NOLAN, THOMPSON, LEIGHTON & TATARYN, PLC

Attorneys at Law

5001 AMERICAN BOULEVARD WEST 595 SOUTHGATE OFFICE PLAZA BLOOMINGTON, MINNESOTA 55437

MARK M. NOLAN RANDY V. THOMPSON ROBERT J. LEIGHTON, JR. DENISE Y. TATARYN COURTNEY E. CARTER TELEPHONE: 952-405-7171
DIRECT DIAL: 952-405-7177
FACSIMILE: 952-224-0647
EMAIL: RLEIGHTON@NMTLAW.COM

May 28, 2020

Commissioner Steve Grove Minnesota Department of Employment and Economic Development First National Bank Building 332 Minnesota Street, Suite E200 St. Paul, MN 55101 Via Email & U.S. Mail: s.grove@state.mn.us

RE: Minnesota Operators of Music and Amusements (MOMA)

Dear Commissioner Grove:

On behalf of the Minnesota Operators of Music and Amusements (MOMA), I want to thank you for holding a telephone conference with several of our board members on May 27, 2020. As you know, MOMA is the association of business owners all over our State who own and operate video games, arcade games, jukeboxes, pool tables, ATM machines and other entertainment devices in bars and restaurants. Our industry is directly tied to the hospitality industry and we have been without any revenue at all since the shutdown. Over 70% of our industry's revenue is derived from our partnership with restaurants and bars. If we are unable to participate when in-door dining resumes it will cause many of our businesses to go under. The past three months have been devastating to our industry and we are ready to resume our business activities in the most safe and responsible manner, as we discussed with you yesterday.

As an industry we have assembled an extensive cleaning and sanitation plan to keep our employees and customers safe and written information in that regard has been provided to you. Most of the games we operate are either single player games or they can be played with other players online via the internet in other locations. The locations we work with are our partners and the restaurant and bar owners receive revenue from the games provided at their locations. Our industry obviously pays substantial sales taxes. Employees of our industry are regularly at the locations to service the machines, clean the machines and collect money from the machines. Our restaurant partners will also play a part in making sure our games are clean and safe for customers.

Without our games operating when in-door dining resumes, it will be catastrophic for our businesses and likely put many out of business, including many who have been in business for decades.

As we discussed during our conference call, our digital-play jukeboxes are the only source of music for many bars and restaurants. Restaurant owners and customers can select jukebox music

Commissioner Steve Grove Minnesota Department of Employment and Economic Development May 28, 2020 Page 2

by using their own cellphones and the jukeboxes provide for contactless payments. There is no reason that jukeboxes should not be permitted immediately upon the re-opening of in-door dining.

We are requesting that we be held to the same standards as other industries, including the State Lottery whose machines are still in operation, vending machines, laundromats, and retailers, who must deal with wiping down door handles, freezer handles and other points of contact in their business establishments.

We appreciate the offer to have one of our MOMA members participate on the Advisory Group for Indoor Entertainment. We would ask that board member Tim Zahn be made a member of the Advisory Group. Mr. Zahn's email address is <u>tim.zahn@liebermancompanies.com</u> and his telephone number is 952-887-5393. You also asked us for the names of other potential Advisory Group members and we have several suggestions from the movie theater, bowling center and Family Entertainment Center industries that I will provide directly to Deputy Commissioner Kevin McKinnon.

On behalf of MOMA's members with over 2,000 locations state-wide and our over 700 employees, we appreciate your willingness to meet with us to learn more about our industry and how we have been significantly impacted by the shut-down of in-door dining at bars and restaurants, as well as a shutdown of the other venues at which our games are operated. Without our being included in the re-opening of in-door dining it may not be possible for many of our members and employees to survive in our industry.

Again, we very much appreciate your interest in finding out how our industry has been impacted and what we can do to safely resume our work activities. If we can provide any further information at any time, please do not hesitate to contact me.

