



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #228**

November 9, 2017
10:00 a.m.

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



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
November 9, 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, November 9, 2017
10:00 a.m.
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA**

PUBLIC MEETING - #228

1. Call to order
2. Approval of Minutes
 - a. October 26, 2017 – VOTE
3. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
4. Investigations and Enforcement Bureau – Karen Wells, Director
 - a. MGM Qualifier Approval – VOTE
5. Ombudsman – John Ziemba
 - a. Wynn Boston Harbor Quarterly Report
6. Racing Division – Dr. Alexander Lightbown, Director and Chief Veterinarian
 - a. 2018 Racing License Applications – VOTE
7. Legal Division, Catherine Blue, General Counsel
 - a. 205 CMR 138 and 140 – Gaming Day and Treatment of Unsecured Funds Amendments – Approval to Commence Promulgation Process – VOTE
8. Communications – Elaine Driscoll, Director
 - a. Website Update and Timeline Project – E. Zuniga
 - b. Licensing Management System Update – P. Connelly



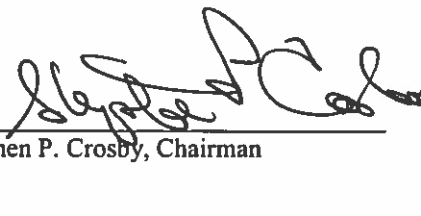
Massachusetts Gaming Commission

9. Commissioner's Updates

10. 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.

11/7/17
DATE



Stephen P. Crosby, Chairman

Date Posted to Website: November 7, 2017 at 10:00 a.m.



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

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Massachusetts Gaming Commission Meeting Minutes

Date/Time: October 26, 2017– 10:00 a.m.

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

Present: Commissioner Gayle Cameron
Commissioner Lloyd Macdonald
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: Commissioner Crosby

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

Call to Order

See transcript page 2

[10:00 a.m.](#) Chairman Crosby being absent, Commissioner Zuniga stated that he will act as chair for this meeting and called to order the 227th Commission meeting.

Approval of Minutes

See transcript pages 2 - 4

[10:00 a.m.](#) Commissioner Stebbins requested that a change be made on page 5 of the minutes to reflect that the commission suggested a monthly update call with MGM and requested that Maria Bottari's title be added to her name in the minutes. Staff agreed to make both changes.

Commissioner Macdonald moved for the approval of the Commission meeting minutes of October 12, 2017, subject to corrections for typographical errors and other nonmaterial matters. Motion seconded by Commissioner Cameron. Motion passed 4 – 0.

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Administrative Update

See transcript pages 3 - 9

[10:02 a.m.](#) Executive Director Bedrosian described the supplemental budget making its way through the legislature and the amendment regarding background review of gaming service employees that is included as part of the supplemental budget. Executive Director Bedrosian stated that he was hopeful that the supplemental budget would be passed by the end of the month.

Executive Director Bedrosian stated that his second update concerned a personnel matter and he advised the Commission that Trooper Dean Cerullo, who was one of the original state troopers assigned to the Commission, was retiring effective today. He asked Trooper Cerullo to come forward and advised the Commission that Trooper Cerullo has served the Commonwealth as a State Trooper for 22 years, the last 5 of which were with the Commission. Each Commissioner and Executive Director Bedrosian expressed their admiration and respect for Trooper Cerullo, thanked him for his service to the Commonwealth and wished him the best as he starts the next chapter of his life.

Finance

See transcript pages 9 – 40

[10:08 a.m.](#) CFAO Lennon presented the FY 18 First Budget Update. He reviewed income and expense numbers and noted a decrease in total spending and a decrease in the assessment to the licensees. CFAO Lennon stated that he will continue to monitor the budget as the fiscal year progresses. Agnes Beaulieu, Finance and Budget Office Manager presented on progress against the FY 17 diversity spending benchmarks and described the projected FY 18 benchmarks. Ms. Beaulieu stated that the state Supplier Diversity Office changed the methodology it used to calculate the spend amount and that this change did not impact the Commission's ability to meet the benchmarks. She stated that except for the women business enterprise category, the Commission met its FY 17 diversity spending benchmarks. Ms. Beaulieu explained that the Supplier Diversity Office has not put out benchmarks for FY 18 but that the Commission is about halfway toward the benchmarks that were used in FY 17. CFAO Lennon stated that we take diversity seriously; we discuss benchmarks with all our vendors and that we will continue looking for diverse vendors.

Human Resources Manager Trupti Banda presented on the Commission's employment diversity numbers. She stated that the Commission has 67 employees and 19 seasonal racing employees. Nine employees left the Commission and 7 new employees were hired in the last fiscal year. Ms. Banda stated that the Greater Boston diversity number is 42%; the Commonwealth number is 25% and the Commission's benchmark is 25%. This year the Commission was 5% off the benchmark. Ms. Banda described the efforts used to increase candidate pools to obtain diverse candidates. Commissioners Cameron and Stebbins asked questions regarding the upcoming hiring of gaming agents for the category 1 facilities. Ms.

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Banda stated that the Commission expected to hire a mix of experienced and non-experienced individuals. Executive Director Bedrosian stated that he and CFAO Lennon have started to discuss the number of gaming agents to be hired and that he works with Ms. Banda on diversity in all open Commission positions.

Research and Responsible Gaming
See transcript pages 40 – 95

10:40 a.m. Director Vander Linden introduced Dr. Rachel Volberg and Elissa Manzar, Project Manager from the SEIGMA team at UMass Amherst. He stated that Dr. Volberg was here today to present on the updated baseline general population survey; the patron survey; and the license plate survey.

