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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 16, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 023 5667

**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 #306 of the Massachusetts Gaming Commission (Commission).

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

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

The Chair noted that this meeting is to discuss protocols for conducting safe and sustainable racing, with respect to the opening phased protocols in response to COVID-19 status. Additional next steps for opening the racetrack and commencement of racing, under Governor Baker's ordered phase three status, will also be discussed.

## **Racing Division**

### **10:03 a.m. Plainridge Park Casino Racing Roundtable Discussion**

Interim Executive Director Karen Wells opened the discussion by stating that reopening at the beginning of phase three appears very positive. She asked Racing Director Dr. Lightbown for her comments and highlights of the reopening plan.

**10:05 a.m.** Dr. Lightbown stated that Chris McErlean, Vice President of Penn National Gaming, was present to review Penn's opening plan for Plainridge Racecourse with the Commission. Also present was Bob McHugh, President of the Harness Horsemen's Association of New England (HHANE), Frank Antonacci, Director of the HHANE, and Attorney Marty Corry

**10:06 a.m.** Mr. McErlean stated that by barring any changes in the governor's guidelines, they are making preparations to conduct qualifying races on June 29<sup>th</sup> and July 2<sup>nd</sup> with the intent to have the first live pari-mutuel race on July 6<sup>th</sup>. The qualifying races will provide the opportunity to assess the protocols and make any adjustments necessary.

**10:17 a.m.** Dr. Lightbown stated that there is a general agreement on the protocols that comprise Penn's reopening plan, and provided highlights of the plan for the Commission. She stated that the key items in the plan are social distancing, disinfecting, and implementing those protocols into the horse racing business. There will be restrictions for which individuals are allowed on the grounds. Access to the racing office will be restricted to designated staff, and business will be conducted electronically. A protocol for online licensing is currently being discussed as well. A lockbox will be installed outside of the racing office so individuals to drop off their license applications and payments and mail.

**10:18 a.m.** The Chair suggested a new agenda item for a future Commission meeting to discuss any necessary policy changes regarding the licensing applications that would require an emergency regulation change. Mr. Grossman stated that the Commission could engage in a waiver or a variance to the license application process in lieu of regulation amendments.

**10:21 a.m.** Mr. McErlean then provided the Commission with an overview of the protocols in Penn's reopening plan.

**10:30 a.m.** Mr. McErlean confirmed for Commissioner Stebbins that he is not aware of any issues with Plainridge Racecourse acquiring sufficient supplies of Personal Protective Equipment (PPE), and will follow-up to confirm. Commissioner Stebbins then asked if they have been communicating their guidelines to staff and

the drivers and handlers. The Chair asked more specifically about how they are going to enforce social distancing. Mr. McErlean replied that depending on the number of horses; they will leave stalls vacant to distance the horses, draw lines in the paddock, and rely on self-discipline from the staff. There will be security to enforce this as well. Mr. Antonacci stated that, in general, safety protocols for the horsemen creates social distancing.

[10:40 a.m.](#) A system for the horsemen to document that cleaning the paddock areas has been completed each time will be considered for implementation by Mr. McErlean. He is still working on determining if there should be staggered times for horses' arrival.

[10:43 a.m.](#) Dr. Lightbown provided her perspective for Commissioner Cameron on pre and post-race testing, stating that they still require a signature on the evidence cards and that testing will remain much the same. There will be a written protocol to ensure clarity on the process for everyone.

The Chair noted that the bathrooms should be cleaned more than once a day and that hand sanitizer is readily available to combat any potential spread, should any person become infected. The Chair also emphasized that there should be messaging that personnel is mindful of their interactions. Mr. Antonacci anticipates an active communication plan in place immediately with the horsemen and women. He added that they have proactively secured their additional PPE and that he also encourages personnel to show up with their own masks and sanitizer.

[10:52 a.m.](#) Commissioner Stebbins stated that educating individuals in texts with links to videos instead of in writing could be very effective.

The Chair noted the importance of training for sanitization and the use of PPE. Dr. Lightbown stated that the HHANE has already posted signage for PPE, and she will forward Human Resources' training videos to them and Mr. McErlean at Plainridge.

[10:55 a.m.](#) Next, Dr. Lightbown elaborated on the training for the Commission staff that the Reopening Working Group has implemented, and stated that the office has been set up with signage. Licensing Specialist Bill Egan is now working on accepting licensing applications and taking calls. Dr. Lightbown also stated that the testing process will be different. The office is very small, so it will be off-limits to everyone except for the coordinator, the veterinary assistant, and the trainer's representative, who can observe from the door. Dr. Lightbown stated that there will be optional shields to wear with masks. There will also be a plexiglass partition installed for Mr. Egan's protection. Commissioner Zuniga noted that the official's booth is also very small. Dr. Lightbown explained that they will use an adjacent office that will allow for social distancing for the three officials.

[11:00 a.m.](#) Should any individual become unwell and need to call in sick, Dr. Lightbown stated that there is a back-up staff that is cross-trained regularly, as well as show-in judges.

[11:03 a.m.](#) The Chair stated that should someone test positive for COVID-19, there should be protocols similar to the casinos. Protocols would include a pandemic security officer accountable for ensuring proper outreach to the local public health department for the contact tracing program, notifying them of an outbreak.