Very truly yours,

Robert J. Leighton

RJL/kah

cc:

Chris Schmitter, <u>chris.schmitter@state.mn.us</u>

Kevin McKinnon, kevin.mckinnon@state.mn.us

See Yang, see.vang@state.mn.us

NOLAN, THOMPSON, LEIGHTON & TATARYN, PLC

Attorneys at Law 5001 American Boulevard West 595 Southgate Office Plaza

595 SOUTHGATE OFFICE PLAZA BLOOMINGTON, MINNESOTA 55437

MARK M. NOLAN RANDY V. THOMPSON ROBERT J. LEIGHTON, JR. DENISE Y. TATARYN COURTNEY E. CARTER

Telephone: 952-405-7171 Direct Dial; 952-405-7177 Facsimile: 952-224-0647 Email: <u>rleighton@nmtlaw.com</u>

May 8, 2020

Commissioner Steve Grove
Minnesota Department of Employment
and Economic Development
First National Bank Building
332 Minnesota Street, Suite E200
St. Paul, MN 55101

Via Email & U.S. Mail: deed.customerservice@state.mn.us

RE: Minnesota Operators of Music and Amusements (MOMA)

Dear Commissioner Grove:

Our law firm represents the Minnesota Operators of Music and Amusements (MOMA), which is the state-wide association of Minnesota business owners who own and operate video games, juke boxes, arcade games, pool tables, etc. in bars and restaurants located around Minnesota. Our industry is directly tied to the restaurant industry and like that industry, as well as other retail business, the shutdown caused by COVID-19 has completely slammed our association's members.

We appreciate everything that Governor Walz and you have done to guide our state through these very turbulent times. We know that you are dealing with the concerns and requests from businesses all over the state on a daily basis and we appreciate your tireless efforts to get our economy moving again.

We just want to assure you and Governor Walz that we take our business obligations and safety to the public extremely seriously. Our national association has put forward "A Guide for Machine Operators" that has been provided to all of our members and the operators of video games and other arcade games. I'm attaching a copy of the Guide for your review. Our members are committed to the health and safety of our employees and all customers and we commit that all games will be regularly cleaned and sanitized to all CDC standards. CDC-approved sanitizers are used on all high touch point areas including touch screens, joysticks, buttons, control panels and other surfaces used to play any games. Operators will also be installing sanitizer dispensers or wipe dispensers in the area near games.

In addition to our games located in bars and restaurants, we also have our machines located in Family Entertainment Centers, movie theatres and bowling alleys. Regardless of where our equipment is located, the same disinfecting and cleaning process will occur to make all of our games as safe as possible.

Commissioner Steve Grove Minnesota Department of Employment and Economic Development May 8, 2020 Page 2

Like many businesses in Minnesota, our industry has been devastated by the state-wide shutdown. We understand the reasons these actions have been taken and we very much appreciate your efforts on behalf of all Minnesotans and our business owners.

Leaders of our association would be happy to meet with you at any time to discuss our industry and the actions we will take to protect the safety of Minnesotans when restaurants, bars and other business venues are able to re-open. We want to provide you with all of the information you request so that our businesses can move forward when you decide that is appropriate.

Please don't hesitate to contact me if I can answer any questions.

Very truly yours,

Robert J. Leighton

RJL/kah Enclosure

COVID-19 Preparedness Plan for Midwest Coin Concepts

Midwest Coin Concepts is committed to providing a safe and healthy workplace for all our workers. To ensure that, we have developed the following Preparedness Plan in response to the COVID-19 pandemic. Managers and workers are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our workplace, and that requires full cooperation among workers and management. Only through this cooperative effort can we establish and maintain the safety and health of our workers and workplaces.

Management and workers are responsible for implementing and complying with all aspects of this Preparedness Plan. Midwest Coin Concepts managers have our full support in enforcing the provisions of this policy.