Dr. Volberg presented first on the design of the re-weighting process and its impact on the results of the baseline general population survey. She explained the difference in the results between the first review of the baseline general population survey and the results after the re-weighting process. Dr. Volberg stated that the updated baseline population survey using the re-weighting process will be posted on the SEIGMA website right after this meeting.

Dr. Volberg continued by presenting on the patron survey. She expressed her appreciation to Laurie Salame, also from UMass Amherst for her assistance on the patron survey. Dr. Volberg thanked Plainridge Park Casino for their help and assistance with the survey and also stated that the survey was a joint effort of the SEIGMA and the UMass Donohue Institute. Dr. Volberg explained that the main purpose of the survey is to determine the geographic origin of patrons; the amount of money recaptured; the amount of money spent on on-site and off-site amenities; the extent to which any money spent would have been spent on other activities and the awareness of Game Sense. Dr. Volberg explained the process of collecting the data and stated that there was a 22% response rate. This response rate is high when compared to the response rate for most consumer surveys. Dr. Volberg stated that most of patrons came from Massachusetts and the Plainville and surrounding areas; that the patrons were split evenly between male and female; the patrons were mostly white, higher educated and retired. Fourteen percent stated that this was their first visit to Plainridge Park Casino; 40% said that they visit once per week or more often. Patrons stated that gambling was the motivation for the visit to Plainridge Park Casino. The survey did not look at the fact that Plainridge Park does not allow smoking and thus could not determine if that fact impacted patronage at Plainridge Park.

Dr. Volberg went on to present the license plate survey. She explained that the reason this survey was done was that similar surveys were done every two years at other casinos in New England between 2004 and 2014. The license plate survey estimated that 82% of the patrons were from Massachusetts. This was compared to the patron survey and both surveys were quite close. Dr. Volberg stated that she thinks the patron survey should continue and that it is the best measure of on-site, off-site and reallocated expenditures by patrons. Dr. Volberg thanked Heidi Stevens

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who designed the paper version of the survey and stated that patrons had a choice of whether to take the survey on an iPad or on paper.

11:42 a.m. The Commission took a short recess.

11:49 a.m. The Commission reconvened.

Ombudsman

See transcript pages 95 - 154

[11:49 a.m.](#) Ombudsman Ziemba, joined by Construction Project Oversight Manager Joe Delaney, presented on the Community Mitigation Fund guidelines for 2018. Mr. Ziemba described the development of a list of questions regarding topics in the proposed guidelines and the meetings he attended with the various stakeholders across the Commonwealth. He stated that it is his hope today to develop a discussion draft of the guidelines that can be put out for public comment. Mr. Ziemba stated that he will review the comments he receives and come back to the Commission in December with a final version of the guidelines for the Commission's approval.

Mr. Ziemba explained that the commission packet included a list of concepts for the Commission's discussion. He described each question and the policy consideration behind it. The Commissioners asked questions regarding a regional allocation of the fund based on money paid into the fund by the casino in that region; limits on grant awards; whether funding should cover construction costs of a project; whether joint applications should be allowed; the requirement to show a relation between the request and an impact from the casino; and when to address public safety impacts. The Commissioners stated that Mr. Ziemba's recommendations were sound and gave the Commissioners a lot to think about. The Commissioners complimented Mr. Ziemba on his engagement with the local community mitigation advisory committees.

Legal

See transcript pages 154 - 161

[12:53 p.m.](#) General Counsel Blue presented the small business impact statement for 205 CMR 146 – Table Games Equipment

Commissioner Macdonald moved that the Commission approve the small business impact statement for 205 CMR 146 as included in the packet and authorize the staff to take the steps necessary to file the regulation with the Secretary of the Commonwealth and proceed with the regulation promulgation process. Motion seconded by Commissioner Cameron. Motion approved 4-0.

Deputy General Counsel Grossman, Attorney Justin Stempeck, Gaming Technology Manager Floyd Barroga, and Assistant Director Gaming Agents and Division Chief Bruce Band presented amendments to 205 CMR 143 which address the issue of a simultaneous jackpot.

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Commissioner Stebbins moved that the Commission approve the amendments to 205 CMR 143 as included in the packet and authorize staff to take the necessary steps to file the regulations with the Secretary of the Commonwealth and proceed with the regulation promulgation process. Motion seconded by Commissioner Cameron. Motion approved 4-0.

Deputy General Counsel Grossman presented on an addendum to the Plainridge Park Casino non-disclosure agreement and requested that the commission authorize the Executive Director to sign the addendum and incorporate it into the existing non-disclosure agreement.

Commissioner Macdonald moved that the Commission approve the addendum to the Plainridge Park Casino non-disclosure agreement and authorize the Executive Director to sign the addendum and incorporate it into the Plainridge Park Casino non-disclosure agreement. Motion seconded by Commission Cameron. Motion approved 4-0.

IEB

See transcript pages 162 - 188

1:00 p.m.

IEB Director Wells asked the Commission for guidance on several issues related to the excluded persons list described in 205 CMR 152. She described how other jurisdictions, such as Nevada and Pennsylvania implement their excluded persons list. Director Wells explained that the purpose of this item today is to start the discussion to frame the issues and that the discussion will continue at additional commission meetings as needed. One area where the Commission's guidance would be helpful is on the issue of unattended minors left in cars in the parking lot or parking garage and whether the Commission thinks that people who leave unattended minors in cars should be placed on the excluded persons list. Commissioner Zuniga stated that since Chairman Crosby was not at today's meeting, the discussion can begin with the other commissioners but should be continued at the next meeting when Chairman Crosby returns. Commissioner Zuniga stated that this question comes from a case decided by the Commission's hearing officer and stated that he would like to read the decision. It was agreed that staff would provide a copy of the decision and the transcript to each Commissioner.

Director Wells and Chief Enforcement Counsel Lillios explained how the list appears on the Commission's website and the information that is included.

