



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 4, 2021, 11:00 a.m.
Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 810 5176

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](#) (0:08)

Chair Judd-Stein called to order the 351st public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

2. COVID-19 related conditions

- a. Review and clarification of condition, agreed to on May 26, 2021 by the gaming licensees, that licensees shall conduct business in accordance with all COVID-19- related orders and advisories issued by the Governor or the Commonwealth of Massachusetts that remain in effect, as well as any applicable CDC guidelines

IEB Director Loretta Lillios provided an update to the Commission on guidance issued by the Governor and the CDC. Director Lillios noted that on May 26th, the Commission rescinded its Covid measures previously ordered for the licensees consistent with public guidance and with the Commonwealth's measures at the time. She explained that those measures were lifted subject to four conditions, one of which is subject to review and clarification. Director Lillios noted that the condition also applies to racing and simulcast licensees and explained that the relevant condition for review and clarification today provides that all licensees shall conduct business in

accordance with all Covid-19 related orders and advisories issued by the Governor that remain in effect as well as any applicable CDC guidelines. Director Lillios explained that further clarification on this condition is needed because there have been recent updates to guidance around masking from both the CDC and the Commonwealth's Department of Health that are not in strict alignment. Director Lillios summarized both of those advisories.

Executive Director Wells noted that from an operations perspective, defaulting to the Governor's approach would achieve consistency across the state, and there could be messaging that would recognize both the Governor's guidance as well as the CDC guidance.

Jacqui Krum, General Counsel of Encore Boston Harbor; Gus Kim, Vice President and General Counsel of MGM Springfield; and North Grounsell, General Manager of Plainridge Park Casino, provided brief input from each of the licensees. Commissioner O'Brien inquired regarding the percentage of vaccinated employees at each property, any masking requirements, and any posted signage related to masking guidance.

Commissioner Zuniga noted that he was in favor of following the Governor's guidance as it considers more nuanced local conditions. Chair Judd-Stein noted that public health is typically governed on a local basis and she is inclined to default to the state guidance.

Steve O'Toole from Plainridge Park Casino, Chip Tuttle from Suffolk Downs; and Sue Rodrigues from Raynham Park provided input from the racing side. Commissioner Cameron inquired regarding statistics for vaccinated employees as well as any masking requirements at each property.

There was extensive discussion among the Commission regarding the disconnect between the DPH and CDC guidance, the complexities of striking a balance while being mindful of the current health statistics in Massachusetts, and how precisely to amend the Commission's May order to recognize both the DPH and CDC guidance. The Commissioners agreed that the Governor's guidance should remain the controlling factor for the licensees while the CDC guidance should be a consideration rather than a mandate.

Commissioner O'Brien moved that the Commission amend so much of its order from May 26, 2021, relating to Covid restrictions for the licensees in Section 1 such that the phrase "as well as any applicable CDC guidelines" is stricken and in lieu replaced with "and in consideration of any applicable CDC guidelines." The motion was seconded by Commissioner Zuniga.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

Commissioner Zuniga moved to adjourn. The motion was seconded by Commissioner Cameron.

Roll call vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: 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 August 4, 2021