



MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #207

January 5, 2017
10:00 a.m.

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
January 5, 2017**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, January 5, 2017
10:00 a.m.
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA**

PUBLIC MEETING - #207

1. Call to order
2. Approval of Minutes
 - a. December 15, 2016 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
4. Investigations and Enforcement Division – Karen Wells, Director
 - a. Table Games Rules Memo – B. Band, Gaming Agents Division Chief and C. Blue, General Counsel
 - b. 205 CMR 152: Exclusion List Regulations Discussion
 - c. Gaming Vendor Primary Suitability – **VOTE**
5. Legal Division – Catherine Blue, General Counsel
 - a. 205 CMR 134: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives and Labor Organizations and Amended Small Business Impact Statement - Final Review and Formal Process Initiation – **VOTE**
6. Research and Responsible Gaming – Mark Vander Linden, Director
 - a. Responsible Gaming Planning – Category 1 Facilities Discussion



Massachusetts Gaming Commission

7. Commissioner's Updates
8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

12/30/16
DATE



Stephen P. Crosby, Chairman

Date Posted to Website: January 3, 2017 at 10:00 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date/Time: December 15, 2016 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts

Present: Chairman Stephen P. Crosby
Commissioner Gayle Cameron
Commissioner Lloyd Macdonald
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

**Time entries are linked to
corresponding section in
Commission meeting video**

Call to Order

See transcript page 2

[10:00 a.m.](#) Chairman Crosby called to order the 206th Commission meeting.

Approval of Minutes

See transcript pages 2-3

[10:00 a.m.](#) *Commissioner Macdonald moved for the approval of the November 22, 2016 Commission meeting minutes subject to any corrections, typographical errors, or other nonmaterial matters. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Commissioner Macdonald moved for the approval of the December 1, 2016 Commission meeting minutes subject to any corrections, typographical errors, or other nonmaterial matters. Motion seconded by Commissioner Zuniga. Motion passed unanimously.

Administrative Update

See transcript pages 3-16

[10:01 a.m.](#) Executive Director Edward Bedrosian, Jr. stated that he does not have an update.

[10:02 a.m.](#) Human Resources Manager Trupti Banda provided a MGC staff diversity update and reported the following: There are 85 MGC employees (65 employees in the gaming area and 20 seasonal employees in racing); 8 full time employees were hired in 2016; 19 employees were rehired for racing meets; and 2 new positions

include a Program Manager and a Construction Project Oversight Manager. Ms. Banda stated that the MGC has a goal to be 25% diverse and that the agency is currently 22% diverse with seasonal employees and 26% diverse without seasonal employees. She also stated that we have increased our diversity by 8 percent since 2014. She stated that she continues to work on outreach and with the Director of Workforce, Supplier and Diversity for opportunities. She noted that the budget forecast projects limited hires so they will be strategic going forward.

Chairman Crosby inquired about the male and female ratio within the agency. Ms. Banda reported that the staff is 49% female. Commissioner Zuniga inquired if the number of employees includes the State Police. Ms. Banda responded that it does not include the State Police. Ms. Banda also noted that 4.7% of the staff has military service.

[10:06 a.m.](#) Agnes Beaulieu, Finance and Budget Office Manager, provided an update on the FY16 supplier diversity benchmarks. She noted that the numbers for the small business and women-owned businesses have not changed and there is a change for the minority-owned and veteran-owned business benchmarks. She reported that the MGC will receive credit for an additional \$37,000 for minority-owned businesses and \$2,100 for veteran-owned businesses. As a result of the credit, we have reached and slightly surpassed our benchmark for the minority-owned businesses for FY 16.

[10:08 a.m.](#) CFAO Derek Lennon reported that the OSD (Operational Services Division) issued a bulletin stating that agencies should take benchmarks seriously. He also stated that MGC reports on the benchmarks quarterly and this isn't done at most agencies. He reported that OSD would like to replicate the MGC model with other agencies.

Racing Division

See transcript pages 16-21

[10:12 a.m.](#) Douglas O'Donnell, Senior Financial Analyst, presented on a request for reimbursement by Suffolk Downs from the Capital Improvement Trust Fund. He stated that there are nine projects totaling \$210,908.42.

[10:13 a.m.](#) *Commissioner Cameron moved that the Commission approve this request dated December 15th at the request for reimbursement by Suffolk Downs Capital Improvement Trust Fund. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

[10:15 a.m.](#) Mr. O'Donnell presented on the quarterly local aid distribution. He stated that this is the money that is collected and based on the handles in April, May and June of 2016, totaling \$229,146.98.

[10:16 a.m.](#) *Commissioner Stebbins moved that the Commission approve the local aid quarterly payment, \$229,146.98, with the allocation as outlined in the packet. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Research and Responsible Gaming

See transcript pages 21-130

[10:16 a.m.](#) Director Mark Vander Linden stated that he is joined by Christopher Bruce, a crime analyst that the Commission is using to evaluate crime impacts of expanding gaming in Massachusetts. Chairman Crosby stated that this type of evaluation is unprecedented. Commissioner Cameron noted that having a baseline study upfront makes this unique along with the level of cooperation to get all the police chiefs to work with the State Police and share data for research purposes. She noted that this is a credit to Mr. Bruce. Commissioner Macdonald inquired why the Town of Foxboro did not participate in the study. Mr. Bruce stated that they did reach out to Foxboro but they declined to participate due to concerns over disclosure of data. Mr. Bruce stated that they do have some state data that they can use for Foxboro. He also stated that they will reach out to the new Foxboro police chief.

[10:24 a.m.](#) Christopher Bruce presented a summary of the first year analysis of the impact of crime on public safety after the opening of Plainridge Park Casino (“PPC”). He noted that there is little impact on most crimes and calls for service in the surrounding area. He also noted that the casino may have influenced an increase in credit card fraud in the region and an increase in calls for traffic related matters. He stated that he collected data, from July 2015 – June 2016, from Plainville, Attleboro, Mansfield, North Attleborough and Wrentham and merged the data into a common database. He stated that he looked at a number of factors to determine if there is a relationship between an increase in crime and the opening of a casino. He went through his methodology and noted the data limitations of his analysis. He also reported on trends at PPC that included thefts, drug offenses, intoxication, and small children left alone in cars. He reported that 100% percent of the offenders were identified and apprehended. He also reported on findings in the surrounding communities and noted an increase in incidents such as domestic kidnapping, prostitution and burglaries that had nothing to do with PPC. He noted that the data is also complicated by the opioid crisis.

Commissioner Cameron stated that she is not in agreement with the finding that credit card fraud is likely related to the casino. She stated that none of the police chiefs had any evidence that the credit card fraud was related to PPC.

11:19 a.m. The Commission took a brief recess.

11:26 a.m. The meeting resumed.

[11:26 a.m.](#) Mr. Bruce continued with his analysis and provided a summary of three comparison communities. He noted that further studies are needed for crime and traffic collisions when the 2017 data is released. Commissioner Macdonald inquired if any of the police chiefs reported that the opening and operation of a casino has caused an increase in law enforcement issues. Mr. Bruce responded no, the chiefs are reporting no increases as a result of the casino.

Mr. Bruce cautioned that folks should read his full report on not rely just on the power point.

11:55 a.m. The Commission took a brief recess.

12:00 p.m. The meeting resumed.

[12:00 p.m.](#) Director Vander Linden reported on a proposed revision of the Responsible Gaming Framework (“RGF”). He stated that the goals of the RGF aim to mitigate the negative and unintended consequences of casino gambling. The Commission adopted a framework that included GameSense, Play My Way and Voluntary Self-Exclusion. He stated that we have learned a lot in 18 months, we regularly engage with organizations with a shared commitment to advance responsible gaming, and we look at emerging practices and new research. He stated that it is a good time to identify gaps and expand the scope of the RGF. He stated that he would like to take on a broader public health approach to promote safe gaming, prevent problem gambling, and create greater opportunities for intervention. He is proposing to engage each Commissioner on what is important to them in the area of responsible gaming and is looking for ways to make this a better framework.

Executive Director Bedrosian stated that it is better to have this conversation now while we are building the larger casinos so that any modifications can be addressed prior to opening.

Commissioner Stebbins noted that the RGF was meant to be a living document that would change over time and he looks forward to a conversation with Director Vander Linden to expand the scope.

Commissioner Zuniga stated that we should look at discrete pieces and reaffirm principles rather than make dramatic changes. He suspects that the strategies will remain the same.

Chairman Crosby stated that he thinks it’s worth reviewing and we should use a methodical process. He noted that the GameSense evaluation should inform what we do. He also stated that we should receive input from recovering gambling addicts on what they think about our programs. He also noted that the slot machine operation should be an element of the review process.

Commissioner’s Update

See transcript pages 130-136

[12:14 p.m.](#) Chairman Crosby noted that the Gaming Policy Advisory Committee, mandated by the legislature, will be holding a meeting on Monday at the State House. He also noted that we have a close relationship with the Massachusetts Council on Compulsive Gambling and they had a serious budget cut of \$500,000. He stated that they do good work and we are supportive of trying to get that budget cut reinstated.

[12:19 p.m.](#) Commissioner Zuniga reported that hard copies of the MGC Annual Report were mailed out and the report is also available on our website.

Other Business Not Reasonably Anticipated

See transcript page 136

[12:20 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated December 15, 2016
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated November 22, 2016
3. Massachusetts Gaming Commission, Draft Meeting Minutes dated December 1, 2016
4. Massachusetts Gaming Commission, Discretionary Budget and Spending Benchmark Calculation Worksheet
5. Massachusetts Gaming Commission, Racing Division, Memorandum dated December 15, 2016 regarding Request for Reimbursement, Suffolk Downs Capital Improvement Trust Fund, with attachments
6. Massachusetts Gaming Commission, Racing Division, Memorandum dated December 15, 2016 regarding Local Aid Distributions, with attachments
7. Assessing the Impact of Gambling on Public Safety in Massachusetts, Analysis of Plainridge Park's First Year, Power Point Presentation, Christopher W. Bruce
8. Assessing the Impact of Gambling on Public Safety in Massachusetts Cities and Towns, Analysis of changes in police data after the first year of operation at Plainridge Park Casino, Report by Christopher W. Bruce, dated December 12, 2016
9. Massachusetts Gaming Commission, Memorandum dated December 15, 2016 regarding Proposed Revision of the Massachusetts Responsible Gaming Framework

/s/ Catherine Blue
Catherine Blue, Assistant Secretary

DRAFT

No Documents



Legal Division

TO: Massachusetts Gaming Commission
FROM: Carrie Torrisi, Staff Attorney
DATE: December 22, 2016
RE: Table Game Rules

M.G.L. c. 23K, § 2, defines “table game” as “a game, other than a slot machine, which is authorized by the commission to be played in a gaming establishment.” Table games include “standard” games such as poker, roulette, craps, and baccarat, as well as any number of more obscure games or game variations. Before Category 1 licensees begin operating casinos in the Commonwealth, it is important that the rules of each and every table game that is authorized for play are clearly defined. To that end, the Commission should establish a process by which it approves and authorizes the rules to be followed in the conduct of table games and a process by which those rules are made available to the public. The Commission should consider (1) how to proceed with respect to the initial promulgation of regulations governing table game rules; and (2) how to proceed with respect to proposed new games or game variations following the initial promulgation of the regulations. Following is a survey of processes followed with respect to table game rules in five jurisdictions: Nevada, New Jersey, Pennsylvania, Ohio, and Maryland.

I. Authorization of Games for Play

All states but Ohio authorize several “standard” games (*e.g.*, poker, blackjack, craps, roulette) by way of a statutory definition of table game.¹

¹ Nevada: “Game” or “gambling game” means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission... NRS 463.0152.

New Jersey: "Authorized Game" or "Authorized Gambling Game"-- Roulette, baccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, red dog, pai gow, and sic bo; any variations or composites of such games, provided that such variations or composites are found by the division suitable for use after an appropriate test or experimental period under such terms and conditions as the division may deem appropriate; and any other game which is determined by the division to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the division may deem appropriate. "Authorized game" or "authorized gambling game" includes gaming tournaments in which players compete against one another in one or more of the games authorized herein or by the division or in approved variations or composites thereof if the tournaments are authorized by the division. N.J.S.A. 5:12-5.



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In Nevada and New Jersey, the rules for games authorized by statutory definition do not go through a rules submission process [discussed below]. In New Jersey, the rules are approved by virtue of publication in the regulations. In Nevada, however, there is no written publication of the rules of statutorily-authorized games. In order to offer games other than those authorized by statute, Nevada and New Jersey require such new game and game variation proposals to go through a rules submission and approval process in order to be deemed authorized for play. In Pennsylvania and Maryland, however, all games must go through a rules submission and approval process regardless of whether any of those games have been authorized by way of a statutory definition.

Unlike those states discussed above, Ohio does not authorize any specific games through its statutory definition of “table game.”² In Ohio, any game that a licensee wishes to operate must go through a rules submission and approval process in order to be authorized for play.

II. Establishment of Rules

All states surveyed use an application and approval process for the establishment of certain table game rules, which is codified in their respective regulations. As discussed above, Nevada and New Jersey do not require statutorily defined and approved games to go through an approval process, but they do require, along with Pennsylvania, Ohio, and Maryland, any proposed new games or proposed game variations to go through an approval process. The process is similar in all states and essentially involves an application; certification from an independent testing laboratory; a review procedure including game trials; and approval, modification, or denial of the game.

A. The Application:³ Although there are minor variations among the states, the application for a proposed new game or game variation generally must contain, at a minimum, the following information:

Pennsylvania: Any banking or nonbanking game approved by the Pennsylvania Gaming Control Board. The term includes roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, twenty-one, casino war, acey-ducey, sic bo, chuck-a-luck, Panguingue, Fan-tan, Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold'em bonus poker, three card poker, two card joker poker, ultimate Texas hold'em, winner's pot poker and any other banking or nonbanking game... 4 Pa.C.S. 1103.

Maryland: “Table game” means roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai gow poker, and sic bo, or any variation and composites of such games... MD STATE GOVT § 9-1A-01(w-2).

² “Table game” means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. “Table game” does not include slot machines. OH ST § 3772.01(Y).

1. Name and address of petitioner(s);⁴
 2. The name of the game, which must be different than the name of a game currently approved;⁵
 3. The reason why the game is being proposed;⁶
 4. A list of other jurisdictions in which the new game is currently being offered;⁷
 5. Whether the game is a variation of an authorized game, a composite of authorized games, or a new game;⁸
 6. A description of the new game including game objective, rules of play, table layout and betting position, dealing procedures, gaming accessories (including a sketch or picture of the equipment used to play the game), and a proposed payout schedule;⁹
 7. Whether the game, its name, or any equipment used to play it is covered by any copyrights, trademarks, or patents;¹⁰
 8. Agreement from a licensee to participate in field trials of the game at the gaming facility;¹¹ and
 9. A fee for investigatory expenses.¹²
- B. Certification from an Independent Testing Laboratory: All states surveyed other than New Jersey require that the game be certified by an independent testing laboratory.
- C. Game Trials: Nevada, New Jersey, and Ohio include field trials of the game as part of the review and approval process. Trials are optional in Ohio, but are required in Nevada and New Jersey. In Nevada, the field trial must begin within 30 days of receipt of the New Game Evaluation Procedure Form and will generally last 45-180 days. In evaluating the field trial, the Nevada Gaming Control Board may consider game approvals and play statistics from other jurisdictions. Upon satisfactory

³ Maryland allows only the casino operator to submit an application for a new game or game variation, while the remaining states surveyed seem to allow other “applicants,” such as game manufacturers.

⁴ Nevada and New Jersey

⁵ Nevada

⁶ Pennsylvania and Maryland

⁷ Pennsylvania and Maryland

⁸ New Jersey, Pennsylvania, and Maryland

⁹ All states [note that this is not an exhaustive list of details related to the game rules and procedures]

¹⁰ New Jersey, Pennsylvania, and Maryland [note that Nevada requires as part of the application a copy of a filing receipt from the US Patent and Trademark Office]

¹¹ Nevada and New Jersey

¹² Nevada and New Jersey. Though other states might charge a fee, as well, only Nevada and New Jersey list a fee in the regulatory application requirements.

completion of the trial, the Enforcement Division submits a Request for Final Approval to the Board and the Nevada Gaming Commission.

In New Jersey, the form of the field trials is largely dictated by the petitioner(s). Following preliminary approval by the Division, petitioner(s) are required to submit the names of the casino(s) where the trial will take place; the dates and times when the trial will take place and the tables or equipment that will be involved; proposed signage to be posted at the entrance(s) to the casino(s) where the trial is to be conducted; criteria proposed to be used in determining the success of the trial and methods proposed for documenting it, including any necessary forms; and any other materials or information requested.

In Ohio, the form of the field trial is dictated by the Commission, which may set any requirements or conditions on conduct of the trial period, including duration of the trial.

III. Publication of Rules

A survey of the process of rule publication in Nevada, New Jersey, Pennsylvania, Ohio, and Maryland reveals the following potential routes:

1. Publish the rules on the state agency website (Nevada¹³ and Maryland¹⁴)
2. Publish the rules on the casino website (Ohio)
3. Publish the rules in the regulations (New Jersey and Pennsylvania)

IV. Patron Access

New Jersey, Pennsylvania, and Maryland require casinos to maintain at a security podium or other approved location a printed copy of the complete text of the rules of authorized games, which shall be made available to patrons upon request. In Ohio, casino operators must prominently post and provide a copy of the rules and payoff schedules for any table upon request by a patron.

Additionally, Nevada requires that the rules of each game be posted and clearly legible from each table and designate (1) the maximum rake-off percentage, time buy-in, or other fee charged; (2) the number of raises allowed; (3) the monetary limit of each raise; and (4) the amount of ante. New Jersey, Pennsylvania, and Maryland similarly require signs to be posted at particular

¹³ Nevada publishes rules for approved new games and game variations, but does not publish anywhere the rules for standard or big games (*e.g.*, poker, blackjack, craps, roulette).

¹⁴ Until recently, rules of the games were published in the Maryland regulations at COMAR 36.05.04 through 36.05.19. These regulations were repealed on October 10, 2016.

gaming tables advising patrons of the rules in effect at the table. Ohio requires only that all minimum and maximum wagers be posted at each table.

V. Next Steps for the Commission

Before promulgating the Commission's table game regulations, the following questions should be considered:

- a. Will the Commission require that all games (including so-called "standard" games) go through an approval process in order to be authorized for play, or will it authorize particular games for play by some other method (e.g., authorization by regulation)? If the Commission does require an approval process for all games, what will that approval process be?
- b. Will the Commission publish written rules for the "standard" games (e.g., poker, blackjack, craps, roulette)?
- c. What will be the application process for new table game rules and modified table game rules? Will parties other than licensees be permitted to submit applications?
- d. What will be the Commission's process for review and approval of new and modified table game rules?
- e. Will the Commission publish table game rules in its regulations, on its website, or in some other way? In answering this question, consider why it's important to make the rules available to the public and whether the rules are a subject that would benefit from the public comment period of the regulation promulgation process or are appropriately addressed outside of the regulation promulgation process. If the Commission determines that the rules will not be published in the regulations, an option remains to include a review and comment period for licensees in the administrative table game regulations.
- f. Will the Commission permit reciprocity for game rules that have been approved in other jurisdictions? If so, will those game rules then be completely exempt from an approval process or will they be subject to a modified approval process?
- g. As the regulations are drafted, how would the Commission like to conduct its review (e.g., groupings of particular games or all at once)?

MULTI-STATE SURVEY OF TABLE GAME RULES APPROVAL AND PUBLICATION PROCEDURES

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
Definition of “table game” or “game”	<p>Any game played with cards, dice, equipment...including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine...or any other game approved by the Commission. NRS 463.0152.</p>	<p>Roulette, barccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, red dog, pai gow, and sic bo; and any variations or composites of such games as well as any other games provided that they are found by the division to be suitable for use after an appropriate test or experimental period. N.J.S.A. 5:12-5.</p>	<p>Any banking or nonbanking game approved by the Pennsylvania Gaming Control Board. The term includes roulette, baccarat, blackjack, poker, craps, big six wheel, mini-baccarat, red dog, pai gow, twenty-one, casino war, acey-ducey, sic bo, chuck-a-luck, Panguingue, Fan-tan, Asia poker, Boston 5 stud poker, Caribbean stud poker, Colorado hold'em poker, double attack blackjack, double cross poker, double down stud poker, fast action hold'em, flop poker, four card poker, let it ride poker, mini-craps, mini-dice, pai gow poker, pokette, Spanish 21, Texas hold'em bonus poker, three card poker, two card joker poker, ultimate Texas hold'em, winner's pot poker and any other banking or nonbanking game. 4 Pa.C.S. 1103.</p>	<p>Any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. “Table game” does not include slot machines. OH ST § 3772.01(Y).</p>	<p>Roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai gow poker, and sic bo or any variation and composites of such games. MD STATE GOVT § 9-1A-01(w-2).</p>

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
Approval of Standard Game Rules	Approved by virtue of statutory definition (chart of approved games on MGCB website cites NRS 463.0152 as date of approval for standard games)	Approved by publication in regulations	<p>Before offering any game, a certificate holder must submit a Table Games Rules Submission to the Gaming Control Board. The Board has forms for each type of game permitted under the regs. The form allows the certificate holder to specify options for the table game, including optional payout tables. The forms are published on the Board’s website. 58 Pa. Code § 601a.2.</p> <p>Forms include: asia poker; baccarat; big 6 wheel; blackjack; Caribbean stud poker; craps and mini craps; crazy 4 poker; criss-cross poker; double attack blackjack; double back jack; five card hi-lo; four card poker; free bet blackjack; go fore it; heads up hold ‘em; high card flush; high roll dice; let it ride; lunar poker; midibaccarat; minibaccarat; Mississippi stud; pai gow; pai gow poker; poker; props & hops; roulette; raise it up stud poker; Saigon 5 card; sic bo; six-card fortune pai gow poker; Spanish 21; texas hold ‘em bonus poker; three card poker; three card prime; three</p>	<p>Licensees must submit the rules for playing any table games that the casino wishes to operate. Can only operate commission-approved games and must operate the games according to the approved rules. OAC 3772-11-03.</p> <p>Each game along with its rules and associated equipment shall be evaluated by the commission for the following – (1) conformance with industry standard rules; (2) the object of the game and method of play, including what constitutes win, loss, or tie bets; (3) physical characteristics of the game, gaming equipment, and gaming table; (4) wagers and payout odds for each type of available wager; (5) the applicable inspection procedures for any of the following required by the game – cards, dice, wheels and balls, manual and electronic devices used to operate, display the outcome, or monitor live games; (6) for each game that uses cards, a description of the shuffling procedures, card cutting procedures, procedures for</p>	Before offering an authorized table game, facility operator must submit and obtain approval of a Rules Submission that specifies which options the facility operator will use in the conduct of the game. May implement those provisions upon receipt of written notice of approval from the Commission. Facility operator must maintain the current version of each Commission-approved rules submission so that it’s available in electronic form. COMAR 36.05.03.19.

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
			dice football; ultimate texas hold 'em poker; war	dealing and taking cards, and burning cards; (7) procedures for the collection of bets and payouts including requirements for IRS purposes; (8) procedures for handling suspected cheating or irregularities and immediate notification of commission gaming agent on duty; (9) procedures to describe irregularities of the game, including dice off the table and soiled cards. OAC 3772-11-03.	
Publication of Rules for Standard Games	Rules for the games defined in statute don't seem to be posted or published anywhere (they are not included on the NGCB's website along with all other approved game rules)	Rules are published in regs (Chapter 69F) Chapter 69F includes: Craps and mini-craps; automated craps; blackjack; blackjack switch; baccarat-punto banco; baccarat-chemin de fer; roulette and big six wheels; red dog; mini-baccarat; sic bo; pai gow; pai gow poker; pokette; mini-dice; poker; keno; Caribbean stud poker; double down stud; let it ride poker; Spanish 21; three-card poker; fast action hold 'em; casino war; Colorado hold 'em poker; boston 5 stud	Rules for authorized games are published in regs (Subpart K: Table Games). *However, not all games that have Rules Submission Request Forms have rules that are published in the regs. The following are not included in the regs: Criss-cross poker; double back jack; free bet blackjack; go fore it; heads up hold 'em; high card flush; high roll dice; lunar poker; raise it up stud poker; Saigon 5 card; six card fortune pai gow poker; three	Each casino posts on its website a list of commission-approved table game rules.	Rules are published on the Maryland Lottery and Gaming Control Commission website. ¹

¹ Until recently, rules of the games were published in the Maryland regulations at COMAR 36.05.04 through 36.05.19. These regulations were repealed on October 10, 2016.

