

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS, JUNKET  
ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

Section

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134.01: Key gaming employee licensees

(A) No person shall be employed by or perform services for a gaming licensee as a key gaming employee, as defined by G.L. c.23K, §2, unless the person has been licensed in accordance with G.L. c.23K, §30 and 205 CMR 134.00. There shall be two categories of key gaming employee licensees: key qualifiers and keys.

(1) A person holding one of the following positions at a gaming establishment, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a key qualifier:

- (a) Assistant General Manager
- (b) Audit Manager
- (c) Casino Manager
- (d) Chief Financial Officer
- (e) Chief of Security

- (f) Managers or supervisors of security employees
- (g) General Manager
- (h) Surveillance Manager
- (i) Chief Compliance Officer
- (j) Principal executive officer
- (k) Principal operating officer
- (l) Principal accounting officer

(2) A person holding one of the following positions at a gaming establishment, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a key:

- (a) Controller
- (b) Chief Information Officer
- (c) Electronic gaming device or slot machines manager
- (d) Human resources manager
- (e) Information technology manager
- (f) Table games manager/pit boss
- (g) Shift manager
- (h) Credit manager
- (i) Cage manager
- (j) Executive or managerial employees who are not identified as key qualifiers in accordance with 205 CMR 134.01(A)(1), but who have the power to exercise significant influence over a gaming establishment operator or management company including, but not limited to, a hotel manager, entertainment director, and food and beverage manager.

(B) A person employed as a key gaming employee of a gaming establishment may not be employed concurrently by a gaming vendor applicant or licensee, except that a person holding a key gaming employee license may be employed by a licensed management company that is also licensed as a gaming vendor.

(C) Any person who is a qualifier but not otherwise performing any of the duties of the positions identified in 205 CMR 134.01(A)(1) or (2) does not have to become licensed as a key gaming employee. Such person does have to be approved as a qualifier in accordance with 205 CMR 111.00 and 116.00.

#### 134.02: Gaming employee licensees

(A) No person shall be employed by or perform services for a gaming licensee as a gaming employee, as defined by G.L. c.23K, §2, unless the person has been licensed in accordance with G.L. c.23K, §30 and 205 CMR 134.00. A person holding one of the following positions at a gaming establishment, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a gaming employee:

- (1) Boxpersons
- (2) Cashiers
- (3) Change personnel
- (4) Clerks
- (5) Count room personnel
- (6) Data processing personnel
- (7) Dealers and croupiers
- (8) Floorpersons
- (9) Hosts
- (10) Internal audit and accounting personnel
- (11) A person who is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment
- (12) Machine mechanics, computer machine technicians, and table game device technicians
- (13) Personnel authorized to extend complimentary services, including employees performing functions similar to those performed by a junket representative
- (14) Junket representative
- (15) Personnel authorized to issue credit under \$5000
- (16) Personnel authorized to issue promotional play
- (17) Personnel with security administrator access to a slot machine tracking system
- (18) Promotional play supervisors
- (19) Security personnel, including guards and game observers, or an employee with knowledge of security procedures of the gaming establishment
- (20) Shills
- (21) Surveillance personnel
- (22) Any employee who conducts or participates in the conduct of gaming, who participates in the transfer or handling of chips, tokens or money, or who participates in audit or accounting functions
- (23) Any employee whose has access to a restricted area of a gaming establishment
- (24) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02.
- (25) An employee of a gaming establishment whom the Bureau deems necessary to be licensed to ensure compliance with the G.L. c.23K and 205 CMR and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

### 134.03: Gaming service employees

No person shall be employed by or perform services for a gaming licensee as a gaming service employee, as defined by G.L. c.23K, §2, unless the person has been registered in accordance with G.L. c.23K, §30 and 205 CMR 134.00. A person holding a position at a gaming establishment who is not classified as a key gaming employee in accordance with 205 CMR 134.01, or a gaming employee in accordance with 205 CMR 134.02, shall be designated as a gaming service employee and shall register in accordance with 205 CMR 134.08.

134.04: Vendors

(A) No person shall conduct business with a gaming licensee unless such person has been licensed as a gaming vendor, as defined by G.L. c.23K, §2, or registered as a non-gaming vendor, as defined by G.L. c.23K, §2, in accordance with 205 CMR 134.00.

(1) Gaming vendors

(A) A person who offers to a gaming applicant or gaming licensee on a regular or continuing basis goods or services which directly relates to gaming, as defined by G.L. c.23K, §2, including, but not limited to a person who does any of the following, shall be designated as a gaming vendor:

- (a) Manufactures, sells, leases, supplies, or distributes devices, machines, equipment, accessories, or items that meet at least one of the following conditions:
  - (1) are designed for use in a gaming area as defined by G.L. c.23K, §2;
  - (2) are designed for use in a simulcast wagering area;
  - (3) are needed to carry out a game in the gaming area;
  - (4) have the capacity to affect the result of the play of a game in the gaming area; or
  - (5) have the capacity to affect the calculation, storage, collection, or control of the gaming revenues from a gaming establishment;
- (b) provides maintenance services or repairs gaming or simulcast wagering equipment, including slot machines;
- (c) provides services directly related to the management or administration of a gaming area;
- (d) acts as a junket enterprise; or
- (e) provides items or services that the Commission has determined are used in or are incidental to gaming or to an activity of a gaming facility.

- (B) (1) A person who conducts over \$250,000 in gross sales with a gaming licensee within a 12 month period shall be designated a gaming vendor regardless of the goods or services being provided.
- (2) A person who conducts over \$100,000 in gross sales with a gaming licensee within a 3 month period shall be designated a gaming vendor regardless of the goods or services being provided.

(2) Non-gaming vendors

A person who offers to a gaming establishment or gaming licensee goods or services which are not directly related to gaming, as defined by G.L. c.23K, §2, including, but not limited to any of the following, shall be designated as a non-gaming vendor:

- (a) construction company
- (b) vending machine provider
- (c) linen supplier

- (d) garbage handler
- (e) maintenance company
- (f) limousine service company
- (g) food purveyor
- (h) supplier of alcoholic beverages
- (i) a person that sells, distributes, tests, or repairs antique slot machines as described in G.L. c.271, §5A

(3) Gaming vendor qualifier

(a) The following persons shall be required to qualify as gaming vendor qualifier:

(1) If the gaming vendor applicant is a sole proprietor:

- 1. The owner

(2) If the gaming vendor applicant is a corporation:

- 1. Each officer
- 2. Each director

3. Any person owning more than 5 per cent of the common stock of a company applying for licensure as a gaming vendor as provided by 205 CMR 134.04(A)(1), or a holding, intermediary or subsidiary company of such company.

4. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b):

- 1. each lender
- 2. each holder of evidence of indebtedness
- 3. each underwriter
- 4. each close associate
- 5. each executive
- 6. each agent
- 7. each employee

(3) If the applicant is a limited liability corporation:

- 1. Each Member
- 2. Each transferee of a Member's interest
- 3. Each Director
- 4. Each Manager

5. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b):

- a. each lender
- b. each holder of evidence of indebtedness
- c. each underwriter
- d. each close associate
- e. each executive
- f. each agent

(4) If the applicant is a limited partnership:

- 1. Each General Partner
- 2. Each Limited Partner
- 3. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b):
  - a. each lender
  - b. each holder of evidence of indebtedness
  - c. each underwriter
  - d. each close associate
  - e. each executive
  - f. each agent

(5) If the applicant is a partnership:

- 1. Each Partner
- 2. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b):
  - a. each lender
  - b. each holder of evidence of indebtedness
  - c. each underwriter
  - d. each close associate
  - e. each executive
  - f. each agent

(b) In all cases, any person who, in the opinion of the commission, can exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or holding, intermediary or subsidiary companies thereof.

(c) Other Qualifiers. The commission may, at its sole discretion, require other persons or companies that have a business association of any kind with the applicant to be licensed as a gaming vendor qualifier. These affiliated companies or persons include, but are not limited to, holding, intermediary or subsidiary companies of the applicant.

(4) Waiver

Upon written petition, the commission may waive the requirement to be licensed as a gaming vendor qualifier for:

- (A) institutional investors holding up to 15 per cent of the stock of the company, or holding, intermediary or subsidiary company of such company, upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the company or a holding, intermediary or subsidiary company of such company. Any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor, or a holding, intermediary or subsidiary company of the gaming vendor, shall provide not less than 30 days' notice to the commission of such intent and shall file an application and be subject to the licensing requirements of 205 CMR 134.00 before taking any action that may influence or affect the affairs of the applicant company or a holding, intermediary or subsidiary company of the applicant company. Any company holding over 15 per cent of a gaming vendor, or a holding, intermediary or subsidiary company of a gaming vendor, shall be required to apply for a license before doing business in the Commonwealth.
- (B) Any person who, in the opinion of the commission, cannot exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company thereof. Provided, however, a person who is not an institutional investor and who holds more than 5 per cent of the common stock of a company, or holding, intermediary or subsidiary company of such a company may not petition for waiver in accordance with 205 CMR 134.04(4)(B).

(5) Exemptions

For purposes of 205 CMR 134.04 the following entities shall not be considered the conduct of business with a gaming applicant or gaming licensee that require licensure or registration:

- (1) provision of insurance
- (2) advertising
- (3) transactions with a governmental entity

134.05: Labor organizations

- (A) Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the Commission in accordance with 205 CMR 134.05.
- (B) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a gaming establishment, a labor organization, union or affiliate shall file with the Bureau a labor organization registration in accordance with 205 CMR 134.08. Organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.
- (C) Each officer, agent or principal employee of the labor organization, union or affiliate shall file a Labor Organization Individual Disclosure Form at the time the pertinent labor organization, union or affiliate registers or should register, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Bureau may, upon a showing of good cause, permit.
- (D) Notwithstanding 205 CMR 134.05(D)(1) a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a Massachusetts gaming establishment provided that the Bureau may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register.
- (E) Neither a labor organization, union, or affiliate, nor its officers who are not otherwise licensed or registered as a key gaming employee, gaming employee, or gaming service employee, may hold any financial interest in a gaming establishment whose employees are represented by the organization.

134.06: Junket enterprises and junket representatives

(RESERVED)

134.07: Forms

(A) Multi-jurisdictional Personal History Disclosure Form For Key Qualifiers and Vendor Qualifiers

The *Multi-jurisdictional Personal History Disclosure Form For Key Qualifiers and Vendor Qualifiers* shall contain the following information:

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history;
- (5) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;



- (6) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;
- (7) Marital history, spouse, dependents and other family data;
- (8) The gaming licensee or qualifier, gaming vendor licensee or qualifier or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (9) Telephone number at the current place of employment, and home number;
- (10) Email address;
- (11) Employment history of the qualifier and qualifier's immediate family;
- (12) Education and training;
- (13) Record of military service;
- (14) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (15) Trusteeships or other fiduciary positions held by the qualifier and the qualifier's spouse, and any denial or suspension of, or removal from, such positions;
- (16) Current memberships in any social, labor or fraternal union, club or organization;
- (17) Licenses and other approvals held by or applied for by the qualifier or, where specified, the qualifier's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, as follows:
  - (a) Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;
  - (b) Motor vehicle registrations and operator licenses held by or applied for the by the qualifier or the qualifier's spouse, and any revocation or suspension thereof;
  - (c) Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;
  - (d) Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction held by or applied for by the qualifier; and
  - (e) Any denial, suspension or revocation by a government agency of a license, permit or certification held by or applied for by the qualifier or the qualifier's spouse, or any entity in which the qualifier or the qualifier's spouse was a director, officer, partner or any owner of a 5% or greater interest;
- (18) Any interest in or employment presently or previously held by the qualifier with any entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction; and any current employment or other association by the qualifier's family with the gambling or alcoholic beverage industries in the Commonwealth of Massachusetts or any other jurisdiction;
- (19) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:
  - (a) Arrests, charges or offenses committed by the qualifier or any member of the qualifier's immediate family;
  - (b) Any instance where the qualifier has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;
  - (c) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;

- (d) Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;
  - (e) Lawsuits to which the qualifier was or is a party;
  - (f) Any citation or charge for a violation of a statute, regulation or code or any jurisdiction, other than a criminal disorderly persons, petty disorderly persons or motor vehicle violation; and
  - (g) Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in M.G.L. c. 94C other than pursuant to a valid prescription issued by a licensed physician;
- (20) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;
- (21) Financial data, as follows:
- (a) All assets and liability of the qualifier, and the qualifier's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
  - (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;
  - (c) Real estate interests held by the qualifier or the qualifier's spouse or dependent children;
  - (d) Businesses owned;
  - (e) Copies of Federal tax returns and related information;
  - (f) Judgments or petitions for bankruptcy, insolvency or liquidation concerning the qualifier or any business entity in which the qualifier held a 5% or greater interest, other than a publicly traded corporation, or in which the qualifier served as an officer or director;
  - (g) Any business entity in which the qualifier was an owner, director or officer which has been placed under some form of governmental administration or monitoring;
  - (h) Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;
  - (i) Any repossessions of real or personal property;
  - (j) Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;
  - (k) Status as executor, administrator or fiduciary of any estate;
  - (l) Life insurance policies on the qualifier's life which name someone other than the qualifier's family as a beneficiary;
  - (m) Positions held, assets held, or interest received in any estate or trust;
  - (n) Whether the qualifier has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;
  - (o) Insurance claims in excess of \$100,000.00 by the qualifier or the qualifier's spouse or dependent children;
  - (p) Referral or finder's fees in excess of \$10,000.00;

- (q) Loans in excess of \$10,000.00 made or received by the qualifier, the qualifier's spouse or dependent children;
- (r) Gifts in excess of \$10,000.00 given or received by the qualifier or the qualifier's immediate family;
- (s) Brokerage or margin accounts with any securities or commodities dealer;
- (t) Currency exchanges in an amount greater than \$10,000.00;
- (u) Information regarding any instance where the qualifier or any entity in which the qualifier was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$50,000.00; and
- (v) Information regarding any ownership interest or financial investment by the qualifier in any entity which holds or is an applicant for a license issued by the commission, or in any gambling venture which does not require licensure by the commission, including persons providing or reasonably anticipated to provide the qualifier with support in the financing of such investment or interest; the extent and nature of the qualifier's involvement in the management and operation of the entity; whether the qualifier has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.