The Commission directed staff to bring this matter back for further discussion at the next Commission meeting.

Commissioners Updates

See transcript pages 188-189

1:29 p.m.

Commissioners had no updates.

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1:30

Having no further business, a motion to adjourn was made by Commissioner Macdonald. Motion seconded by Commissioner Cameron. Motion passed 4 – 0.

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated October 24, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes, October 12, 2017
3. Massachusetts Gaming Commission Memorandum from CFAO Derek Lennon regarding the quarterly budget dated October 26, 2017
4. Presentation – Massachusetts Gaming Commission employee statistics
5. Presentation – SEIGMA – Comparing Original and Updated Results from the BGPS dated October 26, 2017.
6. Presentation and Report – SEIGMA – Patrons License Plate Survey Report – Plainridge Park Casino dated October 26, 2017
7. Draft Community Mitigation Fund Guidelines and Policy Recommendations for Inclusion in the 2018 Community Mitigation Fund Guidelines Discussion Draft dated October 19, 2017
8. Small Business Impact Statement for 205 CMR 146 – Table Games Equipment
9. Final Amendments to 205 CMR 143 – Wide Area Progressive regulations
10. Addendum A to Plainville Gaming and Redevelopment LLC Non-disclosure agreement dated February 4, 2016
11. 205 CMR 152 – Individuals Excluded from a Gaming Establishment

/s/ Catherine Blue

Catherine Blue, Assistant Secretary

No Documents

No Documents

Wynn BOSTON HARBOR
®

Wynn Boston Harbor

QUARTERLY REPORT AS OF SEPTEMBER 30, 2017

Wynn Boston Harbor

PERMITTING

Permitting

State and Federal

Chapter 91 (DEP) – **For Sediment Remediation, received September 25, 2017**

Water Quality Certification (DEP) – **For Sediment Remediation, received August 25, 2017**

Clean Water Act (Section 404) Individual Permit (U.S. Army Corps of Engineers – **For Sediment Remediation, received September 11, 2017**

Wynn Boston Harbor

CONSTRUCTION

Aerial, August 4, 2017



Aerial, October 19, 2017



Aerial View- 10/19/17



Third Floor – 100% Complete



12th Floor



Garage





Major Milestones

Site Work

- ☑ Marine (Landside) – 96% complete
- ☑ Site Utilities – 96% complete
- ☑ EPS Block – 30% complete
- ☑ Landscaping – Selection and purchasing of all plant material is underway
- ☑ Façade (Podium/Central Utility Plant) – 100% complete

Garage

- ☑ Garage Structure – 100% complete
- ☑ Fire Protection, Electric and Masonry – Underway
- ☑ MEP Systems – Underway
- ☑ B4 Mat Slab – 90% complete
- ☑ Spray Insulation – Underway

Major Milestones

Podium North/Central Utility Plant

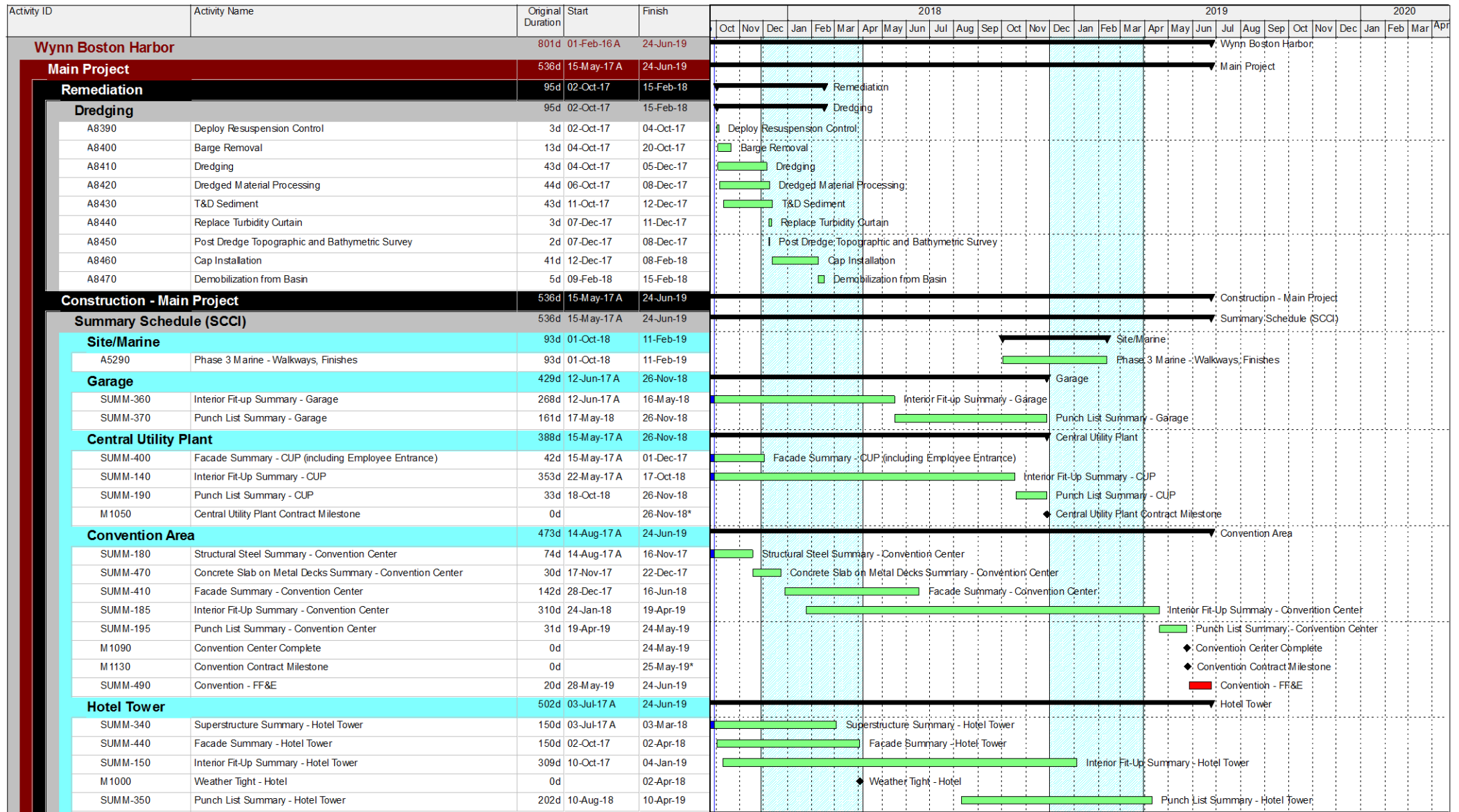
- ☑ Façade – East, west, northeast exterior elevations complete (except for mechanical equipment leave outs)
- ☑ Interior Framing – Commenced on schedule
- ☑ Spray Fireproofing – 100% complete
- ☑ MEP Systems – Major equipment installation underway
- ☑ Roofing System – 98% complete