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
		<p>poker; double cross poker; double attack blackjack; four-card poker; texas hold 'em bonus poker; flop poker; two-card joker poker; asia poker; ultimate texas hold 'em; winner's pot poker; supreme pai gow; Mississippi stud; triple attack blackjack; mini-tex 3 card hold 'em.</p> <p><i>**Unclear on whether this list includes standard authorized games only or also includes new games/game variations. All reg sections are effective March 19, 2012 and were therefore published simultaneously.</i></p>	<p>card prime.</p> <p><i>*Unclear if and where the rules for these games are published</i></p>		
Waiver of Table Game Regs			<p>To conduct a table game in a manner inconsistent with the Board's regs, must file a petition seeking Board approval. Petition must include a detailed description of the modification to the game; the reason why the modification is requested; a list of other gaming jurisdictions where the modification is currently</p>		

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
			being used. 58 Pa. Code § 601a.4. ²		
New or Modified Game Request	<p>May be submitted by an “applicant.” Not limited to licensee.</p> <p>Application for approval includes (1) name, permanent address, SS#, and driver’s license # of person developing the new game or variation; (2) name of the game, which must be different than the name of a game currently approved; (3) description of the new game or variation, including rules of play, proposed schedule of payouts, and a statistical evaluation of the theoretical percentage of the game; and (4) all materials relating to the results of the registered independent testing lab’s inspection and certification process. NV GAM REG 14.230.</p> <p>Application also includes information provided on New</p>	<p>May be submitted by interested persons such as casino licensees, casino service industries, and owners, licensees, lessees or franchisees of the rights to a proposed new game.</p> <p>Petition must include at least one casino licensee who has agreed in writing to participate in a test or experiment of the game in its casino. Petition must include (1) names and addresses of petitioners; (2) whether the game is a variation of an authorized game, a composite of authorized games, or another game which is compatible with the public interest and is suitable for casino use; (3) a complete and detailed description of the game, including a summary of the game, objectives, method of play, wagers offered; draft of proposed rules describing equipment used to play the</p>	<p>May be submitted by a table game device manufacturer, gaming related gaming service provider or a certificate holder.</p> <p>Request must contain a detailed description of the game including rules of play and wagering; indicate whether the game is a variation of an authorized game, a composite of authorized games, or a new game; provide the true odds, the payout odds, and the house advantage for each wager; provide a sketch or picture of the game layout, if any; provide sketches or pictures of the equipment used to play the game. Request must also contain the reason why the new game is being proposed; a list of other gaming jurisdictions where the new game is currently being offered; and whether the game, its name, or any of the</p>	<p>May be submitted by a casino license operator or applicant.</p> <p>OH uses the same approval process (above) for all games, regardless of whether they are standard or proposed new games.</p>	<p>May be submitted by a facility operator.</p> <p>Request must contain at least (1) detailed description of the game or new feature, including the rules of play and wagering for the new table game or feature; (2) description of whether the game is a variation of an authorized game, a composite of an authorized game, or a new game; (3) provide the true odds, payout odds, and house advantage for each wager; (4) provide a sketch or picture of the game layout, if any; (5) provide sketches, pictures, or samples of the equipment used to play the game; (6) the reason for proposing the new table game or feature; (7) a list of other gaming jurisdictions where the new game or feature is currently being offered; (8) whether the game, its name, or any of the equipment used</p>

² Note that this process is similar to table game rules variation submissions in other jurisdictions.

Nevada	New Jersey	Pennsylvania	Ohio	Maryland
<p>Game Evaluation Procedure form, such as: (1) letter requesting game approval; (2) copy of table layout, player betting position, game instructions, and paytable information; (3) rules of play with specific examples of game outcome; (4) dealing procedures; (5) proposed payout schedule; (6) copy of rack card that will be available to players during field trial; (7) samples of new or modified gaming accessories (cards, dice, etc); (8) mathematical certification from Nevada Independent Testing Lab; (9) copy of filing receipt from US Patent and Trademark Office; (10) letter from Non-Restricted Group I licensee agreeing to display and monitor the game's field trial; (11) personal history record completed by all applicants; (12) \$3,000 to pay investigatory expenses; (14) names and contact info for people with whom NGCB may discuss aspects of the game.</p> <p>Evaluation procedure: http://gaming.nv.gov/modules/showdocument.aspx?documentid=2346</p>	<p>game and proposed rules of the game; true odds, payout odds, and house advantage for each wager; sketch or picture of the game layout, if any; and sketches or pictures of the equipment used to play the game; (4) whether the game, its name, or any of the equipment used to play it is covered by any copyrights, trademarks, or patents; and (5) request for test or experiment of the game, if approved. N.J.S.A. 13:69F-8.4.</p>	<p>equipment used to play the game is covered by any copyrights, trademarks, or patents. 58 Pa. Code § 601a.3.</p>		<p>to play the game is covered by any copyrights, trademarks, or patents; and (9) any other information the Commission requests. COMAR 36.05.03.20.</p>

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
	<p>Application for a game variation/modification of an approved game format is different from application for a new game and requires: (1) letter requesting game approval; (2) \$1500 deposit; (3) various release and indemnity forms; (4) rules of play, with specific examples of game outcome (win/lose/tie); (5) a statement or illustration outlining the differences between the standard game and the proposed variation/modification; (6) copy of the table layout and player betting position; (7) mathematical certification from a Nevada Independent Testing Laboratory; (8) pay schedules or paytables for the proposed game variation/modification; (9) samples of new or modified gaming accessories or apparatuses.</p> <p>http://gaming.nv.gov/modules/showdocument.aspx?documentid=2337</p>				

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
Preliminary Approval		Division may consider rules and method of play; true and payout odds; wagers offered; layout; equipment used to play the game; personnel requirements; game security and integrity; similarity to other authorized games or other games of chance; and any other variations or composites of the game previously approved as authorized games; as well as any other relevant factors. Approval is subject to game testing. N.J.S.A. 13:69F-8.4.			
Game Testing	Testing and certification required by independent testing lab as part of application process.		Must also submit the new game to the Bureau of Gaming Labs for its testing and approval. 58 Pa. Code § 601a.3.	The commission may use an independent testing lab to evaluate the proposed game, its rules, and associated equipment. OAC 3772-11-03.	Facility operator shall also submit new game or feature to an independent certified testing lab. COMAR 36.05.03.20.
Game Trials	The chairman may allow or require the new game or variation to be tested at a licensed gaming establishment for no more than 180 days. NV GAM REG 14.240. Per New Game Evaluation Procedure Form, field trial must start within 30 days from	Following preliminary approval by Division, petitioner(s) must submit names of casinos where test of game will take place; dates and times when the test will take place and the tables or equipment that will be involved; proposed signage to be posted at the entrances to		Commission may require a trial period to assess game's functionality. Conduct of the trial period is subject to compliance by the casino operator with any conditions that may be required by the Commission, including duration of the trial. OAC 3772-11-03.	

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
	<p>receipt of form and once game is approved for trial, no changes may be made without prior written permission. The trial will generally last 45-180 days. The NGCB may conduct simultaneous trials at multiple locations to obtain comparable data. Only one field trial table per casino is permitted at each location unless otherwise approved by the NGCB. NGCB will take into consideration game approvals and play statistics from other jurisdictions if contact information is provided and game information meets NV standards. The casino is responsible for submitting statistical data to NGCB during the trial. Game must be videotaped during the trial. Upon completion, Enforcement Division prepares Request for Final Approval and submits to MGCB and NGC.</p>	<p>the casino where the test is to be conducted; criteria proposed to be used in determining the success of the test and methods proposed for documenting it, including any necessary forms; any other materials or information requested. N.J.S.A. 13:69F-8.4.</p>			
Approval	<p>The NGCB recommends to the NGC whether the application should be granted. NV GAM REG 14.250.</p>	<p>Division approves, modifies, or denies following testing.</p>	<p>No specific mention in regs of how new games are approved.</p>	<p>No specific mention in regs of how new games are approved.</p>	<p>Commission approves, modifies, or denies following testing.</p>

	Nevada	New Jersey	Pennsylvania	Ohio	Maryland
Publication and/or Posting of Rules	<p>All approved games are posted on the NGCB website along with rules for each game (and the list is updated regularly). No game rules are published in the regs.</p> <p>http://gaming.nv.gov/index.aspx?page=31&parent=4605</p>	<p>New game or game variations are added to the regs</p>	<p>New games or game variations are added to the regs (there are currently new game rules in the promulgation process - http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?AGY=578)</p>	<p>Each casino posts on its website a list of commission-approved table game rules.</p>	<p>New games and game variations are added to the Maryland Lottery and Gaming Control Commission website.</p>
Patron Access to Rules	<p>The rules of each game shall be posted and clearly legible from each table and must designate (1) the maximum rake-off percentage, time buy-in, or other fee charged; (2) the number of raises allowed; (3) the monetary limit of each raise; (4) the amount of ante; and (5) other rules as may be necessary. 23.080</p>	<p>Licensee must make available to patrons upon request complete printed rules of the division re games and conduct of gaming, pay offs, winning wagers, odds of winning, and shall post such information within a casino room as appropriate. NJSA 5:12-100f.</p> <p>Licensee must maintain at its security podium a printed copy of the complete text of the rules of all authorized games. NJAC 13:69F-8.5.</p> <p>Whenever a licensee is required by regulation to provide notice of the rules pursuant to which a particular table game will be operated, the casino licensee shall post a sign at the gaming table advising patrons of the rules in</p>	<p>Whenever regulation requires that notice of the rules under which a particular table game will be operated be provided*, the certificate holder shall post a sign at the table advising patrons of the rules in effect at that table. Except as provided with respect to increasing permissible min and max wagers, the certificate holder can't change the rules of the game unless they file and receive approval under 58 Pa. Code § 601a.2. 58 Pa. Code § 601a.7.</p> <p>*58 Pa. Code § 601a.6 requires certificate holders to provide notice of minimum and maximum wagers in effect at each gaming table and any changes thereto.</p>	<p>Each casino operator shall prominently post and provide a copy of the rules and payoff schedules for any table if requested by a patron. No payoff schedule shall be worded in a manner that misleads the public. OAC 3772-11-09.</p> <p>All minimum and maximum wagers shall be posted at each table. OAC 3772-11-37</p>	<p>Facility operator must maintain at its security podium or other location approved by the Commission a printed copy of the complete text of the rules of all authorized games. This text shall be available to the public upon request. Also must make available to players upon request a gaming guide that contains a printed abridged version of the complete text of the rules of all authorized games. The gaming guide must be approved by the Commission. The approved gaming guide must be available on the facility's website. COMAR 36.05.03.22.</p> <p>Requires posting of payout odds and certain rules at</p>

Nevada	New Jersey	Pennsylvania	Ohio	Maryland
	<p>effect at that table. (particular requirements for posting are in individual game rules regs) N.J.A.C. 13:69F-8.3</p>	<p>Certificate holder must maintain at its security podium or other approved location a printed copy of the complete text of the rules of all authorized games, which shall be made available to the public for inspection upon request. Shall also make available to patrons upon request a gaming guide (approved by Bureau of Gaming Operations) containing an abridged version of the info required above. Gaming Guide must be made available on its website. 58 Pa. Code § 601a.8.</p> <p>Whenever a certificate holder is required by regulation to provide notice of the rules under which a particular table game will be operated, the certificate holder shall post a sign at the gaming table advising patrons of the rules in effect at that table. (particular requirements for posting are in individual game rules regs) 58 Pa. Code § 601a.7</p>		<p>individual tables (details in each particular game rule regulation).</p>

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 152.00: INDIVIDUALS EXCLUDED FROM A GAMING
ESTABLISHMENT

Sections

- 152.01: Scope and authority
- 152.02: Maintenance and distribution of list
- 152.03: Criteria for exclusion
- 152.04: Duties of the IEB
- 152.05: Procedure for entry of names
- ~~152.06: Information contained on list~~
- ~~152.07~~ 152.06: Duty of gaming licensee
- ~~152.08~~ 152.07: Petition to remove name from exclusion list
- ~~152.09~~ 152.08: Forfeiture of winnings

152.01: Scope and authority

The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming establishments in accordance with M.G.L. c.23K, §§45(a) through (e) and 45(j). Such list shall be maintained separately from that established and maintained in accordance with M.G.L. c.23K, §45(f) through (h).

152.02: Maintenance and distribution of list

- (1) The Commission shall maintain a list of persons to be excluded or ejected from a gaming establishment and ~~which~~ and whose names and year of birth shall be posted on the commission's website.
- ~~(2) Each gaming licensee shall ensure that it accesses and reviews the list on a regular basis and that it is made available to all employees of the gaming establishment.~~
- (2) The Bureau shall promptly notify each gaming licensee of the placement of an individual on the list. The notification to each gaming licensee shall include:
 - a. The full name and all aliases the individual is believed to have used;
 - b. A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
 - c. The individual's date of birth;
 - d. The effective date of the order mandating the exclusion of the individual;
 - e. A photograph, if obtainable, and the date thereof; and
 - f. Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
 - a. the individual has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;
 - b. the individual has violated or conspired to violate M.G.L. c.23K or any laws related to gaming;
 - c. the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements;
 - d. the individual is an associate of an individual who falls into a category identified in 205 CMR 1152.03(1)(a) through (c);
 - e. there exists the potential of injurious threat to the interests of the commonwealth if the individual is permitted in a gaming establishment.

- (2) In determining whether there exists the potential of injurious threat to the interests of the commonwealth if an individual is permitted in a gaming establishment in accordance with 205 CMR 152.03(1)(e), the commission may consider the following:
 - a. Whether the individual is a known cheat;
 - b. Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
 - c. Whether the individual poses a threat to the safety of the patrons or employees of a gaming establishment;
 - d. Whether the individual has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;
 - e. Whether the individual is subject to a no trespass order at any casino or gaming establishment in any jurisdiction.

- (3) The commission shall not base a finding to place an individual on the excluded list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

152.04: Duties of the IEB

- (1) The IEB shall, on its own initiative, or upon referral by the commission or a gaming licensee, investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

- (2) If, upon completion of an investigation, the IEB determines that an individual meets one or more criterion contained in 205 CMR 152.03 and should be placed on the exclusion list, the IEB shall refer the matter to the commission by way of a report that identifies the individual and sets forth a factual basis as to why the IEB believes the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

152.05: Procedure for entry of names

- (1) The commission shall consider all reports received from the IEB in accordance with 205 CMR 152.04(2) at a public meeting. After review, the commission may place an individual on the exclusion list upon a finding of good cause shown that the individual meets one or more criterion contained in 205 CMR 152.03 and should be excluded from gaming establishments. Prior to placing a name on the list, the commission may, in its discretion, schedule a hearing on the matter and provide the individual notice in accordance with 205 CMR 152.05(2).
- (2) Whenever the commission places an individual on the list of excluded persons in accordance with 205 CMR 152.05(1), the commission shall promptly serve written notice upon that individual by personal service, registered or certified mail return receipt requested to the last ascertainable address or by publication in a daily newspaper of general circulation for 1 week. The notice shall contain a description of the cause for the exclusion, notice that the individual is prohibited from being present at and gambling in a gaming establishment, and an explanation of the hearing process and manner in which the individual may request a hearing in accordance with 205 CMR 152.05(3).
 - a. Within 30 days of receipt of service of notice by mail or 60 days after the last publication under 205 CMR 152.05(2), an individual placed on the list of excluded persons may request an adjudicatory hearing before the commission under M.G.L. c.30A and show cause as to why the individual should be removed from the list of excluded persons. Such request shall be made by the individual in writing. Failure to demand a hearing within the time allotted in 205 CMR 152.05(3)(a) shall preclude the individual from having an administrative hearing, but shall not affect the individual's right to petition for judicial review.
 - b. Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the individual demanding the hearing. The hearing shall be conducted in accordance with 205 CMR 101.00.
 - c. If upon completion of the hearing the commission determines that the individual was wrongfully placed on the list of excluded persons, the commission shall remove the individual's name from the list of excluded persons and notify all gaming licensees.

- d. A person aggrieved by a final decision of the commission in an adjudicatory proceeding under 205 CMR 152.05 may petition for judicial review under M.G.L. c.30A, §14.
- (3) Upon receipt of notice from a district court that an individual has been prohibited from gaming in gaming establishments in accordance with M.G.L. c.23K, §45(i) the commission shall place the name of an individual on the excluded list.

~~152.06: Information contained on list~~

~~The following information and data, where available, shall be provided for each excluded individual:~~

- ~~(1) The full name and all aliases the individual is believed to have used;~~
- ~~(2) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes and any other physical characteristics which may assist in the identification of the individual;~~
- ~~(3) The individual's date of birth;~~
- ~~(4) The effective date of the order mandating the exclusion of the individual;~~
- ~~(5) A photograph, if obtainable, and the date thereof; and~~
- ~~(6) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.~~

152.07 ~~152.06~~: Duty of gaming licensee

- (1) Each gaming licensee shall ensure that it accesses and reviews the list on a regular basis and that the list is made available to employees of the gaming establishment in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment.
- (2) Upon identification, a gaming licensee shall exclude or eject from its gaming establishment any individual who has been placed on the list in accordance with 205 CMR 152.00.
- (3) If an excluded individual enters, attempts to enter, or is in a gaming establishment and is recognized by the gaming licensee, the gaming licensee shall immediately notify the IEB.
- (4) It shall be the continuing duty of a gaming licensee to inform the commission in writing of the names of individuals it believes are appropriate for placement on the exclusion list.
- (5) A gaming licensee shall not market to an individual who has been placed on the list and shall ensure that such individuals are denied access to complimentarys, check cashing privileges, club programs and other similar benefits.

- (6) The commission may revoke, limit, condition, suspend or fine a gaming licensee if it knowingly or recklessly fails to exclude or eject from its gaming establishment any individual placed by the commission on the list of excluded persons.

~~152.08~~ 152.07: Petition to remove name from exclusion list

- (1) An individual who has been placed on the list in accordance with 205 CMR 152.00 may petition the commission in writing to request that their name be removed from the list. Except in extraordinary circumstances, such a petition may not be filed sooner than 5 years from the date an individual's name is initially placed on the list.
- (2) The individual shall state with particularity in the petition the reason why the individual believes they no longer satisfy one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.
- (3) The commission shall schedule a hearing on any properly filed petitions and provide written notice to the petitioner identifying the time and place of the hearing. Such a hearing shall be conducted in accordance with 205 CMR 101.00.
- (4) An individual who was placed on the excluded list by virtue of an order of the district court in accordance with M.G.L. c.23K, §45(i) may not petition for removal in accordance with 205 CMR 152.08.

~~152.09~~ 152.08: Forfeiture of winnings

- (1) An individual who is on the excluded list shall not collect any winnings or recover losses arising as a result of prohibited gaming in a gaming establishment and such winnings shall be forfeited to the commission and deposited into the Gaming Revenue Fund pursuant to M.G.L. c.23K, §§45(j) and 59.
- (2) Upon verification that an individual who is present in its gaming establishment is on the excluded list, a gaming licensee shall take steps to:
 - a. Remove the individual from the gaming establishment;
 - b. Where possible, lawfully cause the individual to forfeit any winnings or things of value obtained from engaging in a gaming transaction including:
 - i. gaming chips, gaming plaques, slot machine tokens and vouchers, and gaming vouchers;
 - ii. any electronic gaming device or slot machine jackpot won by the individual;
 - iii. any cashable credits remaining on an electronic gaming device or slot machine credit meter played by the individual.
 - c. Deliver any winnings or things of value obtained from the individual to the cashiers' cage, where they shall be converted into cash, and the cash

value transmitted to the commission for deposit in the Gaming Revenue Fund.

- d. In conjunction with a forfeiture of winnings or things of value, a gaming licensee shall prepare a form known as a Notice of Forfeiture, which shall include, without limitation, the name of the individual on the list and the manner in which the individual's identity was established, the total value of the forfeited winnings or things of value, the date, time, and a description of the incident leading to the forfeiture. The Notice of Forfeiture shall be signed and attested to by the prohibited individual, unless the individual refuses to sign or is unknown, the employee delivering the winnings or things of value to the cashiers' cage, and the cashiers' cage employee who received the winnings or things of value.
- (3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. The commission shall schedule a hearing on such request and provide notice to the petitioner.

REGULATORY AUTHORITY

205 CMR 152: M.G.L. c. 23K, §§4(28), 4(37), and 45



*Investigations and
Enforcement Bureau*

January 3, 2017

Stephen P. Crosby, Chairman
Gayle Cameron, Commissioner
Lloyd Macdonald, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

RE: SUITABILITY INVESTIGATION OF KGM GAMING, LLC, APPLICANT
FOR LICENSURE AS A GAMING VENDOR - PRIMARY

Dear Chairman Crosby and Commissioners:

KGM Gaming, LLC (“KGM” or “Applicant”) has applied to the Massachusetts Gaming Commission for licensure as a Gaming Vendor – Primary. The Investigations and Enforcement Bureau (“IEB”) has conducted a suitability background investigation of KGM Gaming, LLC in accordance with G.L. c. 23K, §§ 12, 16, 31, and 205 CMR 134.10. As an initial step in this process, the Division of Licensing, after a scoping process, designated the Applicant and four individuals as qualifiers for KGM’s application. See 205 CMR 134.04(4). The individual qualifiers are as follows:

Individual Qualifiers

1. Howard J. Weiss (75.5% membership interest / Chief Executive Officer)
2. Jason M. Peters (15.0% membership interest / Chief Financial Officer)
3. Jason E. Cohen (7.0% membership interest / Executive Vice President)
4. Eric P. Schulman (Director of East Coast Sales)

We evaluated KGM Gaming, LLC based upon the standards set forth in the G.L. c. 23K, §§ 12, 16, and 31, and 205 CMR 134.10, which encompass an evaluation of the Applicant’s overall reputation, including without limitation the following criteria:

- Integrity, honesty, good character and reputation;
- Financial stability, integrity and background;
- History of compliance with gaming licensing requirements in other jurisdictions;
- Whether the Applicant is a defendant in litigation at the time of application;
- Applicant’s criminal history, if any;



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- Whether the applicant submitted an application that intentionally contains false or misleading information;
- Whether the applicant committed prior acts that have not been prosecuted but form a pattern of misconduct;
- Whether and to what extent the Applicant has associations with members of organized crime or other persons of disreputable character;
- The Applicant's cooperation with the IEB in connection with the background investigation; and
- Integrity, honesty, and good character of any subcontractor.¹

Under Massachusetts law, an applicant for a Gaming Vendor – Primary license is required to establish its qualifications for licensure by clear and convincing evidence, including the statutory criteria of integrity, honesty, good character and reputation, and financial stability, integrity and background. Taking into consideration the entirety of the IEB's investigation, we recommend that the Commission approve KGM Gaming, LLC for licensure, and, for the reasons discussed below, that the license be subject to the condition that KGM submit a written report to the IEB every six months describing its compliance activities and efforts. This letter summarizes the key aspects of the IEB's investigation.

KGM Gaming, LLC was originally formed in 2003. Howard Weiss was one of the founders. KGM is a Philadelphia, Pennsylvania-based distributor of gaming machines, as well as supplier of slot bases, custom-designed seating, signage and graphics to casinos. KGM's stated purpose with respect to Massachusetts is to provide Ainsworth Game Technology² products, including slot machines, slot bases, custom casino seating and casino signage to and in connection with licensed gaming establishments here in Massachusetts.

To date, KGM Gaming, LLC has conducted business in Massachusetts pursuant to a temporary license that initially issued on April 16, 2015, pursuant to 205 CMR 134.12.

As part of our investigation, the IEB, among other things, reviewed the materials submitted as part of KGM Gaming, LLC's application; requested and reviewed supplemental information as deemed necessary; gathered information from a variety of governmental and non-governmental sources and databases; conducted criminal records checks; verified the accuracy of information provided as part of KGM's application; reviewed investigative information of gaming regulators from other jurisdictions relative to their licensure of KGM Gaming, LLC; and communicated throughout the course of the investigation with Ms. Jessie Kingston (Compliance Officer). Investigators also conducted a site visit to the offices of KGM Gaming, LLC located at 4250 Wissahickon Ave., Philadelphia, Pennsylvania and conducted interviews of the qualifiers. KGM's Compliance Manual, compliance history, and minutes of its compliance meetings were also reviewed. The Applicant was fully cooperative and forthcoming in all respects.

KGM Gaming, LLC has no criminal record. The investigation discovered no civil litigation that threatens the economic viability of the business or would negatively impact

¹ KGM Gaming, LLC has not utilized subcontractor services in Massachusetts.

² Ainsworth currently has a temporary Gaming Vendor – Primary license in Massachusetts.



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licensure. Research of available online and print media surfaced substantial media coverage of KGM Gaming, LLC, but no material that would negatively impact suitability.

The IEB also evaluated KGM Gaming, LLC for financial suitability (financial stability, integrity and background) by performing financial analysis and verification of its financial information. Our financial evaluation did not uncover any derogatory information that indicates that KGM Gaming, LLC does not possess the requisite financial stability, integrity and background to be licensed as a Gaming Vendor – Primary.

The IEB also performed the requisite background suitability investigation of the four individuals who are qualifiers for the Applicant by virtue of their ability to exercise control or provide direction to the Applicant, and/or their ownership interests, and their responsibility for the Applicant's business in Massachusetts. See 205 CMR 134.04(4)(a), 134.04(5)(b). After performing all of the requisite inquiries and database checks on the individual qualifiers, no facts were discovered that would disqualify any of them. Nor did the investigation reveal any information that would preclude a finding that each of the individual qualifiers possesses the requisite integrity, honesty and good character to be deemed suitable under Massachusetts law.

With respect to the compliance issue referenced above, we note that KGM established a Compliance Program and Compliance Manual as a condition of its licensure in 2012 by the Ohio Casino Control Commission. The IEB has reviewed the various aspects of KGM's Plan and Manual, which include an Employee Handbook, Standard of Conduct, Political Contributions Policy, and a Compliance Reporting System. Investigators have determined that the written Compliance materials are satisfactory and that KGM's new Compliance Officer is currently taking efforts to align the company's compliance activity with the strict provisions of the Manual, including in the areas of maintaining minutes and performing due diligence of customers and vendors.