(22) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;

(23) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process;

(24) Consent to inspection, searches and seizures and the supplying of handwriting exemplars; and

(25) A signed, dated Statement of Truth affidavit.

**(B) Massachusetts Supplement Form For Key Qualifiers and Vendor Qualifiers**

The *Massachusetts Supplement Form For Key Qualifiers and Vendor Qualifiers* shall contain the following information:

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description, including a color photograph taken within the past six months;
- (4) Current address, mailing and home, if different;
- (5) Home, cell, and work telephone numbers;
- (6) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (7) The gaming license applicant or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (8) Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the qualifier is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the qualifier's arrival;
- (9) Whether during the last ten years any entity in which the qualifier has been a director, officer, principal employee or a holder of 5% or more interest has:

- (a) Made or been charged with (either itself or through third parties acting for it) bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;
  - (b) Held a foreign bank account or has had authority to control disbursements from a foreign bank account;
  - (c) Maintained a bank account or other account, whether domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;
  - (d) Donated, loaned or used funds or property for the use or benefit or in opposing any government, political party, candidate or committee either domestic or foreign;
  - (e) Compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party domestic or foreign; or
  - (f) Made any loans, donations or other disbursement to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;
- (10) Copies of Federal and foreign tax returns and related information for the last five years; [and]
  - (11) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;
  - (12) A signed, dated and notarized release authorization which shall direct all courts, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the qualifier as requested by the commission, the bureau or a contractor investigator;
  - (13) A signed, dated and notarized Statement of Truth.
  - (14) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process; and

(C) Key Employee Application Form

A *Key Employee Application Form* shall be in a format prescribed by the Commission and shall, at a minimum, require the applicant to provide the following information:

- (1) Name, including maiden name and any aliases or nicknames along with applicable dates of usage;
- (2) Date and place of birth;
- (3) Physical description;
- (4) Current address and telephone number, and residence history for the past 10 years;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date, country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and address of sponsor(s) upon the applicant's arrival;
- (7) Reason for filing the Key Form;

- (8) Marital history and other family data;
- (9) Employment history, including any gaming-related employment, for the past 10 years;
- (10) Education and training;
- (11) Record of military service;
- (12) Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, including:
  - (a) Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction;
  - (b) Any denial, suspension or revocation by a government agency in this State or any other jurisdiction of a license, permit, approval or registration held by or applied for by the applicant or the applicant's spouse; and
  - (c) Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof;
- (13) Civil, criminal and investigatory proceedings in any jurisdictions, as follows:
  - (a) Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family;
  - (b) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body; and
  - (c) Lawsuits to which the applicant was or is a party in the past ten years; and
- (14) Financial data, as follows:
  - (a) All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable, credit card debt and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
  - (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account during the last ten year period as well as with regard to safe deposit boxes;
  - (c) Real estate interests held by the applicant or the applicant's spouse or dependent children in the past 10 years regardless of whether such interest was held under a recorded or unrecorded instrument;
  - (d) Any business in which the applicant has held an ownership interest for the past 20 years;
  - (e) Copies of Federal and State tax returns and related information for the last five years;
  - (f) Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, in the past 20 years or in which the applicant served as an officer or director;
  - (g) Any garnishment or attachment of wages, charging order or voluntary wage execution, during the past 10-year period including the amount, court, nature of the obligation and the name and address holder of the obligation;
  - (h) Positions held or interest received in any estate or trust during the last 10-year period;
  - (i). Insurance claims in excess of \$100,000 by the applicant or the applicant's

- spouse or dependent children filed within the past 10-year period;
- (j) Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children in the last 10-year period;
- (k) During the last five-year period, any gifts in excess of \$10,000, either individually or in the aggregate, given or received, whether tangible or intangible, by the applicant or the applicant's immediate family in any one-year period; and
- (l) Referral or finder's fees in excess of \$10,000 in the past 10 years;
- (15) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;
- (16) A signed, dated and notarized release authorization which shall direct all courts, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and
- (17) A signed, dated and notarized Statement of Truth.

(D) Gaming Employee License Form

The *Gaming Employee Form* shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

- (1) Personal background information;
- (2) Employment history;
- (3) Education and training;
- (4) Record of military service;
- (5) Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (6) Licenses, registrations, permits, certification and other approvals held by or applied for in this State or any other jurisdiction;
- (7) Any denial, suspension or revocation by a governmental agency of a license, registration, permit or certification held by or applied for the applicant or any entity in which the applicant a director, officer, partner or an owner of a five (5) percent or greater interest;
- (8) Any interest in or employment presently or previously held by the applicant with an entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in this State or any other jurisdiction;
- (9) Arrests, charges or offenses committed by the applicant;
- (10) Civil litigation history where the applicant was or is a party; and
- (11) Gaming regulatory history;
- (12) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.
- (13) A signed, dated and notarized release authorization which shall direct all courts, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and
- (14) A signed, dated and notarized Statement of Truth.

(E) Gaming Service Employee Registration Form

A *Gaming Service Employee Form* shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

- (1) Name, including maiden name and any aliases and nicknames;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history for the past five year;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship, and, if applicable, resident alien status, including any employment authorization and expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States and name and address of sponsor(s) upon the applicant's arrival;
- (7) Last three jobs, and any gaming-related employment during the last 10 years;
- (8) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction;
- (9) Any license, permit, approval or registration held by the applicant to work in the gaming industry suspended, revoked or denied or had any disciplinary action taken in New Jersey or any other jurisdiction;
- (10) Arrests, charges or offenses committed by the applicant;
- (11) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.
- (12) A signed, dated and notarized Statement of Truth; and
- (13) A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Commission and/or the Bureau.