Podium – Convention Center

- ☑ Level 1 - 8 – 100% complete
- ☑ Curtain wall – Underway, on schedule

Wynn Boston Harbor

PROJECT SCHEDULE



Data Date: 29-Sep-17
 Print Date: 06-Nov-17
 Page 1 of 5

Wynn Boston Harbor
 Project Master Schedule
 Schedule Update #32



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020											
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr					
Service Road and Utilities Projects					Service Road and Utilities Projects																																			
Service Road Construction					Service Road Construction																																			
12110	Service Road - Phase 4c - Pavement Alignment	12d	14-Nov-17	01-Dec-17	Service Road - Phase 4c - Pavement Alignment																																			
12120	Final Roadway Top, Striping, Landscaping	25d	01-Apr-19*	03-May-19													Final Roadway Top, Striping, Landscaping																							
National Grid Gas Line Extension on Broadway					National Grid Gas Line Extension on Broadway																																			
A2990	Test Pits	7d	20-Oct-17*	30-Oct-17	Test Pits																																			
A3000	Tie in at Dexter	20d	15-Dec-17	15-Jan-18	Tie in at Dexter																																			
A2970	National Grid Complete Gas Line Upgrades	10d	16-Jan-18	29-Jan-18	National Grid Complete Gas Line Upgrades																																			
A9810	Gas Line Upgrades Completed	0d		01-Feb-18	Gas Line Upgrades Completed																																			
115Kv High Tension Tower Relocation					115Kv High Tension Tower Relocation																																			
A2340	National Grid Complete Construction/Relocation of High Tension Tower	150d	15-May-17 A	10-Jan-18	National Grid Complete Construction/Relocation of High Tension Tower																																			
14170	Tower Relocation Completed	0d		10-Jan-18	Tower Relocation Completed																																			

Data Date: 29-Sep-17
 Print Date: 06-Nov-17
 Page 3 of 5

Wynn Boston Harbor
 Project Master Schedule
 Schedule Update #32



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020											
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr					
Off-Site Transportation Improvements					Off-Site Transportation Improvements																																			
Milestone					Milestone																																			
Package #1 (Lower Broadway and Truck Route)					Package #1 (Lower Broadway and Truck Route)																																			
AMS.800.1140	CP#1 Construction (Lower Broadway and Truck Route)	260d	12-Oct-17	22-Oct-18	CP#1 Construction (Lower Broadway and Truck Route)																																			
Package #2 (Santilli, Sweetser, Wellington, Bell and C/M Signals)					Package #2 (Santilli, Sweetser, Wellington, Bell and C/M Signals)																																			
AMS.800.1160	CP#2 Construction (Santilli Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Santilli Circle)																																			
AMS.800.1220	CP#2 Construction (Sweetser Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Sweetser Circle)																																			
AMS.800.1230	CP#2 Construction (Wellington Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Wellington Circle)																																			
AMS.800.1240	CP#2 Construction (Bell Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Bell Circle)																																			
AMS.800.1250	CP#2 Construction (Chelsea/Medford Signals)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Chelsea/Medford Signals)																																			
Package #3 (Wellington and Malden Stations)					Package #3 (Wellington and Malden Stations)																																			
AMS.800.1210	Bid Process	15d	23-Oct-17	10-Nov-17	Bid Process																																			
AMS.800.1180	CP#3 Construction (Wellington and Malden Stations)	60d	02-Apr-18	25-Jun-18	CP#3 Construction (Wellington and Malden Stations)																																			
Package #4 (Sullivan Square)					Package #4 (Sullivan Square)																																			
AMS.800.1300	CP#4 Construction (Sullivan Square)	255d	14-Nov-17	15-Nov-18	CP#4 Construction (Sullivan Square)																																			
Land Transfers, Easements					Land Transfers, Easements																																			
Vigorito (CP #1)					Vigorito (CP #1)																																			
1100	City Council Approval	40d	18-Sep-17 A	16-Oct-17	City Council Approval																																			
1110	Land Rights from Tenant Received	0d		10-Nov-17	Land Rights from Tenant Received																																			
1120	Tenant Moves out (to be coordinated with CP #1 work)	5d	29-Nov-17	05-Dec-17	Tenant Moves out (to be coordinated with CP #1 work)																																			
Batchyard Easement (CP #1)					Batchyard Easement (CP #1)																																			
1050	Agreement Finalization	50d	10-Jul-17 A	31-Oct-17	Agreement Finalization																																			
Varoudakis (Robin and Beacham Corner) (CP #1)					Varoudakis (Robin and Beacham Corner) (CP #1)																																			
1070	Land Owner Application for Planning Board	25d	10-Jul-17 A	13-Oct-17	Land Owner Application for Planning Board																																			
1140	Planning Board Review/Approval	20d	16-Oct-17	10-Nov-17	Planning Board Review/Approval																																			
1180	Agreement Finalization	32d	13-Nov-17	29-Dec-17	Agreement Finalization																																			
Sprague (CP #1)					Sprague (CP #1)																																			
1080	NGrid Easement Received from Sprague	45d	05-Jun-17 A	31-Oct-17	NGrid Easement Received from Sprague																																			
1150	License Agreement	10d	01-Nov-17	14-Nov-17	License Agreement																																			
1160	Award Utility Relocations	16d	15-Nov-17	08-Dec-17	Award Utility Relocations																																			
1170	Utility Relocations, Remove Pole	30d	18-Dec-17	30-Jan-18	Utility Relocations, Remove Pole																																			
Proposed Beacham Realignment (CP #1)					Proposed Beacham Realignment (CP #1)																																			
1040	Negotiate with Land Owner	110d	02-Jan-17 A	22-Nov-17	Negotiate with Land Owner																																			
1130	Finalize Legal Agreements, Tenant Vacates	20d	27-Nov-17	22-Dec-17	Finalize Legal Agreements, Tenant Vacates																																			
Proposed Dexter Realignment (CP #1)					Proposed Dexter Realignment (CP #1)																																			
14950	Previous Owner/Tenant Legal Agreement Reached	110d	02-Jan-17 A	22-Nov-17	Previous Owner/Tenant Legal Agreement Reached																																			
14960	Tenant Vacates	20d	27-Nov-17	22-Dec-17	Tenant Vacates																																			
Gilbane-BNY Mellon Building (CP #2)					Gilbane-BNY Mellon Building (CP #2)																																			
1090	Finalize Easement with Owner	50d	05-Jun-17 A	22-Nov-17	Finalize Easement with Owner																																			



