

## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** November 28, 2023

**AGENDA ITEM:** **MGM National Harbor, LLC Request to Continue the Temporary Reduction of Its VLT Allocation and Continue the Waiver of COMAR 36.04.02.02.E(2)**

**PRESENTER:** Michael Eaton, Managing Director, Gaming

### ISSUE SUMMARY:

MGM has submitted a request to continue the temporary reduction of the authorized number of VLTs on its gaming floor and to continue to waive COMAR 36.04.02.02.E(2) (A temporary removal that is not restored to operation within 365 days shall become a permanent removal), for an additional one-year period, until December 8, 2024.

On November 17, 2022, the Commission granted MGM's request for an extension of a temporary reduction of the minimum authorized number of VLTs on its gaming floor and to preserve MGM's full 3,600 VLT allocation. That waiver will expire on December 8, 2023, unless extended.

MGM will maintain a minimum of 2,180 but not more than 3,600 VLTs until December 8, 2024. The reason for this request is to preserve the status quo while MGM continues to work to reimagine its gaming floor in light of the ongoing construction and other business priorities. No further temporary reduction of VLTs is necessary at this time, but may ultimately be necessary as health, safety and business needs dictate. MGM believes continuing the reduction for an additional one-year period should be revenue neutral to positive for the State. The MGM request and current floor plan can be found on the MLGCA shared drive (Eaton Confidential).

**COMMISSION ACTION REQUIRED/REQUESTED:** Discussion, consideration and action on the following motions:

- Motion to approve MGM National Harbor's request to continue to temporarily reduce the authorized number of VLTs on its gaming floor, and maintain a minimum of 2,180, but not more than 3,600 VLTs on its gaming floor until December 8, 2024.
- Motion to approve MGM National Harbor's request to waive COMAR 36.04.02.02.E(2) to preserve MGM's full 3,600 VLT allocation until December 8, 2024.

**STAFF RECOMMENDATIONS:** Staff recommends approval.