(F) Business Entity Disclosure Form – Gaming Vendor

A *Business Entity Disclosure Form Gaming Vendor (BED GV)* shall be in a format prescribed by the Commission and may require the vendor to provide the following information:

- (1) The current or former official and trade names used and the dates of use;
- (2) The current and former business addresses within the last 10-year period and dates of use;
- (3) The business telephone number;
- (4) The name, title and telephone number of the contact person;
- (5) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;
- (6) If the license applicant is other than the vendor filing this form, the reason for filing and the nature of the filing vendor's relationship to the license applicant;

- (7) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the enterprise;
- (8) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;
- (9) The Federal Employer Identification Number;
- (10) A description of the present and any former business engaged in or intended to be engaged in by the vendor and any parent, holding, intermediary or subsidiary company within the past five years and similar information for former businesses for the past 10 years;
- (11) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;
- (12) The name, address, date of birth (if appropriate), class of non-voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;
- (13) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:
  - (a) Each officer, director or trustee;
  - (b) Each partner whether general, limited or otherwise;
  - (c) A sole proprietor;
  - (d) Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of five percent or more of the entity completing the form;
  - (e) Each sales representative or other person who will regularly solicit business from a casino licensee;
  - (f) Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;
  - (g) Any other person not otherwise specified in 13(a) through (f) above who has signed or will sign any agreement with a casino licensee;
  - (h) Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of an applicant for a junket enterprise license; and
  - (i) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees;
- (14) A flow chart which illustrates the ownership of any other vendor which holds an interest in the filing vendor;
- (15) The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding 10 years;
- (16) The annual compensation of each partner, officer, director and trustee;
- (17) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 13 above, who is currently expected to receive annual compensation of more than \$300,000;
- (18) A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the vendor;
- (19) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;
- (20) A description of the nature, type, terms, covenants, and priorities of all outstanding debt



- and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;
- (21) A description of the nature, type, terms and conditions of all securities options;
  - (22) Within the last 10 years, the following information for each account held by a bank, savings and loan association or other financial institution, whether foreign or domestic, in the name of the vendor or its nominee or which is otherwise under the direct or indirect control of the vendor:
    - (a) The name and address of the financial institution;
    - (b) The type of account;
    - (c) The account numbers; and
    - (d) The dates held;
  - (23) A description of the top 10 dollar value contracts or agreements with individuals including name, address and nature of the contract or goods or service provided during the past year;
  - (24) The name and address of each company in which the vendor holds stock, type of stock held, purchase price per share, number of shares held, and percentage of ownership indicating any holding of five percent or more of ownership held;
  - (25) Information regarding any transaction during the past five years involving a change in the beneficial ownership of the vendor's securities on the part of an officer or director who owned more than 10 percent of any class of equity security either directly or indirectly;
  - (26) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the vendor or its subsidiaries have been involved as follows:
    - (a) Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;
    - (b) Any criminal proceeding in which the enterprise or its subsidiaries has been a party or has been named as an unindicted co-conspirator;
    - (c) Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;
    - (d) Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any state, province or country; and
    - (e) Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;
  - (27) Within the last 10 years, for the vendor and any holding or intermediary company, information regarding any judgments or petitions by or against it for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law, and any receiver, fiscal agent, trustee, reorganization trustee, or similar officer appointed for the property or business of the vendor or its parent, any holding, intermediary or subsidiary company;
  - (28) Within the last 10 years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the disposition, the reasons therefore, and the facts related thereto;
  - (29) Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in this State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and

- expiration date;
- (30) Within the last 10 years, whether the vendor or any director, officer, partner, employee or person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;
  - (31) Within the last 10 years, whether the vendor has:
    - (a) Donated or loaned its funds or property for the use or benefit of or in opposing or supporting any government, political party, candidate or committee, either foreign or domestic;
    - (b) Made any loans, donations or disbursements to its directors, officers, partners or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or
    - (c) Maintained a bank account or other account, either foreign or domestic, not reflected on its books or records, or maintained any account in the name of a nominee for the vendor;
  - (32) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 30 and 31 above;
  - (33) A copy of each of the following:
    - (a) Annual reports for the past five years;
    - (b) If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;
    - (c) An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;
    - (d) Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto;
    - (e) Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if the vendor is registered with the SEC, a copy of the most recently filed Form 8K;
    - (f) The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934; and
    - (g) Registration Statements filed in the last five years pursuant to the Securities Act of 1933;
  - (34) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;
  - (35) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years; and
  - (36) A copy of a business registration certificate or other proof of valid business registration in Massachusetts
  - (37) In addition to the information above, a completed BED GV shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:

- (a) A Statement of Truth;
- (b) A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission; and
- (c) An acknowledgment of receipt of notice regarding confidentiality, consent to search and non-refundability of filing fees.

(G) Non-gaming Vendor Registration Form

No non-gaming vendor registration shall be deemed complete unless a non-gaming vendor has filed both a completed *Non-Gaming Vendor Registration Form* and a completed Non-Gaming Vendor Registration Supplemental Disclosure Form. All non-gaming vendors shall register by filing through the casino licensee or applicant with which such non-gaming vendor intends to conduct business a Non-Gaming Vendor Registration Form in a format prescribed by the Commission, which shall include the following information attested to and certified by a person who is authorized to act on behalf of the registering non-gaming vendor:

- (1) Any official or trade name used by the non-gaming vendor;
- (2) The current address and telephone number of the non-gaming vendor;
- (3) The nature of the non-gaming vendor's business and the type of goods and services being provided to the casino industry;
- (4) The Federal Employer Identification Number;
- (5) The name, residence address and date of birth of each of the following persons:
  - (a) The sales representative(s) or other person(s) who solicit(s) business from a casino licensee or applicant and such person's immediate supervisors; and
  - (b) Any person authorized to sign any agreement with the casino licensee or applicant; and
  - (c) The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.

Within 30 days of the filing of the Non-Gaming Vendor Registration Form, the non-gaming vendor shall file directly with the Commission a Non-Gaming Vendor Registration Supplemental Form in a format prescribed by the Commission, which shall include the following information attested to and certified by a person who is authorized to act on behalf of the registering non-gaming vendor:

- (1) Whether the non-gaming vendor or any of its entity or individual holders of an ownership interest or any of the individuals identified above has been denied, suspended, revoked or withdrawn any license, permit, approval or registration in this or any other jurisdiction and the facts related thereto; and
- (2) Whether the non-gaming vendor or any of its entity or individual holders of an ownership interest or any of the individuals identified above has been involved in any civil, criminal, administrative or investigatory proceedings in this or any other jurisdiction and the facts related thereto.

If a non-gaming vendor fails to file a completed Non-Gaming Vendor Registration Form or Non-Gaming Vendor Registration Supplemental Form within 30 days of the filing of a completed Non-Gaming Vendor Registration Form, the Commission may administratively prohibit such non-gaming vendor from conducting business with a casino licensee or an applicant without the need for a hearing before taking such action.

(H) Labor Organization Registration Statement

A *Labor Organization Registration Statement* shall be in a format prescribed by the Commission and may require the labor organization, union, or affiliate to provide the following information:

- (1) The name of the registrant as shown on its charter or in its constitution;
- (2) The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a casino licensee will be conducted;
- (3) The name, title, email address, telephone and fax numbers of a person to be contacted in reference to the statement;
- (4) Whether the submission is an initial or biennial renewal registration;
- (5) The names of the registrant's parent organization and all affiliates of the registrant or its parent organization, whether chartered by the parent organization or governed by the same constitution or bylaws;
- (6) The name and nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a casino hotel, casino or slot only casino facility by a casino licensee, or which is involved or seeking to be involved in the control or direction of such representation;
- (7) Financial data, including information concerning any financial interests held in a casino hotel, casino, slot only casino facility or casino licensee; and
- (8) The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:
  - (a) Any pension or welfare system maintained by the registrant;
  - (b) Each officer and agent of any pension or welfare system maintained by the registrant;
  - (c) Each officer and officer-elect of the registrant;
  - (d) Each agent authorized to represent the registrant; and
  - (e) Each principal employee of the registrant.