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020											
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr					
Construction Package #1 - Lower Broadway & Truck Route		260d	12-Oct-17	22-Oct-18	Construction Package #1 - Lower Broadway & Truck Route																																			
Lower Broadway & Truck Route		260d	12-Oct-17	22-Oct-18	Lower Broadway & Truck Route																																			
CP#1 Construction		260d	12-Oct-17	22-Oct-18	CP#1 Construction																																			
ALB.900.1050	CP#1 - Construction (Lower Broadway and Truck Route)	260d	12-Oct-17	22-Oct-18	CP#1 - Construction (Lower Broadway and Truck Route)																																			
ALB.900.1070	CP #1 Completed	0d		22-Oct-18	◆ CP #1 Completed																																			
Construction Package #2 - Route 16		251d	26-Oct-17	23-Oct-18	Construction Package #2 - Route 16																																			
CP#2 Construction		251d	26-Oct-17	23-Oct-18	CP#2 Construction																																			
ALB.900.1040	CP#2 - Construction (Santilli, Wellington, Sweetser, Bell Circles, Chelsea)	251d	26-Oct-17	23-Oct-18	CP#2 - Construction (Santilli, Wellington, Sweetser, Bell Circles, Chelsea/Medford Signals)																																			
ALB.900.1060	CP #2 Completed	0d		23-Oct-18	◆ CP #2 Completed																																			
Construction Package #3 - MBTA Wellington & Malden Station		180d	18-Sep-17 A	25-Jun-18	Construction Package #3 - MBTA Wellington & Malden Station																																			
MBTA Wellington & Malden Station		180d	18-Sep-17 A	25-Jun-18	MBTA Wellington & Malden Station																																			
CP#3 Construction		180d	18-Sep-17 A	25-Jun-18	CP#3 Construction																																			
AWM.901.1030	CP#3 - Finalize CDs	15d	18-Sep-17 A	06-Oct-17	■ CP#3 - Finalize CDs																																			
AWM.901.1010	CP#3 - Bid Documents	10d	09-Oct-17	20-Oct-17	■ CP#3 - Bid Documents																																			
AWM.903.1030	CP#3 - Bidding	15d	23-Oct-17	10-Nov-17	■ CP#3 - Bidding																																			
AWM.900.1060	CP #3 - Contracting/Award (NTP)	28d	13-Nov-17	22-Dec-17	■ CP #3 - Contracting/Award (NTP)																																			
AWM.900.1040	CP#3 - Construction (Wellington and Malden MBTA Stations)	60d	02-Apr-18	25-Jun-18	■ CP#3 - Construction (Wellington and Malden MBTA Stations)																																			
AWM.900.1050	CP #3 Completed	0d		25-Jun-18	◆ CP #3 Completed																																			
Construction Package #4 - Sullivan Square Charlestown		272d	29-Sep-17 A	15-Nov-18	Construction Package #4 - Sullivan Square Charlestown																																			
A7530	Contracting	10d	29-Sep-17 A	12-Oct-17	■ Contracting																																			
A7420	Construction - Sullivan Square	255d	14-Nov-17	15-Nov-18	■ Construction - Sullivan Square																																			
A7550	Sullivan Square Completed	0d		15-Nov-18	◆ Sullivan Square Completed																																			
Woods Memorial Bridge (by DOT)		520d	01-Feb-16 A	06-Apr-18	Woods Memorial Bridge (by DOT)																																			
A4040	Project by DOT	520d	01-Feb-16 A	06-Apr-18	■ Project by DOT																																			
A4080	Bridge Completed	0d		06-Apr-18	◆ Bridge Completed																																			