[11:06 a.m.](#) Today's feedback on the draft will be incorporated into a final draft and brought before the Commission for formal adoption.

Commissioner Cameron asked that Mr. McErlean report on anything learned within the next week from his other jurisdictions in the interim, and work with Dr. Lightbown to implement any changes needed to the best practices reopening plan.

The Commission will review the final draft and formally endorse or adopt the plan with a vote. Should there be a need to address any variances, a separate Commission meeting can be scheduled before June 29<sup>th</sup>.

[11:12 a.m.](#) Next, Mr. McErlean updated the Commission on the necessary preparations being conducted for safe racing at Plainridge Racetrack. Dr. Lightbown stated that the United States Trotting Association (USTA) issued guidance on racetrack maintenance and that Plainridge Racetrack will follow that protocol.

[11:18 a.m.](#) Mr. McErlean also mentioned a previous discussion that took place regarding simulcasting and noted a conflict in the language regarding phase three concerning the requirement of no spectators for simulcasting. He clarified that simulcasting inherently has spectators and that Raynham and Suffolk both are conducting simulcasting. The Chair provided clarification that the terminology in the language regarding spectators is intended for live racing.

Mr. McErlean then stated that the plan for reentrance into the casino is a single entrance that simulcast customers will have to use. Simulcast customers will undergo the same entry process as casino customers.

[11:30 a.m.](#) **Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(7) – Qualifying Race Requirement**

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of a waiver of 205 CMR 3.12(7) for the 2020 racing season at Plainridge Park Casino.

205 CMR 3.12(7) states that the Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.

The requested waiver would change the requirement from 30 days to 45 days. Plainridge requested this same waiver in 2018 and 2019, and the Commission approved it.

Dr. Lightbown recommends that the Commission approve the request of Plainridge Park Casino of a waiver for the 2020 racing season concerning 205 CMR 3:12(7) which would require all horses not showing a satisfactory racing line during the previous 45 days to run a qualifying mile in a race before the Judges.

11:34 a.m. Commissioner Zuniga remarked on his anticipation of an update on the number of horses and horsemen entering into the qualifying race to indicate how many more qualifying races would be needed.

11:36 a.m. *Commissioner Stebbins moved that the Commission approve the request of Plainridge Park Casino for a waiver for the 2020 racing season concerning 205 CMR 3.12(7) which would require all horses not showing a satisfactory racing line during the previous 45 days to run a qualifying mile in a race before the Judges. Commissioner Cameron seconded the motion.*

*The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

11:38 a.m. **Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel**

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of their Key Operating Personnel and Racing Officials dated March 5th, 2020. The list of individuals is referenced in the Commissioners' Packet. All were licensed by the Massachusetts Gaming Commission in 2019 and are currently applying for their 2020 licenses. The Massachusetts State Police will conduct their background checks.

Dr. Lightbown recommends that the Commission approve Plainridge Park Casino's request to approve their March 5th, 2020 list of Key Operating Personnel and Racing Officials, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of their background checks by the Massachusetts State Police.

11:40 a.m. *Commissioner Cameron moved that the Commission approve Plainridge Park Casino's list of Key Operating Personnel and Racing Officials dated March 5th, 2020, as included in the Commissioners' Packet, pending satisfactory completion*

*of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of their background checks by the Massachusetts State Police. Commissioner O'Brien seconded the motion.*

*The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

[11:41 a.m.](#)

**Standardbred Owners of Massachusetts (SOM) Recognition Request as Breeders' Representative Group**

Under Massachusetts General Law Chapter 128, Section 2 (j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested they be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.

[11:42 a.m.](#)

Nancy Longobardi, Secretary/Treasurer for the SOM, provided the Commission with highlights from the 2019 season to the Commission and noted that for 2020 there are 121 mares registered, spread across 35 farms throughout the Commonwealth. The Chair requested Ms. Longobardi's statistics be provided in a memorandum to the Commission.

Ms. Longobardi added that outside of racing this year, the SOM is planning to support the Polar plunge, a local charitable event arranged by Norfolk, Wrentham, and Plainville, as well as a retraining program for the Massbred horses.

Dr. Lightbown recommends that the Commission approves the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.

[11:45 a.m.](#)

*Commissioner O'Brien moved that the Commission approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2020.*

*Commissioner Cameron seconded the motion.*

*The motion passed unanimously.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

11:46 a.m. *With no further business, Commissioner Cameron moved to adjourn.  
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.*

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

1. Notice of Meeting and Agenda dated June 16th, 2020
2. Protocols for Conduct of Live Racing Under COVID-19
3. Harness Horsemen Biosecurity Protocol (Draft)
4. HHANE Risk Management Plan
5. Plainridge Racing Officials Request 2020
6. MGC Request 2020 Officials
7. Plainridge Waiver Request of 205 CMR 3.12(6)
8. PPC Request 45 Days dated March 5th, 2020
9. Memorandum: SOM Recognition dated March 6th, 2020
10. SOM MSRC Request 2020

/s/ Bruce Stebbins  
Secretary