 a.m.](#) Ms. Lillios then described new guidelines for identity checks to the Commission. Gaming Agents Division Chief Bruce Band stated that a safe place is needed to remove hats and lower face masks. This will be required upon entry to capture a digital image of the guest if they need to be identified later. Ms. Krum clarified that a "safe place" can be interpreted as taking place six feet away from others in the line.

[11:22 a.m.](#) There was a discussion around scenarios with and without temperature checks on-premises. Ms. Lillios described the proposed methods of screening to assess the temperature of all guests entering the casinos.

Commissioner Zuniga raised a concern regarding temperature checks at the gaming establishments and affirmed that he prefers strict enforcement of temperature checks for entry into the gaming establishments. Doing so would mitigate the need for other measures.

Ms. Lillios described how temperature checks are mandated and/or conducted in other jurisdictions. Ms. Krum stated that thermal cameras are in operation at Wynn properties. The Commission reached a consensus that temperature checks should be mandated for employees to report to work.

[11:28 a.m.](#) Commissioner O'Brien raised a concern that taking guests' temperature may present a false sense of security, as they will be deemed "cleared." Guests may consequently not be as vigilant with PPE. She suggested that the licensees do this at the door, but it wouldn't need to be mandated. Commissioner Zuniga is in favor of executing manual temperature taking as much as possible upon entry, to protect guests as much as possible.

[11:41 a.m.](#) The Chair noted that the Commission would like to understand with clarity how employees will be trained, and stated the importance of likewise cross-training the Gaming Enforcement Unit (GEU).

Licensees should consider touchless temperature checks, with the caveat that they will monitor studies that corroborate the science behind how temperature checks may inform the existence of COVID-19 infection. The Commission will also require signage for guests waiting in line to enter. The standards for signage will exceed the advisory board's parameters due to the industry's nature.

[11:37 a.m.](#) Ms. Lillios reviewed the screening questions for guests with the Commission. She suggested an edit to columns B and C in the chart regarding signage, as the chart was drafted before casinos in Nevada opened, and the data has changed. The Commissioners provided feedback on the proposed measures. They reached a consensus to advise patrons not to go to the casino if they are exhibiting symptoms, as self-assessment is more feasible than administering to each patron in line.

[11:40 a.m.](#) Commissioner Stebbins would like to see the training plans for employees for interacting with symptomatic individuals as a component of the reopening plan. The Chair stated that she would like to understand with clarity as to how they will be trained, and added that the onsite Commission staff should also cross-train. The Commissioners agree that they would like to see this as an element in employee training.

- [11:43 a.m.](#) Next, Ms. Lillios reviewed elements of Contact Tracing. Ms. Krum opined that obtaining a phone number for each guest will pose a back-up problem at the door. She noted other methods to enable Contact Tracing, stating that people will be identified through surveillance, through guest information provided in their patron card programs, as well as taking guests' phone numbers when making a restaurant reservation. The Chair affirmed that providing the statewide Contact Tracing program with guests' information is something that the Commission would like to support to the feasible extent, and made note that there are other mechanisms for this aside from obtaining a telephone number.
- [11:47 a.m.](#) Ms. Lillios then reviewed proposed methods to manage reduced occupancy levels of the gaming areas for the initial phase of reopening. She noted that PPC and Encore might want to update their building code occupancy level percentage requirement with the IEB, as the IEB has only information for their gaming areas. MGM has submitted all numbers to include the gaming area and the food market.
- [11:49 a.m.](#) Commissioner Stebbins how the social distancing requirements would be determined with consideration to occupancy levels in the casinos. It was established that when addressing occupancy, the numbers will include employees as well as patrons.
- [11:53 a.m.](#) Next, the Commission discussed social distancing concerning slot machine areas. Ms. Lillios described potential scenarios of implementation.
- [12:02 p.m.](#) Senior Vice President and Legal Counsel for MGM Resorts International, Patrick Madamba, described requirements and measures taken in other jurisdictions as a comparison benchmark for consideration.
- [12:04 p.m.](#) Senior Vice President and General Counsel for Encore Boston Harbor Jacqui Krum then reviewed a PowerPoint slide with the Commission that illustrated table configurations enabling a specific measurement of the distance between seated patrons. There was discussion around the measurement that should be required. Ms. Lillios suggested adding another bullet point to the document to allow licensees to reconfigure their floors to maximize this distancing.
- [12:06 p.m.](#) In the discussion, Commissioner Zuniga stated that it should be understood that at least in theory, there will be several permutations as each licensee determines what will work best for their establishment. Commissioner O'Brien expressed her concern with any physical distance less than six feet between slot machines.
- [12:16 p.m.](#) The Chair noted that the goal is to achieve the six-foot standard to the extent practicable with the mask requirement and implement as many other innovations that will reduce risk. The Chair recognized that the six-foot distance is the standard via public health officials that the Commission may have to yield to, and that Commissioner O'Brien is strongly in favor.