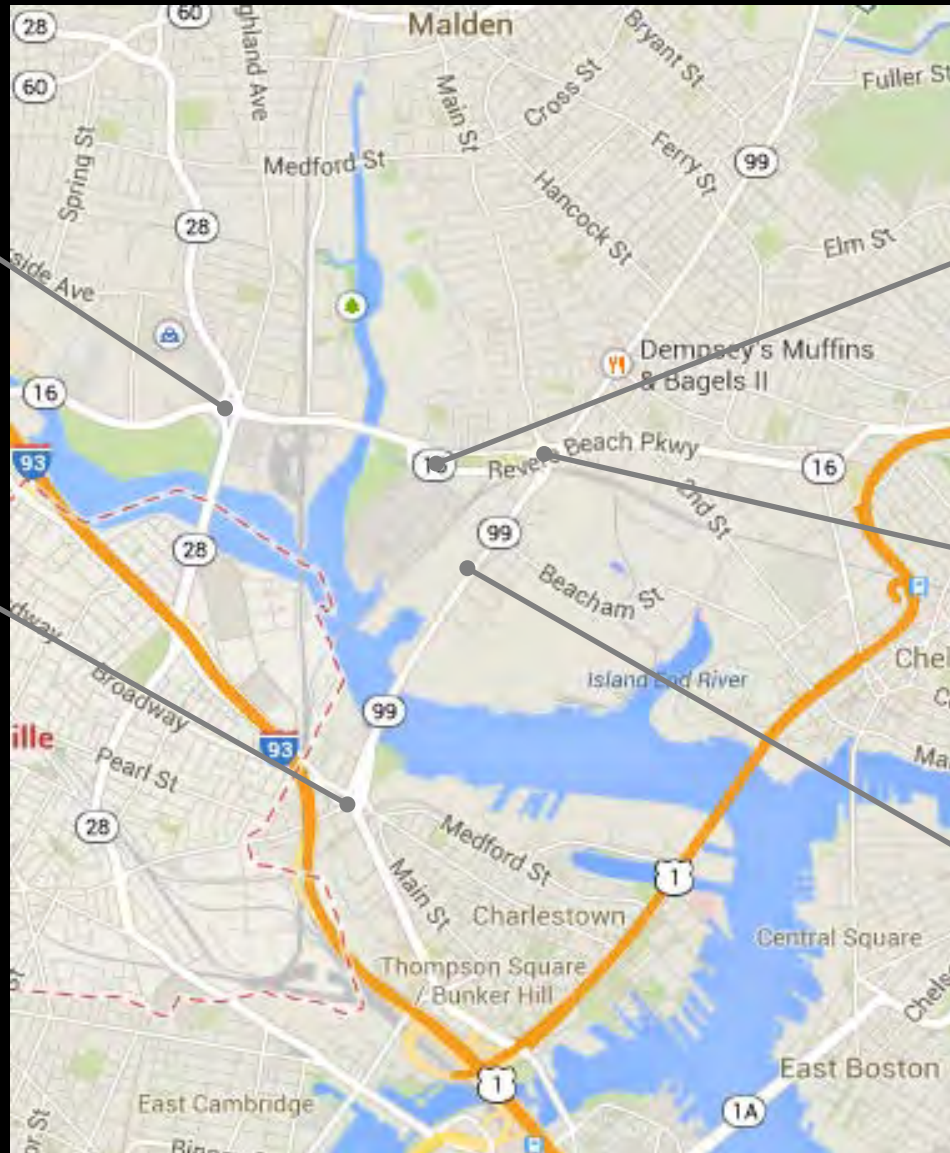
Wynn Boston Harbor

OFFSITE INFRASTRUCTURE IMPROVEMENTS

Offsite Infrastructure Improvements

Wellington Circle,
Medford

Sullivan Square and
Cambridge Street,
Boston



Santilli Circle,
Everett

Sweetser Circle,
Everett

Lower Broadway
Everett/Boston

Bid Packages

1. Broadway from Alford Street (City of Boston) to Sweetser Circle in Everett, including new Truck Route along Robin and Dexter Street in Everett
 - Contract awarded to SPS New England, Inc.
1. Route 16 (Mystic Valley Parkway/ Revere Beach Parkway) in Everett, Medford, Chelsea, and Revere (includes Wellington, Sweetser, Santilli and Bell Circles)
 - Contract awarded to J. Derenzo Co.
2. MBTA Station Improvements including Wynn Shuttle Bus Shelters at Malden Center Station and Wellington Station and parking lot improvements at
 - Not yet awarded
3. Sullivan Square Improvements
 - Contract awarded to D.W. White Construction, Inc.

Traffic and Community Updates

SIGN UP FOR TRAFFIC ALERTS

ROAD WORK WILL BEGIN ON THE MYSTIC MILE — WHICH RUNS FROM SULLIVAN SQUARE IN CHARLESTOWN TO SWEETSER CIRCLE IN EVERETT STARTING IN 2017. PROJECT ALERTS AND TRAFFIC UPDATES WILL BE POSTED HERE ON A REGULAR BASIS TO HELP MINIMIZE COMMUTER DELAYS.

Learn More About the Work Being Done at These Locations

ROAD WORK WILL BEGIN ON THE MYSTIC MILE — WHICH RUNS FROM SULLIVAN SQUARE IN CHARLESTOWN TO SWEETSER CIRCLE IN EVERETT STARTING IN 2017. PROJECT ALERTS AND TRAFFIC UPDATES WILL BE POSTED HERE ON A REGULAR BASIS TO HELP MINIMIZE COMMUTER DELAYS.

Learn More About the Work Being Done at These Locations



Contractors have been chosen and preliminary work will start this week on roadway improvements associated with the opening of Wynn Boston Harbor in 2019.