Our workers are our most important assets. We are serious about safety and health and keeping our workers working at Midwest Coin Concepts. Worker involvement is essential in developing and implementing a successful COVID-19 Preparedness Plan. We have involved our workers in this process by holding regular staff meetings to discuss COVID-19 developments and measures that should be taken to ensure the safety of our workers.

Our Preparedness Plan follows Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines and federal OSHA standards related to COVID-19 and addresses:

- hygiene and respiratory etiquette;
- · engineering and administrative controls for social distancing;
- housekeeping cleaning, disinfecting and decontamination;
- prompt identification and isolation of sick persons;
- · communications and training that will be provided to managers and workers; and
- management and supervision necessary to ensure effective implementation of the plan.

Screening and policies for employees exhibiting signs and symptoms of COVID-19

Workers have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19 (fever, cough, sore throat, chills, muscle pain, headache, shortness of breath, or new loss of taste or smell). The following policies and procedures are being implemented to assess workers' health status prior to entering the workplace and for workers to report when they are sick or experiencing symptoms. Workers are advised to stay home if they are sick and to communicate with Midwest Coin Concepts if they are sick or experiencing symptoms while at home. Workers who report that they are sick or experiencing symptoms while at work will be sent home.

Midwest Coin Concepts has implemented leave policies that promote workers staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household. Where applicable below, full-time employees will be allowed 80 hours and part-time employees will be allowed hours based on an average of hours worked in a typical pay period. Generally, the Federal Families First Coronavirus Response Act (FFCRA) provides that employees of covered employers are eligible for:

- Employees will be allowed two weeks (up to 80 hours) of paid leave at the employee's regular rate of pay, where the employee is unable to work because the employee is quarantined (pursuant to federal, state, or local government order or advice of a health care provider) and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.
- Employees are allowed two weeks (up to 80 hours) of paid leave at two-thirds the employee's
 regular rate of pay, where the employee is unable to work because of a bona fide need to care
 for an individual subject to quarantine (pursuant to federal, state, or local government order of
 advice of a health care provider) or to care for a child (under 18 years of age) whose school or
 child care provider is closed or unavailable for reasons related to COVID-19.
- Under the expanded Family and Medical Leave (FMLA), employees are allowed up to 12 weeks of paid leave if an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Should an employee take this leave, this employee may use the paid sick leave mentioned above under FFCRA for the first two weeks of leave, or use their accrued sick leave, accrued vacation, or unpaid time off per Company policy. For the following 10 weeks of expanded family and medical leave (FMLA), an employee will be paid at two-thirds the employee's regular rate of pay.

Workers with underlying medical conditions or who have household members with underlying health conditions should bring concerns to management.

Midwest Coin Concepts has also implemented a policy for informing workers if they have been exposed to a person with COVID-19 at their workplace and requiring them to quarantine for the required amount of time. The Company will communicate to employees if they have been exposed to a person with COVID-19. Those employees who have been exposed will be asked to quarantine for the required amount of time following Minnesota Department of Health (MDH) or Centers for Disease Control and Prevention (CDC) guidelines.

In addition, a policy has been implemented to protect the privacy of workers' health status and health information. Midwest Coin Concepts will adhere to all HIPPA laws to protect the privacy of our workers' health status and health information.

Handwashing

Basic infection prevention measures are being implemented at our workplaces at all times. Workers are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, but especially at the beginning and end of their shift, prior to and after any mealtimes and after using the bathroom. All visitors to the facility will be required to wash their hands or utilize hand sanitizer prior to or immediately upon entering the facility. In addition to hand washing, the Company has provided access to hand-sanitizer dispensers to all employees and visitors that can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled.

Respiratory etiquette: Cover your cough or sneeze

Workers and visitors are being instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose and eyes, with their hands. They should dispose of tissues in the trash and wash or sanitize their hands immediately afterward. Respiratory etiquette will be demonstrated on posters and supported by making tissues and trash receptacles available to all workers and visitors.

