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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** June 17, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 184 8097

**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 #307 of the Massachusetts Gaming Commission (Commission). She thanked all of the commissioners, as well as Chief Enforcement Counsel Loretta Lillios, Gaming Agents Division Chief Bruce Band, Deputy Gaming Agent Division Chief Burke Cain, and the entire Internal Investigations Bureau (IEB) team under Interim Executive Director Karen Wells' leadership, for the creation of today's document included in the Commissioners' Packet establishing safety protocols for the casinos' re-opening. The Chair then outlined her plan for the meeting's discussion.

*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.*

## Executive Update

### 10:03 a.m. **Adoption of Licensee Reopening Minimum Standards**

Ms. Wells reviewed the attached guideline document that was compiled in response to the previous Commission meeting discussion. Areas in need of a consensus today are beverage service, distance in gaming positions at slot machines, physical distance in gaming positions at table games, and occupancy levels.

10:07 a.m. The Chair suggested that commissioners identify any items outside the four categories outlined where they are seeking any clarification. She noted that a consensus had not been reached on any hand sanitizer requirements at the last meeting.

10:08 a.m. After comments from Commissioner O'Brien regarding the document's references to compliance, the Chair suggested that language from page 5(n) regarding a pandemic safety officer also be placed on page 2, subsection 1(c) to maintain uniformity.

Commissioner O'Brien also asked for guidance regarding page 5(d) concerning the locations for the formation of lines, and ways to address this. As a result, a reference to the use of floor markings will be added to the document.

Language from Massachusetts' lodging guidelines prohibiting coat checks will also be added to the document.

10:14 a.m. Commissioner Zuniga suggested a provision stating that this document is a working version that is subject to change in response to state and federal guidelines. The Chair stated that the Commission could consider asking for regular reporting from the licensees during the re-openings.

10:17 a.m. Ms. Lillios then began the discussion of beverage service in the gaming area, which was the first of four topics. She noted that the IEB is now providing direction here and balancing several factors. The IEB suggested that beverage service be allowed in the gaming area and limited to gaming guests. Guests would raise and lower their mask to consume beverages at the gaming machines or tables, but not walk through the gaming floor with beverages.

10:20 a.m. At Commissioner O'Brien's request, the IEB will edit the language in the document to reflect that guests must be actively engaged in gaming to consume alcoholic beverages, consistent with the language set forth for the 2:00 – 4:00 a.m. beverage service protocol.

The Chair also added that public health specialists have stated that there is more of a health risk from masks being frequently raised and lowered.

- [10:21 a.m.](#) Commissioner Zuniga expressed concern regarding controlling the self-serve, non-alcoholic beverages. He noted that the protocols and/or prohibitions should be understood to encompass all beverages, not just alcohol. Encore General Counsel Jacqui Krum confirmed for the Commission that self-serve stations are prohibited.
- [10:32 a.m.](#) Commissioner O'Brien suggested the addition of language to read, "guests are not to be allowed to carry or drink beverages when moving about the gaming area," as it would complement the requirement that guests be actively gaming to consume beverages and not roaming the gaming floor. A concern was raised that enforcement of this guideline may present a challenge, which led to a further discussion concerning beverage service.
- [10:39 a.m.](#) Next, the Commission discussed social distancing concerning slot machines. Ms. Lillios directed the Commission to reference a chart on page seven of the IEB's draft protocol document. The IEB recommends either a requirement of a minimum of six feet between machines, or installation of plexiglass dividers not less than six feet tall. At a minimum, every other machine should be disabled with chairs removed.
- [10:41 a.m.](#) Ms. Wells noted that licensees had notified her that there may be a supply issue with six-foot plexiglass dividers. The licensees described the current challenge regarding the height requirement of the free-standing plexiglass that the casinos procured before the six-foot guideline was in place. Should they find and procure the now required size, the turn-around time for purchasing the new plexiglass and re-installation would further push the casinos' re-opening schedule to a later date.
- [10:51 a.m.](#) The Chair stated that she would like to maintain the six-foot requirement while considering a potential variance for plexiglass partitions. Commissioner O'Brien suggested obtaining some clarification from the Governor's advisory board. Mr. Grossman confirmed that the Executive Director could grant a variance to the extent that it is part of the internal controls.
- [10:58 a.m.](#) The IEB will conduct additional research in conjunction with a variance instead of postponing today's decision.
- Next, the minimum space requirement between patrons with the addition of plexiglass dividers was discussed, and Commissioner O'Brien suggested entering an exact measurement into the language for guidance. The Commission reached a consensus on a distance requirement of four feet.
- [11:09 a.m.](#) There was discussion around edits to the language in the IEB's initial Phase 3 Minimum Standards. Ms. Lillios will edit this section to reflect a standard physical distance requirement of six feet without plexiglass and four feet with plexiglass.

- [11:14 a.m.](#) Next, Ms. Lillios outlined the section concerning social distancing for table games on pages eight and nine in the IEB's initial Phase 3 Minimum Standards. The IEB recommends plexiglass dividers not less than six feet tall separating dealer from player positions and between player positions, no more than three player positions at each Blackjack-style table, with chairs for unavailable positions removed. Additionally, there will be no Craps or Roulette until further notice due to the difficulty to maintain six feet or installation of plexiglass.
- [11:17 a.m.](#) The Chair opened this discussion by describing the plexiglass situated at the gaming tables that were observed at a previous Commission meeting. Mr. Band further described the plexiglass divider configuration. The Commission then reached a consensus that no changes are needed for this section.
- [11:22 a.m.](#) Lastly, Ms. Lillios reviewed the section addressing occupancy in the IEB's initial Phase 3 Minimum Standards. Licensees will need to map out their gaming floors and submit documentation to the IEB. Ms. Lillios then shared a document that described the number of gaming positions currently at the three casinos that can be used for reference in setting occupancy levels. It was noted that those numbers might fluctuate as licensees reconfigure their floors.
- [11:28 a.m.](#) Commissioner Zuniga stated that he believes using a percentage of the building code as a guide would be appropriate, as the gaming floor is large enough for people can maintain a six-foot physical distance from each other with masks on.
- [11:42 a.m.](#) The Chair noted that the number of employees on the gaming floor should be considered in the occupancy level. There was discussion around employees included in the occupancy levels and installing plexiglass in the slot machine areas. All three licensees stated that they would need to reconfigure their slot machine areas to accommodate plexiglass.
- [11:52 a.m.](#) The Commission discussed with Legal Counsel for MGM Patrick Madamba the six-foot mandate for restaurants in Phase 2 in Massachusetts, and the feasibility of applying it to the casinos. It was noted that additional guidance would be needed to effectively direct the differences between a restaurant and a casino concerning this mandate. As of now, guests must be six feet apart when they eat or drink, unless a non-porous material separates them.
- [12:01 p.m.](#) The Commission reached a consensus that all table games will require plexiglass dividers. This will offer uniform protection for all employees. Beverages will only be served to those who are seated. The Chair noted that casino bars are not open during the current paradigm.
- [12:05 p.m.](#) The Commission will pause on the issue of plexiglass between slot machines and return to this when the licensees provide additional information regarding employee numbers for occupancy.

[12:12 p.m.](#) The Commission will reconvene after gathering more information as soon as possible. The Chair encouraged the licensees to share any detail that might be pertinent to the next meeting.

Mr. Madamba will provide additional info on MGM Springfield's HVAC systems as soon as possible.

[12:15 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 Stebbins: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated June 16, 2020
2. Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

/s/ Bruce Stebbins  
Secretary