In conclusion, taking into consideration the entirety of the investigation, the IEB recommends that the Commission approve the application of KGM Gaming, LLC for licensure as a Gaming Vendor – Primary subject to the condition that KGM report to the IEB in writing at six month intervals starting in February of 2017 (and until further notice from the IEB) with a description of its compliance activities and compliance efforts.

Respectfully submitted,



Karen Wells
Director – IEB

cc: Ms. Jessie Kingston, Compliance Officer – KGM Gaming, LLC
Mass. State Police Det. Lt. Brian Connors - MGC
Mass. State Police Lt. Kevin Condon - MGC
Marlon Polite, Supervisor of Financial Investigations – MGC
Monica Chang, Financial Investigator - MGC



Massachusetts Gaming Commission



Legal Division

Amended Small Business Impact Statement

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations, for which a public hearing was held on November 30, 2016.

The amendments set new requirements to initiate a vendor registration, create an administrative closure process, modify secondary vendor determinations and scoping, create a de minimus exemption for vendor registration, provide greater discretion to the Division of Licensing to modify application forms, change the approval process for Gaming Vendors- Primary and Key Gaming Executives, provide the ability for an applicant to prove rehabilitation before a denial is issued, modify the process by which Labor Organizations submit information to the Commission, and incorporate direct reference to the current hearing regulations contained in 205 CMR 101. These regulations are largely governed by G.L. c. 23K §§ 3, 12, 16, 30 and 31.

These amendments apply to gaming establishment employees, vendors and labor organizations. The amendments are intended to streamline the registration process and make it more efficient and less burdensome for applicants. To the extent that vendors are small businesses, the amendments may impact small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

There are no less stringent compliance or reporting requirements for small businesses. These amendments will apply to vendors. Accordingly, to the extent that vendors are small businesses, the amendments are intended to streamline the registration process.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements for small businesses created by these regulations. These amendments will apply to vendors. Accordingly, to the extent that vendors are small businesses, the amendments are intended to streamline the registration process.



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3. Consolidating or simplifying compliance or reporting requirements for small businesses:

There are no compliance or reporting requirements for small businesses. These amendments will apply to vendors. Accordingly, to the extent that vendors are small businesses, the amendments are intended to streamline the registration process.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

There are no performance standards for small businesses to replace design or operational standards required in the proposed regulations. These amendments will apply to vendors. Accordingly, to the extent that vendors are small businesses, the amendments are intended to streamline the registration process.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

G.L. c. 23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry. The proposed regulations are designed to effectuate those intentions and growth, and encourage more applications for vendors, thus encouraging business in the commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

These regulations do not create any adverse impact on small businesses. The amendments are intended to streamline the registration process.

Massachusetts Gaming Commission
By:

Cecelia M. Porché
Paralegal
Legal Division

Dated: _____



Massachusetts Gaming Commission

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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

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

(1) An individual 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 to gaming shall be designated as a key gaming employee- executive:

- (a) Assistant General Manager;
- (b) Chief Internal Audit Officer;
- (c) Gaming Manager;
- (d) Chief Financial Officer;
- (e) Chief of Security;
- (f) General Manager;
- (g) Chief Surveillance Officer;
- (h) Chief Compliance Officer;
- (i) Principal executive Officer;
- (j) Principal operating Officer;
- (k) Principal accounting Officer;
- (l) Chief Information Officer;
- (m) Other executive level employees who are not identified as a key gaming employee-standard in accordance with 205 CMR 134.01(2) as determined by the commission.

(2) An individual 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 gaming employee- standard:

- (a) Controller;

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- (b) Electronic gaming device or slot machines manager;
- (c) Human resources manager;
- (d) Information technology manager;
- (e) Pit boss;
- (f) Shift supervisor of table games, of a slot department, credit department, security, surveillance, accounting department, cage, or player development;
- (g) Credit manager;
- (h) Cage manager;
- (i) Hotel Manager;
- (j) Entertainment Director;
- (k) Food & Beverage Manager;
- (l) Other managerial employees who are not identified as a key gaming employee-executive in accordance with 205 CMR 134.01(1), but who are empowered to make discretionary decisions which impact gaming establishment operations, or as determined by the commission.

(3) Any individual who is a qualifier of a gaming licensee but who does not perform any of the duties of the positions identified in 205 CMR 134.01(1)(a) or (b) does not have to become licensed as a key gaming employee. Such individual does have to be approved as a qualifier and issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements*, 115.00: *Phase 1 Suitability Determination, Standards and Procedures*, and 116.00: *Persons Required to Be Licensed or Qualified*. An individual who has been issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements* and who will be performing the responsibilities requiring licensure as a key gaming employee shall apply for licensure in accordance with 205 CMR 134.08(2) subject to the term limitation of 205 CMR 134.16(4).

134.02: Gaming Employee Licensees

No individual shall be employed by or perform services for a gaming licensee as a gaming employee, as defined by M.G.L. c. 23K, § 2, unless the individual has been licensed in accordance with M.G.L. c. 23K, § 30 and 205 CMR 134.00. An individual 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:

- (a) Boxpersons;
- (b) Cashiers;
- (c) Change personnel;
- (d) Clerks;
- (e) Count room personnel;
- (f) Data processing personnel;
- (g) Dealers and croupiers;
- (h) Floorpersons;
- (i) Gaming Hosts;
- (j) Internal audit and accounting personnel whose duties include reviewing, verifying, and recording gaming revenue entries, the processing or control of active accounting documents related to gaming activity, or that have access to active accounting documents related to gaming activity;
- (k) An individual who is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (l) Personnel authorized to extend complimentary services, including employees performing functions similar to those performed by a junket representative;
- (m) Junket representative employed by the gaming licensee or affiliate of the gaming license or a junket enterprise licensed as a gaming vendor in accordance with 205 CMR 134.00;
- (n) Personnel authorized to issue credit;
- (o) Personnel authorized to issue promotional play including persons who identify patrons or groups of patrons who shall receive complimentaries based on actual patron play, authorize such complimentaries, or determine the amount of such complimentaries;
- (p) Personnel with security administrator access to a slot machine tracking system;

- (q) Security personnel, including guards and game observers, or an employee with knowledge of security procedures of the gaming establishment;

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134.02: continued

- (r) Surveillance personnel, including surveillance equipment maintenance and repair technicians (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (s) 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;
- (t) Any employee whose has access to a restricted area of a gaming establishment;
- (u) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02;
- (v) An employee of a gaming ~~licensee establishment~~ whom the Bureau deems necessary to be licensed to ensure compliance with the M.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

(1) An individual employed ~~in a gaming establishment~~ by a gaming licensee 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 134.09 prior to engaging in the provision of employment services. An individual employed by a vendor of a gaming establishment for work in a gaming establishment shall be considered a gaming service employee unless otherwise specified in 205 CMR 134.02.

(2) During the pre-opening phase of a gaming establishment, and continuing for up to 30 days from the date an Operation Certificate is issued in accordance with 205 CMR, a gaming licensee may temporarily allow an individual(s) who is employed at a gaming property which is owned and/or operated by it, its parent, or an affiliated company to assist with gaming establishment employee training and related purposes for up to 60 days without those individuals having to become licensed or registered in accordance with 205 CMR 134.00, provided that the gaming licensee does the following:

- (a) Supplies the Bureau a reasonable time in advance of arrival with the name of the individual, name of the gaming property at which they are employed, the position at the gaming property at which they are employed, a description of the reason for the individual being at the gaming establishment including the services to be performed, the anticipated duration of their stay, and any other information requested by the Bureau;
- (b) Ensures all individuals performing services under 205 CMR 134.03(2) carry identification and wear a badge issued by the gaming licensee that is distinguishable from those that are issued to employees of the gaming establishment and that is clearly visible at all times while at the gaming establishment;
- (c) If the individual is licensed, certified, or otherwise approved for employment by the jurisdiction which the gaming property in which they are employed is located, an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 shall attest in writing that the individual is in good standing in that jurisdiction; and
- (d) Ensures that the individual is accompanied by an individual who is licensed or registered in accordance with 205 CMR 134.00 anytime they are in a restricted area of the gaming establishment.

134.04: Vendors

No person shall conduct business with a gaming licensee as a vendor ~~to a gaming establishment~~ unless such person has been licensed as a gaming vendor, as defined by M.G.L. c. 23K, § 2, or registered as a non-gaming vendor, as defined by M.G.L. c. 23K, § 2, in accordance with 205 CMR 134.00. A person shall be considered to be conducting business upon commencement of performance of a contract or provision of a good or service.

A subcontractor to a vendor shall not be required to obtain licensure or registration under 205 CMR 134.00. For purposes of 205 CMR 134.00 a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services

necessary to fulfill the licensed or registered vendor's contract with a gaming licensee. As part of the application process, vendors shall be required to identify all of its known or anticipated subcontractors and shall have a continuing duty to update the Bureau relative to the identification of any new subcontractors. The Bureau may, at its discretion, require the submission of additional information and documents, including but not limited to the Subcontractor Information Form as provided in 205 CMR 134.07(11).

(1) Gaming Vendors.

(a) Gaming Vendors-Primary. A person who conducts business with a gaming applicant or gaming licensee on a regular or continuing basis for provision of goods or services which directly relates to gaming, as defined by M.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-primary:

1. Manufactures, sells, leases, supplies, or distributes devices, machines, equipment (except gaming table layouts), accessories, or items that meet at least one of the following conditions:
 - a. are designed for use in a gaming area as defined by M.G.L. c. 23K, § 2;
 - b. are designed for use in a simulcast wagering area;
 - c. are used in connection with a game in the gaming area;
 - d. have the capacity to affect the calculation, storage, collection, electronic security, or control of the gaming revenues from a gaming establishment.
2. provides maintenance services or repairs gaming or simulcast wagering equipment, including slot machines;
3. acts as a junket enterprise; or
4. 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.

Exception. Any person, by submission of a written petition, may request a determination from the commission that the person providing goods or services deemed by the Bureau to meet a description contained in 205 CMR 134.04(1)(a) need not be licensed as a Gaming Vendor-primary on the grounds that they are not providing services on a regular or continuing basis or that they do not directly relate to gaming.

(b) Gaming Vendors- Secondary. Any person who regularly conducts over \$250,000 in gross sales with any one gaming licensee within a 12 month period or a person who conducts over \$100,000 in gross sales with any one gaming licensee within a three month period, and who does not otherwise qualify for designation as a Gaming Vendor-primary in accordance with 205 CMR 134.04(1)(a)±, may be designated a Gaming Vendor-secondary by the ~~Commission~~ **Division of Licensing after consultation with the Bureau** regardless of the type of goods or services being provided. **The procedure for making** ~~This designation may~~ **is set forth** ~~be made either by virtue of submission of a *Business Entity Disclosure Form* *Gaming Vendor secondary* application by the vendor in anticipation of meeting the monetary threshold, or in accordance with 205 CMR 134.04(3).~~

(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 M.G.L. c. 23K, § 2, including, but not limited to any of the following, shall be designated as a non-gaming vendor:

- (1) construction company;
- (2) vending machine provider;
- (3) linen supplier;
- (4) garbage handler;
- (5) maintenance company;
- (6) limousine service company;
- (7) food purveyor;
- (8) supplier of alcoholic beverages;
- (9) a person that sells, distributes, tests, or repairs antique slot machines as described in M.G.L. c. 271, § 5A;
- (10) suppliers of gaming table layouts.

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(3) The Division of Licensing after consultation with the Bureau may designate a person as a gaming vendor-secondary. In making the determination to designate a vendor as a gaming vendor-secondary, the following factors may, without limitation, be considered: the total dollar amount by which the vendor's business with the gaming licensee is reasonably expected to exceed the thresholds set forth in G.L. c. 23K, § 31(c) and 205 CMR 134.04(1)(b); the relative value of the contract compared to the gaming licensee's overall disbursements to vendors; whether the goods or services are limited to the pre-opening phase of the gaming establishment; the duration of the contract; whether the vendor will be providing goods or services on-site at the gaming establishment; the number of subcontractors involved in the performance of the vendor's contract with the gaming establishment; whether the vendor is licensed, registered or certified and regulated by a governmental or quasi-governmental body or board; the nature of the goods or services; and public safety considerations. ~~shall determine upon consultation with the gaming licensee, review of the Disbursement Report required to be submitted in accordance with 205 CMR, and/or review of the terms of the agreement required to be maintained pursuant to 205 CMR whether a non-gaming vendor has met or is reasonably likely to meet the thresholds provided in 205 CMR 134.04(1)(b). If the Division of Licensing determines that the non-gaming vendor is a gaming vendor-secondary, has met or is likely to meet a threshold, it shall forward notice of such to the vendor of its obligation to submit an application for licensure as a gaming vendor-secondary. Within 45 days of service of the notice, the vendor, if already providing goods and/or services to the gaming licensee as a registrant, shall submit a completed Business Entity Disclosure Form-gaming Vendor-Secondary as set forth in 205 CMR 134.07(3)(b)(7) for licensure as a gaming vendor-secondary; discontinue providing the goods and/or services it is contracted to provide, file for an exemption in accordance with 205 CMR 134.04(6), or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary on the grounds that it is not providing goods or services on a regular or continuing basis. If the vendor is not already providing goods and/or services to the gaming licensee as a registrant, it may file for an exemption in accordance with 205 CMR 134.04(6), or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary on the grounds that it will not be providing goods and/or services on a regular or continuing basis.~~

(4) Gaming Vendor Qualifier.

(a) Persons designated as gaming vendor qualifiers must establish their qualifications in accordance with 205 CMR 134.09 and 134.10.

(b) Gaming vendors-primary. The following persons shall be designated as a gaming vendor-primary qualifiers and must establish their qualifications for licensure in accordance with 205 CMR 134.09 and 134.10:

1. If the gaming vendor-primary applicant is a sole proprietor: The owner.
2. If the gaming vendor-primary applicant is a corporation:
 - a. Each officer;
 - b. Each inside director and those outside directors serving on the audit or compliance committees;
 - c. Any person owning more than 5% of the common stock of a company applying for licensure as a gaming vendor-primary as provided by 205 CMR 134.04(1)(a), or a holding, intermediary or subsidiary company of such company;
 - d. Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment;
 - e. In the judgment of the Division of Licensing after consultation with the Bureau any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the Commission. ~~in the Commonwealth.~~

134.04: continued

3. If the applicant is a limited liability corporation:
 - a. Each Member;
 - b. Each transferee of a Member's interest;
 - c. Each Manager;
 - d. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business **under the jurisdiction of the Commission** ~~in the Commonwealth.~~
4. If the applicant is a limited partnership:
 - a. Each General Partner;
 - b. Each Limited Partner;
 - c. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's **under the jurisdiction of the Commission.** ~~business in the Commonwealth.~~
5. If the applicant is a partnership:
 - a. Each Partner;
 - b. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business **under the jurisdiction of the Commission.** ~~in the Commonwealth.~~

(c) Gaming vendors-secondary.

1. If the gaming vendor-secondary applicant is a sole proprietor, the Owner shall be designated as a qualifier.
 2. If the gaming vendor-secondary applicant is a corporation, limited liability corporation, limited partnership, or partnership
 - a. Each Officer, Member, Partner or functional equivalent w expected to exercise operational control over the business under the jurisdiction of the Commission shall be designated as a qualifier;
 - b. Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment shall be designated as a qualifier;
 - c. Any person owning more than 5% of the common stock of a company applying for licensure as a gaming vendor-secondary shall be designated as a qualifier;
 - d. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business **under the jurisdiction of the Commission** shall be designated as a qualifier;
 - e. The **Division of Licensing after consultation with the Bureau** may designate any person owning more than 5% of the common stock of a holding or intermediary company of an applicant for licensure as a gaming vendor-secondary as a qualifier.
 - f. The **Division of Licensing after consultation with the Bureau** may designate any inside director or any outside director or its functional equivalent serving on the audit or compliance committees as a qualifier.
- ~~(b)~~ **(d)** In all cases, any person who, in the opinion of ~~the commission or the~~ **Division of Licensing after consultation with the Bureau**, can exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or holding, intermediary or subsidiary companies thereof may be designated a ~~Gaming Vendor~~ **gaming vendor** qualifier.
- ~~(e)~~ **(e) Other Qualifiers.** The ~~commission or~~ **Division of Licensing after consultation with the Bureau** may, at its discretion, require other persons that have a business association of any kind with the applicant for a gaming vendor license to be **subject to the qualification requirements as a qualifier** ~~licensed as a gaming vendor qualifier~~. These persons include, but are not limited to an affiliate or holding, intermediary or subsidiary ~~companies~~ **ies** of the applicant for a gaming vendor license.

~~(d)~~ An applicant may appeal any determination made by the Bureau in accordance with 205 CMR 134.04(4) to the commission by filing a petition on a form prescribed by the commission. The commission shall decide the appeal at a public hearing on the matter at

which it may allow representatives of the petitioner and Bureau to testify.

(5) 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% of the stock of the gaming vendor or applicant for a gaming vendor license, or holding, intermediary or subsidiary company thereof, upon a showing by the person seeking the waiver that it purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company thereof. Provided, however, any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor or applicant for a gaming vendor license, or a holding, intermediary thereof 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 gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company. Any person holding over 15% of a gaming vendor or applicant for a gaming vendor license, or a holding, intermediary or subsidiary company thereof, shall be required to apply for a license before doing business in the Commonwealth; or

(b) Any person who, in the opinion of the Bureau or 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% 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(5)(b).

(6) Exemptions. For purposes of 205 CMR 134.04 the following persons engaged in the following fields of commerce who provide goods or services to a gaming applicant or gaming licensee, and that are not otherwise required to be licensed as a key gaming employee, gaming employee, or gaming service employee, shall not be deemed to be conducting business for purposes of M.G.L. c. 23K, § 31 and accordingly shall not be required to obtain licensure or registration as a vendor:

- (a) insurance companies and insurance agencies;
- (b) television, radio, newspaper, internet or other similar media outlets used for advertising purposes;
- (c) transactions with a governmental entity;
- (d) ~~professional~~ legal, accounting, **lobbying** and financial services;
- (e) physicians;
- (f) labor organizations, unions, or affiliates registered in accordance with 205 CMR 134.00;
- (g) utility companies;
- (h) telecommunications companies;
- (i) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
- (j) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
- (k) court order or stipulation of settlement or for settlement of guest losses or guest refunds
- (l) payments for freight charges to freight transporters select by the vendor for delivering goods;
- (m) professional entertainers and/or celebrity appearances;
- (n) any ~~other~~ person that, by submission of a written petition, can demonstrate to the ~~commission~~ **Division of Licensing** after consultation with the Bureau that registration as a non-gaming vendor is not necessary to protect the public interest.
- (o) **Upon submission of a written certification by a gaming licensee, any person providing goods or services not directly related to gaming to whom the gaming licensee reasonably expects to pay an amount less than \$10,000 within a 12-month period.**

(7) Qualification of New Qualifiers for Gaming Vendors - Primary.

(a) No person requiring qualification pursuant to 205 CMR 134.04(4)(a)(b) may perform any duties or exercise any powers relating to the position that said qualifier is seeking to assume for a Gaming Vendor - Primary licensee unless the person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a completed Key Gaming Employee - Standard Application Form. Following such notification and submission of the completed Form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(b) A person with reason to believe that his or her new position with a Gaming Vendor - Primary may require qualification pursuant to 205 CMR 134.04(4)(a) shall notify the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a summary of the responsibilities and/or features of the position. The Bureau shall determine whether the person shall be designated a qualifier pursuant to 205 CMR 134.04(4) and shall notify the person of such designation in writing. Within 30 days of designation as a qualifier, the person shall submit a completed Key Gaming Employee - Standard Application Form. Following submission of the completed Form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(c) The Bureau shall review the Forms submitted by the new qualifier, as well as such other information that the Bureau may request, and, upon completion of its investigation, shall make a determination or recommendation to the Commission in accordance with 205 CMR 134.09(1)(c) whether the new qualifier meets the standards for suitability.

(d) Upon notification by the Bureau of a determination that reasonable cause exists to believe the qualifier may not ultimately be found suitable, a gaming vendor licensee shall promptly remove the qualifier from his or her position until such time as the commission makes its final determination on suitability.

134.05: Labor Organizations

(1) 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.

(2) 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 **Division of Licensing** a labor organization registration statement 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.

~~(3) Each officer, agent or principal employee of the labor organization, union or affiliate shall file a Labor Organization Individual Disclosure Form in accordance with 205 CMR 134.08 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.~~

~~(4) Notwithstanding 205 CMR 134.05 a Labor Organization Individual Disclosure Form need not be filed by an officer, agent or principal employee 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.~~

(5) Neither a labor organization, union, or affiliate, nor its officers who are not otherwise licensed or registered as a key gaming employee, gaming employee, gaming service employee, gaming vendor, gaming vendor qualifier, or non-gaming vendor, may hold any

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financial interest in a gaming establishment whose employees are represented by the labor organization, union, or affiliate.

(134.06: Junket Enterprises and Junket Representatives: Reserved

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134.07: Forms

(1) (a) Key Gaming Employee and Gaming Employee License Application Forms

Every individual applying for a key gaming employee license or a gaming employee license shall be obligated to complete and submit an application to the Division of Licensing. Said application forms shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form. The license application forms for key gaming employees and gaming employees shall require, at a minimum, the following information:

1. the name of applicant;
2. the address of applicant;
3. A detailed employment history of the applicant, as prescribed by the Bureau;
4. the fingerprints of the applicant;
5. the criminal and arrest record of the applicant; and
6. any civil judgments obtained against the applicant pertaining to antitrust or security regulation.

(b) The Bureau may require the applicant to provide additional information, as set forth in the application forms, including, but not limited to:

1. information related to the financial integrity of the applicant;
2. bank accounts and records of the applicant;
3. bank references for the applicant;
4. business and personal income and disbursement schedules of the applicant;
5. tax returns and other reports filed by government agencies regarding the applicant; and
6. business and personal accounting check records and ledgers of the applicant.

(2) Gaming Service Employee Registration Form

Every individual seeking to register as a Gaming Service Employee shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of the information deemed necessary by the Bureau. Any changes to the gaming service employee registration form must be approved by the Director of the Bureau.

(3) Gaming Vendor License Application Form

(a) Every person applying for a gaming vendor license shall be obligated to complete and submit a business entity disclosure form to the Division of Licensing. Said forms shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form. The license application forms for gaming vendors shall require, at a minimum, the following information:

1. The name of applicant;

2. The post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
3. The applicant's criminal and arrest record;
4. Any civil judgments obtained against the applicant pertaining to antitrust or security regulation;
5. The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members
6. An independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years
7. Clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by governmental agencies and business and personal accounting check records and ledgers.

(b). Every person designated as a qualifier for a gaming vendor under 205 CMR 134.04(4) shall be obligated to complete and submit a disclosure form to the Division of Licensing. Said forms for gaming vendor qualifiers shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form.

(4) Non-Gaming Vendor Registration Form

Every person seeking to register as a non-gaming vendor shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of any information deemed necessary by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form.