In addition to the information above, a completed Labor Organization Registration Statement may include the following:

- (1) A notarized statement of truth, which shall be dated and signed by the registrant's president or other authorized officer;
- (2) A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the registrant as requested by the Commission;
- (3) A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process; and

(I) Labor Organization Individual Disclosure Form

A *Labor Organization Individual Disclosure Form* shall be in a format prescribed by the Commission and may require the applicant to provide the following information:

- (1) Name, including maiden name and any aliases or nicknames;
- (2) Title or position with the labor organization;
- (3) Date and place of birth;
- (4) Physical description including photograph taken within the past 12 months and name

- printed across the front bottom border;
- (5) Current address and home telephone number, email address, and residence history for the past year;
  - (6) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
  - (7) Citizenship and, if applicable, information concerning resident alien status;
  - (8) Full name of the labor organization represented;
  - (9) Telephone number and email address at current place of employment;
  - (10) Employment history:
    - (a) All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and
    - (b) Last three jobs, indicating any gaming-related positions;
  - (11) Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in this State or any jurisdiction;
  - (12) Civil, criminal and investigatory proceedings in any jurisdiction as follows:
    - (a) Convictions for crimes or disorderly persons offenses; and
    - (b) Convictions for contempt for refusal to testify or cooperate with any legislative investigatory body or other official investigatory body of this state or the United States where the investigatory body was investigating crimes relating to gaming, official corruption or organized crime activity; and
  - (13) Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee.

In addition to the information above, a completed Labor Organization Individual Disclosure Form may include the following:

- (1) The name, address, occupation and phone number of references;
- (2) A signed, dated and notarized statement of truth;
- (3) A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the officer, agent or principal employee as requested by the Commission; and
- (4) A waiver of liability as to the State and its instrumentalities and agents for any damages resulting to the officer, agent or principal employee from any disclosure or publication of information acquired during the investigation process.

#### 134.08: Submission of application

(A) An application for the initial issuance of a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(A)(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(A)(2), a Gaming Vendor qualifier license in accordance with 205 CMR 134.04(A)(3), a Labor Organization registration in accordance with 205 CMR 134.05, and officers, agents, and principal employees of a Labor Organization in accordance with 205 CMR 134.05 shall include all of the following:

- (1) A completed application form as follows:

- (a) An applicant for a key qualifier license shall file a *Multi-jurisdictional Personal History Disclosure Form For Key Qualifiers and Vendor Qualifiers* as set forth in 205 CMR 134.07(A) and a *Massachusetts Supplement Form For Key Qualifiers and Vendor Qualifiers* as set forth in 205 CMR 134.07(B);
  - (b) An applicant for a key license shall file a *Key Employee Application Form* as set forth in 205 CMR 134.07(C);
  - (c) An applicant for a gaming employee license shall file a *Gaming Employee License Form* as set forth in 205 CMR 134.07(D);
  - (d) An applicant for a gaming service employee registration shall file a *Gaming Service Employee Registration Form* as set forth in 205 CMR 134.07(E);
  - (e) An applicant for a gaming vendor license shall file a *Business Entity Disclosure Form- Gaming Vendor* as set forth in 205 CMR 134.07(F);
  - (f) An applicant for a non-gaming vendor registration shall file a *Non-gaming Vendor Registration Form* as set forth in 205 CMR 134.07(G);
  - (g) A gaming vendor qualifier (individual) shall file a *Multi-jurisdictional Personal History Disclosure Form* as set forth in 205 CMR 134.07(A) and a *Massachusetts Supplement Form For Key Qualifiers* as set forth in 205 CMR 134.07(B);
  - (h) A gaming vendor qualifier (entity) shall file a *Business Entity Disclosure Form- Gaming Vendor* as set forth in 205 CMR 134.07(F);
  - (i) A Labor Organization shall file a *Labor Organization Registration Statement* as set forth in 205 CMR 134.07(H);
  - (j) Officers, agents, and principal employees of a Labor Organization shall file a *Labor Organization Individual Disclosure Form* as set forth in 205 CMR 134.07(I).
- (2) A passport style photograph of the applicant, taken within the preceding 12 months;
  - (3) Proof of fingerprinting in accordance with 205 CMR 134.13;
  - (4) The documents required for identification by 205 CMR 134.14
  - (5) Any applicable fee required by 205 CMR 134.15.
  - (6) (For Key Gaming Employees, Gaming Employees, and Gaming Service Employees) Proof of an offer of employment from a gaming licensee pending licensure or registration of the applicant.

(B) An applicant for a key gaming employee license who has previously been issued a positive determination of suitability by the Commission as part of an RFA-1 investigation shall file a *Massachusetts Supplement Form For Key Qualifiers* as set forth in 205 CMR 205 CMR 134.07(B).

(C) Each applicant shall file a complete application pursuant to 205 CMR 134.05(A) with the Bureau by mail, in person at the address specified on the application form, or via the Commission's website. The Bureau shall not accept an incomplete application.

(D) Reciprocity for vendors If an applicant for a gaming vendor license or vendor or supplier registration is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements and is in good standing in all jurisdictions in which it holds a license or registration, the commission may enter into a reciprocal agreement with the applicant to allow for an abbreviated licensing or registration process and issue a gaming vendor license or registration under this section; provided, however, that the commission shall reserve its rights to investigate the qualifications of an applicant at any time and may require the applicant to submit to a full application for a gaming vendor license or provide further information for registration.

(E) Scope of duties An employee of a gaming establishment may, where otherwise qualified, engage in the following duties without further licensure by the Commission:

- (1) A person who is licensed as a key qualifier may, where otherwise qualified, engage in the performance of duties of a key, gaming employee or gaming service employee.
- (2) A person who is licensed as a key may, where otherwise qualified, engage in the performance of duties of a gaming employee or gaming service employee.
- (3) A person who is licensed as a gaming employee may engage in the performance of duties of a gaming service employee.

134.09: Investigation, Determination, and Appeals for Gaming establishment employees and Vendors

(A) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(A)(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(A)(2), a gaming vendor qualifier license in accordance with 205 CMR 134.04(B), or a Labor Organization in accordance with 205 CMR 134.05 the Bureau shall conduct an investigation of the applicant. For natural persons, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

- (1) Keys, Key qualifiers, and Gaming employees Upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) the Bureau shall either approve or deny the application for a key license, key qualifier license or a gaming employee license pursuant to 205 CMR 134.10. If the application for a Key license or Gaming Employee license is approved, the Bureau shall issue a license to the applicant on behalf of the Commission. If the Bureau approves the application for a Key Qualifier, the decision shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If the application is denied, the Bureau shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision to the Bureau in accordance with 205 CMR 134.09(B). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.
- (2) Gaming service employees The Bureau shall issue a gaming service employee registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease employment at the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(B). The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

- (3) Gaming vendors and Gaming vendor qualifiers Upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) the Bureau shall either approve or deny the application for a gaming vendor license pursuant to 205 CMR 134.10. If the Bureau approves the application for a Gaming Vendor, the decision shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If the application for a Gaming vendor qualifier license is approved, the Bureau shall issue a license to the applicant on behalf of the Commission. If the application is denied, the Bureau shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision to the Bureau in accordance with 205 CMR 134.09(B). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.
- (4) Non-gaming vendors The Bureau shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(B). The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.
- (5) Labor Organizations The Bureau shall issue a Labor Organization registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A).

