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The _____ MICHIGAN GAMING _____ Newsletter



MICHIGAN GAMING CONTROL BOARD APPROVES MINIMUM REOPENING GUIDELINES

At its meeting Monday, June 8, the Michigan Gaming Control Board ("MGCB") discussed and approved minimum requirements for when the 3 Detroit commercial casinos re-open. Under the current Executive Orders and the Safe Start Plan issued by Michigan Governor Gretchen Whitmer, the Detroit casinos are not permitted to open. Governor Whitmer has not yet announced plans for a reopening date.

Among other things, the guidelines restrict occupancy to 15%, reduce the entry points and require temperature checks for entrance, ban smoking on the casino floors, require heightened cleaning protocols, ban the opening of the poker rooms, require social distancing among employees and guests and require both employees and guests to wear masks at all times except when eating or drinking. The full text of the guidelines can be found at https://www.michigan.gov/documents/mgcb/MGCB_Minimun_Guidelines_for_Detroit_Casinos_Reopening_693181_7.pdf.

MGCB Executive Director Richard S. Kalm stated: "In compiling these minimum guidelines, we considered CDC recommendations, Nevada Gaming Board guidelines and information from the National Indian Gaming Commission. We required the casinos to propose reopening plans, and we consulted with the casino unions on the guidelines. We believe the guidelines will protect the public when it is safe to reopen the casinos."

WIRE ACT LITIGATION ORAL ARGUMENT SCHEDULED FOR THURSDAY, JUNE 18

The First Circuit Court of Appeals has announced that it will hear oral arguments in the Wire Act litigation between the Department of Justice ("DOJ"), New

Hampshire Lottery and NeoPollard. The court will hold oral arguments at 10:00 a.m. EST on Thursday, June 18. The dispute centers around the DOJ's issuance in January 2019 of a new interpretation of the scope of the Wire Act. Broadly speaking, the prior DOJ interpretation held that the Wire Act only applied to sports wagering, whereas the new interpretation holds that the Wire Act applies to all gambling that takes place across state lines. More details regarding the dispute and the parties' positions can be found in the previous article in [Volume 26, Issue 10 of the Michigan Gaming Newsletter](#).

The First Circuit has announced that it will broadcast live coverage of oral arguments at https://www.youtube.com/channel/UCiq_Kg0zEPriMFK_s-KP5_g/. The recordings of the arguments will also be posted to its webpage after the end of each day's arguments. Based upon prior timelines for issuance of decisions, it is expected the First Circuit will issue an opinion this fall.

ILLINOIS GOVERNOR ISSUES EXECUTIVE ORDER SUSPENDING THE NEED FOR IN-PERSON REGISTRATION FOR MOBILE SPORTS WAGERING

Last week, Illinois Governor J.B. Pritzker issued Executive Order 2020-41 suspending the need for in-person registration for a sports wagering account in the state of Illinois. Under the Illinois Sports Wagering Act customers are required to create sports wagering accounts in person at a facility that is authorized to offer such wagering. The Governor noted that due to social distancing requirements put in place to protect the public, the casino gambling facilities that offer sports wagering have been closed, which makes it impossible for people to register. The Governor therefore issued the Order suspending the requirement, and stating, in relevant part, the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamations, the provisions in the Sports Wagering Act, 230

ILCS 45/25-30(f), 25-35(f), and 25-40(i), requiring in-person creation of a sports wagering account at a facility authorized pursuant to the Act in order to participate in sports wagering offered over the internet or through a mobile application, are suspended.

The Order became effective on June 4th.

FIREKEEPERS CASINO REPORTS SUCCESSFUL AND STRONG RE-OPENING

Appearing on a webinar entitled "Reopening Realities: Cautious Celebration and Planning for the Future" (LINK <https://www.youtube.com/watch?v=GUWvFtzCfks&feature=youtu.be>) which is part of the "Gaming in Crisis: The Path Back" webinar series this week, Firekeepers Casino CEO Kathy George reported on the very successful and strong re-opening of the casino.

The casino, which is located halfway between Detroit and Chicago, first opened ten years ago. As a result of the pandemic, the casino shut down on March 16th, and re-opened on May 29th for a soft opening, and on Monday, June 1 to the general public. Ms. George gave great praise to the tribal Gaming Commission with regard to the re-opening process.

"Working with our tribal gaming commission was invaluable to us. They understood what we were facing, and they really worked amazingly well to help us overcome anything. If we needed secondary or third job code positions to make the staff be able to change their duties and help fill in gaps, they were truly great partners. They came to all of our operations meetings that we had for the month prior to opening, and literally were here with us hand in hand to assist however they could during the opening out on the floor."

Ms. George also was grateful to the Center for Disease Control, the local health department in

Calhoun County, and both the local police and state police.

She reported on the steps that were taken to assure safety at the casino, including health inspections before and after the soft opening, 50 percent occupancy, limiting the points of entry to 2, doing temperature checks to patrons entering, valet being closed – but using the valet staff as welcoming ambassadors, making the casino floor nonsmoking given the requirement for masks on patrons, social distancing measures on the casino floor for both slots and table games, and using a cleaning ambassador program to have employees on the floor keeping everything clean.

Ms. George noted that all of the staff went through very extensive training, which she noted was very important. Employees are being given additional breaks. She stated that most everyone has returned to work that has been called back. Overall the guest satisfaction is high and employee engagement and satisfaction is high.

Very notably, Ms. George indicated that the first ten days of operation have been very strong financially as well. “The pent-up demand has certainly driven revenues and EBITDA in the first ten days we have been open,” she noted.

Regulatory Management Counselors, P.C., The Innovation Group, and *Global Gaming Business Magazine*, have combined their gaming industry expertise and perspective to present the Gaming in Crisis webinar series in a way that is designed to help gaming companies, operators, manufacturers and suppliers, executives, employees, investors and customers navigate the "new normal" as the world struggles through and emerges from the devastating effects of the coronavirus pandemic. Throughout this series, the **Gaming in Crisis** webinars have analyzed and charted the recovery path for each segment of the industry. The webinars are **free and open to all participants** of the industry simply by registering to attend.

The entire “Gaming in Crisis: The Path Back” series of webinars is available for free at www.casinowebinar.com and includes all of

the following topics:

- Webinar 1: Beyond CARES: How the Relief Bill Helps the Industry and Employees and Where it May Fall Short;
- Webinar 2: Taking Care of Business: Difficult Decisions Ahead
- Webinar 3: Tribal Troubles: How Indian Gaming Will Rebound
- Webinar 4: Moving Forward: iGaming in the COVID-19 Era
- Webinar 5: Design Changes: What Will a Casino Resort Look Like in the Wake of COVID-19?
- Webinar 6: Reopening Realities: Cautious Celebration and Planning for the Future