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## Massachusetts Gaming Commission Meeting Minutes

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

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 112 515 5953

**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 #309 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.*

### Administrative Update

10:01 a.m. **Adoption of Licensee Reopening Minimum Standards**  
Interim Executive Director Karen Wells established the discussion content for the meeting. She noted three issues for today's discussion (mask enforcement, height requirement for plexiglass, and occupancy level requirements for each casino)

that require a consensus to allow the Commission to move forward with guidelines for reopening the casinos.

The Commission reached an informal consensus on several minimum requirements at an open meeting held on Thursday, June 11, 2020, which included extensive input from the executive staff, the Investigations and Enforcement Bureau (IEB), and the Commission's three licensees.

Ms. Wells directed the Commission to the outstanding issues listed in the IEB's document for discussion. She noted that the licensees had advised the Commission that they would need no less than 10-14 days in advance of reopening to prepare their gaming establishments for compliant operations and adequately train employees.

- [10:06 a.m.](#) The Chair opened the discussion addressing the topic of mask enforcement, noting that the Commission's focus today is on standards and circumstances to be set for wearing masks at the casinos, as opposed to purely enforcement.
- [10:09 a.m.](#) Commissioner O'Brien stated that as she does not feel comfortable altering the language settled on at the previous Commission meeting. She proposed that the IEB clarify a reasonable standard for the guests (not moving around without masks) enforcement.
- [10:10 a.m.](#) The IEB's Chief Enforcement Counsel Loretta Lillios described some alternative language to add, reflecting the comments made for the Commission's consideration.
- [10:12 a.m.](#) Commissioner Stebbins emphasized the importance of a strong education plan for patrons before they enter the casino that will aid significantly in reducing any "infraction" interactions with staff.
- [10:13 a.m.](#) Vice President and General Counsel of MGM Springfield, Seth Stratton, expressed his specific concerns on mask enforcement regarding patrons walking through the casino with a beverage in-hand. There was additional discussion around scenarios for implementation.
- [10:10 a.m.](#) Concerning the issue of if guests could transport alcoholic beverages across the gaming floor, the commissioners provided feedback. Commissioners noted the importance of wearing their mask versus leaving a beverage behind if guests want to move. Commissioner Cameron noted the potential for guests to drink more rapidly to finish their alcoholic beverages before moving if they are not allowed to transport their beverage with them.
- [10:32 a.m.](#) The Commission reached a consensus that Ms. Lillios will edit the language in the guidelines in this section to read, "Guests shall not be allowed to carry or drink

beverages while moving about the gaming area. Licensees shall make reasonable efforts to ensure that guests do not violate this rule.”

- [10:33 a.m.](#) The Commission moved on to discuss “Social Distancing” for slots. Ms. Lillios reviewed the guidelines that were previously discussed regarding physical distancing and plexiglass dividers. Ms. Wells asked the licensees for comment.
- [10:35 a.m.](#) Senior Vice President and General Counsel at Encore Boston Harbor Jacqui Krum noted the two to three-week procurement period for plexiglass. The standard size is 5' 5" and any taller size would require custom orders. Vice President and General Manager of Plainridge Park Casino (PPC) Lance George stated that PPC is having the vendor reengineer their plexiglass to reach the prescribed six feet in height. Mr. Stratton noted that as MGM's other jurisdictions are not using plexiglass dividers, the business case may be difficult to make for procurement. MGM Springfield may need to open with guests maintaining six-foot physical distancing instead.
- [10:40 a.m.](#) Commissioner Zuniga inquired if any of the licensees have considered any other non-porous materials besides plexiglass. Ms. Krum replied that Encore is contemplating an alternate material to plexiglass. There was further discussion around the height requirement for plexiglass with regard to risks associated with a height below six feet.
- [11:15 a.m.](#) The Chair affirmed that the Commission's decision as a regulator is based on guidance from the federal, state, local authorities, and particularly the Governor's advisory board. If the Commissioners reach a consensus, it is subject to being overruled.
- [11:21 a.m.](#) The Commissioners reached a consensus that the required height of plexiglass barriers should be six feet unless the Governor's advisory board advises otherwise.
- [11:22 a.m.](#) Next, the Commission discussed restrictions for table games. Ms. Wells stated the minimum height requirement for plexiglass barriers at Blackjack tables across other jurisdictions is 5'10". The Commission needs to determine whether they would like to adopt this into the guidelines as well. This height is based on what has become the industry standard for these gaming tables. The Commission reached a consensus to adopt the standard of 5'10" plexiglass at table games.
- [11:26 a.m.](#) There was discussion around the determination of occupancy levels by calculating the number of open gaming positions on the gaming floor, the number of employees on the floor, and amenities/restaurant capacities. She noted that casinos with restaurants will follow the guidance that has been provided to those restaurants by the Governor's advisory board. Ms. Wells also noted the additional racing component to PPC that has its own occupancy metric.

- [11:30 a.m.](#) Commissioner O'Brien discussed the conversations that the MGC Reopening Working Group had and the calculations that the group agreed upon concerning occupancy percentages.
- [11:34 a.m.](#) The Commission agreed to change the language in the guidelines of "restaurants" to "amenities" when determining the occupancy level requirement. Ms. Lillios reviewed the formula that would be used to make such a determination. The licensees expressed their agreement and the commissioners reached a consensus.
- [11:40 a.m.](#) Ms. Lillios will make the final edits to the guidelines today. Ms. Wells clarified that they will be adding racing numbers of PPC employees, MGC employees, and patrons in an appendix separately. These numbers are excluding the barn area. Mr. George stated that the words "simulcast area" will replace "gaming floor" in terms of racing. The Governor's advisory board guideline on the percentage of occupancy is what they will use for their calculation.
- [11:43 a.m.](#) Acting General Counsel Todd Grossman advised the Commission to clearly state its intention for these guidelines, how and when they will go into effect, and the duration. Mr. Grossman presumed they would run parallel with the Governor's reopening committee's recommendations.
- [11:44 a.m.](#) *Commissioner O'Brien moved that the Commission adopt the minimum requirements for the initial Phase three opening of gaming establishments as set forth in the memorandum provided by the IEB on June 16, 2020, but consistent with amendments discussed on that date and at today's meeting. Commissioner Stebbins seconded the motion.*  
*Roll Call Vote:*  
*Commissioner Cameron: Aye.*  
*Commissioner O'Brien: Aye.*  
*Commissioner Zuniga: Aye.*  
*Commissioner Stebbins: Aye.*  
*Commissioner Judd-Stein: Aye.*  
*The motion passed unanimously.*
- [11:46 p.m.](#) *With no further business, Commissioner Stebbins 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 23, 2020
2. Document: Minimum Requirements for the Initial Phase 3 Opening of Gaming Establishments

/s/ Bruce Stebbins  
Secretary