(B) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non-gaming vendor registration, or gaming vendor qualifier license is denied in accordance with 205 CMR 134.09(A) the applicant may appeal the decision and request a hearing before the Bureau within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Bureau and contain an explanation of the basis for the appeal.

(C) The Bureau shall appoint a hearing officer to preside over the appeal hearing requested by an applicant in accordance with 205 CMR 134.09(B). The hearing will be conducted in accordance with G.L. c.30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*. The hearing officer shall issue a written decision to the applicant in a reasonably prompt manner. The hearing officer may affirm the denial of the application or revocation of the registration, reverse the decision and recommend that the license or registration be issued, or recommend that the license or registration be issued with conditions. The hearing officer may recommend any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations. The decision shall include an advisory to the applicant that they may appeal the decision to the Commission in accordance with 205 CMR 134.09(E). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.



- (D) After a hearing conducted in accordance with 205 CMR 134.09(C) the following shall apply:
- (4) If the hearing officer recommends that a Key license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, or non-gaming vendor registration be issued, the Bureau shall issue a license or registration to the applicant on behalf of the Commission.
  - (5) If the hearing officer recommends that the application for a Key Qualifier or Gaming vendor license be issued, the decision shall be forwarded to the Commission as a recommendation along with the application and appeal materials for review and issuance of the license.
- (E) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non-gaming vendor registration, or gaming vendor qualifier is denied or approved with conditions in accordance with 205 CMR 134.09(C) the applicant may appeal the decision and request a hearing before the Commission within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Commission and contain an explanation of the basis for the appeal. The hearing will be conducted at a public meeting solely on the record of the administrative proceedings conducted by the Bureau in accordance with 205 CMR 134.09(C). The Bureau shall forward a copy of the administrative record of the proceeding to the Commission promptly upon receipt of the notice of appeal.
- (F) After the hearing conducted in accordance with 205 CMR 134.09(E) the Commission shall issue a written decision to the applicant. The Commission may affirm the denial of the application or revocation of the registration, reverse the decision and order that the license or registration be issued, order that the license or registration be issued with conditions or remand the matter to the Bureau for further proceedings. The Commission may impose any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations.
- (G) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(F), the Commission may consider whether the decision or any condition imposed is:
- (1) In excess of the statutory or regulatory authority or jurisdiction of the Commission; or
  - (2) Based upon an error of law; or
  - (3) Made upon unlawful procedure; or
  - (4) Unsupported by substantial evidence; or
  - (5) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.
- (H) The decision of the commission made in accordance with 205 CMR 134.09(F) and (G) shall be final and an applicant shall not be entitled to further review.

134.10: Affirmative license standards for the licensing of employees and vendors of the gaming establishment

- (A) An applicant for a key gaming employee license, gaming employee license, gaming vendor license, and a gaming vendor qualifier license shall establish its individual qualifications for licensure by clear and convincing evidence.

(B) In determining whether an applicant for licensure is suitable for purposes of being issued a key gaming employee license, gaming employee license, gaming vendor license, or gaming vendor qualifier license, or having a license renewed, the Bureau shall evaluate and consider the overall reputation of the applicant including, without limitation:

- (1) the integrity, honesty, good character and reputation of the applicant;
- (2) the financial stability, integrity and background of the applicant; including whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt
- (3) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;
- (4) whether the applicant, at the time of application, is a defendant in litigation;
- (5) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(C).
- (6) whether the applicant has been convicted of a crime of moral turpitude
- (7) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character
- (8) the extent to which the individual has cooperated with the Bureau in connection with the background investigation

(C) The Bureau and Commission shall deny an application for a key gaming employee license, gaming employee license, gaming vendor license, or gaming vendor qualifier license if the applicant:

- (1) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
- (2) submitted an application for a license under G.L. c.23K, §30 and 205 CMR 134.00 that contains false or misleading information;
- (3) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license; or
- (4) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

(D) Rehabilitation

- (1) An applicant for a gaming employee license or a gaming vendor qualifier license may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- (2) An applicant for a Key gaming employee license may not appeal a decision made by the Bureau to the Commission in accordance with 205 CMR 134.09(F) that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(C)(1) on the basis that they wish to demonstrate rehabilitation.
- (3) An applicant for a Gaming employee license or gaming vendor qualifier license may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 134.10(C)(1) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the 10 year period immediately preceding the date of submission of the application for licensure or registration.
- (4) In its discretion, the Bureau and/or Commission may issue a Gaming employee license or Gaming vendor qualifier license to an applicant who can affirmatively demonstrate the

applicant's rehabilitation. In considering the rehabilitation of an applicant the Bureau and Commission shall consider the following:

- (a) the nature and duties of the position of the applicant;
  - (b) the nature and seriousness of the offense or conduct;
  - (c) the circumstances under which the offense or conduct occurred;
  - (d) the date of the offense or conduct;
  - (e) the age of the applicant when the offense or conduct was committed;
  - (f) whether the offense or conduct was an isolated or repeated incident;
  - (g) any social conditions which may have contributed to the offense or conduct; and
  - (h) any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.
- (5) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.10(B)(6). In its discretion, the Bureau and Commission may issue a Key gaming employee license, Gaming employee license, or gaming vendor qualifier license to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.10(D)(4).

(E) An applicant for a license or registration shall be at least 18 years of age at the time of application.

134.11: Affirmative registration standards for the registration of employees and vendors of the gaming establishment and Labor Organizations

(A) Registrations for gaming service employees, non-gaming vendors, and Labor Organizations shall be presumptively issued by the Bureau on behalf of the Commission in accordance with 205 CMR 134.09(A)(2) upon submission of an administratively complete application. A registration may be subsequently revoked if it is determined that the applicant is disqualified in accordance with 205 CMR 134.11(B) or unsuitable for any criteria identified in 205 CMR 134.11(C).