Social distancing

Social distancing is being implemented in the workplace through the following engineering and administrative controls: Employees are advised to maintain six feet of distance between workers and use separate vehicles when traveling to customer locations. The Company has provided its employees with protective supplies, such as masks, gloves, and disinfectants. Workers and visitors are prohibited from gathering in groups and confined areas and from using other workers' personal protective equipment. Workers and visitors are prohibited from using other workers' phones, computer equipment, desks, workstations, offices or other personal work tools and equipment without disinfecting before and after use.

Housekeeping

Regular housekeeping practices are being implemented, including routine cleaning and disinfecting of work surfaces, equipment, tools and machinery, and areas in the work environment, including restrooms, break rooms, lunch rooms and meeting rooms. Frequent cleaning and disinfecting will be conducted in high-touch areas, such as phones, keyboards, touch screens, controls, door handles, copy machines, etc. Every day, each worker will sanitize their work area upon arrival and throughout the day. The Company has provided sanitizing cleaners and sanitizing wipes that meet CDC and MDH guidelines. Management will clean common areas such as door knobs, alarm pads, copiers, mail machines, and bathroom sinks each morning. In the event of a Covid 19 diagnosis for a worker at Midwest Coin Concepts, the Company will work with local health officials to ensure our response is in compliance with CDC and MDH standards.

Communications and training

A copy of this Preparedness Plan was distributed to employees on May 8, 2020 and any necessary training was provided. Additional communication and training will be ongoing through email, written communication and/or staff meetings. Managers are to monitor how effective the program has been implemented by reporting to Daniel O'Hara. Management and workers are to work through this new program together and update the training as necessary. This Preparedness Plan has been certified by Midwest Coin Concepts management and was posted throughout the workplace on May 8, 2020. It will be updated as necessary.

Certified	by:	

Daniel O'Hara, CEO

AND COMMUNITY MEMBERS:

MIDWEST COIN CONCEPTS VALUES YOUR HEALTH AND SAFETY ABOVE ALL ELSE. WE WILL CONTINUE TO MONITOR THE SPREAD OF THE CORONA VIRUS AND WE WILL DO EVERYTHING WE CAN TO MAKE SURE ALL OF US MIDWEST COIN FOLLOW THE PROPER PROTOCOL.

- 1) We will clean and sanitize all touch points on every machine each time we visit. We will pay particular attention to any buttons, trackballs, etc., anything the end user can hold in their hand.
- 2) We will use industrial disinfectant cleaner as well as glass cleaner.
- 3) All associates have been instructed to wash their hands thoroughly and frequently, and to avoid shaking hands, high-fives, or other forms of contact that can spread the virus.
- 4) We will continue to practice social distancing. Masks and safety gloves are available for our associates to use in shop, and on location.
- 5) All employees have been instructed to avoid touching their eyes, nose and mouth, and to use proper etiquette when sneezing or coughing (use a tissue and promptly dispose of, and to cough into their elbow/arm.)
- 6) All employees are required to self-report on their health every day.

We will continue to monitor this situation and do our very best to provide you with excellent service.

Thank you for supporting our business and for everything you are doing to keep your employees and customers safe!

WEARE GON MITTED TO THE HEALTH AND SAFETY OF OUR EMPLOYEES AND GUSTOMERS.

To ensure your safety and peace of mind, we will provide the following:

All games are regularly cleaned and sanitized to CDC standards.

We use a broad-spectrum antimicrobial hospital-grade sanitizer that, upon application, is effective up to 4 weeks. This sanitizer is used on all high touch-point areas including: touch-screens, joysticks, buttons, trackballs and control panels.

We do recommend washing your hands with soap and water or using hand sanitizer with at least 60% alcohol BEFORE and AFTER playing games.

Please continue to follow the 6 foot social distancing guidelines, and be respectful of others.