~~(1) Multi-jurisdictional Personal History Disclosure Form for Key Gaming Employees-Executive. The Multi-jurisdictional Personal History Disclosure Form For Key Gaming Employees-Executive shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames and applicable dates of use;~~
- ~~(b) Date of birth;~~
- ~~(c) Physical description;~~
- ~~(d) Current address and residence history;~~
- ~~(e) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;~~
- ~~(f) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;~~
- ~~(g) Marital history, spouse, dependents and other family data;~~
- ~~(h) 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;~~
- ~~(i) Telephone number at the current place of employment, and home number;~~
- ~~(j) Email address;~~
- ~~(k) Employment history of the qualifier and qualifier's immediate family;~~
- ~~(l) Education and training;~~

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- ~~(m) Record of military service;~~
- ~~(n) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;~~
- ~~(o) 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;~~
- ~~(p) Current memberships in any social, labor or fraternal union, club or organization;~~
- ~~(q) 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:~~
 - ~~1. Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;~~
 - ~~2. 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;~~
 - ~~3. 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;~~
 - ~~4. 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~~
 - ~~5. 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.~~
- ~~(r) 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;~~
- ~~(s) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:~~
 - ~~1. Any arrest, indictment, charge, or conviction of the applicant;~~
 - ~~2. Any instance where the applicant has been named as a co-conspirator in a criminal proceeding or held as a material witness;~~
 - ~~3. 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;~~
 - ~~4. Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;~~
 - ~~5. Lawsuits to which the applicant was or is a party;~~
 - ~~6. 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~~
 - ~~7. 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.~~
- ~~(t) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;~~
- ~~(u) Financial data, as follows:~~
 - ~~1. 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 and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;~~
 - ~~2. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;~~
 - ~~3. Real estate interests held by the applicant or the applicant's spouse or dependent children;~~
 - ~~4. Businesses owned;~~
 - ~~5. Copies of federal tax returns and related information;~~
 - ~~6. 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,~~

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~~other than a publicly traded corporation, or in which the qualifier served as an officer or director;~~

~~7. 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;~~

~~8. 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;~~

~~9. Any repossessions of real or personal property;~~

~~10. Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;~~

~~11. Status as executor, administrator or fiduciary of any estate;~~

~~12. Life insurance policies on the applicant's life which name someone other than the applicant's family as a beneficiary;~~

~~13. Positions held, assets held, or interest received in any estate or trust;~~

~~14. Whether the applicant 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;~~

~~15. Insurance claims in excess of \$ 100,000.00 by the applicant or the applicant's spouse or dependent children;~~

~~16. Referral or finder's fees in excess of \$ 10,000.00;~~

~~17. Loans in excess of \$ 10,000.00 made or received by the applicant, the applicant's spouse or dependent children;~~

~~18. Gifts in excess of \$ 10,000.00 given or received by the applicant or the applicant's immediate family;~~

~~19. Brokerage or margin accounts with any securities or commodities dealer;~~

~~20. Currency exchanges in an amount greater than \$ 10,000.00;~~

~~21. Information regarding any instance where the applicant or any entity in which the applicant was a director, officer or holder of a 5% 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~~

~~22. Information regarding any ownership interest or financial investment by the applicant 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 applicant with support in the financing of such investment or interest; the extent and nature of the applicant's involvement in the management and operation of the entity; whether the applicant 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.~~

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

~~(w) A signed, dated Statement of Truth affidavit.~~

~~(2) Massachusetts Supplement Form For Key Gaming Employees Executive. The Massachusetts Supplement Form For Key Qualifiers Gaming Employees Executive shall contain the following information:~~

~~(a) Name, including maiden name and any aliases or nicknames and applicable dates of use;~~

~~(b) Date of birth;~~

~~(c) Physical description;~~

~~(d) Current address, mailing and home, if different;~~

~~(e) Home, cell, and work telephone numbers;~~

~~(f) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;~~

~~(g) Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;~~

~~(h) The gaming license applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;~~

~~(i) Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the~~

applicant's arrival;

~~(j) Whether during the last ten years any entity in which the applicant has been a director, officer, principal employee or a holder of 5% or more interest has:~~

- ~~1. 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;~~
- ~~2. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;~~
- ~~3. 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;~~
- ~~4. 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;~~
- ~~5. 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~~
- ~~6. 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;~~
- ~~7. Copies of federal and foreign tax returns and related information for the last five years;~~
- ~~8. The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;~~
- ~~9. A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, 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;~~
- ~~10. A signed, dated Statement of Truth;~~
- ~~11. 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~~
- ~~12. Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR.~~

~~(3) Key Gaming Employee Standard Application Form. A Key Gaming Employee Standard Application Form shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames along with applicable dates of usage;~~
- ~~(b) Date and place of birth;~~
- ~~(c) Physical description;~~
- ~~(d) Current address and telephone number, and residence history for the past ten years;~~
- ~~(e) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;~~
- ~~(f) 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;~~
- ~~(g) Reason for filing the Key Gaming Employee Standard Application Form;~~
- ~~(h) Marital history and other family data;~~
- ~~(i) Employment history, including any gaming-related employment, for the past ten years;~~
- ~~(j) Education and training;~~
- ~~(k) Record of military service;~~
- ~~(l) Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, including;~~

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- ~~1. Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction;~~
 - ~~2. Any denial, suspension or revocation by a government agency in the Commonwealth of Massachusetts 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~~
 - ~~3. 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.~~
- (m) ~~Civil, criminal and investigatory proceedings in any jurisdictions, as follows:-~~
- ~~1. Any arrest, indictment, charge, or conviction of the applicant;~~
 - ~~2. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body;~~
 - ~~3. Lawsuits to which the applicant was or is a party in the past ten years; and~~
 - ~~4. Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation.~~
- (n) ~~Financial data, as follows:-~~
- ~~1. 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;~~
 - ~~2. 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;~~
 - ~~3. Real estate interests held by the applicant or the applicant's spouse or dependent children in the past ten years regardless of whether such interest was held under a recorded or unrecorded instrument;~~
 - ~~4. Any business in which the applicant has held an ownership interest for the past 20 years;~~
 - ~~5. Copies of federal and state tax returns and related information for the last five years;~~
 - ~~6. Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a 5% 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;~~
 - ~~7. Any garnishment or attachment of wages, charging order or voluntary wage execution, during the past ten year period including the amount, court, nature of the obligation and the name and address holder of the obligation;~~
 - ~~8. Positions held or interest received in any estate or trust during the last ten year period;~~
 - ~~9. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children filed within the past ten year period;~~
 - ~~10. Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children in the last ten year period;~~
 - ~~11. 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~~
 - ~~12. Referral or finder's fees in excess of \$10,000 in the past ten years.~~
- (o) ~~The name, address, occupation and phone number of persons who can attest to the applicant's good character and reputation;~~
- (p) ~~Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;~~
- (q) ~~A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all~~

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~~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~~

~~(f) A signed, dated Statement of Truth.~~

~~(4) Gaming Employee License Form. The *Gaming Employee License Form* shall contain the following information:-~~

~~(a) Name and address of the applicant;-~~

~~(b) Detailed employment history;-~~

~~(c) Education and training;-~~

~~(d) Record of military service;-~~

~~(e) Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;-~~

~~(f) Licenses, registrations, permits, certification and other approvals held by or applied for in the Commonwealth of Massachusetts or any other jurisdiction;-~~

~~(g) 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 5% or greater interest;-~~

~~(h) 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 the Commonwealth of Massachusetts or any other jurisdiction;-~~

~~(i) Any arrest, indictment, charge, or conviction of the applicant;-~~

~~(j) Civil litigation history where the applicant was or is a party;-~~

~~(k) Gaming regulatory history;-~~

~~(l) 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, bankruptcy or insolvency findings, wage garnishments;-~~

~~(m) Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;-~~

~~(n) Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;-~~

~~(o) A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, 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~~

~~(p) A signed, dated and notarized Statement of Truth.~~

~~(5) Gaming Service Employee Registration Form. A *Gaming Service Employee Registration Form* shall contain the following information:-~~

~~(a) Name, including maiden name and any aliases and nicknames;-~~

~~(b) Date of birth;-~~

~~(c) Physical description;-~~

~~(d) Current address and residence history for the past five years;-~~

~~(e) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;-~~

~~(f) 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;-~~

~~(g) Last three jobs, and any gaming related employment during the last ten years;-~~

~~(h) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any gaming operation in any jurisdiction;-~~

~~(i) Any license, permit, approval or registration held by the applicant to work in the gaming industry that was suspended, revoked or denied or had any disciplinary action~~

taken against in any jurisdiction;

- ~~(j) Any arrest, indictment, charge, or conviction of the applicant;~~
- ~~(k) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, and/or welfare judgments;~~
- ~~(l) Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;~~
- ~~(m) A signed, dated Statement of Truth; and~~
- ~~(n) A signed, dated and notarized Release Authorization which shall direct all courts, law enforcement agencies, 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.~~

~~(6) Business Entity Disclosure Form — Gaming Vendor Primary. A Business Entity Disclosure Form Gaming Vendor Primary (BED GVP) shall contain the following information:~~

- ~~(a) The current or former official and trade names used and the dates of use;~~
- ~~(b) The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;~~
- ~~(c) The former business addresses within the last ten year period and dates of use;~~
- ~~(d) The business telephone number;~~
- ~~(e) The name, title and telephone number of the contact person;~~
- ~~(f) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;~~
- ~~(g) 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;~~
- ~~(h) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;~~
- ~~(i) The Federal Employer Identification Number;~~
- ~~(j) 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 ten years;~~
- ~~(k) 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;~~
- ~~(l) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;~~
- ~~(m) 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;~~
- ~~(n) 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:~~
 - ~~1. Each officer, director or trustee;~~
 - ~~2. Each partner whether general, limited or otherwise;~~
 - ~~3. A sole proprietor;~~
 - ~~4. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of 5% or more of the entity completing the form;~~

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- ~~5. Each sales representative or other person who will regularly solicit business from a casino licensee;~~
 - ~~6. 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;~~
 - ~~7. Any other person not otherwise specified in 205 CMR 134.07(6)(n)1. through 6. who has signed or will sign any agreement with a gaming licensee;~~
 - ~~8. Each natural person who indirectly holds any beneficial or ownership interest of 10% or more of an applicant for a junket enterprise license; and~~
 - ~~9. If a junket enterprise, each junket representative who will deal directly with gaming licensees and their employees.~~
- ~~(o) A flow chart which illustrates the ownership of any other vendor which holds an interest in the filing vendor;~~
 - ~~(p) 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 ten years;~~
 - ~~(q) The annual compensation of each partner, officer, director and trustee;~~
 - ~~(r) 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 205 CMR 134.07(6)(m), who is currently expected to receive annual compensation of more than \$300,000;~~
 - ~~(s) A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the vendor;~~
 - ~~(t) 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;~~
 - ~~(u) 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;~~
 - ~~(v) A description of the nature, type, terms and conditions of all securities options;~~
 - ~~(w) Within the last ten 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:
 - ~~1. The name and address of the financial institution;~~
 - ~~2. The type of account;~~
 - ~~3. The account numbers; and~~
 - ~~4. The dates held.~~~~
 - ~~(x) A description of the ten highest value contracts or agreements in effect during the preceding 12 months to which it is a party including name, address and nature of the contract or goods or service provided;~~
 - ~~(y) 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:
 - ~~1. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;~~
 - ~~2. Any criminal proceeding in which the business or its subsidiaries has been a party or has been named as an unindicted co-conspirator;~~
 - ~~3. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;~~
 - ~~4. 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~~
 - ~~5. 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.~~~~
 - ~~(z) Within the last ten 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~~

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~~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;~~

~~(aa) Within the last ten years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in the Commonwealth of Massachusetts 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;~~

~~(bb) Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in the Commonwealth of Massachusetts or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;~~

~~(cc) Within the last ten 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;~~

~~(dd) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 205 CMR 124.07(6)(aa);~~

~~(ee) A copy of each of the following:~~

- ~~1. Annual reports for the past five years;~~
- ~~2. 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;~~
- ~~3. 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;~~
- ~~4. 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; and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past five years;~~
- ~~5. 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;~~
- ~~6. The most recent Proxy or Information Statement filed pursuant to § 14 of the Securities Exchange Act of 1934; and~~
- ~~7. Registration Statements filed in the last five years pursuant to the Securities Act of 1933.~~

~~(ff) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;~~

~~(gg) 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;~~

~~(hh) A copy of a business registration certificate or other proof of valid business registration in Massachusetts;~~

~~(ii) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau;~~

~~(jj) In addition to the information above, a completed BED GVP 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:~~

- ~~1. A Statement of Truth;~~
- ~~2. A Release Authorization directing all courts, law enforcement agencies, 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~~
- ~~3. An acknowledgment of receipt of notice regarding confidentiality, and non-~~

~~refundability of filing fees.~~

~~(7) Business Entity Disclosure Form—Gaming Vendor Secondary. A Business Entity Disclosure Form Gaming Vendor Secondary (BED-GVS) shall contain the following information:~~

- ~~(a) The current or former official and trade names used and the dates of use;~~
- ~~(b) The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;~~
- ~~(c) The former business addresses within the last ten year period and dates of use;~~
- ~~(d) The business telephone number;~~
- ~~(e) The name, title and telephone number of the contact person;~~
- ~~(f) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;~~
- ~~(g) 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 business;~~
- ~~(h) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;~~
- ~~(i) The Federal Employer Identification Number;~~
- ~~(j) 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;~~
- ~~(k) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;~~
- ~~(l) 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:~~
 - ~~1. Each officer, director or trustee;~~
 - ~~2. Each partner whether general, limited or otherwise;~~
 - ~~3. A sole proprietor;~~
 - ~~4. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of 5% or more of the entity completing the form;~~
 - ~~5. Each sales representative or other person who will regularly solicit business from a gaming licensee;~~
 - ~~6. Any other person not otherwise specified in 205 CMR 134.07(7)(l)1. through 5. who has signed or will sign any agreement with a gaming licensee.~~
- ~~(m) The annual compensation of each partner, officer, director and trustee;~~
- ~~(n) 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 205 CMR 134.07(7)(l), who is currently expected to receive annual compensation of more than \$300,000;~~
- ~~(o) 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;~~
- ~~(p) 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;~~
- ~~(q) A description of the nature, type, terms and conditions of all securities options;~~
- ~~(r) Within the last ten 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:~~
 - ~~1. The name and address of the financial institution;~~

- ~~2. The type of account;~~
 - ~~3. The account numbers; and~~
 - ~~4. The dates held.~~
- (s) ~~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:~~
- ~~1. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;~~
 - ~~2. Any criminal proceeding in which the business or its subsidiaries has been a party or has been named as an unindicted co-conspirator;~~
 - ~~3. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;~~
 - ~~4. 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~~
 - ~~5. 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.~~
- (t) ~~Within the last ten 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;~~
- (u) ~~Within the last ten years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in the Commonwealth of Massachusetts 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;~~
- (v) ~~Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in the Commonwealth of Massachusetts or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;~~
- (w) ~~Within the last ten 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;~~
- (x) ~~The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 205 CMR 134.07(7)(w);~~
- (y) ~~A copy of each of the following:~~
- ~~1. Annual reports for the past five years;~~
 - ~~2. 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;~~
 - ~~3. 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;~~
 - ~~4. 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; and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past five years;~~
 - ~~5. 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;~~
 - ~~6. The most recent Proxy or Information Statement filed pursuant to § 14 of the Securities Exchange Act of 1934; and~~
 - ~~7. Registration Statements filed in the last five years pursuant to the Securities Act~~

~~of 1933.~~

- ~~(z) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;~~
- ~~(aa) 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;~~
- ~~(bb) A copy of a business registration certificate or other proof of valid business registration in Massachusetts;~~
- ~~(cc) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau;~~
- ~~(dd) In addition to the information above, a completed BED GVS 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:

 - ~~1. A Statement of Truth;~~
 - ~~2. A Release Authorization directing all courts, law enforcement agencies, 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~~
 - ~~3. An acknowledgment of receipt of notice regarding confidentiality and non-refundability of filing fees.~~~~

~~(8) Non-gaming Vendor Registration Form. A *Non-gaming Vendor Registration Form* shall contain the following information:~~

- ~~(a) Any official or trade name used by the non-gaming vendor;~~
- ~~(b) The current address and telephone number of the non-gaming vendor;~~
- ~~(c) The nature of the non-gaming vendor's business and the type of goods and services to be provided to a gaming licensee;~~
- ~~(d) The Federal Employer Identification Number;~~
- ~~(e) The name, residence address, social security number, and date of birth of each of the following persons:

 - ~~1. The sales representative(s) or other person(s) who solicit(s) business from a gaming licensee or applicant and such person's immediate supervisors; and~~
 - ~~2. Any person authorized to sign any agreement with the gaming licensee or applicant on behalf of the vendor; and~~
 - ~~3. The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.~~~~
- ~~(f) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau.~~
- ~~(g) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordant to 205 CMR 134.07(8)(c).~~
- ~~(h) A Release Authorization directing all courts, law enforcement agencies, 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.~~

(5) Labor Organization Registration Statement. Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the commission on a form to be created by the Bureau and submitted to the Division of Licensing. Such form shall contain, at a minimum, information to identify identify the officers, agents and/or principals of the organization and information to establish whether the organization and/or any of its officers, agents or principals hold any financial interest in a gaming establishment whose employees are represented by the organization.

A Labor Organization Registration Statement shall contain the following information:

- ~~(a) The name of the registrant as shown on its charter or in its constitution;~~
- ~~(b) The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a gaming licensee will be conducted;~~

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- ~~(c) The name, title, email address, telephone and fax numbers of a primary contact person;~~
- ~~(d) Whether the submission is an initial or biennial renewal registration;~~
- ~~(e) 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;~~
- ~~(f) 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 gaming establishment or which is involved or seeking to be involved in the control or direction of such representation;~~
- ~~(g) Financial data, including information concerning any financial interests held in a gaming establishment; and~~
- ~~(h) The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:~~
 - ~~1. Any pension or welfare system maintained by the registrant;~~
 - ~~2. Each officer and agent of any pension or welfare system maintained by the registrant;~~
 - ~~3. Each officer and officer elect of the registrant;~~
 - ~~4. Each agent authorized to represent the registrant in Massachusetts; and~~
 - ~~5. Each principal employee of the registrant.~~
- ~~(i) A notarized Statement of Truth, which shall be dated and signed by the registrant's president or other authorized officer;~~
- ~~(j) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process;~~

~~(10) Labor Organization Individual Disclosure Form. A *Labor Organization Individual Disclosure Form* shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames;~~
- ~~(b) Title or position with the labor organization;~~
- ~~(c) Date and place of birth;~~
- ~~(d) Physical description;~~
- ~~(e) Current address and home telephone number, email address, and residence history for the past year;~~
- ~~(f) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;~~
- ~~(g) Citizenship and, if applicable, information concerning resident alien status;~~
- ~~(h) Full name of the labor organization represented;~~
- ~~(i) Telephone number and email address at current place of employment;~~
- ~~(j) Employment history:~~
 - ~~1. All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and~~
 - ~~2. Last three jobs, indicating any gaming-related positions;~~
- ~~(k) Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction;~~
- ~~(l) A signed, dated and notarized Statement of Truth;~~
- ~~(m) A waiver of liability as to the Commonwealth of Massachusetts 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.~~

(6) Subcontractor Information Form. A Subcontractor Information Form shall be created by the Bureau requesting any information as deemed necessary by the Bureau and submitted to the Division of Licensing, contain the following information:

- (a) The official or trade name (for purposes of 205 CMR 134.07(11) a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services necessary to fulfill the licensed or registered vendor's contract with a gaming licensee);**
- (b) The current address, telephone number, email address, and any website for the subcontractor;**

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- ~~(c) The nature of the subcontractor's business and the type of goods and services to be provided to the vendor including the term and value of the contract;~~
- ~~(d) The Federal Employer Identification Number of the subcontractor;~~
- ~~(e) The name, residence address, social security number, and date of birth of each of any person authorized to sign any agreement with the vendor on behalf of the subcontractor; and~~
- ~~(f) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordance with 205 CMR 134.07(11);~~
- ~~(g) The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than 5% of the enterprise;~~
- ~~(h) A Release Authorization directing all courts, law enforcement agencies, 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 subcontractor as requested by the commission.~~

134.08: Submission of Application

(1) An application, **disclosure form, or registration** 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(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(2), a Gaming Vendor qualifier license **disclosure form** in accordance with 205 CMR 134.04(1)(c), **and** a Labor Organization registration **statement** 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:

(a) A completed application form as follows:

1. An applicant for a key gaming employee-executive license shall file a *Multi-jurisdictional Personal History Disclosure Form For Key Gaming Employees-Executive* as set forth in 205 CMR 134.07(1) and a *Massachusetts Supplement Form For Key Gaming Employees-Executive* as set forth in 205 CMR 134.07(1)(a)(2);
2. An applicant for a key gaming employee-standard license shall file a Key Gaming Employee-standard Application Form as set forth in 205 CMR 134.07(3);
3. ~~(3)~~An applicant for a gaming employee license shall file a Gaming Employee License Form as set forth in 205 CMR 134.07(1)(a)(4);
4. ~~(4)~~An person seeking to register as a ~~applicant for a~~ gaming service employee ~~registration~~ shall file a Gaming Service Employee Registration Form as set forth in 205 CMR 134.07(2)(a)(5);
5. ~~(5)~~An applicant for a gaming vendor-primary license shall file a Business Entity Disclosure Form-Gaming Vendor-primary as set forth in 205 CMR 134.07(3)(b)(6);
6. ~~(6)~~An applicant for a Gaming Vendor-secondary license shall file a Business Entity Disclosure Form-Gaming Vendor-secondary as set forth in 205 CMR 134.07(3)(b)(7);
7. ~~(7)~~An **person seeking to register as applicant** for a non-gaming vendor ~~registration~~ shall file a Non-gaming Vendor Registration Form as set forth in 205 CMR 134.07(4)(a)(8);
8. ~~(8)~~A gaming vendor-primary qualifier (individual) shall file a Key Gaming Employee-standard Application Form as set forth in 205 CMR 134.07(2)(a) **or in the alternative the individual may request authorization from the Bureau to file a Multi-jurisdictional Personal History Disclosure Form and a Massachusetts Supplement**;
9. ~~(9)~~A gaming vendor-secondary qualifier (individual) shall file a Gaming Employee Application Form as set forth in 205 CMR 134.07(2)(a)(4);
10. ~~(10)~~A gaming vendor-primary qualifier (entity) shall file a Business Entity Disclosure Form-Gaming Vendor-primary as set forth in 205 CMR 134.07(6)(3)(b);
11. ~~(11)~~A gaming vendor-secondary qualifier (entity) shall file a Business Entity Disclosure Form-Gaming Vendor-Secondary as set forth in 205 CMR 134.07(7)(3)(b).
12. ~~(12)~~A Labor Organization shall file a Labor Organization Registration Statement as set forth in 205 CMR 134.07(5)(a)(9);
13. ~~(13)~~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(10).~~

- ~~(b) A passport style photograph of the applicant, taken within the preceding 12 months;~~
- ~~(c) Proof of fingerprinting in accordance with 205 CMR 134.13;~~
- ~~(d) The documents required for identification by 205 CMR 134.14~~
- ~~(e) Any applicable fee required by 205 CMR 134.15.~~
- (b) (For Gaming Employees and Gaming Service Employees) Proof of an offer of employment from a gaming licensee **in the manner prescribed by the Division of Licensing. Ongoing employment with a gaming licensee is a prerequisite for an application for licensure or registration to remain a valid application not subject to administrative closure in accordance with 205 CMR 134.14(5). pending licensure or registration of the applicant.**
- (c) (For Gaming Vendors-Secondary and Non-Gaming Vendors) Proof of vendor's **business relationship with gaming licensee in the manner prescribed by the Division of Licensing.**

(2) Notwithstanding 205 CMR 134.08(1)(a), a qualifier for a gaming vendor license may, if authorized by the Bureau, file **licensing disclosure** information, including but not limited to, for publicly traded companies, copies of their securities filings and/or audited consolidated financial statements for a period as determined by the Bureau, in *lieu* of the form identified in 205 CMR 134.08(1)(a).

(3) 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 may file supplemental licensing information that updates their previous filing submitted as part of the qualifier suitability investigation as directed by the Division of Licensing in *lieu* of the full application identified in 205 CMR 134.08(1)(a).

(4) Each applicant shall file a complete application pursuant to 205 CMR 134.08(1) with the **Division of Licensing in the manner prescribed by the Division of Licensing.** ~~Bureau by mail, in person at the address specified on the application form, or via the Commission's website.~~ The ~~Bureau~~ **Division of Licensing** shall not accept an incomplete application.

(5) Reciprocity for Vendors. If an applicant for a gaming vendor license or non-gaming vendor registration is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, as determined by the Bureau, 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, upon the recommendation of the Bureau, to allow for an abbreviated licensing or registration process and issue a gaming vendor license or registration in accordance with 205 CMR 134.00; provided, however, as part of any such an agreement 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. The reciprocal agreement shall identify the nature of the investigation to be conducted prior to issuance of the requested license or registration including, but not limited to, such provisos as the review of any investigatory reports from any jurisdictions in which the applicant is approved to conduct business, interviewing of any witnesses, and the filing of all required Massachusetts business filings.

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

- (a) A person who is licensed as a Key Gaming Employee-executive may, where otherwise qualified, engage in the performance of duties of a Key Gaming Employee-standard, gaming employee or gaming service employee.
- (b) A person who is licensed as a Key Gaming Employee-standard may, where otherwise qualified, engage in the performance of duties of a gaming employee or gaming service employee.
- (c) 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

(1) 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(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(4), **or the disclosure materials from** a gaming vendor qualifier license in accordance with 205 CMR 134.04(4), ~~or a Labor Organization in accordance with 205 CMR 134.05~~ the Division of Licensing shall conduct a review of each for administrative completeness and then forward the application **or submission** to the Bureau which shall conduct an investigation of the applicant. In the event an application **or submission** is deemed incomplete, the Division of Licensing may either request supplemental information from the applicant **or qualifier, or administratively close the application in accordance with 205 CMR 134.14** ~~or forward the application to the commission with a recommendation that it be denied.~~ For individuals, 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.

In determining the weight to be afforded any information bearing on suitability in accordance with 205 CMR 134.10 and 134.11, the Division of Licensing, Bureau, or commission, as applicable, shall consider: the relevance of the information to employment in a gaming establishment or doing business with a gaming establishment in general, whether there is a pattern evident in the information, and whether the applicant is likely to be involved in gaming related activity. Further, the information will be considered in the light most favorable to the applicant unless the information cannot be so viewed pursuant to M.G.L. c. 23K or the information obtained does not otherwise support such view. For purposes of 205 CMR 134.00 and M.G.L. c. 23K, § 16 an adjudication of delinquency shall not be considered a conviction. Such a finding may, however, be considered for purposes of determining the suitability of an applicant. Records of criminal appearances, criminal dispositions, and/or any information concerning acts of delinquency that have been sealed shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134.00 and M.G.L. c. 23K.