(B) The Bureau and Commission shall deny and revoke a registration as a gaming service employee or non-gaming vendor registrant if the individual:

- (1) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
- (2) submitted an application for a license under G.L. c.23K, §30 and 205 CMR 134.00 that contains false or misleading information;
- (3) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable; or
- (4) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

(C) In determining whether an applicant for registration is suitable for purposes of being issued a gaming service employee registration or non-gaming vendor registration, or having a registration renewed, the Bureau may evaluate and consider the overall reputation of the applicant including, without limitation:

- (1) the integrity, honesty, good character and reputation of the applicant;

- (2) the financial stability, integrity and background of the applicant; including whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt
- (3) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;
- (4) whether the applicant, at the time of application, is a defendant in litigation;
- (5) whether the applicant is disqualified from receiving a license under 205 CMR 134.11(B).
- (6) whether the applicant has been convicted of a crime of moral turpitude
- (7) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character
- (8) the extent to which the individual has cooperated with the Bureau in connection with the background investigation

(D) Rehabilitation

- (1) The holder of a Gaming service employee registration or non-gaming vendor registration may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 134.11(B) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the 10 year period immediately preceding application for licensure or registration.
- (2) In its discretion, the Bureau and/or Commission may issue a Gaming service employee registration or a non-gaming vendor registration to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant the Bureau and Commission shall consider the following:
  - (a) the nature and duties of the position of the applicant;
  - (b) the nature and seriousness of the offense or conduct;
  - (c) the circumstances under which the offense or conduct occurred;
  - (d) the date of the offense or conduct;
  - (e) the age of the applicant when the offense or conduct was committed;
  - (f) whether the offense or conduct was an isolated or repeated incident;
  - (g) any social conditions which may have contributed to the offense or conduct; and
  - (h) any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.
- (3) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.11(C). In its discretion, the Bureau and Commission may issue a Gaming service employee registration or non-gaming vendor registration to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.11(D)(2).

(E) An applicant for a registration shall be at least 18 years of age at the time of application.

(F) The Bureau may deny an application for registration as a non-gaming vendor if it determines that the applicant formed the applicant entity for the sole purpose of circumventing 205 CMR 134.04(A)(1)(B).

134.12: Temporary licenses

- (A) Upon petition to the Commission by a gaming licensee, the Commission may issue a temporary license to an applicant for a key gaming employee license or a gaming employee license if:
- (1) the applicant for a key gaming employee license or gaming employee license has filed a completed application with the commission; and
  - (2) the gaming licensee certifies, and the Commission finds, that the issuance of a temporary license is necessary for the operation of the gaming establishment and is not designed to circumvent the normal licensing procedures.
- (B) Unless otherwise stated by the Commission, a temporary license issued in accordance with 205 CMR 134.12 shall expire 6 months from the date of its issuance and may be renewed, at the discretion of the Commission, for an additional 6-month period.
- (C) Standard of review A Temporary license may be issued upon a finding that the license is reasonably likely to be issued upon completion of the investigation.

### 134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, or non-gaming vendor registration shall be fingerprinted under the supervision of the Bureau. The Bureau may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Bureau.

### 134.14: Identification

- (A) Every natural person applicant for a license or registration shall establish his or her identity to a reasonable certainty.
- (B) An natural person applicant for a license or registration may establish their identity pursuant to 205 CMR 134.13(A) by providing either:
- (1) One of the following authentic documents:
    - (a) A current and valid United States passport;
    - (b) A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Homeland Security, Citizenship and Immigration Services (USCIS); or
    - (c) A current and valid identification card issued by the USCIS containing a photograph or fingerprints and identifying information such as name, date of birth, sex, height, color of eyes and address; or
  - (2) A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal, and any one of the following authentic documents:
    - (a) A current and valid driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;
    - (b) A current and valid identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;
    - (c) A current and valid student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;

- (d) A current and valid identification card issued by a Federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or
- (3) A current and valid foreign passport with an employment authorization issued by the USCIS, and any one of the following authentic documents:
  - (a) A current and valid driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;
  - (b) A current and valid identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;
  - (c) A current and valid student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;
  - (d) A current and valid identification card issued by a Federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or

(C) Any person whose current legal name is different from the name on his or her certified birth certificate (for example, maiden name) must show legal proof of the name change. Such proof includes a certified marriage or civil union certificate, divorce decree or court order linking the new name with the previous name, provided that, a divorce decree may be used as authority to resume using a previous name only if it contains the new name and permits a return to use of the previous name.

(D) Any person required to establish his or her identity pursuant above who is not a United States citizen shall also be required to demonstrate that he or she is authorized to work in the United States.

(E) Any natural person may request that the Commission change the name designated on his or her application, license or registration by establishing identity pursuant above or by providing a certified copy of certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.

#### 134.15: Fees

(A) The following base fees shall be paid at the time of application for licensure, registration, or renewal:

- (1) Key Gaming Employee Initial fee: \$1000.00, submitted with the application, which shall be credited to the total fee. Payment for the efforts of the Commission and the Bureau on matters directly related to the applicant at hourly rates to be set by the Commission in G.L.c.23K, §30(i). Payment for all unusual or out of pocket expenses incurred by the Commission and/or the Bureau on matters directly related to the applicant or licensee. Timely Renewal fee: \$1000.00
- (2) Gaming Employee Initial fee: \$300.00 Renewal fee: \$300.00
- (3) Gaming Service Employee Initial fee: \$75.00 Renewal fee: \$75.00
- (4) Gaming vendor Initial fee: \$10,000.00, submitted with the application, which shall be credited to the total fee. Payment for the efforts of the Commission and the Bureau on

matters directly related to the applicant at hourly rates to be set by the Commission in G.L.c.23K, §30(i). Payment for all unusual or out of pocket expenses incurred by the Commission and/or the Bureau on matters directly related to the applicant or licensee. Timely Renewal fee: \$10,000.00

- (5) Non-gaming vendor Initial fee: \$100.00 Renewal fee: \$100.00
- (6) Labor organization Initial fee: \$200.00 Renewal fee: \$200.00
- (7) Replacement/Name or address changes \$10.00
- (8) Late fee

(B) The application fee for a license or registration may be increased to the extent that the cost of the background investigation relating to an applicant exceeds the application fee set forth in 205 CMR 134.14(A). The Bureau shall advise the applicant in writing that an additional application fee is required and the manner in which the additional fee was calculated. Once an applicant is directed to submit an additional application fee, the Bureau will take no additional steps with respect to the application until the increased application fee is paid.

(C) All fees must be submitted to the Bureau in the form of a certified check, cashier's check or electronic funds transfer payable to the *Commonwealth of Massachusetts*.

(D) A processing fee of \$30 will be assessed for return of dishonored checks.

#### 134.16: Term of licenses

(A) Licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for the following terms:

- (1) Key gaming employees Key Gaming employee licenses shall be for an initial term of 3 years. The initial term of a key gaming employee license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date. Key gaming employee license renewals shall be for a term of 3 years. The renewal term of a Key gaming employee license shall expire and be renewable on the last day of the third anniversary of the issuance date.
- (2) Gaming employees Gaming employee licenses shall be for an initial term of 3 years. The initial term of a gaming employee license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date. Gaming employee license renewals shall be for a term of 3 years. The renewal term of a Gaming employee license shall expire and be renewable on the last day of the third anniversary of the issuance date.
- (3) Gaming service employees Gaming service employee registrations shall be for an initial term of 5 years. The initial term of a Gaming service employee registration shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Gaming service employee registration renewals shall be for a term of 5 years.
- (4) Gaming vendors and gaming vendor qualifiers Gaming vendor licenses and gaming vendor qualifier licenses shall be for an initial term of 3 years. The initial term of a Gaming vendor license and gaming vendor qualifier license shall expire and be renewable

on the last day of the month on the third anniversary of the issuance date. Gaming vendor license and gaming vendor qualifier license renewals shall be for a term of 3 years. The renewal term of a Gaming vendor license and gaming vendor qualifier license shall expire and be renewable on the last day of the third anniversary of the issuance date.