Thank you very much for your business and we hope you enjoyed your time here!



Midwest Coin Concepts

BioCide 100



SKU: 850076005016, 850076005023

BioCide 100

The molecular makeup of n-alkyl ethylbenzyl dimethyl ammonium (c12-c14) acts as an effective combatant against viral pathogens by irreversibly binding to the microbial cell membranes. They then impair the cell membrane, as referenced in the Technical Mechanism of Action of N-alkyl ethylbenzyl dimethyl ammonium (c12-c14), below. Consequently, the antibacterial actions of n-alkyl ethylbenzyl dimethyl ammonium (c12-c14) stem from the capacity of bacterial cells to absorb the BioCide 100, causing a disruption or dissociation of the cellular membrane. This results in compromised cellular permeability control and the leakage of vital cellular contents. In particular, the antimicrobial activity of quaternary ammonium with an alkyl chain is related to lipolhilia and peaks between c12 and c16 for both gram-positive and gramnegative bacterial strains (viral diseases). Specifically, in gram-positive bacteria, the agent becomes bound to the wall proteins and is, therefore, able to enter and destroy the membrane. Additionally, in some microbes, n-alkyl ethylbenzyl dimethyl ammonium(c12-c14) can cause a leak in metabolites with low molecular weights, resulting in metabolic injury and modification of permeability for the microbe.



FEATURES AND BENEFITS

- EPA registered
- Ready to use no dilution needed
- Kills 99.9% of mold, mildew, and fungi
- Kills 99.9% of bacteria and viruses
- Meets OSHA blood-borne pathogen standard for HIV, HBV & HCV
- · Cleans and deodorizes in one easy step
- HVAC certified

APPLICATION ----

- · Residential & Commercial Buildings
- Homes
- Vehicles
- Hospitals
- Nursing Homes
- Restaurants
- Boats
- Office Buildings

- · Apartment Complexes
- Churches
- Airports
- Resorts
- Condominiums
- Auditoriums
- Daycares
- And more

TO USE







Direct Wipedown

Bucket & Sponge

Pressurized Sprayer

HVAC SYSTEMS

- Air Conditioners
- Commercial Air Handlers
- HVAC Cooling Coils
- Refrigeration Equipment
- · Refrigerators and Freezers
- Evaporator Coils

INDUSTRIES

- Commercial Properties
- Factories and Manufacturing Plants
- Food Storage, Processing and Packaging Plants
- Hospitals

- Medical and Dental Offices
- Veterinary Offices
- Schools and Colleges
- Hotels and Motels

- Restaurants
- · Office Space
- Industrial Warehouses
- · And more

KILLS IMPROVED TO A CONTROL OF THE PROPERTY OF

In addition to killing 99.9% of mold, BioCide 100 is also effective against:

- Avian Influenza Virus, Type A
- Bovine Viral Diarrhea Virus
- Canine Parvovirus
- Feline Calicivirus
- Hepatitis A. B and C Virus
- Human Immunodeficiency Virus (associated with AIDS)
- Human Coronavirus
- Norovirus
- Paramyxovirus
- Poliovirus Type I, Strain Brunhilde
- Rabies Virus

- Rhinovirus
- · SARS Associated Coronavirus
- Staphylococcus Aureus
- Salmonella
- · Pseudomonas Aeruginosa

SPECIFICATIONS

Physical Form.....Liquid Color.....Clear

pH......8.2

Flammability......Non-Flammable

PACKAGING

Quart, Gallon, 275 Gallon Tote

EFFECTIVE AS

- Fungicide
- Mildewstat
- Virucide
- Tuberculocidal
- Bactericidal
- Pseudomonacidal
- Staphylocidal • Salmonellacidal
- Sanitizer • Germicide
 - Deodorant

COMPANION PRODUCTS

Mold Bomb Fogger, Carpet Bomb, BioWash, Clean Room

Cleaning & Sanitizing Commency-Activetted Equipment & Games A Guide for Machine Operators

Operators of currency–activated equipment and games are committed to the health and safety of their employees and customers.