(a) ~~Keys Gaming Employees—Executive, Key Gaming Employee—Standard, and Gaming Employees.~~ Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) the Bureau shall either approve or deny the application for a key gaming employee ~~executive license, key gaming employee standard license~~ or a gaming employee license pursuant to 205 CMR 134.10. If the application for a Key Gaming Employee ~~standard~~ license or Gaming Employee license is approved, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. ~~If the Bureau approves the application for a Key Gaming Employee executive, 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 forward the ~~recommendation for~~ **determination of** denial and reasons therefor to the Division of Licensing which 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 **request an appeal hearing before** ~~appeal the decision to~~ the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in the individual's criminal record the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

(b) Gaming Service Employees. The Division of Licensing shall issue a gaming service employee registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the

investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant **denying or** 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(2). If the denial is based upon information contained in the individual's criminal record the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

(c) ~~Gaming Vendors and Gaming Vendor Qualifiers~~. Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) 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 ~~license and any associated applications for Gaming Vendor qualifier licenses~~, the **Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the commission.** ~~decisions shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If an application for a Gaming vendor qualifier license is approved by the Bureau subsequent to the issuance of the Gaming Vendor license by the commission, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. If the application is denied, the Bureau shall forward the recommendation for **determination of** denial and reasons therefor to the Division of Licensing which 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 **request an appeal hearing before** the decision to the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in a person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.~~

(d) Non-gaming Vendors. The Division of Licensing shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant **denying or** 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(2). If the denial is based upon information contained in the person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

(e) 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(1).~~

(2) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, **or** non-gaming vendor registration, ~~or gaming vendor qualifier license~~ is denied or revoked in accordance with 205 CMR 134.09(1) 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 clerk of the Commission** and contain an explanation of the basis for the appeal. **Hearings held pursuant to this section shall be held in accordance with 205 CMR 101.03.**

(3) ~~The Bureau shall appoint a hearing officer to preside over the appeal hearing requested~~

~~by an applicant in accordance with 205 CMR 134.09(2). The hearing will be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*. An audio recording of the hearing shall be taken. The hearing officer shall issue a written decision to the applicant. 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(5). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application. **Review by the commission of decisions of the hearing officer may be obtained in accordance with 205 CMR 101.04.**~~

~~(4) After a hearing conducted in accordance with 205 CMR 134.09(3) the following shall apply:-~~

- ~~(a) If the hearing officer recommends that a Key Gaming Employee standard license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, or non gaming vendor registration be issued, the Division of Licensing shall issue a license or registration to the applicant on behalf of the Commission.-~~
- ~~(b) If the hearing officer recommends that the application for a Key Gaming Employee executive 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.~~

~~(5) 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(3) 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(3). The Bureau shall forward a copy of the administrative record of the proceeding to the commission promptly upon receipt of the notice of appeal.-~~

~~(6) After the hearing conducted in accordance with 205 CMR 134.09(5) 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.-~~

~~(7) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(6), the commission may consider whether the decision or any condition imposed is:-~~

- ~~(a) In excess of the statutory or regulatory authority or jurisdiction of the commission; or-~~
- ~~(b) Based upon an error of law; or-~~
- ~~(c) Made upon unlawful procedure; or-~~
- ~~(d) Unsupported by substantial evidence; or-~~
- ~~(e) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.-~~

~~(8) The decision of the commission made in accordance with 205 CMR 134.09(6) and (7) 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

(1) 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.

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

- (a) the integrity, honesty, good character and reputation of the applicant **and qualifiers;**
- (b) the financial stability, integrity and background of the applicant **and qualifiers;**
- (c) whether the applicant **and its qualifiers have** ~~has~~ a history of compliance with gaming licensing requirements in other jurisdictions;
- (d) whether the applicant **or any qualifier,** at the time of application, is a defendant in litigation;
- (e) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(3);
- (f) whether the applicant **or any qualifier** has been convicted of a crime of moral turpitude;
- (g) whether and to what extent the ~~individual~~ **applicant or any qualifier** has associated with members of organized crime and other persons of disreputable character;
- (h) the extent to which the ~~individual~~ **applicant and qualifiers have** ~~has~~ cooperated with the Bureau in connection with the background investigation;
- (i) (for vendors) the integrity, honesty, and good character of any subcontractor.

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

- (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; **except that for such disqualifying convictions under G.L. c. 23K, § 16 and 205 CMR 134.10(3)(a) which occurred before the 10-year period immediately preceding submission of the application for licensure, the Bureau may, in its discretion, approve the issuance of a gaming employee license to an applicant who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.10(4);**
- (b) submitted an application for a license under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that **willfully, knowingly or** intentionally contains false or misleading information;
- (c) 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
- (d) 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.

(4) Rehabilitation.

- (a) An applicant for a Key gaming employee license, gaming employee license, ~~or gaming vendor license~~ **or a gaming vendor qualifier license** may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- (b) 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(6) that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation.
- ~~(c) 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 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding the date of submission of the application for licensure or registration.~~
- (b) ~~(d)~~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:
 1. the nature and duties of the position of the applicant;
 2. the nature and seriousness of the offense or conduct;
 3. the circumstances under which the offense or conduct occurred;
 4. the date of the offense or conduct;
 5. the age of the applicant when the offense or conduct was committed;

6. whether the offense or conduct was an isolated or repeated incident;
 7. any social conditions which may have contributed to the offense or conduct; and
 8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.
- (e) ~~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(2)(f). 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(4)(d).~~
- (c) (f) 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

- (1) Upon submission of an administratively complete application for registration ~~form~~ as a gaming service employee, or non-gaming vendor, or Labor Organization by an applicant the ~~Division of Licensing Bureau~~ shall issue the registration on behalf of the Commission in accordance with 205 CMR 134.09(1). A registration may be ~~denied or~~ subsequently revoked if it is determined that the applicant is disqualified in accordance with 205 CMR 134.11(2) or unsuitable for any criteria identified in 205 CMR 134.11(3).
- (2) The Bureau and Commission shall deny and/or revoke a registration as a gaming service employee or non-gaming vendor registrant if the ~~person individual applicant or individual identified in 205 CMR 134.07(8)(e):~~
 - (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; ~~except that for such disqualifying convictions under M.G.L. c. 23K, § 16 and 205 CMR 134.11(2)(a) which occurred before the 10-year period immediately preceding submission of the registration, the Bureau may, in its discretion, decline to deny or revoke the registration of a person who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.11(4).~~
 - (b) submitted an ~~registration form application for a license~~ under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that ~~willfully, knowingly or~~ intentionally contains false or misleading information;
 - (c) committed prior acts which have not been prosecuted or in which the ~~registrant applicant~~ was not convicted but form a pattern of misconduct that makes the ~~registrant applicant~~ unsuitable; or
 - (d) has affiliates or close associates that would not qualify for a license or whose relationship with the ~~registrant applicant~~ may pose an injurious threat to the interests of the commonwealth in awarding a ~~registration gaming license to the applicant.~~
- (3) In determining whether a ~~registrantn 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 ~~registrant applicant~~ including, without limitation:
 - (a) the integrity, honesty, good character and reputation of the ~~registrant applicant~~;
 - (b) the financial stability, integrity and background of the ~~registrant applicant~~;
 - (c) whether the ~~registrant applicant~~ has a history of compliance with gaming licensing requirements in other jurisdictions;
 - (d) whether the ~~registrant applicant~~, at the time of ~~submission of the registration form application~~, is a defendant in litigation;
 - (e) whether the ~~registrant applicant~~ is disqualified from receiving a ~~registration license~~ under 205 CMR 134.11(2);
 - (f) whether the ~~registrant applicant~~ has been convicted of a crime of moral turpitude;
 - (g) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character;
 - (h) the extent to which the individual has cooperated with the Bureau in connection with the background investigation;
 - (i) (for vendors) the integrity, honesty, and good character of any subcontractor.

(4) Rehabilitation.

~~(a) 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 205 CMR 134.11(2) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten-year period immediately preceding application for licensure or registration.~~

~~(b) 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:~~

- ~~1. the nature and duties of the position of the applicant;~~
- ~~2. the nature and seriousness of the offense or conduct;~~
- ~~3. the circumstances under which the offense or conduct occurred;~~
- ~~4. the date of the offense or conduct;~~
- ~~5. the age of the applicant when the offense or conduct was committed;~~
- ~~6. whether the offense or conduct was an isolated or repeated incident;~~
- ~~7. any social conditions which may have contributed to the offense or conduct; and~~
- ~~8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.~~

~~(c) 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(3). 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(4)(b).~~

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

(6) 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(1)(b).

134.12: Temporary Licenses

(1) Temporary Licenses for Employees.

(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 a gaming employee license has filed a completed application with the commission and has submitted all of the disclosure forms as required by the Division of Licensing; 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) A temporary license shall issue unless:

1. A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 134.10(3); or
2. A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 134.10(1) and (2).

(c) Unless otherwise stated by the commission, a temporary license issued in accordance with 205 CMR 134.12 shall expire six months from the date of its issuance and may be renewed, at the discretion of the commission, for an additional six-month period.

(2) Temporary Licenses for Gaming Vendors.

(a) Upon petition to the commission by a gaming licensee, the commission may issue a temporary license to an applicant for a gaming vendor license if:

1. the applicant for a gaming vendor license has filed a completed application with

the commission and has submitted all of the disclosure forms as required by the Division of Licensing; 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) A temporary license shall issue unless:

1. A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 134.10(3); or

2. A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 134.10(1) and (2).

3. Unless otherwise stated by the commission, a temporary gaming vendor license issued under this section shall expire upon issuance of the full license or upon suspension or revocation of the temporary license, and in any event no later than the term of the license as set forth in 205 CMR 134.16(1).

134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, and each qualifier for a gaming vendor applicant or licensee, shall be fingerprinted under the supervision of the Commission. The Bureau in its discretion may require one or more officers or employees of any non-gaming vendor registrant to be fingerprinted under the supervision of the Commission. The Commission may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

134.14 Administrative Closure of Applications for Registration or Licensure

- (1) All applicants for a Key Gaming Employee License, a Gaming Employee License, a Gaming Vendor License, a Gaming Service Employee Registration or a Non-Gaming Vendor Registration shall promptly respond to any request for information from the Division of Licensing and/or the Bureau. This obligation is in addition to the continuing duty set forth in 205 CMR 134.18(1).
- (2) Failure of an applicant for a Key Gaming Employee License, a Gaming Employee License, or a Gaming Service Employee Registration to respond to a request for information from the Division of Licensing and/or the Bureau within fourteen (14) days of the request may result in the administrative closure of the application for registration or licensure.
- (3) Failure of an applicant for a Gaming Vendor License or a Non-Gaming Vendor Registration to respond to a request for information from the Division of Licensing and/or the Bureau within thirty (30) days of the request may result in the administrative closure of that license application or registration.
- (4) In the event that an application for registration or licensure is administratively closed for failure to provide requested information or to comply with the obligations set forth in 205 CMR 134.18(1), the Division of Licensing will notify the applicant of the specific deficiencies in the application. Additionally, the following conditions will apply:
 - a. Once an application for registration or licensure has been administratively closed it shall not be re-opened for a minimum of thirty (30) days.
 - b. Any request to re-open an application for registration or licensure previously subject to administrative closure requires the applicant to provide all outstanding information as previously detailed in the administrative closure notification from the Division of Licensing. The submission of outstanding information is not a guarantee of licensure/registration. The Division of Licensing and/or the Bureau may in its discretion require a revised full application after considering the potential for stale information in the original application.
- (5) An application that has been administratively closed for failure to maintain ongoing employment

by a gaming licensee shall not be subject to the thirty (30) day minimum closure period set forth in 205 CMR 134.14(4)(a) if the applicant provides new proof of employment from a gaming licensee in a manner prescribed by the Division of Licensing within twenty-nine (29) days of the notice of administrative closure.

- (6) Any request to re-open an application for registration or licensure previously subject to administrative closure requires the applicant to provide all outstanding information as previously detailed in the administrative closure notification from the Division of Licensing. The submission of outstanding information is not a guarantee of licensure/registration. The Division of Licensing and/or the Bureau may in its discretion require a revised full application after considering the potential for stale information in the original application.

134.14: Identification

~~(1) Every individual applicant for a license or registration shall establish his or her identity to a reasonable certainty.~~

~~(2) An individual applicant for a license or registration may establish their identity pursuant to 205 CMR 134.14(1) by providing either:~~

~~(a) One of the following authentic documents:-~~

- ~~1. A current and valid United States passport;~~
- ~~2. 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~~
- ~~3. 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~~

~~(b) 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:-~~

- ~~1. 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;~~
- ~~2. 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;~~
- ~~3. 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;~~
- ~~4. 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) A current and valid foreign passport with an employment authorization issued by the USCIS, and any one of the following authentic documents:-~~

- ~~1. 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;~~
- ~~2. 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;~~
- ~~3. 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;~~
- ~~4. 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.~~

~~(3) Any individual whose current legal name is different from the name on his or her~~

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~~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.~~

~~(4) Any individual required to establish his or her identity pursuant to 205 CMR 134.14 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.~~

~~(5) Any individual may request that the commission change the name designated on his or her application, license or registration by establishing identity pursuant to 205 CMR 134.14 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

(1) The following non-refundable initial fees shall be paid at the time of application for licensure, registration, or renewal:

(a) Key Gaming Employee. Initial fee: \$1000.00, submitted with the application. The applicant shall be billed for the efforts of the Commission and the Bureau on matters directly related to the applicant that exceed the initial fee at hourly rates to be set by the Commission pursuant to M.G.L.c. 23K, § 30(i) including payment for all unusual or out of pocket expenses incurred by the Commission. Timely Renewal fee: \$1000.00.

(b) Gaming Employee. Initial fee: \$300.00 Renewal fee: \$300.00.

(c) Gaming Service Employee. Initial fee: \$75.00 Renewal fee: \$75.00.

(d) Gaming Vendor-primary. Initial fee: \$ 15,000.00, submitted with the application. The applicant shall be billed for the efforts of the Commission and the Bureau on matters directly related to the applicant that exceed the initial fee at hourly rates to be set by the Commission pursuant M.G.L. c. 23K, § 30(i) including payment for all unusual or out of pocket expenses incurred by the Commission. Timely Renewal fee: \$ 15,000.00.

(e) Gaming Vendor-secondary. Initial fee \$ 5,000.00 Renewal fee \$ 5,000.00.

(f) Gaming Vendor-qualifier. No individual fee. The fee shall be included as part of the application fee for the Gaming vendor. Any additional fees resulting from the investigation of a gaming vendor qualifier shall be assessed to the gaming vendor in accordance with 205 CMR 134.15(2).

(g) Non-gaming Vendor. Initial fee: \$100.00 Renewal fee: \$100.00.

(h) Labor Organization. Initial fee: \$200.00 Renewal fee: \$200.00.

(i) Replacement/Name or Address Changes. \$10.00.

(j) Late Fee. a 10% late fee will be assessed to the initial application fee if a renewal application is not received by the Commission by the due date.

(2) 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 134.15(1). The commission 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 commission will take no additional steps with respect to the application until the increased application fee is paid. In the event that an application fee is not promptly paid without just cause, the application may be denied.

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

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

(5) Payroll Deduction. Licensing fees for applicants for a Gaming Employee license in accordance with 205 CMR 134.15(1)(b) and a Gaming Service Employee registration in accordance with 205 CMR 134.15(1)(c) shall be submitted on behalf of the applicant by the gaming establishment or vendor with which the individual is employed. The gaming

establishment or vendor may recover the cost of the fee by way of deduction from the individual's periodic salary payment.

134.16: Term of Licenses

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

(a) Key Gaming Employees. Key Gaming employee licenses shall be for an initial term of five years. The initial term of a key gaming employee license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Key gaming employee license renewals shall be for a term of three years.

(b) Gaming Employees. Gaming employee licenses shall be for an initial term of five years. The initial term of a gaming employee license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Gaming employee license renewals shall be for a term of three years.

(c) Gaming Service Employees. Gaming service employee registrations shall be for an initial term of five 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 five years.

(d) Gaming Vendors and Gaming Vendor Qualifiers. Gaming vendor licenses and gaming vendor qualifier licenses shall be for an initial term of three 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 three years.

(e) Non-gaming Vendors. Non-gaming vendor registration shall be for an initial term of five 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. Non-gaming vendor registration renewals shall be for a term of five years.

(f) Labor Organizations. Labor organization registrations shall be for an initial term of one 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.

(2) Notwithstanding 205 CMR 134.16(1), 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(1).

(3) 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 and the applicant shall remain in good standing until the Bureau has issued a decision on the application. If a renewal application is received after the renewal date and the license expires before the Commission issues a new license, the person shall not be employable nor conduct business with the gaming establishment until a new license is issued.

(4) 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 an application in accordance with 205 CMR 134.08(2) 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.

(5) 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

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- (1) At a minimum of 150 days prior to expiration, each Key gaming employee licensee, gaming employee licensee, gaming vendor licensee, and gaming vendor qualifier licensee shall submit a new and updated application in accordance with 205 CMR 134.08.
- (2) At a minimum of 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.
- (3) 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

- (1) 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.
- (2) 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.
- (3) Notification of Changes by Employees. Each key gaming employee applicant or licensee, gaming employee applicant or licensee, and gaming service employee registrant shall have a continuing duty to notify and update the commission, in writing, within ten days of the occurrence of the following:
 - (a) Any denial, suspension or revocation by a government agency in any jurisdiction of a license, registration, certification, permit or approval held by or applied for by the individual;
 - (b) Any discipline imposed upon the individual by a government agency in any jurisdiction;
 - (c) Any arrest, indictment, charge or criminal conviction of the individual in any jurisdiction;
 - (d) Any reports, complaints or allegations of which the individual is or should be aware involving conduct of that individual that could lead to potential criminal charges, including but not limited to allegations of theft or embezzlement; and
 - (e) Any exclusion or barring of the individual from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction.
- (4) Notification of Changes by Gaming Vendors. Each gaming vendor applicant or licensee shall have a continuing duty to promptly notify and update the commission, in writing, within ten days of the occurrence of the following:
 - (a) The proposed appointment, appointment, proposed nomination, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be a qualifier under 205 CMR 134.04(4);
 - (b) Any denial, suspension or revocation by a government agency of a license, registration, certification, permit or approval held by or applied for by the vendor or any qualifying entity or individual;
 - (c) Any indictment, charge or criminal conviction of the vendor or any qualifying entity or individual;
 - (d) Any civil litigation in which the vendor is named as a party if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance; and
 - (e) Any judgments or petitions by or against the vendor, any qualifying entity or individual or any holding or intermediary company of the vendor for bankruptcy or insolvency.
- (5) Notification of Changes by Non-gaming Vendors. Each non-gaming vendor registrant

205 CMR: MASSACHUSETTS GAMING COMMISSION

shall have a continuing duty to notify the commission, in writing, of the name, residence address, social security number, and date of birth of each relevant person within ten days of the occurrence of the following:

- (a) Any denial, suspension or revocation by a government agency of a license, registration, certification, permit or approval held by or applied for by the vendor or any qualifying individual;
- (b) Any indictment, charge or criminal conviction of the vendor or any qualifying individual;
- (c) The sales representative(s) or other person(s) who solicit(s) business from a gaming licensee; and
- (d) Any person authorized to sign any agreement with the gaming licensee on behalf of the vendor.

(6) Notification of Change of Ownership of Vendor Entities. Each gaming vendor applicant or licensee and each non-gaming vendor registrant shall have a continuing duty to promptly notify and update the commission, in writing, prior to or immediately upon becoming aware of any proposed or contemplated change of ownership which involves more than 5% of the vendor. This duty includes without limitation the duty to specify whether the transaction involving the change in ownership will result in a consolidation involving the vendor and another entity, including by merger or acquisition.

(7) Commission Referral to the Bureau. Upon receipt of a notice under 205 CMR 134.18(3) through (6), the commission shall refer the matter to the Bureau for appropriate handling, which may include, without limitation, a notice to the applicant, licensee or registrant requiring the filing of an appropriate application or information and the subsequent investigation of that application or information.

134.19: Disciplinary Action

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

- (1) been arrested or convicted of a crime while employed by a gaming establishment and failed to report the charges or the conviction to the commission;
- (2) failed to comply with M.G.L. c. 23K, § 13; or
- (3) failed to comply with any provision of M.G.L. c. 23K or 205 CMR pertaining to licensees and registrants.

(2) Complaints. Any person may file a complaint against any person licensed or registered in accordance with 205 CMR 134.00. 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 or Bureau may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.

(3) Basis of Complaint. A complaint must allege wrongdoing by a licensee or registrant in the form of a violation of 205 CMR 134.19(1) and/or M.G.L. c. 23K.

(4) Review and Investigation of Complaints. Every complaint filed shall be reviewed by the commission or its designee. A hearing may be convened, the complaint may be forwarded to the Bureau, or the complaint may be dismissed in the discretion of the commission or its designee. The Bureau may, if it elects, investigate a complaint prior to scheduling a hearing. In its discretion, the Bureau may resolve informal patron complaints without formal investigation, notification of parties, or convening a hearing. Failure of a complainant to cooperate in the investigation may be grounds for dismissal of a complaint.

(5) 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:

- (a) The name of the complainant;
- (b) The date, time and place of said hearing;
- (c) The location of the incident giving rise to the complaint;-

(6) Hearing. Hearings convened pursuant to 205 CMR 134.19 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 134.19(5).

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

(7) 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.

(8) 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 or registration for a fixed period of time, revoke a license or registration permanently, or issue a reprimand the licensee or registrant. In conjunction with or in *lieu* of these disciplinary measures, the Bureau may assess a fine pursuant to M.G.L. c. 23K, § 36, and recoup the costs of investigation. 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 five years from the date of the revocation.

(9) 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.



December 7, 2016

Mr. Paul Connelly, Director of Licensing
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, Massachusetts 02110

Dear Paul:

In reference to the Massachusetts Gaming Commission's (MGC) request for public comment on amendments associated with 205 CMR 134.00 Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations, Plainridge Park Casino (PPC) is submitting the following comments:

Vendor Registration Regulation Change Comments:

PPC has the following comment in relation to the addition of the new exemption in section 134.04(6)(o):

(6) Exemptions. For purposes of 205 CMR 134.04 the following persons engaged in the following fields of commerce who provide goods or services to a gaming applicant or gaming licensee, and that are not otherwise required to be licensed as a key gaming employee, gaming employee, or gaming service employee, shall not be deemed to be conducting business for purposes of M.G.L. c. 23K, § 31 and accordingly shall not be required to obtain licensure or registration as a vendor: ...

(o) Upon submission of a written certification by a gaming licensee, any person providing goods or services not directly related to gaming to whom the gaming licensee reasonably expects to pay an amount less than \$_____ within a 12-month period.

The addition of the new exemption (6.o) looks to be a positive adjustment and will allow more flexibility to work with smaller local businesses. PPC would like some clarification on the review process and criteria that will be used to determine which vendors would be approved for this exemption. Would the threshold be left for the licensee to fill in based on the anticipated spend with the vendor, or would there be a set amount determined by the Commission that would be incorporated into the regulation? Will there be an opportunity for vendors to complete and submit their applications online through the www.massgaming.com website?

134.12 Temporary Licenses:

The timeframe to which a temporary license is issued seems inconsistent with other jurisdictions that Penn operates. In the 7 jurisdictions that offer a temp license; the timeline to issue is between 1 day and



PLAINRIDGE PARK
CASINO

2 weeks, with majority of jurisdictions issuing a temp license within a week. If the commission could issue a temp license within a week of submittal, it would greatly help from a recruiting perspective. Currently we are unable to give candidates a timeline of expected licensure which results in candidates finding other positions during the wait to hear and the feedback from candidates that never start with us after the application is submitted is that it is due to the ambiguity of the timing. Many of our positions are entry level and the potential candidates may not want to, or be able to wait (for financial reasons) for a position that they could find similar in pay/position at another company.

Sincerely,

Lisa McKenney

Lisa McKenney,
Compliance Manger



November 30, 2016

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

RE: Blue Tarp reDevelopment Comments on Proposed Revisions to 205 CMR 134.00

To Whom It May Concern:

In response to the Massachusetts Gaming Commission's (the "Commission") Public Notice and Hearing on November 30, 2016 for comments on proposed changes to 205 CMR 134, *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*, Blue Tarp reDevelopment, LLC ("MGM Springfield") submits the following.

As discussed at the September 22, 2016 Public Meeting, the Gaming Act strives to balance the need to ensure "public confidence in the integrity of the gaming licensing process" while at the same time "to provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed" and "promote small businesses." G.L. c. 23K, § 1. Accordingly, registration and licensing regulations should recognize the need of large, complex and multi-faceted businesses to operate efficiently, thereby providing economic opportunities to the greatest number of people and businesses in the Commonwealth, while steadfastly protecting the integrity of gaming in the Commonwealth.

The proposed changes to the vendor and employee licensing regulations are all designed to align the Gaming Act's goals by focusing the Commission's resources where the risk to the integrity of gaming and the public interest is the greatest, while providing efficiencies and less restrictive regulatory requirements where little risk exists to justify the cost and burdens of compliance. As further set forth below, MGM Springfield generally supports the proposed changes to 205 CMR 134 with the addition of an exemption for publicly traded, nongaming vendors from registration and expanded flexibility to utilize the rehabilitation process for gaming service employee registrants.

De minimus exception for nongaming vendor registration- 205 CMR 134.04(6)(o)

MGM Springfield strongly supports the proposed change to 205 CMR 134.04(6) to add an exemption from nongaming vendor registration based on an annual spending threshold of \$10,000.00 ("*de minimus* exemption"). Adding this exemption will provide operational

flexibility for gaming licensees for low dollar purchases and eliminate the registration requirement for many small businesses while allowing the Division of Licensing to focus its resources on vendors that are the recipients of the vast majority of gaming licensee spending.