Please note that contractors will be completing preparatory engineering and site work only throughout the fall and winter seasons. There should be minimal impact on traffic during these times with minor encroachment on travel lanes and sidewalks from temporary work barriers. Significant road and sidewalk construction is anticipated to start late winter/early spring of 2018.

Planned work for the week of Monday, November 6, 2017:

Sullivan Square

- Where - Work will begin on the southbound side of Alford Street prior to entering the Sullivan Square Rotary. This Alford Street work starts just past the Rutherford Ave split up to and including the intersection of Alford Street with Arlington Ave.
- Actions - The work will include installation of a concrete barrier for temporary pedestrian routes, demolition of existing sidewalk and curbing, and installation of new curbing and sidewalk.
- Impact - The proposed work zones will reduce travel lane widths, but will not close any existing travel lanes.
- Duration - The anticipated duration of this work is approximately six (6) weeks.

Route 16

- Where - Work will begin at the intersection of Mystic Ave (Route 38) and the Mystic Valley Parkway (Route 16) and Harvard Street in Medford.
- Actions - The work will include minor repairs to the center median and installation of new wheelchair ramps and crosswalk striping on the south side of the intersection across Mystic Ave.
- Duration - The anticipated duration of this work is approximately one (1) week.

Alford Street/Broadway (Route 99)

- Actions - Preliminary site investigations will begin on Alford Street/Broadway.
- Duration - The anticipated duration of this work is approximately two (2) weeks.

For detailed work and project information, please visit our [Wynn for All](#) site.

Please share this advisory with anyone you think may be interested in the project and encourage them to sign up for email traffic alerts at <http://www.wynnforall.com/mailling-list/>

Wynn Boston Harbor

PROJECT RESOURCES / DIVERSITY

Contracts Awarded to Minority, Women and Veteran Business Enterprises for Design Phase

MBE

12 contract awards:

\$5,503,406

% of total contracts: **9.0%**

Goal: **7.9%**

WBE

13 contract awards:

\$4,313,573

% of total contracts: **7.0%**

Goal: **10.0%**

VBE

4 contract awards:

\$4,044,518

% of total contracts: **6.6%**

Goal: **1.0%**

SUMMARY

29 total M/W/VBE contracts:

\$13,861,497

% of total contracts: **22.6%**

Goal: **18.9%**

Contracts Awarded to Minority, Women and Veteran Business Enterprises for Construction Phase

MBE

51 contract awards:

\$60,815,901

% of total contracts: **5.6%**

Goal: **5.0%**

WBE

115 contract awards:

\$103,901,361

% of total contracts: **9.6%**

Goal: **5.4%**

VBE

30 contract awards:

\$28,763,234

% of total contracts: **2.6%**

Goal: **1.0%**

SUMMARY*

176 total M/W/VBE contracts:

\$177,188,732

% of total contracts: **16.3%**

Goal: **11.4%**

*M/W/VBE construction contract awards report includes awards and payments made to businesses with more than one diverse classification (i.e. M/WBE). Totals reported deduct any double counting due to awards to businesses with more than one diverse classification.

Minority, Women and Veteran Workforce Participation for Construction Phase

Minority

577 workers:

277,545 hours

% of total work hours:

25.5%

Goal: **15.3%**

Female

144 workers:

77,216 hours

% of total work hours: **7.1%**

Goal: **6.9%**

Veteran

122 workers:

73,868 hours

% of total work hours: **6.8%**

Goal: **3.0%**

Wynn Boston Harbor

COMMUNITY EVENTS AND OUTREACH

Outreach Events: Q3 2017

- 7/7: Bunker Hill Community College – Casino Institute Partners Meeting
- 7/11: New England Center for Arts and Technology
- 7/13: Housing Families
- 7/14: Hispanic American Institute
- 7/13: Selected Quarterly Workforce Diversity Recognition Awardees
- 7/14: Hispanic American Institute Update Breakfast
- 7/17: Mass Girls in Trades Annual Planning Meeting
- 7/17: Mystic River Watershed Association site tour
- 7/18: Boston Harbor NOW
- 7/25: Notification regarding roadwork bidding opportunities sent to local, diverse sub-contractors & suppliers
- 7/25: La Comunidad
- 7/25: Everett Haitian Community Center
- 7/26: NECAT and Metro North Regional Employment Board
- 7/27: One Stop Career center, Cambridge
- 7/28: Everett Kiwanis
- 8/2: Malden River Working Group – MyRWA
- 8/8: Mystic River Watershed Malden River Greenways Meeting
- 8/15: Chelsea Chamber of Commerce
- 8/15: Everett United

Outreach Events: Q3 2017

- 8/16: Met with MBE advocate groups
- 8/21: Building Trade Training Directors Meeting
- 8/25: Derenzo and E.G. Sawyer workforce diversity recognition luncheon
- 8/28: Everett City Council Site Tour
- 8/29: Secretary of Veteran Services Site Tour and Veteran Construction Worker Celebration
- 8/31: Boys and Girls Club of Chelsea
- 9/5: Middlesex Sherriff Peter Koutounjian Site Tour
- 9/5: Northeast Center for Tradeswomen's Equity – monthly tradeswomen's open house
- 9/26: Mystic River Pedestrian Bridge Stakeholder Meeting
- 9/27: Utility Contractors Association of New England (UCANE) address
- 9/27: Union Business Agents
- 9/27: GNEMSDC Annual Minority Business Conference
- 9/29: Hispanic Heritage Breakfast

DIVERSITY RECOGNITION



AWARDED TO

Edward G. Sawyer Co., Inc.

In recognition of your outstanding efforts to promote local, minority, women and veteran workforce diversity on the Wynn Boston Harbor construction project.