- (5) Non-gaming vendors Non-gaming vendor registration shall be for an initial term of 5 years. The initial term of a Non-gaming vendor license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date.
- (6) Labor organizations Labor organization registrations shall be for an initial term of 1 year. The initial term of a Labor organization registration shall expire and be renewable on the last day of the month on the first anniversary of the issuance date.

(B) Notwithstanding 205 CMR 134.16(A), licenses and registrations issued in accordance with 205 CMR 134.00 may be issued with a conditional expiration date to coincide with any employment authorization issued by the United States which is less than the term of the license or registration. A license or registration that is issued with such a conditional expiration date may be extended upon the presentation of proof of United States citizenship or authorization to work in the United States beyond the previous expiration date. Provided, however, no expiration date shall be extended beyond the term for which such a license would have been issued in accordance with 205 CMR 134.16(A).

(C) If a licensee or registrant has, in accordance with 205 CMR 134.17, made timely and sufficient application for a renewal, their license or registration shall not expire until the Bureau has issued a decision on the application.

(D) A person who is rehired or transferred shall maintain the license expiration date in accordance with the original license issue date, unless the license has expired before rehire or transfer.

(E) A license for a person for whom a positive determination of suitability was issued in accordance with 205 CMR 115.05(3) as part of the RFA-1 process and who filed a *Massachusetts Supplement Form* in lieu of the complete application for the position for which they seek licensure shall be issued *nunc pro tunc* to the date of the suitability finding.

(F) All licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for employment with any Massachusetts gaming licensee.

#### 134.17: Renewals

(A) At a minimum of one hundred fifty (150) days prior to expiration, each Key gaming licensee, gaming licensee, gaming vendor licensee, and gaming vendor qualifier licensee shall submit a new and updated application in accordance with 205 CMR 134.08.

(B) At a minimum of thirty (30) days prior to expiration, each gaming service employee registrant and non-gaming vendor registrant shall submit a new and updated application in accordance with 205 CMR 134.08.

(C) It shall be the responsibility of the licensee or registrant to ensure that their license or registration is current.



### 134.18: Duties of applicants and licensees

(A) All applicants, licensees, and registrants shall have the continuing duty to provide any assistance or information required by the commission or the Bureau and to cooperate in any inquiry or investigation conducted by the commission or the Bureau. Refusal to answer or produce information, evidence or testimony by an applicant, licensee, or registrant may result in denial of the application or suspension or revocation of the license or registration.

(B) No applicant, licensee, registrant shall willfully withhold information from, or knowingly give false or misleading information to, the commission or the Bureau. If the commission or Bureau determines that an applicant, or a close associate of an applicant, has willfully provided false or misleading information, such applicant shall not be eligible to receive a license or registration under 205 CMR 134.00. Any licensee or registrant who willfully provides false or misleading information shall have its license conditioned, suspended or revoked by the commission.

### 134.19: Disciplinary action

(A) Grounds for Disciplinary Action Any license or registration issued under 205 CMR 134.00 may be conditioned, suspended, or revoked, if the commission finds that a licensee or registrant has:

- (1) been arrested or convicted of a crime;
- (2) failed to comply with G.L. c.23K, §13; or
- (3) failed to comply with any provision of G.L. c.23K or 205 CMR pertaining to licensees and registrations.

### (B) Complaints

Any person may file a complaint against a licensee or registrant. All complaints relative to a licensee or registrant must be in writing on a form provided by the Commission. All complaints must be received by the Commission within one year of the date of the alleged wrongdoing. The Commission may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.

### (C) Basis of Complaint

A complaint must allege wrongdoing by a licensee or registrant in the form of a violation of 205 CMR 134.18(A), G.L. c. 23K.

### (D) Review and Investigation of Complaints

- (1) Every complaint filed shall be reviewed by the Bureau. A hearing may be convened in the discretion of the Bureau. The Bureau may, if it elects, investigate a complaint prior to scheduling a hearing. Failure of a complainant to cooperate in the investigation shall be grounds for dismissal of a complaint.
- (2) Upon receipt of a complaint, the Bureau shall send a letter acknowledging receipt to the complainant and the licensee or registrant being complained of. A copy of the complaint and all attachments shall be forwarded to the licensee or registrant with the acknowledgment letter. The licensee or registrant may be offered an opportunity to respond in writing to the complaint.

(E) Notice of Hearing

If the Bureau determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the licensee or registrant. Mailing of notice to the address on record with the Commission, or emailing the notice to the address provided by the licensee or registrant on their application for licensure or registration, shall be deemed satisfactory notice. The notice of hearing shall contain.

- (1) The name of the complainant.
- (2) The date, time and place of said hearing.
- (3) The location of the incident giving rise to the complaint

(G) Hearing

Hearings convened pursuant to 205 CMR 134.18 shall be conducted pursuant to 801 CMR 1.02 (Informal/fair hearing rules) and M.G.L. c. 30A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The Bureau may question any witness and include any records kept by the Commission as exhibits. The Bureau may conclude the hearing at any time and issue a decision based on the evidence presented.

If a licensee or registrant does not appear for the hearing, the Bureau may conduct a hearing in his or her absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 205 CMR 134.18(E).

The Bureau may designate a hearing officer to convene a hearing and either make a recommendation or issue a decision on its behalf.

(G) Subpoenas

The Bureau may issue a subpoena in accordance with M.G.L. c. 30A, §12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.

(H) Decisions and Discipline of License and Registration Holders

The Bureau shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Bureau may suspend a license for a fixed period of time, revoke a license permanently, or issue a reprimand the licensee. In conjunction with these disciplinary measures, pursuant to M.G.L. c. 23K, §, the Bureau may assess a fine of up to \$X per violation. Any license or registration that is suspended or revoked shall be forwarded to the Bureau immediately. A person whose license is revoked may apply in writing to the Commission for reinstatement no sooner than two years from the date of the revocation.

(I) Appeals

- (A) Any person aggrieved by a decision of the hearing officer may, in writing, request review of said decision by the Commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the hearing officer.

(B) The Commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second Hearing on the same complaint(s). After review, the Commission may either deny the petition or remand the matter to the hearings officer for further proceedings as directed. The filing of an appeal with the Commission shall serve to toll the timing provisions of M.G.L. c. 30A, §14 until such time as a final decision is rendered by the Commission.

(C) Any person aggrieved by a decision of the hearings officer or the Commission may appeal such decision in conformance with M.G.L. c. 30A, §14.

REGULATORY AUTHORITY

205 CMR 134: M.G.L. c. 23K, §§3, 12, 16, 30 and 31

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