In creating a *de minimus* exemption, Massachusetts would join the majority of other non-tribal, US gaming jurisdictions that either exempt nongaming vendors from registration or licensing requirements based on a purchasing threshold or do not require any form of mandatory registration or licensing whatsoever for nongaming vendors. For example, Missouri and Mississippi do not require nongaming vendors to be registered or licensed. Likewise, New Jersey does not require nongaming vendors to be licensed. Although New Jersey does require all nongaming vendors to be registered, the initial registration process is highly abbreviated and is completed and filed electronically by the gaming licensee (not the vendor). Pennsylvania, Louisiana and Michigan each have significantly higher registration/licensure thresholds than what is being considered in Massachusetts (i.e., \$100,000, \$200,000 and \$50,000, respectively). Even Maryland, which has a nongaming vendor registration/licensure system most closely analogous to Massachusetts, recently increased its *de minimus* registration exemption from \$2,500 per year to \$10,000 per year. In approving a \$10,000.00 threshold, Massachusetts will adopt a conservative level for such an exemption compared to its peer regulators in the US.

A *de minimus* exemption for a nongaming vendor paid less than \$10,000 annually will likely only exempt a small fraction of the total annual spending by a gaming licensee from the vendor registration requirements while substantially conserving the gaming regulator's limited resources. For example, in Michigan there are approximately 818 vendors receiving payment from MGM Detroit (in the annual pool sampled). Applying a theoretical \$10,000 *de minimus* exemption to the pool of 818 vendors would exclude less than 1% of MGM Detroit's annual spending. Remarkably, however, the \$10,000 threshold would exclude 467 of the 818 vendors from the vendor registration requirements. Put another way, without the *de minimus* exemption, the gaming regulator's limited administrative resources would be squandered attempting to regulate 467 vendors representing less than 1% of total annual spending. Those resources are probably much better directed regulating the remaining 351 vendors that represent over 99% of total annual spending. Indeed, the top 25 vendors at MGM Detroit were paid between \$82M and \$1.4M annually while the bottom 25 vendors to MGM Detroit were paid between \$120 and \$10. Similar results are expected for MGM Springfield.

Of course, none of this is to suggest that the exempted pool of 467 vendors would escape the scrutiny of the Commission and its staff. A gaming licensee's vendor spending and disbursements are reported bi-monthly to the Commission as part of the Commission's Uniform Standards of Accounting Procedures and Internal Controls, 205 CMR 138.06(2). For example, the current format for the bi-monthly disbursement report submitted by MGM Springfield includes disbursements to all registered or licensed vendors under 205 CMR 134.06 as well as disbursement to all other entities exempt from the registration or licensing requirements. Simply put, exemption from the registration requirement does not exempt the reporting of payments to such vendors to the Commission. Accordingly, even if a *de minimus* exemption is adopted, the Commission will continue to have a record of payments to all such vendors, and the Commission certainly retains the discretion and right to require any such vendor to register if the facts and circumstances so warrant. The *de minimus* exemption simply provides the Commission with a more surgically precise tool for regulating low dollar value nongaming vendors.

A *de minimus* exemption will also provide gaming licensees needed flexibility to quickly make comparatively small dollar purchases with a business to cover miscellaneous items and services as business needs dictate. These purchases could include sandwiches for a staff lunch, printed materials at a local copy store to magazine subscriptions, off the shelf or downloadable software or other office products. Registering nongaming vendors for these types of transactions adds very little to the integrity of gaming and, in some cases, serves as a barrier to doing business with a gaming licensee which is contrary to the Gaming Act's goal of promoting small businesses. A few hundred or even a few thousand dollars' worth of business does not justify the time and resources needed to register as a nongaming vendor.

Lobbying Exemption - 205 CMR 134.04(6)(d).

MGM Springfield supports the proposed change to the exemption for legal, accounting and financial services in 205 CMR 134.04(6)(d) eliminating the term "professional" before "legal" and adding "lobbying" to this exemption. Legal services are recognized as a professional service making the "professional" qualifier unnecessary and redundant. Lobbying services like accounting, legal and financial services is a regulated industry that requires registration, disclosure of activities and is under the supervision of the Commonwealth's Secretary of State's Office. There are significant restrictions on lobbyist interaction with the executive and legislative branches as well as limits on fee arrangements, gifts and political contributions. See G.L. c. 3, §§ 39 –50. As lobbying services are independently regulated and reported to the Secretary of State's Office, registration as a nongaming vendor is redundant to the lobbying registration requirements for the purposes of protecting the public interest. Louisiana, Maryland and Pennsylvania all exempt lobbyists from nongaming vendor registration and licensing requirements. See, COMAR 36.03.02.17(C)(11); La. Admin. Code tit. 42, § 2108(c)(10); and 58 Pa. Code § 437a.1(d)(11). In Michigan, lobbyists may be exempted from nongaming vendor registration requirements under broad waiver authority where a "person or field is regulated by another regulatory agency in Michigan. *Michigan Gaming Control Board Resolution No. 2015-01 Regarding Vendor Exemptions and Waivers from Supplier-Licensing Requirements Pursuant to Rule 432.1322(4) and Rule 432.1223 and Delegation of Authority to the Executive Director to Grant Vendor Exemptions and Waivers (4)(b)*.

Non-Gaming Vendor Publicly Traded Company Exemption

In addition to supporting the proposed changes to 205 CMR 134.04(6), MGM Springfield requests that the Commission add an additional exemption for publicly traded companies, other than a Gaming Vendor Primary, in good standing and up to date with all required filings. Similar to the justification for the services detailed in exemption (d), a publicly traded company is subject to heavy regulatory oversight and disclosure under the auspices of the Security and Exchange Commission (SEC) pursuant to the Securities Acts of 1933 and 1934. A publicly traded company is required to be registered with the SEC and must regularly disclose certain business and financial information through annual and periodic public reporting. These Acts also prohibit certain types of conduct and provide the SEC with broad investigatory and disciplinary powers. This oversight was further enhanced through subsequent Acts of Congress since the late 1930's, most recently the Sarbanes-Oxley Act of 2002 and Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. Collectively, these laws ensure the integrity of publicly traded companies and set significant requirements for corporate governance, disclosure

and transparency consistent with the Commission's goals of ensuring the high character of vendors and suppliers doing business with gaming licensees.

Several US gaming jurisdictions have an exemption for publicly traded companies that provide nongaming goods or services to a gaming licensee. In Michigan, the executive director of the Michigan Gaming Control Board (MGCB) can exempt a publicly traded domestic company under the regulation of the SEC, whose annual overall gross revenues from doing business with casino licensees constitute less than 5% of the publicly traded corporation's annual gross revenues. See MGCB Resolution No. 2015-01. In Louisiana, publicly traded companies subject to regulation by the SEC, who are in good standing and are current with required filings are exempt from obtaining a non-gaming supplier permit. La. Admin. Code tit. 42, § 2108(c)(13). Pennsylvania also exempts publicly traded companies that are under the regulation of the SEC if the publicly traded company submits a completed Publicly Traded Gaming Service Provider Form to the Bureau of Licensing, agrees to abide by gaming service provider responsibilities and pays a fee. 58 Pa. Code § 437a.1(g).

As discussed at the September 22, 2016 Public Meeting, there are practical challenges to registering or licensing publicly traded companies including vast corporate structures that often span the globe. Registering these types of entities is not practicable and would require significant Commission resources. Examples of these types of nongaming vendors would include Dell Computer, Microsoft Corp., or Xerox. Moreover, considering the potential for business with Massachusetts gaming licensees as compared to large corporate revenues, many publicly traded companies would likely take a pass at doing business with a Massachusetts licensee rather than go through the licensing and registration process – especially for a "one off" transaction. Of course, once again, the Commission certainly retains the discretion and right to require any such company to register or be licensed if the facts and circumstances so warrant.

Accordingly, MGM Springfield proposes a MGCB type exemption for publicly traded companies to be added to 205 CMR 134.0(6): as follows:

(p) publicly traded domestic corporation, other than a Gaming Vendor Primary, under the regulation of the United States Securities and Exchange Commission, or a wholly owned subsidiary of such a corporation, in good standing and whose annual overall gross revenues from doing business with a Massachusetts gaming licensees constitute less than 5% of the publicly traded corporation's annual gross revenues.

Proof of Business Relationship - 205 CMR 134.08(1)(c)

MGM Springfield supports the Commission's amendment to the vendor and employee licensing regulation that requires a vendor to provide "proof of a business relationship" to the Division of Licensing in connection with a vendor registration application. Providing proof of a business relationship with a licensee will ensure that only vendors with a likelihood of doing business with a licensee are eligible to apply for a nongaming vendor license. Consistent with the discussion on September 22, 2016, MGM Springfield will work with Commission staff to determine the form of "proof" that will be used to establish business relationship to avoid requiring documentation that could be construed as creating a contractual relationship or would require the disclosure of potentially confidential or proprietary contract terms.

Enhanced Licensing Division discretion to designate a nongaming vendor a gaming vendor secondary - 205 CMR 134.04(3)

MGM Springfield supports providing additional discretion to the Division of Licensing to designate a nongaming vendor a gaming vendor secondary. Providing the Licensing Division this discretion will allow the Division to avoid expending resources in connection with a full licensing investigation where the facts and circumstances demonstrate such a process is not necessary to protect the public interest. This discretion can be utilized where a registered nongaming vendor has reached the gaming secondary license threshold but is wrapping up a contract or where the nongaming vendor is under an existing regulatory structure. Other criteria may include the nature of the work, the size of the business and its relationship to or presence at the gaming establishment.

Similar to other changes to the vendor licensing regulations, this proposed change will lessen the burden of a full license review and application on businesses seeking to provide goods and services to a gaming licensee. This additional discretion will serve to encourage small and medium businesses to compete for gaming licensee contracts.

Vendor and Employee Registration and Licensing Efficiencies

Both the IEB and Division of Licensing have recommended changes to the employee and vendor licensing regulation to make the registration and licensing process more efficient for prospective employees and vendors and better deploy the Commission's resources. MGM Springfield supports these changes including but not limited to:

Changes to Scoping Requirements for Gaming Vendor and Gaming Vendor Secondary Qualifiers, 205 CMR 134.04(4)

Greater Discretion to Change Application Forms, 205 CMR 134.07

Changes to the Hearing and Appeal Process for Employees and Vendors Denied Registrations or Licenses, 205 CMR 134.09(2)

Administrative Closure of Applications, 205 CMR 134.14

Changes to the Rehabilitation Process - 205 CMR 134.10 and 134.11

MGM Springfield supports changes to 205 CMR 134.10 and 134.11 to make the rehabilitation process for applicants and registrants, respectively, more efficient by allowing proof of rehabilitation to be provided earlier in the licensing process but notes that such a change does not address the potential underlying concerns with the mandatory disqualification of gaming service employees under G.L. c. 23K, § 16(b) in the first instance. MGM Springfield understands the Commission's position regarding the potential conflict between G.L. c. 23K, § 16(b) and section 30(f). While the conflict is apparent for a gaming employee required to file an application under section 134.10, further analysis suggest that section 16(b)'s automatic disqualification does not specifically apply to a registrant under section 134.11, allowing the Commission to utilize its discretion to reconcile the statutory provisions by finding section 16(b) does not apply to a registrant in the first instance. This is consistent with the Commission's distinction between an

“applicant” and a “registrant” for purposes of affirmative licensing and registration in sections 134.10 and 134.11 and provides an alternative basis to reconcile the conflict between section 16(b) and section 30(f) as applied to gaming service employees. Set forth below are modifications to section 134.11(2) which we believe: (i) comport with section 16 and section 30; (ii) provide the Commission with the maximum amount of discretion to make determinations on suitability; and (iii) preserve rehabilitation as an option for all registrants.

(2) The Bureau and the Commission ~~shall~~ may deny and/or revoke a registration as a gaming service employee or nongaming vendor if the person:

- (a) has been convicted ~~a felony or other crime involving embezzlement, theft, fraud or perjury; except that for such disqualifying convictions under M.G.L. c. 23K, § 16 and 205 CMR 134.11(2)(a) which occurred before the 10 year period immediately preceding submission of the registration,~~ of an offense as defined in M.G.L. c. 23K, § 16; provided however, the Bureau may in its discretion, decline to deny or revoke the registration of a person who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.11(4)

This modification preserves the Commission’s discretion to determine suitability while eliminating an absolute barrier to employment that may be important to providing the greatest number of opportunities in Springfield. MGM Springfield has always been and remains committed to exercising its best efforts to hire a high percentage of its workforce from the City of Springfield and the region, which commitment is embodied in the Host Community Agreement with Springfield. It is under the spirit of that commitment which MGM Springfield continues to urge as much regulatory flexibility as reasonably possible in this area to bolster its opportunity for success on this important goal. MGM Springfield will continue to work closely with Commission staff to monitor the impacts of its current policy and provide the Commission with any relevant data in the future for reconsideration of its position or in support of a legislative change.

Thank you for your attention to this matter.

Sincerely,



Seth N. Stratton
Vice President & General Counsel
BLUE TARP REDEVELOPMENT LL



September 6, 2016

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

RE: Blue Tarp reDevelopment Comments on Proposed Revisions to 205 CMR 134.00

To Whom It May Concern:

In response to the Massachusetts Gaming Commission's (the "Commission") request for comments on proposed changes to 205 CMR 134, *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*, Blue Tarp reDevelopment, LLC ("MGM Springfield") submits the following comments on the revised draft regulations to the Commission.

MGM Springfield appreciates the Commission's and its staff's commitment to continuously review its regulations to ensure that they most efficiently and effectively achieve the goals of G.L. c. 23K (the "Gaming Act"). Nowhere is such an approach more critical than the requirements and processes for employee and vendor registration and licensing. In creating the Gaming Commission and its regulatory structure, the Legislature recognized the need to ensure "public confidence in the integrity of the gaming licensing process" while at the same time "to provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed" and "promote small businesses". G.L. c. 23K, § 1. Accordingly, registration and licensing regulations should recognize the need of large, complex and multi-faceted businesses to operate efficiently, thereby providing economic opportunities to the greatest number of people and businesses in the Commonwealth, while steadfastly protecting the integrity of gaming in the Commonwealth.

The proposed changes to the vendor and employee licensing regulations are all designed to align the Gaming Act's goals by focusing the Commission's resources where the risk to the integrity of gaming and the public interest is the greatest while providing efficiencies and less restrictive regulatory requirements where little risk exists to justify the cost and burdens of compliance. As

further set forth below, MGM generally supports the proposed changes to 205 CMR 134 with some additional modifications. MGM also supports the Commission's continuing review of the Gaming Act and its regulations for any potential adverse impacts on the ability of gaming licensees to meet the Gaming Act's employment and economic development goals.

The addition of a de minimus exception for nongaming vendor registration- 205 CMR 134.04(6)(o)

MGM Springfield strongly supports the proposed change to 205 CMR 134.04(6) to add an exemption from nongaming vendor registration based on a reasonable annual spending threshold ("*de minimus* exemption"). MGM Springfield recommends that the *de minimus* exemption be initially set at \$10,000.00 annually. Adding this exemption will provide operational flexibility for gaming licensees for low dollar purchases and eliminate the registration requirement for many small businesses while allowing the Division of Licensing to focus its resources on vendors that are the recipients of the vast majority of gaming licensee spending.

In creating a *de minimus* exemption, Massachusetts would join the majority of other non-tribal, US gaming jurisdictions that either exempt nongaming vendors from registration or licensing requirements based on a purchasing threshold or do not require any form of mandatory registration or licensing whatsoever for nongaming vendors. *See Summary of State De Minimus Exemption Threshold Applicable to Non-Gaming Vendors* attached as Exhibit A. For example, Missouri and Mississippi do not require nongaming vendors to be registered or licensed. Likewise, New Jersey does not require nongaming vendors to be licensed. Although New Jersey does require all nongaming vendors to be registered, the initial registration process is highly abbreviated and is completed and filed electronically by the gaming licensee (not the vendor). *Id.* Pennsylvania, Louisiana and Michigan each have significantly higher registration/licensure thresholds than what is being considered in Massachusetts (i.e., \$100,000, \$200,000 and \$50,000, respectively). *Id.* Even Maryland, which has a nongaming vendor registration/licensure system most closely analogous to Massachusetts, recently increased its *de minimus* registration exemption from \$2,500 per year to \$10,000 per year. *Id.*

Creation of a *de minimus* exemption for a nongaming vendor paid less than \$10,000 annually will likely only exempt a small fraction of the total annual spending by a gaming licensee from the vendor registration requirements while substantially conserving the gaming regulator's limited resources. For example, in Michigan there are approximately 818 vendors receiving payment from MGM Detroit (in the annual pool sampled). Applying a theoretical \$10,000 *de minimus* exemption to the pool of 818 vendors would exclude less than 1% of MGM Detroit's annual spending. Remarkably, however, the \$10,000 threshold would exclude 467 of the 818 vendors from the vendor registration requirements. Put another way, without the *de minimus* exemption, the gaming regulator's limited administrative resources would be squandered attempting to regulate 467 vendors representing less than 1% of total annual spending. Those resources are probably much better directed regulating the remaining 351 vendors that represent *over 99%* of total annual spending. Indeed, the top 25 vendors at MGM Detroit were paid

between \$82M and \$1.4M annually while the bottom 25 vendors to MGM Detroit were paid between \$120 and \$10. Similar results are expected for MGM Springfield.¹

Of course, none of this is to suggest that the exempted pool of 467 vendors would escape the scrutiny of the Commission and its staff. A gaming licensee's vendor spending and disbursements are reported bi-monthly to the Commission as part of the Commission's Uniform Standards of Accounting Procedures and Internal Controls, 205 CMR 138.06(2). For example, the current format for the bi-monthly disbursement report submitted by MGM Springfield includes disbursements to all registered or licensed vendors under 205 CMR 134.06 as well as disbursement to all other entities exempt from the registration or licensing requirements. Simply put, exemption from the registration requirement does not exempt the reporting of payments to such vendors to the Commission. Accordingly, even if a *de minimus* exemption is adopted, the Commission will continue to have a record of payments to all such vendors, and the Commission certainly retains the discretion and right to require any such vendor to register if the facts and circumstances so warrant. The *de minimus* exemption simply provides the Commission with a more surgically precise tool for regulating low dollar value nongaming vendors.

A *de minimus* exemption will also provide gaming licensees needed flexibility to quickly make comparatively small dollar purchases with a business to cover miscellaneous items and services as business needs dictate. These purchases could include sandwiches for a staff lunch, printed materials at a local copy store to magazine subscriptions, off the shelf or downloadable software or other office products. Registering nongaming vendors for these types of transactions adds very little to the integrity of gaming and, in some cases, serves as a barrier to doing business with a gaming licensee which is contrary to the Gaming Act's goal of promoting small businesses. A few hundred or even a few thousand dollars' worth of business does not justify the time and resources needed to register as a nongaming vendor.

In addition to setting a threshold of \$10,000, MGM Springfield also recommends further amendment to the proposed draft *de minimus* exemption to provide a clear process for an exempted vendor to register as a nongaming vendor once the \$10,000 threshold is reached:

(o) Upon submission of a written certification by a gaming licensee, any person providing goods or services not directly related to gaming to whom the gaming licensee reasonably expects to pay an amount less than **\$10,000** within a 12-month period. **If a vendor exceeds the \$10,000 threshold, the Division of Licensing shall forward notice to the vendor of its obligation to register as a non-gaming vendor. Within 45 days of service of the notice, the vendor shall submit a completed Non-Gaming Vendor Registration Form as set forth in 205 CMR 134.07(4) or file a written request to the Division of Licensing for a determination that a registration is not required as a non-gaming vendor on**

¹ At the August 18, 2016 Public Hearing of the Commission, Commission staff was asked about applying a \$10,000 *de minimus* exemption to the current vendor pool providing goods and services to Plainridge Park Casino. Staff indicated that applying a \$10,000 *de minimus* exemption would exclude "almost a third" of Plainridge's vendors from the registration requirement. Massachusetts Gaming Commission Public Meeting No. 198, Transcript at p. 257. Staff was not asked what percentage of total annual spending this group of Plainridge's potentially exempted vendors constitutes. An analysis of the exemption should capture the impact on total spending, not just total number of vendors.

the grounds that it is not providing goods or services on a regular or continuing basis.

Additional Vendor Registration and Licensing Exemptions 205 CMR 134.04(6)(d).

MGM Springfield supports the proposed change to the exemption for legal, accounting and financial services in 205 CMR 134.04(6)(d) eliminating the term “professional” before “legal and adding “lobbying” to this exemption. Legal services are recognized as a professional service making the “professional” qualifier unnecessary and redundant. Lobbying services like accounting, legal and financial services is a regulated industry that requires registration, disclosure of activities and is under the supervision of the Commonwealth’s Secretary of State’s Office. There are significant restrictions on lobbyist interaction with the executive and legislative branches as well as limits on fee arrangements, gifts and political contributions *See* G.L. c. 3, §§ 39 –50. As lobbying services are independently regulated and reported to the Secretary of State’s Office, registration as a nongaming vendor is redundant to the lobbying registration requirements for the purposes of protecting the public interest. Louisiana, Maryland and Pennsylvania all exempt lobbyists from nongaming vendor registration and licensing requirements. *See*, COMAR 36.03.02.17(C)(11); La. Admin. Code tit. 42, § 2108(c)(10); and 58 Pa. Code § 437a.1(d)(11). In Michigan, lobbyists may be exempted from nongaming vendor registration requirements under broad waiver authority where a “person or field is regulated by another regulatory agency in Michigan. *Michigan Gaming Control Board Resolution No. 2015-01 Regarding Vendor Exemptions and Waivers from Supplier-Licensing Requirements Pursuant to Rule 432.1322(4) and Rule 432.1223 and Delegation of Authority to the Executive Director to Grant Vendor Exemptions and Waivers (4)(b).*

In addition to supporting the proposed changes to 205 CMR 134.04(6), MGM Springfield requests that the Commission add an additional exemption for publicly traded companies, other than a Gaming Vendor Primary, in good standing and up to date with all required filings. Similar to the justification for the services detailed in exemption (d), a publicly traded company is subject to heavy regulatory oversight and disclosure under the auspices of the Security and Exchange Commission (SEC) pursuant to the Securities Acts of 1933 and 1934. A publicly traded company is required to be registered with the SEC and must regularly disclose certain business and financial information through annual and periodic public reporting. These Acts also prohibit certain types of conduct and provide the SEC with broad investigatory and disciplinary powers. This oversight was further enhanced through subsequent Acts of Congress since the late 1930’s, most recently the Sarbanes-Oxley Act of 2002 and Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. Collectively, these laws ensure the integrity of publicly traded companies and set significant requirements for corporate governance, disclosure and transparency consistent with the Commission’s goals of ensuring the high character of vendors and suppliers doing business with gaming licensees.

Several US gaming jurisdictions have an exemption for publicly traded companies that provide nongaming goods or services to a gaming licensee. In Michigan, the executive director of the Michigan Gaming Control Board (MGCB) can exempt a publicly traded domestic company under the regulation of the SEC, whose annual overall gross revenues from doing business with casino licensees constitute less than 5% of the publicly traded corporation's annual gross

revenues. *See MGCB Resolution No. 2015-0.* In Louisiana, publicly traded companies subject to regulation by the SEC, who are in good standing and are current with required filings are exempt from obtaining a non-gaming supplier permit. La. Admin. Code tit. 42, § 2108(c)(13). Pennsylvania also exempts publicly traded companies that are under the regulation of the SEC if the publicly traded company submits a completed Publicly Traded Gaming Service Provider Form to the Bureau of Licensing, agrees to abide by gaming service provider responsibilities and pays a fee. 58 Pa. Code § 437a.1(g).

There are practical challenges to registering or licensing publicly traded companies including vast corporate structures that often span the globe. Registering these types of entities is not practicable and would require significant Commission resources. Moreover, considering the potential for business with Massachusetts gaming licensees as compared to large corporate revenues, many publicly traded companies would likely take a pass at doing business with a Massachusetts licensee rather than go through the licensing and registration process – especially for a "one off" transaction. Of course, once again, the Commission certainly retains the discretion and right to require any such company to register or be licensed if the facts and circumstances so warrant.

Proof of Business Relationship, 205 CMR 134.08(1)(c)

MGM Springfield supports the Commission’s amendment to the vendor and employee licensing regulation that requires a vendor to provide “proof of a business relationship” to the Division of Licensing in connection with a vendor registration application. Providing proof of a business relationship with a licensee will ensure that only vendors with a likelihood of doing business with a licensee are eligible to apply for a nongaming vendor license. In determining what the form of “proof” will be, MGM Springfield requests that the Commission avoid requiring documentation that could be construed as creating a contractual relationship or would require the disclosure of potentially confidential or proprietary contract terms.

Enhanced Licensing Division discretion to designate a nongaming vendor a gaming vendor secondary. 205 CMR 134.04(3)

MGM Springfield supports providing additional discretion to the Division of Licensing to designate a nongaming vendor a gaming vendor secondary. Providing the Licensing Division this discretion will allow the Division to avoid expending resources in connection with a full licensing investigation where the facts and circumstances demonstrate such a process is not necessary to protect the public interest. This discretion can be utilized where a registered nongaming vendor has reached the gaming secondary license threshold but is wrapping up a contract or where the nongaming vendor is under an existing regulatory structure. Other criteria may include the nature of the work, the size of the business and its relationship to or presence at the gaming establishment.

Similar to other changes to the vendor licensing regulations, this proposed change will lessen the burden of a full license review and application on businesses seeking to provide goods and services to a gaming licensee. This additional discretion will serve to encourage small and medium businesses to compete for gaming licensee contracts.