[12:20 p.m.](#) The Chair asked how much time do the licensees need to have this matter resolved and become operational. President of Encore Boston Harbor Brian Gullbrants stated that it would depend on the requirements. He requested 10 – 14 days' notice to prepare and said that Encore is presently preparing for a June 29th opening.

[12:24 p.m.](#) Concerning surveillance and security, Mr. George explained for the Commission what physically moving security cameras and slot machines to accommodate a required distance of six feet apart would entail.

The meeting adjourned for a lunch break at 12:30 p.m.

[12:50 p.m.](#) The Chair confirmed a quorum to reconvene the meeting with a Roll Call vote.

The next item discussed was of social distancing and table gaming. Specifically, cash handling concerning guests, and Slot jackpot payouts potentially made via TITO ticket or cash in an enclosed envelope. Ms. Krum stated that Encore would favor this and that they are currently considering ways to achieve contactless payments. There was additional discussion around how to implement this. There was a consensus that as a safety option, the guest would be able to choose contactless payment.

[12:59 p.m.](#) Next, the Commission discussed the topic of table games and social distancing. Ms. Lillios described options for encouraging and enforcing social distancing by reconfiguring gaming tables. Commissioner Zuniga commented on the potential scenarios laid out on the IEB's proposals. There was a discussion about the feasibility of playing certain table games with plexiglass. There was also a discussion of requiring hand sanitizer to play table games.

[1:17 p.m.](#) Commissioner Cameron asked why the licensees would not require a plexiglass safety barrier for the private "high roller" tables. Mr. Gulbrants stated that there would be only masks for those tables and that other jurisdictions are not requiring these measures at all. It was noted that the "high-roller" dealers are not afforded the same protection as the other dealers on the gaming floor with plexiglass. The Chair also noted the same circumstance with roulette, as that game will not have plexiglass (but with limited players). The Commission and licensees discussed what is necessary based on medical and CDC guidance versus additional measures that are helpful but not necessary.

[1:35 p.m.](#) There was a discussion around the effectiveness and feasibility of the use of a mask in combination with a face shield instead of plexiglass. There was discussion around employees having access to face shields and sanitization for Blackjack, Roulette, and Craps.

[1:43 p.m.](#) Different strategies were discussed in terms of what would be required to make different table games safe, as they are all configured differently.

