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Community Advisory

The Massachusetts Gaming Commission Offers Information and Tentative Timeline to Assist Potential ‘Host’ and ‘Surrounding’ Communities

As part of the Massachusetts Gaming Commission’s ongoing effort to conduct a fair, transparent and participatory process, the Massachusetts Gaming Commission (MGC) is providing the following information in support of the many communities across Massachusetts that are being approached by private developers about the possibility of developing a gaming facility within or near their borders. The following information from the Massachusetts Gaming Commission is intended to offer general advice, technical support and guidance on some Frequently Asked Questions.

Q. What is the timeline for the licensing process?

A. The timeline discussed below is highly tentative, and is published only for the purpose of giving potential host and surrounding communities a general sense of schedule, with which they can assess the urgency of their need to comply with developers’ requests. These schedules are subject to change, and should not be relied on for any formal or legal action. *It should also be noted that this schedule applies only to license proposals in regions A and B (in other words, exclusive of region C, Southeastern Massachusetts) for which the Commission is now beginning to develop the application process. For now, the schedule and licensing process for gaming facility applications in region C will be under the control of a compact(s) negotiated between the Governor’s Office and tribal applicant(s) in region C.*

Chairman Steve Crosby stated, “It is our intention to move this process forward as quickly as possible, in order to meet the aspirations of the Legislature and the Governor for economic development and new revenue. But we are equally committed to undertaking this process with a deliberateness that assures that we do it right.”

As of the writing of this advisory, the Commission has established the following *approximate time frame* for the licensing process:

- **Mid-October 2012 to mid-November 2012:** MGC will release Requests for Applications-Phase One (RFA-1). This is the first stage in the application process which will prequalify bidders for their financial, corporate and personal integrity.
- **January to May 2013:** Bidders will submit their completed RFA 1 application to the Commission.
- **April to November 2013:** This will be a 3-6 month period for Commission to review completed responses to the RFA-1, and release Request for Applications-Phase Two (RFA-2) to successfully pre-qualified applicants. RFA-2 will be the final site-specific application that all applicants that pass the RFA-1 background check may submit.
- **July 2013 to May 2014:** This will be a 3-6 month period during which applicants will complete and submit their full site specific license applications, RFA-2. **No later than the end of this period, applicants must sign agreements with host and surrounding communities and have host agreements approved by referendum.**
- **October 2013 to November 2014:** This will be a 3-6 month review of RFA-2 applications by the Commission, and final selection of licensees.

Accordingly, the following is range of time frames for the licensing process as presently envisioned by MGC:

License Application Step	Earliest Likely Date	Latest Likely Date
Release of RFA-1	mid-October 2012	mid-November 2012
Applicants submission of completed RFA-1 (pre-qualifying phase, 3-6 months)	January 2013	May 2013
Commission review of completed RFA-1 and release of RFA-2 to qualified applicants (3-6 months)	April 2013	November 2013
Applicant submission of completed RFA-2; surrounding community agreements executed and host community agreements approved by referendum (3-6 months)	July 2013	May 2014
Commission review of completed RFA-2 and selection of licensee(s) (3-6 months)	October 2013	November 2014

Q. When may potential host and surrounding communities meet with casino developers?

A. At any time up to the final submission of a completed RFA-2, developers and prospective host and surrounding communities may meet, negotiate and, if they wish, begin to develop host and surrounding community agreements. Given that siting and licensing a gaming facility is a complicated process, it is reasonable for developers to want to undertake these discussions and negotiations as soon as possible. However, it is important for prospective host and surrounding communities to understand that regulations prescribing the content of site specific applications (RFA-2) have not yet been promulgated and, even when they are, the Commission will not be ready to accept and begin processing site specific applications until it has concluded its examination of the developer's RFA-1 application and has concluded that the developer is qualified.

Q. How do host and surrounding communities go about getting technical assistance?

A. It is the intention of the Massachusetts Gaming Commission (and its enabling legislation passed by the Legislature) to provide as much technical assistance as possible to prospective host and surrounding communities, as well as funding for their work, as they endeavor to negotiate appropriate terms and conditions of host and surrounding community agreements. Chapter 23K, Section 4(7), of the Massachusetts gaming law states that "the commission may receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for the negotiation and execution of host and surrounding community agreements as provided in section 15, and to require that such costs be paid by the applicant for a gaming license. The Commission will soon issue regulations that implement this mandate and provide guidance to cities, towns and developers regarding the process for fee applications.

The MGC has been working over the past few weeks with a variety of organizations, including Mass Municipal Association, several of the regional planning authorities (RPAs), the Collins Center at UMass Boston, and Mass Development to determine the best mechanism for providing this technical assistance. The Commission recognizes that it must provide or facilitate provision of assistance in a manner that is even handed across all communities and does not compromise either the objectivity or the appearance of objectivity of the MGC in its subsequent deliberations.

We expect that the MGC and its partners will soon have an organized resource of professionals with understanding of the expanded gaming law, and access to consultant, legal and other resources for the communities to utilize in their discussions and negotiations with the gaming facility developers. It is also the present intention of the MGC to appoint an "ombudsman" who will serve as a single point of contact at the Commission for municipalities interested in this technical support, and who will be responsible for proactively communicating with prospective hosts and surrounding communities about the resources that are available to them.

Q. How do I stay up-to-date and connected to the Massachusetts Gaming Commission?

A. Community engagement is a top priority of the Commission. As such, the Commission is using a variety of communication methods to help keep citizens and elected officials of the Commonwealth informed. It is equally important to have mechanisms in place for members of the Commonwealth to make inquiries and provide feedback and ideas. We welcome the public to visit our website at [website mass.gov/gaming](http://www.mass.gov/gaming) or send your feedback and inquiries to mgccomments@state.ma.us. Community members are also invited to connect and share with us on Twitter ([@MassGamingComm](https://twitter.com/MassGamingComm)) or Facebook (www.facebook.com/MAGamingComm).