Vendor and Employee Registration and Licensing Efficiencies

Both the IEB and Division of Licensing have recommended changes to the employee and vendor licensing regulation to make the registration and licensing process more efficient for prospective employees and vendors and better deploy the Commission's resources. MGM Springfield supports these changes including but not limited to:

- Changes to Scoping Requirements for Gaming Vendor and Gaming Vendor Secondary Qualifiers, 205 CMR 134.04(4)
- Greater Discretion to Change Application Forms, 205 CMR 134.07
- Changes to the Hearing and Appeal Process for Employees and Vendors Denied Registrations or Licenses, 205 CMR 134.09(2)
- Changes to the Rehabilitation Process, 205 CMR 134.10(4)
- Administrative Closure of Applications, 205 CMR 134.14

Additional Topics for Comment

MGM Springfield appreciates the Commission's invitation to provide comments on additional topics related to employee and vendor licensing including but not limited to the gaming service employee rehabilitation process; interpretation and implementation of Criminal Offender Record Information (CORI) requirements; utilization of the reciprocity enabled in 31(f); registration process for non-gaming vendors; registration process for gaming service employees; review of the license application forms; and the development of a routine process for overall regulatory review.

First, regarding the interpretation and implementation of Criminal Offender Record Information (CORI) requirements, specifically as applied to Gaming Service Employees, this topic is worthy of further review and discussion separate from the current rule making process. This topic was identified by MGM Springfield in its RFA 2 Application as a key post licensing area of concern. The issue has been discussed by the Commission in the past and was summarized in a March 27, 2014 Memorandum to the Commission from the Law Firm of Michael & Carrol, consultants to the Gaming Commission, where they concluded the following:

It is our view that the mandatory disqualification of gaming service employees who have convictions of the type described in Section 16(b) works at cross - purposes with the Legislature's policy declaration at section 1(5). We believe that, given the nature of the non-gaming functions served by [gaming] service employees, the restrictions of Section 16(b) are not necessary in order to maintain the appropriate degree of honesty and efficiency in a casino.

See, Memorandum to Stephen Crosby from Michael & Carroll re; Gaming Service Employee Licensing Standards, March 27, 2014 attached hereto as Exhibit B. While the hiring of gaming service employees is likely 18 – 20 months away, the Commission should convene a working group to make specific recommendations to address the potential impact of the mandatory disqualification of gaming service employees on the hiring goals of the category 1 licensees and the overall intent of the Gaming Act.

Turning to the registration requirements for nongaming vendors and gaming service employees, MGM Springfield supports Chairman's Crosby's recommendation of streamlining these processes as much as possible to alleviate the potential burden of registration. Massachusetts Gaming Commission Public Meeting No. 198, Transcript at pp. 207-208. The Gaming Commission has significant authority to determine what type of information a nongaming vendor and gaming service employee must produce for registration purposes. *See* G.L c. 23K, § 30 and § 31. Under both sections, nongaming vendors and gaming service employees "shall produce such information as the commission may require." *Id.*

The Commission has taken some important steps in this regard including providing relief to nongaming vendors from the fingerprinting requirement. Further streamlining of the nongaming vendor registration requirements should be considered in addition to increasing exemptions and other efficiencies. The Commission may wish to consider a New Jersey-like registration requirement. In New Jersey, nongaming vendors provide the casino licensee with a simple two-page vendor registration form, which the casino licensee then files electronically with the New Jersey Division of Gaming Enforcement ("DGE"). Then, within the next 30 days the vendor completes and signs a 4-page Supplemental Disclosure form, and files same with the DGE. A similar process could be utilized for nongaming vendors in Massachusetts. Importantly, the Commission could retain discretion to require further information and investigation of any vendor providing a good or service to a gaming licensee. Similar efficiencies and registration requirements can also be explored with gaming service employees.

Finally, MGM Springfield supports the Commission's interest in periodically reviewing its regulations. Commission staff has been very willing to discuss the impacts of its regulations on the licensees' business practices and make adjustments where warranted. The Commission should continue to review its regulations, some of which were promulgated prior to the award of licenses in Massachusetts with an eye toward efficiencies and eliminating unnecessary requirements. As the category 1 licensees become operational, revisiting the operation related regulations may be warranted as well.

MGM Springfield fully recognizes "the professionalism of the IEB and integrity of the results that professionalism has produced" for the Commonwealth as recently noted by Chairman Crosby in summarizing the importance of vendor and employee licensing issues. MGM Springfield strives for the same level of professionalism and integrity in the selection of its employees and vendors to staff and service MGM Springfield. MGM Springfield shares the Commission's interest in only doing business with reputable organizations and employing people with the requisite qualities and integrity and have our own processes in place to that end. At the same time, MGM Springfield is committed to meeting its hiring, diversity and purchasing goals including hiring 35% of gaming establishment employees from the City of Springfield, 50%

minorities, 50% women and 2% veterans as well as spending \$50 million per year on local vendors from the Greater Springfield Area. We appreciate the Commission's thoughtful and collaborative approach to these issues and partnership in achieving these goals and the goals of the Gaming Act.

Thank you for your attention to this matter.

Sincerely,



Seth N. Stratton
Vice President & General Counsel

BLUE TARP REDEVELOPMENT LLC

Exhibit A

De Minimis Exemption Thresholds Applicable to Non-Gaming Vendors

A. States in which Non-Gaming Vendors Must be Licensed

1. *Pennsylvania*

In Pennsylvania, gaming service providers (i.e., persons who provide non-gaming goods or services to gaming facility operators, 58 Pa. Code § 401a.3) that will do or anticipate doing less than \$100,000 in business with a single gaming facility operator or multiple gaming facility operators in a consecutive 12-month period are exempted from vendor registration and certification requirements. See 58 Pa. Code § 437a.1(a)(1)

2. *Louisiana*

Non-gaming vendors that will do or anticipate doing \$200,000 or less in business per calendar year with a Louisiana gaming facility are exempt from the Louisiana non-gaming supplier permit requirement. See LA Rev. Stat. § 27:29.3A(1)

3. *Michigan*

Non-gaming vendors providing \$50,000 or less in goods or services to a Michigan gaming facility are automatically exempted from the Michigan vendor licensing requirements. Michigan Gaming Control Board (“MGCB”) 2015 Resolution No. 2015-01.¹ Any non-gaming vendor that does or anticipates doing between \$50,000 and \$400,000 in business with a Michigan gaming facility in any 12-month period may apply to the MGCB for a vendor exemption. *Id.* at pg. 5; see also Rule 432.1322(1) & (3) (requiring non-gaming vendors doing business “on a regular and continuing basis” with a Michigan gaming facility, i.e., providing goods or services between \$200,000 and \$400,000 in a 12-month period, to obtain a supplier’s license).

4. *Maryland*

Non-gaming vendors are presently exempt from the vendor registration requirements if the vendor does or anticipates doing less than \$2,500 in business with a Maryland gaming facility in a calendar year. See COMAR 36.03.02.17(D). In February 2016, the Maryland Lottery and Gaming Control Commission approved a regulatory amendment to: (1) increase the registration exemption threshold to \$10,000; and (2) entirely exempt from registration vendors of goods or services that a video lottery operator purchases solely to be given to a player. The amendment is anticipated to be effective in the third quarter of 2016.

¹ Available at: http://www.michigan.gov/mgcb/0,4620,7-120-57615_58037-345200--,00.html.

B. States in which Non-Gaming Vendors Need Not be Licensed

1. Missouri

Non-gaming vendors are not, and have not historically been, required to be licensed in Missouri. Supplier's licenses are required for manufacturers and sellers of gaming-related equipment and supplies. Mo. Code Regs. Ann. tit. 11, § 45-4.200.

2. Mississippi

Non-gaming vendors are not, and have not historically been, required to be licensed under the Mississippi Gaming Control Act or regulations promulgated thereunder. Rather, licensure is required only for manufacturers of gaming and associated equipment, distributors of gaming and associated equipment, and operators. Rule 12.2(a); see Miss. Code Ann. § 75-76-33. Further, the Executive Director of the Mississippi Gaming Commission may require licensing of any person that provides "services or property to a gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming." Miss. Code. Ann. § 75-76-63.

3. New Jersey

The statutory requirement that non-gaming vendors be licensed was repealed. However, all vendors must be registered to do business with New Jersey casino licensees. N.J.S.A. 5:12-92(c)(1). But, vendor registration is now a highly abbreviated process. The vendor provides the casino licensee with a simple two-page vendor registration form, which the casino licensee then files electronically with the New Jersey Division of Gaming Enforcement ("DGE"). Then, within the next 30 days the vendor completes and signs a 4-page Supplemental Disclosure form, and files same with the DGE.²

The New Jersey gaming regulations contained an exemption for transactions involving "[p]ayments for goods and services totaling \$1,000 or less made pursuant to a contract or purchase agreement not in excess of \$1,000 if the casino licensee or applicant reasonably and in good faith believes that no other goods or services will be provided to it by the same vendor." N.J.A.C. 19:43-10.5 (2011). The exemption was repealed as of June 7, 2012 in connection with the statutory repeal of the requirement that non-gaming vendors be licensed.

² Available at: <http://www.nj.gov/oag/ge/docs/Forms/VendorRegistrationSupplementalDisclosure.pdf>.

4. Illinois

Absent extraordinary circumstances, non-gaming vendors are not, and have not historically been, required to apply for a supplier's license. Although the Illinois Riverboat Gambling Act states that a supplier's license is required to "suppl[y] any equipment, devices, or supplies to a licensed riverboat gambling operation," Illinois Gaming Board ("IGB") "may waive this requirement for any specific product or products if it determines that the requirement is not necessary to protect the integrity of the game." 230 Ill. Comp. Stat. Ann. 10/8(e); see also Ill. Admin. Code tit. 86, § 3000.200(b)(6). As a matter of practice, non-gaming vendors file an application with the riverboat gambling facility with which it intends to do business, and will not be required by the IGB to submit to the supplier licensing requirement.

Exhibit B



MICHAEL & CARROLL

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

501 BROADWAY, SUITE 201
POINT PLEASANT, NEW JERSEY 08742
TELEPHONE: (732) 714-8500
TELEFAX: (732) 714-8404

1125 ATLANTIC AVENUE, SUITE 619
ATLANTIC CITY, NEW JERSEY 08401
TELEPHONE: 809-441-9292
TELEFAX: 809-441-9110

MEMORANDUM

REPLY TO: POINT PLEASANT OFFICE
ATLANTIC CITY OFFICE

TO: Stephen Crosby, Chairman
FROM: Michael & Carroll
SUBJECT: Gaming Service Employee Licensing Standards
DATE: March 27, 2014

You have asked us to review the present standards established under M.G.L. Chapter 23K ("Act"). You have further requested that we compare those standards to those utilized in other jurisdictions and then provide you with our suggestions about whether it might be useful to revise them in order to better achieve the aims of the Gaming law.

For the reasons that follow, we do recommend that the Commission suggest legislative changes that would provide the agency with greater discretion in determining the qualification of applicants for gaming service employee registration.¹

1. Present Statutory Standards

Section 30(c) of the Act provides that:

¹ We have taken the information contained here from the applicable statutes and regulations. It is our experience that sometimes gaming agencies will promulgate informal policies beyond the words of the published rules. These policies are also often changed. We cannot speak definitively regarding every state's informal practice. We have tried to make this review as comprehensive as possible, but we note this caveat.

All other employees in a gaming establishment who are not considered to be gaming employees, key gaming employees or who have restricted access to an area of the gaming establishment or knowledge of security procedures, shall be required to register with the bureau as a gaming service employee and shall produce such information as the bureau may require to become registered under this chapter.

Thus, "gaming service employees" are those persons whose work at the gaming establishment is the least sensitive in terms of the integrity of operations. When determining the qualifications of these persons for permission to work in these positions, Section 16(b) of the Act, in part, requires the Commission to deny registration if the applicant:

. has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; provided, however, that for convictions which occurred before the 10-year period immediately preceding application for licensure, an applicant may demonstrate, and the commission shall consider, the applicant's rehabilitation and whether such conviction should not be an automatic disqualification under this section
.....

Accordingly, under this scheme, reading these two statutory provisions together, the Commission is now required to deny permission to persons who want to assume the least sensitive jobs in a casino if those persons have felony or other theft or fraud convictions within ten years of their application. This rule should be analyzed in the context of one of the principle, enunciated purposes of casino legalization in the Commonwealth. Section 1((5) of the Act establishes that:

the Commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed

It is our view that the mandatory disqualification of gaming service employees who have convictions of the type described in Section 16(b) works at cross -purposes with the Legislature's policy declaration at Section 1(5). We also believe that, given the nature of the non-gaming functions served by casino service employees, the restrictions of Section 16(b) are not necessary in order to maintain the appropriate degree of honesty and efficiency in a casino.

We buttress these opinions with a survey of the standards now utilized by other jurisdictions. In the following section, we will explain those standards.

2. Survey of Other Jurisdictions

We do not offer the comparisons below as an exhaustive list. To do so would be unnecessary and duplicative. We have chosen what we consider the major gaming jurisdictions in the United States. Should you want additional jurisdictional comparisons, please let us know.

New Jersey

Historically, New Jersey licensed all facility employees, including those working solely within the hotel. Gradually, New Jersey lowered those standards. First, the state reduced the standard to registration only. Recently, all pre-approval requirements were dropped. At present, employees who work in non-gaming capacities (analogous to casino service employees in the Commonwealth) are not licensed or registered at all.

In fact, the present licensing system in New Jersey does not even require the licensing of casino employees (defined in New Jersey as those, generally who perform services in the gaming areas, including dealers, et al). This category of employees is only registered and their registration standards include rehabilitation without any mandatory disqualifications.

Nevada

Nevada registers only its "gaming employees" This category is defined to include those positions traditionally associated with direct involvement in gaming activity. It expressly excludes "barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages." The standard for registration of these employees is discretionary. The Board is not required to deny any applicant. The regulations establish standards within which the Board "may" deny a registration. Approval of persons who work at the gaming facility but are not "gaming employees" are not handled by the Board. Some are required to obtain only Sheriff's work cards.

Ohio

Many years after the New Jersey initial experience, Ohio commenced its operations by licensing only key employees and casino gaming employees. In its definition of "casino gaming employee," the legislation expressly exempts, "an individual whose duties are related solely to non-gaming activities such as entertainment, hotel operations, maintenance, or preparing or serving food and beverage." This description would apply to Massachusetts' "gaming service

employees.” Therefore, Ohio does not require pre-approval of “casino service employees”, let alone require any mandatory disqualification for this category.

Pennsylvania

Pennsylvania issues permits to those persons considered non-gaming employees. Under the controlling legislation, this category includes, “bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverages, clerical or secretarial personnel, parking attendants, janitorial, stage, sound and light technicians and other nongaming personnel as determined by the board.” These employees would be considered “casino service employees” in Massachusetts.

Applicants for these permits are addressed under a discretionary standard otherwise applicable to all applicants. The governing regulation states in its introduction to the disqualification criteria that:

An application for issuance or renewal of a license, permit, certification or registration may be denied; or a license, permit, certification or registration may be suspended or revoked if”

Accordingly, Pennsylvania provides for no automatic mandatory disapproval of persons who would, under Massachusetts parlance, be considered “casino service employees.”

Mississippi

The Mississippi system requires that those considered “gaming employees” obtain licenses. For this category of employee, the law does contain mandatory disqualification for a wide variety of criminal conduct. However, the definition of “gaming employee” to whom these standards would apply states that, “gaming employee does not include bartenders, cocktail waitresses or other persons engaged in preparing or serving food or beverages unless acting in some other capacity.” There are no pre-qualification requirements for those persons exempted from the “gaming employee” category. Thus, here, too, those who would be considered “gaming service employees” in Massachusetts would have no mandatory disqualifications applied to them.

Missouri

Missouri does contain a mandatory disqualification standard for employees. The State divides employees into two Categories. Category Level I are those who would be considered key employees. Level II includes those who would clearly be considered gaming-related persons, but it also is broad enough to potentially include, at the discretion of the Gaming Commission, some employees who might be considered "gaming service employees" in Massachusetts. The mandatory disqualification applies to both Level I and Level II employees. However, it is temporally more limited than the mandatory terms of the Commonwealth.

Level I and Level II employee applications may be denied for, among other things, any criminal record. However, those applications must be denied for convictions **within 5 years** for convictions for offenses involving generally gambling, theft, fraud or dishonesty. Thus, while Missouri, like Massachusetts, includes a mandatory disqualification requirement for persons who may be similar to "casino service employees", that standard applies only to those within 5 years of application, not 10 years as in the Commonwealth.

Iowa

Iowa is somewhat like Missouri. All persons working on the riverboat casinos must be licensed. There is also a mandatory disqualification requirement for convictions for felonies; theft or fraudulent practices in excess of \$500; using an alias for fraud; illegal bookmaking; and for certain serious or repeated misdemeanors. . However, like Missouri, the mandatory criteria apply only for convictions within 5 years. If the conviction is more than 5 years old, then a showing of rehabilitation is available.

Michigan

Michigan establishes three levels of employee licensure. Level III, the lowest level, includes persons who directly effect gaming but do not come in contact with gaming. Examples include beverage servers, wait staff, maintenance staff and housekeeping personnel, but only those with access to the areas where gaming is conducted. On this basis alone, the Michigan licensing scheme does not include persons who would be "casino service employees" in Massachusetts. However, the system does allow the Board to designate others for licensing in this category at its discretion.

The standards for licensing employees of all Levels are the same and they DO include mandatory disqualification. The rules prevent issuance of a license to any applicant with a felony conviction or with misdemeanor convictions for gambling, theft, or fraud.² Therefore, Michigan could be said to be similar in its treatment of "casino service employees", but only in the case of the Board reaching out specially for one of those persons and including them as a special Level III licensee. In the main, Michigan does not provide an automatic disqualification for persons who would be "casino service employees".

Indiana

Indiana is the only state on our list that does provide for automatic disqualification of persons who would be "casino service employees" in Massachusetts. Like Michigan, Indiana has three levels of employee license. Level 3 is the lowest level. Unlike Michigan, however, the category of Level 3 is much broader. Not only can the regulators designate anyone to require Level 3 scrutiny, but the Level 3 designation applies to "any employee of a riverboat gambling operation whose duties are performed on the riverboat . . ." Accordingly, this would apply to many, if not all, "casino service employees."

In addition, the standard applied to all Levels of employee, including Level 3, contains a mandatory denial for any felony conviction. There is no rehabilitation available and there is no time limit.

3. Conclusion

Based on our experience, and on the above analysis of other jurisdictions, we believe that the present statutory standard for the issuance of casino service employee registration is too harsh. We say this with a full appreciation for the need to strictly control casino operations and the people who staff them. However, we come to this conclusion for three basic reasons:

1. The type of work that will be undertaken by casino service employees will not directly impact on the integrity of casino operations. The focus of gaming control should be on the conduct of gaming. Casino service employees will not be involved in that activity.

² There is also a provision in the Michigan statute that seems to contradict the mandatory standard. It provides only that the Board "may" deny applicants on the basis of these convictions. We have used here the most restrictive interpretation.

2. It is an important stated policy of the Act to foster new employment opportunities for the disadvantaged and the unemployed. Often, sadly, those within this demographic will be more likely to have had some involvement with law enforcement in their past. It is, therefore, counter-productive to render the job possibilities created by the Act to be unavailable to the people who need them most.
3. The experience of other jurisdictions has illustrated that rigid licensing standards for the casino service employee category are not necessary for effective gaming regulation. Most major jurisdictions either don't license this type of employee at all or do so with discretionary standards. We point especially to the experience of New Jersey where the level of scrutiny of this type of employee has continually lessened. It has gone from full licensing to now, no pre-qualification whatsoever.

4. Recommendation

Based on all of the above, we would recommend two potential changes to the Act as it applies to the standards for casino service employees.

Our first recommendation is, we recognize, likely too extreme at this time. It is common at the outset of gaming in any jurisdiction that stricter standards are more popular. It takes a period of successful experience before those standards can be loosened. However, if feasible, we would recommend that the requirement for registration of casino service employees be removed in its entirety. To do so would not interfere with the integrity of gaming. In fact, it could conceivably improve it by allowing the Commission to focus its attention on more sensitive matters.

Our second recommendation would be to make a less radical revision to the present language. We suggest the following:

"Section 16(b) The commission shall deny an application for a *gaming* license [or registration, other than a gaming license] or a license for a key gaming employee under this chapter if the applicant: has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; provided, however, that (a) for *an applicant for a casino employee license*, convictions which occurred before the 10-year period immediately preceding application for licensure, and (b) for *applicants for casino service employee registrations*, convictions which occurred at any time, an applicant may demonstrate [remainder remain unchanged] "

MICHAEL & CARROLL
A PROFESSIONAL CORPORATION

We hope this information is helpful to you. We are, of course available to discuss this with you at your convenience. Thank you.

MICHAEL J. SCHALLER
DIRECT: (312) 836-4005
FACSIMILE: (312) 275-7599
E-MAIL: mschaller@taftlaw.com

111 East Wacker Drive, Suite 2800 / Chicago, Illinois 60601
Tel: 312.527.4000 / Fax: 312.527.4011
www.taftlaw.com

November 14, 2016

VIA E-MAIL: mgccomments@state.ma.us

Mr. Stephen Crosby, Chairman
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

Re: 205 CMR 134.00 Licensing and Registration of Employees, Vendors,
Junket Enterprises and Representatives, and Labor Organizations

Chairman Crosby:

I am outside gaming counsel to the City of Springfield (the “City” or “Springfield”), the host community to the MGM Springfield resort casino project (the “Project”). In that capacity I have been asked to comment on certain provisions of the above reference proposed regulations (the “Proposed Regulations”) to M.G.L. c23K (the “Gaming Act”). I appreciate the opportunity afforded by the Massachusetts Gaming Commission (the “Commission”) to comment on these very important Proposed Regulations. In preparing my remarks I note that I have reviewed the: (i) September 6, 2016 letter addressed to the Commission by Mr. Seth Stratton, Vice-President and General Counsel to Blue Tarp reDevelopment LLC, the owner of the Project; and (ii) September 22, 2016 transcript of the Commission’s open meeting during which the Commission discussed the report of its Investigation and Enforcement Bureau’s report on the Proposed Regulations.

As the Commission well knows, Springfield, like many other cities in its region, has been hit hard by the loss of traditional manufacturing jobs. In addition, the City was ravaged with a tornado followed by a gas explosion, both of which ripped apart portions of its downtown. A large-scale casino resort project, carefully considered, planned and implemented can provide a broad spectrum of benefits to a community. Certain benefits of hosting a major casino resort project are obvious: new jobs, both in construction and on-going operations, increased property tax revenues, and increased tourism. Not so obvious are the benefits that can be generated from purchases from local vendors and suppliers. In vying to become the host community for the Project, the City was interested in obtaining economic opportunities associated with the Project for all of its residents and businesses, not just the most employable residents and largest businesses but also the traditionally unemployed and underemployed residents as well as the many smaller businesses that form the backbone of its community and struggle to make ends meet.

In that context the City strongly supports a minimum \$10,000 annual nongaming vendor registration exemption. As Mr. Stratton pointed out in his letter referenced above, based on MGM's experience at its MGM Detroit casino, a \$10,000 exemption would exclude over 50% of potential vendors from the registration process. During the September 22 open meeting, there was discussion that the vendor registration process was not overly burdensome on the vendors and either no exemption should be made available or at most, a very low threshold. I would point out to the Commission that when a government organization requires that paperwork be filed with that organization by a small business run by owners for whom English is a second language or who do not understand the uses to which the paperwork will be put, such filing requirement will likely have a chilling effect on the owner's willingness to do business with the Project. In keeping with one of the enunciated purposes of the Gaming Act - to provide economic opportunities for all sectors of the economy- I urge on behalf of Springfield that the Commission adopt an exemption from its nongaming vendor registration requirements of a minimum of \$10,000 with the understanding that such exemption amount will be reviewed and hopefully increased in the future once the Commission staff gains sufficient experience to support a higher threshold.

In addition to the foregoing, the City also supports changes to Section 16 (b) of the Gaming Act ("Section 16 (b)") which section is implemented by Proposed Regulation 134.11: Affirmative Registration Standard for the Registration of Employees and Vendors of the Gaming Establishment, among other sections of the Proposed Regulations. Section 16 (b) and its implementing regulations requires an automatic, mandatory denial and/or revocation of a registration for a "gaming service employee" if, among other things, an individual has (i) within the past 10 years been convicted of certain crimes; (ii) committed prior acts for which that individual was not prosecuted or convicted but "form a pattern of misconduct that makes the registrant unsuitable"; and (iii) has affiliates or close associates that would not qualify for a license or whose relationship with the registrant may pose an injurious threat to the interest of the commonwealth in awarding a registration."