To ensure customers comfort and safety, it is recommended operators clean and sanitize machines to CDC standards on a regular basis especially on high touch point components.

The following is guidance by the CDC for the cleaning and sanitizing of operator equipment.

Wear disposable gloves and face mask to clean and disinfect machines. Disposable gloves should be discarded after each cleaning. If reusable gloves are used, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other purposes. Clean hands immediately after gloves are removed.*

Cleaning refers to the removal of germs, dirt and impurities from surfaces. It does not kill germs, but by removing them, lowers their numbers and risk of spreading infection.*

Disinfecting refers to using chemicals, for example, EPA-registered disinfectants to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface **after cleaning**, it can further lower the risk of spreading infection.*

Note: The EPA does not recommend use of fumigation or wide-area spraying to control COVID-19 on machines.

CDC Guidelines on Electronics*

For electronics such as tablets, touchscreens, keyboards, remote controls and ATM machines:

- · Consider putting a wipeable cover on electronics.
- Follow manufacturer's instruction for cleaning and disinfecting. If no guidance, use alcohol-based wipes or sprays containing at least 70% alcohol. Dry surface thoroughly.

^{*} Guidance by the Centers for Disease Control and Prevention. Visit www.cdc.gov for details.

High Touch Point Surfaces for Operators

Visit www.cdc.gov or www.epa.gov for a list of CDC and EPA approved disinfectants for COVID-19. Be sure to contact your machine manufacturer directly should you have questions or concerns on disinfecting products safe to use on specific machines or visit www.amoa.com for a list of manufacturer recommendations.

Below are recommended high touch point surfaces that operators should be cleaning on a regular basis.

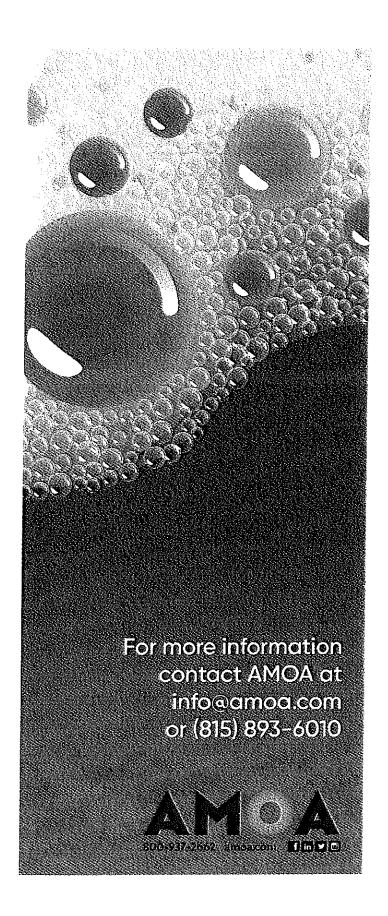
- · Buttons
- · Control Panels
- Dart Boards
- Joysticks
- Keypads
- · Touchscreens
- Trackballs
- Other Surfaces such as game balls, devices for game play, tokens, etc.

Operators following these guidelines can educate their customers by utilizing machine stickers and/or posters available at amoa.com/safety. Safety posters further educate customers by recommending the washing of hands with soap and water or use of hand sanitizer with at least 60% alcohol when they finish play.









We are committed to the health and safety of our employees and customers.

To ensure your comfort and safety, we are committed to the following:

- All games are regularly cleaned and sanitized to CDC standards.
- CDC approved sanitizers are used on all high touch point areas including: Touchscreens, Joysticks, Buttons, Trackballs, Control Panel areas and any other surfaces used to play the game.
- We recommend washing your hands with soap and water or using hand sanitizer with at least 60% alcohol when you finish playing.

We think you for your ousiness and hope you enjoy your play.