- [1:51 p.m.](#) Commissioner Zuniga noted that there is an aggregate effect in need of consideration concerning a potential excess of measures being required that could render it impossible for licensees to operate.
- [1:53 p.m.](#) Ms. Wells confirmed that for both table games and slot machines, the Commission will consult with the governor's advisory board and/or any other health officials to find out if six feet of distancing is required, or if it can be less if there are other protective measures in place.
- [1:55 p.m.](#) IEB Assistant Director/Gaming Agents Division Chief, Bruce Band, and Field Manager of Gaming Operations/Deputy Gaming Agent Division Chief, Burke Cain, will contact Mohegan Sun and Foxwoods to ascertain whether those casinos intend to mandate the use of plexiglass. Mr. Gullbrants stated that currently, Foxwoods uses plexiglass at all gaming tables, and Mohegan Sun does not. He noted that when given a choice, patrons are choosing at a 50/50 ratio.
- [2:12 p.m.](#) Next, Ms. Lillios provided an overview of recommendations regarding total occupancy percentages to be allowed in gaming areas.
- [2:17 p.m.](#) Lance George explained that PPC is currently deferring to building code to determine capacity, and most other jurisdictions, if not all, have done the same. Ms. Krum stated that Encore is concerned that including employees and increased security may exceed the 25% capacity limit for gaming positions. Mr. Stratton said that their building code provides enough leeway to accommodate employees and guests. There will be an emphasis on monitoring entry into the casino to manage the 50% total capacity limit best.
- [2:20 p.m.](#) Commissioner O'Brien led a discussion around her concern with building occupancy rates being possibly too high for safety, as the number of guests would be disproportionate to the number of table games in operation on the gaming floor.
- [2:31 p.m.](#) The Commission reached a consensus that any percentage occupancy level requirement under option A would also include employees (see video link for further detail).
- [2:32 p.m.](#) Next, Ms. Lillios reviewed proposed slots and table games sanitization protocols with the Commission. Ms. Krum detailed Encore's current protocol for the Commission. There was discussion around keeping a log to document each machine being sanitized.
- [2:56 p.m.](#) Ms. Wells recapped her notes of the discussion and confirmed her proposed course of action with the Commission, with which the Commission concurred.

- [3:10 p.m.](#) The Commission then discussed proposed sanitization protocols for chips with the licensees. A consensus was reached in favor of sanitizing all chips as they are turned in at the cage by guests, to ensure a constant flow of clean chips being dispersed.
- [3:15 p.m.](#) Dice will be replaced after each shooter. Licensees will destroy cards at the end of each shift and replace them with new cards. Mr. Gullbrants stated that Encore will have no Poker, and Baccarat cards will be destroyed after every play. Ms. Wells confirmed the Commission's consensus that licensees will develop a protocol to replace cards based on volume and frequency of play.
- [3:18 p.m.](#) Concerning the cage, the Commission discussed possible scenarios for barriers between guests and employees. A consensus was reached that licensees will use plexiglass dividers and enforce social distancing where there is no plexiglass.
- [3:26 p.m.](#) The Commission reached a consensus that protective envelopes shall be offered to guests for their cash winnings to delay touching the money until any potential contamination of cash is diminished. Mr. Gullbrants stated that Encore is expecting two units that will be used to disinfect cash as well.
- [3:33 p.m.](#) Commissioner Stebbins requested that licensees produce proposed protocols for handling guests who will be waiting to enter the casino once the 50% capacity is reached.
- [3:35 p.m.](#) Ms. Krum will provide the Commission with Encore's training plan for staff to de-escalate any situation with guests that should arise due to social distancing enforcement.
- [3:40 p.m.](#) Mr. Stratton stated MGM's escalation protocol for guests refusing to comply with social distancing requirements. Ms. Lillios and Ms. Wells advised Mr. Stratton to ensure that MGM has sufficient security to diffuse escalated situations.
- [3:55 p.m.](#) Lastly, the Commission confirmed that there will be cross-training among the GEU, gaming agents, and GameSense Advisors on protocols.
- [3:56 p.m.](#) The Chair closed the meeting by thanking the staff who contributed to this effort, and licensees for their input. She stated that the IEB will now revise their recommendations, to then be circulated appropriately under the Open Meeting Law, and then share with stakeholders once revisions are finalized. The Commission will convene if needed to address any outstanding issues. The Commission will also monitor the Federal and local government's advisories and be ready to make any corrections or edits necessary.
- [3:57 p.m.](#) *With no further business, Commissioner Zuniga moved to adjourn.
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.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated June 11th, 2020
2. Memorandum: Draft COVID-19 Related Guidelines for Reopening of Gaming Establishments
3. Reopen Measures – Groups (Chart)

/s/ Bruce Stebbins
Secretary