As pointed out by the law firm of Michael & Carroll in its March 27, 2014 memo addressed to you and attached to Attorney Stratton's letter referred to above, gaming service employees are those persons employed by the gaming licensee who work in the least sensitive positions of the gaming licensee's operations and would include kitchen workers, hotel maids, doormen, gardeners and other employees in positions often staffed by those in a community who are the most disadvantaged. Because Section 16(b) and its implementing regulations do not give the Commission any discretion to permit the individuals falling within the ambit of the aforementioned categories to hold these types of positions, Section 16 (b) and its implementing regulations will foreclose the possibility of certain segments of the City's population to take advantage of the economic opportunities promised by the Gaming Act and for which Springfield, as the host community, worked so hard to obtain. Automatically disqualifying Springfield residents from holding good paying jobs for which they are otherwise qualified based on vague

criteria that includes “a pattern of misconduct” or because a job applicant’s “close associates” whose relationship with the job applicant “may pose an injurious threat” to the Commonwealth creates a significant risk that the most disadvantaged residents will not even seek to apply for a job at MGM Springfield for fear that they will have to account for their past conduct or their association with certain individuals. For these reasons we support Attorney Stratton’s position that the Commission convenes a working group to make specific recommendations to the State Legislature to address the potential impact of the automatic, mandatory disqualification of gaming service employees under Section 16(b) of the Gaming Act and its implementing regulations.

Very truly yours,

TAFT STETTINIUS & HOLLISTER LLP



Michael J. Schaller

MJS/dja/17510776.2

cc: Kevin Kennedy
Ed Pikula, Esq.



MICHAEL & CARROLL

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
501 BROADWAY, SUITE 201
POINT PLEASANT, NEW JERSEY 08742
TELEPHONE: (732) 714-8500
TELEFAX: (732) 714-8404

MEMORANDUM

TO: Catherine Blue, General Counsel, MGC
Todd Grossman, Deputy General Counsel, MGC
Karen Wells, Director, Investigations and Enforcement Bureau, MGC
Ed Bedrosian, Jr., Executive Director, MGC

FROM: Robert J. Carroll, Esquire
Guy S. Michael, Esquire

DATE: October 31, 2016

RE: Massachusetts Gaming Commission Regulation Review

Please accept these comments from Michael & Carroll regarding recently posted regulations for review and comment.

1. 134.04(1)(b, and (4) – Why is it the Division of Licensing that is making the decision about which vendors will be designates a “secondary” and who the qualifiers of vendors will be? We recognize that this is done “after consultation” with the Bureau, but it seems to us that the Bureau will be in a better position to make these judgments due to the Bureau’s broad experience and resources in conducting the actual in-depth background investigations. We suggest that, in addition to “consultation”, they can be afforded a preference in the final decision, with any continuing disagreements resolved by the Executive Director. Also, by virtue of the Division’s and Bureau’s continuing acquisition of a great deal of experience in reviewing vendor categories and applicable criteria, both groups will be able to better identify and refine potential areas of classification disagreement. While applicants will be the source of the vast majority of all challenges, it would be expected that such disagreements between the two internal regulating units will evolve into more standardized methodology.

2. 134.05 – It is unclear why the filing standards for labor organizations have been removed. As you know, the United States Supreme Court approved the legitimacy of these types of filings (Brown v. Local 54). Therefore, if the reluctance to include these filing requirements was legal, we suggest your review of that case.
3. 134.07(1)(a) – This rule lists the information to be supplied by an applicant for a key gaming employee or gaming employee license. It does not include the Multi-Jurisdiction form. Does this mean that such a form will not be used for these applicants? If not, why not? We note that key gaming employee – executive applicants will be using the Multi-Jurisdiction Form as per 134.08(1). Is this distinction intentional?

We also see that no specific forms at all are referenced for key gaming employees or gaming employees. In fact, the descriptions of the various forms that were previously in the regulations have been deleted. Will applicants be advised otherwise of what forms are required? Will this be on the web site? It might be better to include those references in the regulations themselves.

4. 134.07(5) – There is a typo in the fourth line – “identity” should be “identify”
5. 134.14 – This rule addresses closure of applications for failure to respond to requests for information. We suggest that this be limited to failures to respond to written requests. There are often occasions when requests are made of applicants by phone or during interviews. Those will be difficult to track and document unless they are reduced to writing and this rule will be, therefore, be difficult to administer if those requests are included.
6. 138.47 – This rule prevents the use of ATM’s for obtaining cash from a financial institution in a gaming establishment. We realize that this may be the result of recommendations by the Attorney General. However, we do not see the value of this restriction. These funds can be accessed in any other context – for purchasing any commodity, whether the purchaser needs it or not, whether the purchaser can afford it or not. Certainly casinos are treated somewhat differently than many other businesses, but, in this respect, we do not see why the burden should be placed on the casino rather than on the individual responsibility of the customer. This problem is even further dramatized when it is considered that the restriction applies within the entire “gaming establishment”. That means the restaurants and hotels. Does this rule acknowledge that collateral issues can occur if it intends on prohibiting customers from using a credit card to pay their hotel or restaurant bills?

7. 138.63 – This rule requires all slot seals to be removed when an electronic gaming device is shipped from the gaming establishment. There are times when games are shipped to storage on a temporary basis. When that is done, it is sometimes worthwhile for the seals to be maintained. We suggest some flexibility in this rule in order to allow for those possibilities.
8. 144.02(2) and 144.03(1)(a) – Why has the list of information to be included when a game is submitted for testing been removed from these sections? Is this now found elsewhere?
9. 144.02(3) – We realize that the barn door is closed on this, but we repeat for the sake of the record our skepticism about the need for the Commission to have its own testing lab. The rules now wisely permit the use of outside independent labs. The need for a separate internal lab process, even though it seems to be discretionary in individual cases, seems both duplicative and unnecessarily time consuming in an area where expedited movement of games to the floor is especially important. Moreover, this challenge will be exacerbated when the two regional casinos come on line and the Commission be confronted with a substantially increased workload on this sub-division.
10. 144.03(3) – This rule makes reference to “information provided in accordance with 205 CMR 144.03(1).” As noted above, that list of information has been deleted.
11. 144.03(3)(d) – As with our comment above to 144.02(3), we have questioned the need for a Commission internal central monitoring system. We do not see the value of the expense. We also point to the additional responsibility and theoretical liability it places on the Commission and its staff, responsibilities that should more properly be shouldered by casino management.
12. 144.05(1) – This rule makes it discretionary for the Commission to assess a fee on a gaming vendor for the testing of devices. Under what circumstances would those fees be assessed or not assessed? We suggest that some standards be created so that the assessment of these fees not be challenged as arbitrary.
13. 144.06(2) – We wonder why the testing certifications need to be divided by the types of games to be tested. We suggest that any testing lab worthy of relying on should be expert in all types of games. We also suggest that opening up testing lab licenses to a variety of types of labs could become counter-productive. Fewer generally qualified labs will enhance consistency in testing expertise and results as well as better informing the industry of what the requirements are.

14. 144.06(4)(a)(1) – This section provides restrictions on financial interests by testing lab employees in manufacturing companies. We wonder whether this omits an area of concern and, thus, creates confusion. Nothing is mentioned about public shares. Can any testing lab employees have shares in a publicly traded manufacturer? What if those shares are held in a mutual fund? These types of questions have been raised in the past. We realize that this restriction is limited to manufacturers doing business in Massachusetts, but, with the size of the impending operations, we anticipate that most major manufacturers will be doing business in Massachusetts. If the Commission wants to either include or exempt any of the above mentioned situations from this prohibition, we recommend it include that language in the rule.
15. 144.06(4)(a)(3) – Again, with respect to conflicts among testing lab employees and manufacturers, we do not see any rule specifically addressing pre or post-employment restrictions. Can a lab hire people from manufacturers? Can manufacturers hire people from labs? This rule only provides a very general standard about failure to act impartially. That may be too vague to give the licensees proper guidance. Special attention should also be given to confidentiality and non-disclosure agreements both in past employee restrictions that are still extant as well as in Commission hiring and separation of lab employees.
16. 144.06(4)(b) – This rule allows testing labs to provide consulting services to manufacturers as long as the services “do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game, electronic gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.” We wonder whether this exception swallows the rule. What else would the lab consult with a manufacturer about? If it is your desire to allow a lab to consult with manufacturers (which we would think unwise), then maybe the exception should be narrowed. We also wonder how this rule could be policed. The comments in the preceding paragraph 15 are also relevant here.

Play My Way

2016 Update



PLAYMYWAY BACKGROUND

INTRODUCING PLAYMYWAY

IT'S THE SMART WAY TO TRACK YOUR PLAY.
Set the amount you want to spend.
As you play, you'll receive automatic notifications to help you keep track of your spending.
You can adjust your budget or un-enroll at any time.

ENROLL **RETURN TO GAME**

EXECUTIVE PRODUCER
PLAINRIDGE PARK
750 TODAY'S FUN!

SET YOUR BUDGETS

HOW MUCH DO YOU WANT TO SPEND?

DAILY -- SET
WEEKLY -- SET
MONTHLY -- SET

NEXT **RESET** **RETURN TO GAME**

EXECUTIVE PRODUCER
PLAINRIDGE PARK
750 TODAY'S FUN!

Approaching Limit Notification

YOU ARE APPROACHING THE BUDGET YOU SET
You have spent 75% of the budget you set for the day
You have spent 60% of the budget you set for the week
You have spent 50% of the budget you set for the month

RETURN TO GAME

EXECUTIVE PRODUCER
PLAINRIDGE PARK
750 TODAY'S FUN!

UN-ENROLLMENT

PLEASE LET US KNOW WHY YOU WISH TO UN-ENROLL
Check all that apply.

- Would rather play anonymously
- No longer want reminders and warnings
- Want to reduce contact with casino
- Plan to stop gambling
- Prefer not to say
- Reminders, warnings make gambling less fun
- I no longer have a problem with gambling
- Bad experience with RG ambassador

NEXT

EXECUTIVE PRODUCER
PLAINRIDGE PARK
750 TODAY'S FUN!

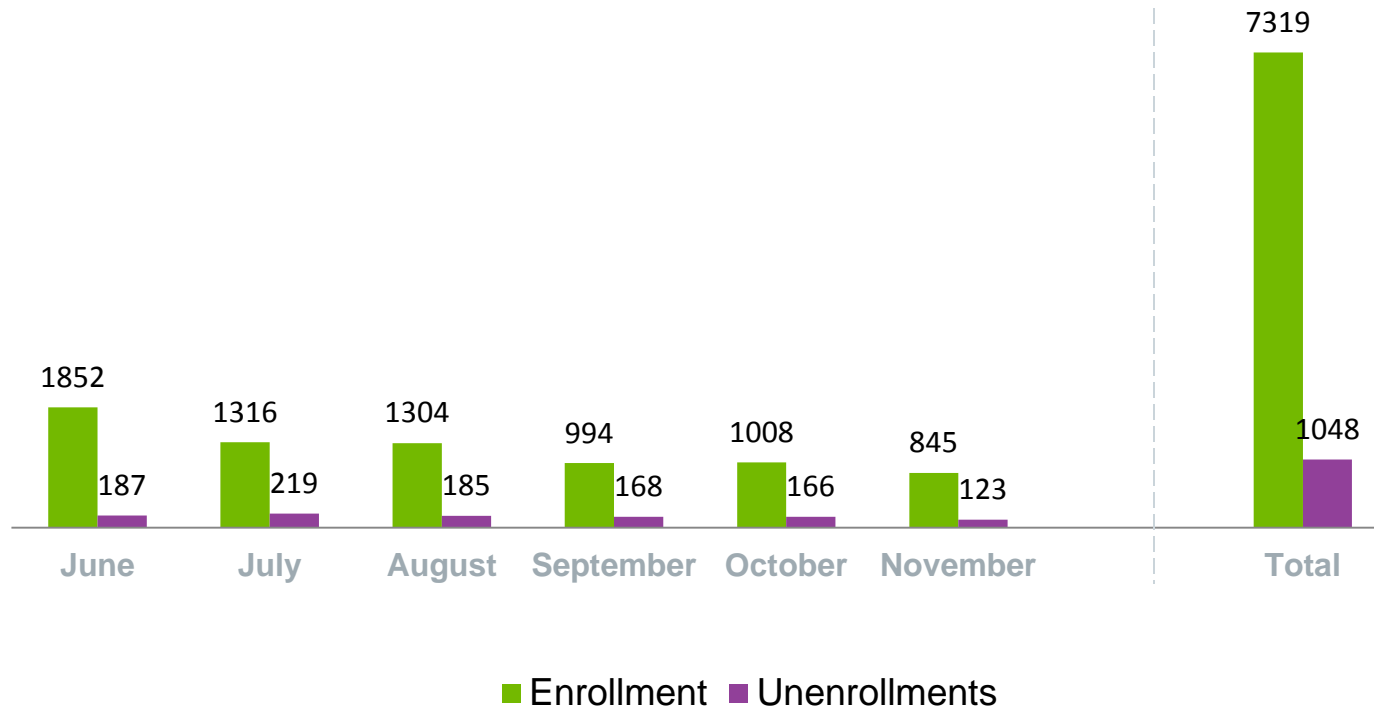
PLAYMYWAY LAUNCH



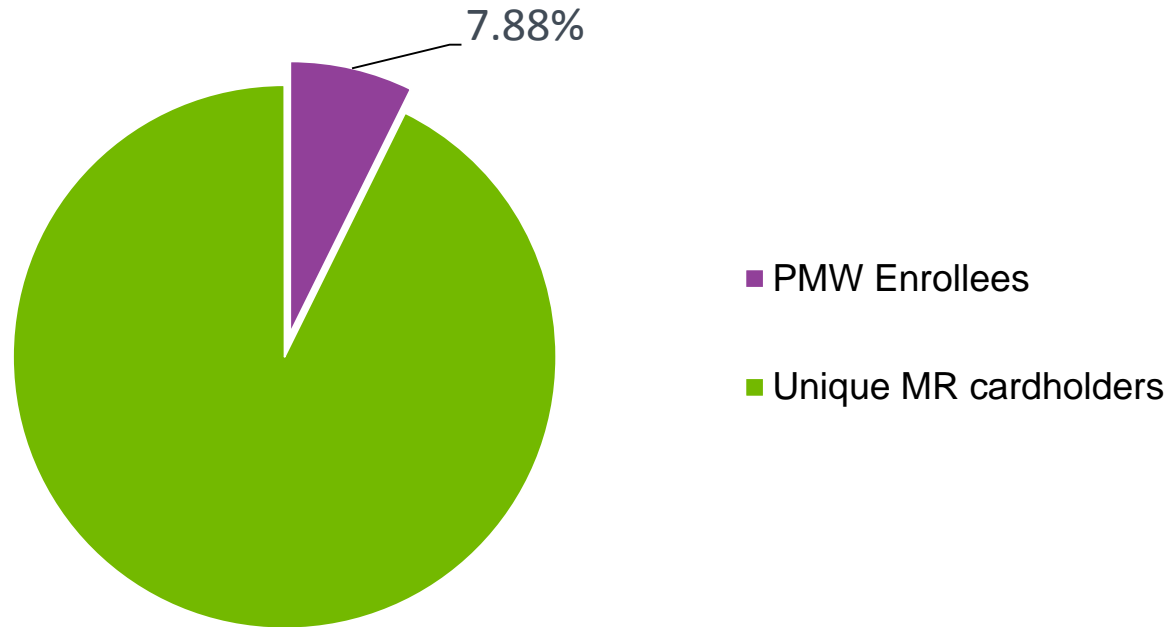
GameSense

Play My Way

ENROLLMENTS AND UNENROLLMENTS BY MONTH



PLAYMYWAY ENROLLMENT JUNE 9, 2015-NOVEMBER 31, 2016





TO: Chairman Crosby, Commissioners Cameron, Macdonald, Stebbins, Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming
Teresa Fiore, Program Manager, Research and Responsible Gaming

DATE: January 5, 2017

RE: Advancing Play Management tools to Category 1 Casinos

Issue

As Category 1 licensees are in the process of developing their casino management systems, it may be advantageous to have direction from the Commission on how to proceed in the development of play management tools.

Background

A key element of the Massachusetts Gaming Commission (MGC) Responsible Gaming Framework is *Strategy 2: Support Informed Player Choice*, which identifies and describes measures to support players' efforts to responsibly manage their gambling. Section 2.2, titled *Play Information and Management systems*, describes specific tools to implement this strategy, including the ability for players to set limits on the amount spent gambling. More specifically, play management tools allow patrons to commit or budget an amount to spend prior to a gambling session. It is intended to help players make decisions about gambling, allow them to monitor and understand their playing behavior in real time.

In January 2015, the MGC voted to adopt a play management system that included budget-setting tools on a test basis at Plainridge Park Casino. Over the course of eighteen months, key stakeholders including Penn National Gaming, Scientific Games and the Massachusetts Gaming Commission worked diligently to create and implement the tool for electronic gaming machines (EGM) in Massachusetts. On June 9, 2016 the play management tool, branded PlayMyWay (PMW), was launched.

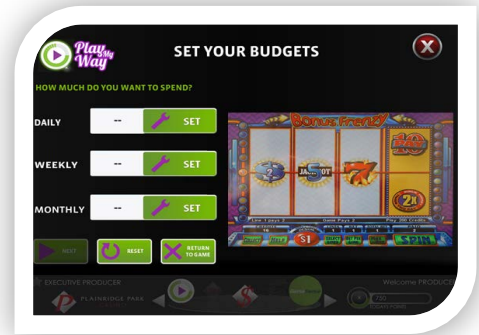
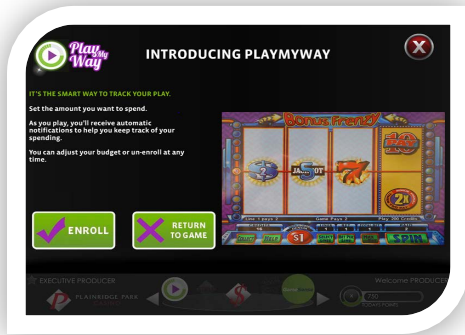
PMW is a voluntary program offered as a benefit to Marquee Rewards® Card members at Plainridge Park Casino. Players have the opportunity to enroll in the program at any EGM, GameSense Kiosk or at the GameSense Info Center located inside Plainridge Park Casino. As an incentive, first-time enrollees receive a \$5 food credit redeemable at PPC food vendors. The program prompts card holders to set a daily, weekly and/or monthly budget to track their spending while at PPC. Once enrolled, patrons receive automatic notifications as they approach 50% and 75% of the spent budget. Players will not be penalized for reaching 100% of their budget, and will continually be notified at 25% if they continue to play. A player can choose to stop at any point or keep playing. Players can un-enroll or adjust the budget at any time from the EGM or GameSense kiosk.



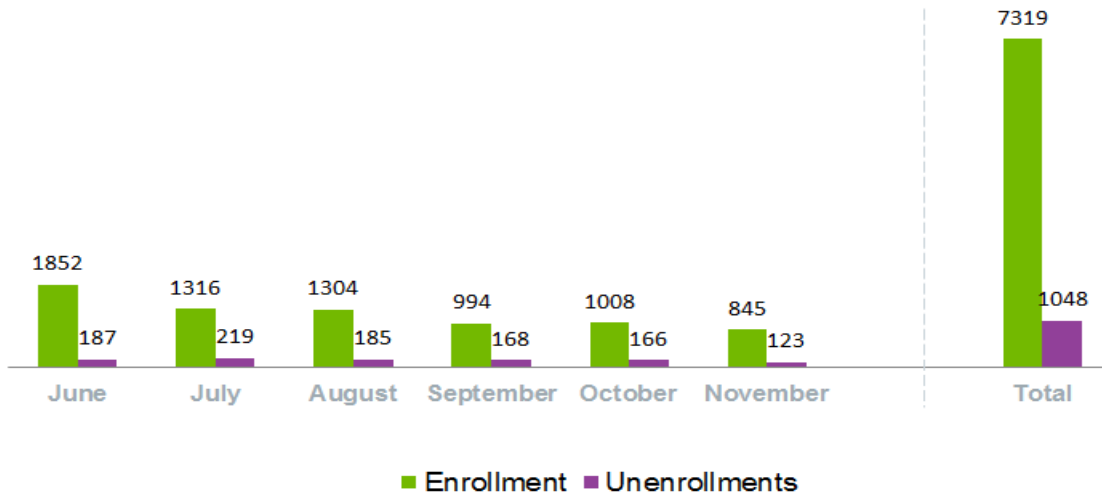
Massachusetts Gaming Commission

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Play My Way Enrollment Screens

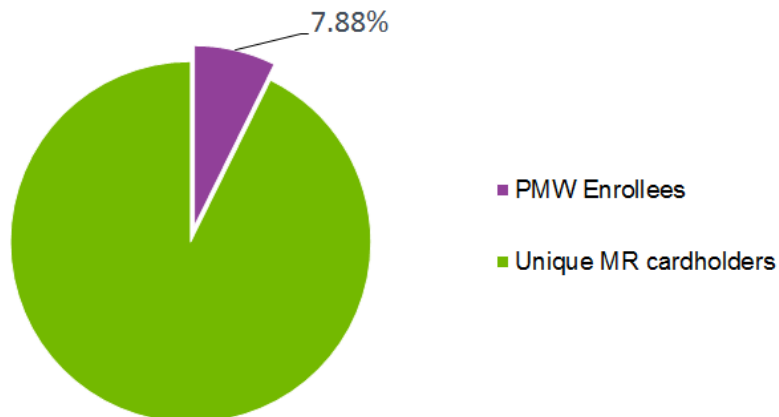


Enrollment and Unenrollment by Month



As of November 31, 2016 or, 6 full months since Play My Way was launched, 7,319 patrons have enrolled into the program. The program has been adopted by 7.88% of Marquee Reward Cardholders who visited the casino since Play My Way was launched as they are the only patrons who are eligible to enroll.

Overall Uptake of Play My Way by Eligible Players from June-November



Massachusetts Gaming Commission

Development and Implementation of Play My Way

Anticipated challenges of developing a Play Management tool were eased because Plainridge Park Casino chose Scientific Games for their Casino Management System (CMS). Scientific Games, has experience in developing similar play management software in several other jurisdictions. Despite this past base of knowledge, significant changes and additions were made to comply with State standards. The total development cost to date is \$172,183 and general tasks and description as follows:

Task	Description
Development	Modifications to the existing pre-commitment software to comply with standards adopted by the Commission.
Building data sets for evaluation	Data requirements to evaluate PMW are relatively complex and couldn't be accomplished through existing methods
Installation of PMW in the MGC Gaming Lab	PMW was installed in the MGC Gaming Lab for testing and demonstrations

Play My Ways overall success to date extends beyond the technical development and into a well-orchestrated effort of various key stakeholders including the PPC IT staff who have shown great commitment and effort throughout the entire project. Careful coordination with the GameSense Advisors who have served as the face of the tool has also been pivotal. The work of all stakeholders has closely aligned with the strategic communication plan put forth by the MGC.

Evidence of Effectiveness

At the time the Commission adopted play management tools the evidence of their effectiveness was inconclusive. This is largely because 1) few jurisdictions had implemented play management tools and even fewer had evaluated them, 2) play management tools had been inconsistently implemented from one jurisdiction to the next and 3) where evaluation had been done there were many methodological flaws. While it's still early to determine the utility and effectiveness of play management and similar types of tools, there are a hand full of new studies that add to the body of research on this topic. A few of these include the following.

- Richard T.A. Wood & Michael J.A. Wohl (2015) Assessing the effectiveness of a responsible gambling behavioural feedback tool for reducing the gambling expenditure of at risk players, *International Gambling Studies*, 15:2, 1-16
This research examines the utility of a play management tool which was implemented online in Canada. Findings suggest that the use of this type of tool which informs internet gamblers that their behavior is becoming risky is associated with a reduction in future player spending.
- Whol, Michael et al. (2016) How Much Have You Won or Lost? Personalized Behavioral Feedback about Gambling Expenditures Regulates Play, Under Review.
This study supports the theory that providing players with real time feedback on their behavior can help moderate their expenditures. Through this work, researchers found that players' perception of their expenditures and overall recall of gambling behavior-particularly at EGMs-is typically inaccurate.



Currently under independent evaluation by the Harvard Medical School, Cambridge Health Alliance, Division on Addiction (DOA), the final report due June, 2017 will provide a description and perceptions of the program, and will identify any barriers to enrollment. Analysis will examine player characteristics and play patterns to identify any associations between at risk gambling patterns and their association with Play My Way status and use.

Advancing Play Management Tools to Category 1 Casinos

As stated previously, PMW was adopted by the MGC and PPC on a test basis. It was the Commission's intent to wait until further evidence was gathered before making a final determination of whether to promulgate play management tools/PMW into regulation that would apply to all MGC licensees. The issue is that Category 1 licensees are in the process of developing their casino management systems and it may be advantageous to have direction from the Commission on how to proceed in this area.

Absent findings from the DOA's formal evaluation of Play My Way, there are several factors that should be considered if we are to give guidance to licenses now.

- Enrollment in the program has been robust in the first six-months. Low participation was a major concern prior to launch and a comprehensive communication plan seems key.
- There has been a steady flow of new research on play management and similar types of tools. Findings from these studies generally conclude they are effective at helping recreational and at-risk players manage the amount spent on gaming. However play management tools are still not considered a best practice and additional research in the area is desperately needed.
- PMW hasn't created any major disruption to the gaming floor. Like any new technology, there has been a few challenges during implementation but they have been minimal.
- Anecdotally, feedback from patrons has been very positive. They believe the tool is useful and appreciate the availability of this resource.

Based on the information outlined in this memo and the Commission's commitment to engaging a precautionary approach to the responsible gaming initiatives it supports, I recommend the Commission create draft regulations that would give Category 1 licensees direction on requirements to develop play management tools. However, a final decision to formally adopt play management should wait until we receive findings from the evaluation that is being conducted now by the DOA.