Signed July 21, 2017

John F. Fish, *Chairman & CEO, Suffolk*

Robert DeSalvio, *President, Wynn Boston Harbor*









Wynn Boston Harbor

QUESTIONS

Wynn BOSTON HARBOR
®

Wynn Boston Harbor

Monitoring of Project Construction and Licensee Requirements 205 CMR 135

Quarterly Report Massachusetts Gaming Commission as of September 30, 2017



Monitoring of Project Construction and Licensee Requirements

Quarterly Report as of September 30, 2017

1.0 Project at a Glance

The Wynn Boston Harbor (the “Project”) is an approximately \$2.4 billion luxury resort that will transform a blighted section of the City of Everett, Massachusetts adjacent to the Mystic River, into a world-class destination. The Project will contribute hundreds of millions of dollars, including tens of millions of dollars in infrastructure contributions to the City of Everett, the region, and the Commonwealth of Massachusetts. The Project is under construction on the contaminated site of a former chemical manufacturing plant totaling approximately 33.9 acres (the “Project Site”).



The Project will be comprised of a luxury hotel with 671 rooms, a gaming area, retail space, food and beverage outlets, event and meeting space, a spa and gym, a parking garage, and other complementary amenities. The Project will also include extensive landscape and open space amenities including a public gathering area with an outdoor park-like open space, a pavilion, waterfront features, a public harborwalk, and water transportation docking facilities reconnecting the City of Everett to the Mystic River and Boston Harbor for the first time in generations.

The Project will also include off-site improvements including extensive transportation improvements and a multiuse path from the Project's harborwalk to the existing paths at the Massachusetts Department of Conservation and Recreation ("DCR") Gateway Park. The Project will be developed in a single phase.

Wynn MA, LLC ("Wynn") received a conditional Category 1 gaming license for Region A (the "Gaming License") in November 2014. Since receiving the conditional Gaming License, Wynn has made significant progress on community outreach, project entitlements, permitting, land acquisition, the design, and construction of the Project.

In August 2015, Wynn selected Charter Contracting Company, LLC, a Massachusetts limited liability company, as its remediation contractor. Remediation of the landside portion of the Project Site commenced in October 2015, and final completion documentation was filed on August 4, 2016.

On July 15, 2015, Wynn filed its Second Supplemental Final Environmental Impact Report ("SSFEIR") to address the remaining three principal areas of study that were outlined in the Certificate of the Secretary of Energy and Environmental Affairs on Wynn's Supplemental Final Environmental Impact Report ("SFEIR") dated April 3, 2015. On August 28, 2015, Wynn received a Certificate of the Secretary of Energy and Environmental Affairs on its SSFEIR (the "Secretary's Certificate") concluding that Wynn's SSFEIR "adequately and properly complies" with the Massachusetts Environmental Policy Act ("MEPA").

In accordance with MEPA, following the receipt of its Secretary's Certificate, Wynn worked with various state agencies to obtain "Section 61 findings," a determination made by an agency of the Commonwealth describing the environmental impact, if any, of the Project and a finding that all feasible measures have been taken to avoid or minimize said impact. Wynn received its Section 61 findings from the following agencies on the dates set forth below:

Massachusetts Water Resources Authority:	January 12, 2016
Massachusetts Port Authority:	January 21, 2016
Massachusetts Department of Transportation & Department of Conservation and Recreation:	April 5, 2016
Massachusetts Gaming Commission:	April 25, 2016

On August 24, 2015, Wynn filed its Chapter 91 License Application for the Project with the Massachusetts Department of Environmental Protection (“MassDEP”) to obtain license authorization for the development of portion of the Project on private filled and flowed tidelands. MassDEP issued the Chapter 91 License on August 3, 2016.

On February 28, 2017, Wynn filed a Notice of Project Change (“NPC”) identifying changes to programming and design refinements for the Project and including a sediment remediation plan for a portion of the Project Site and an adjacent area of the Mystic River.

2.0 Cost of Construction and Capitalization of Gaming Licensee

Pursuant to 205 CMR 135.02(5)(a) and (b), please see Appendix 1 for a sworn certification regarding (a) the total estimated cost of construction of the Project and related infrastructure improvements and (b) the capitalization of the Wynn for the quarter ending June 30, 2017.

3.0 Design and Construction Contracts

Pursuant to 205 CMR 135.02(5)(c), please see Appendix 2 for a list of all design and construction contracts executed for the quarter ending June 30, 2017 to design and construct the gaming establishment and related infrastructure improvements.

4.0 Progress of Construction

Pursuant to 205 CMR 135.02(5) (d), the following is a status report regarding the progress of the construction of the Project.

4.1 Federal Permits.

On May 18, 2017, Wynn filed a Permit Modification Request with the US Army Corps of Engineers to modify the permit previously issued for the Project to include (i) accessibility improvements for the floating dock system, (ii) installation of three piles to protect an outfall, and (iii) remedial activities including the removal of derelict barges, debris removal, and additional dredging and filling in the Mystic River. The permit modification was issued on August 31, 2017 and reissued on September 11, 2017.

4.2 State Permits.

On July 15, 2015, Wynn filed its SSFEIR to address the remaining three principal areas of study that were outlined in the Certificate of the Secretary of Energy and Environmental Affairs on Wynn's SFEIR dated April 3, 2015. On August 28, 2015, Wynn received a Secretary's Certificate concluding that Wynn's SSFEIR "adequately and properly complies" with MEPA.

The Secretary's Certificate confirmed that Wynn's traffic analysis and mitigation plans are effective to mitigate the Project's impacts on existing transportation infrastructure. With respect to broader regional transportation impacts, the Secretary's Certificate required the establishment of a "Regional Working Group" to be led by MassDOT for the purpose of assessing and developing long-term transportation improvements that will support sustainable redevelopment and economic growth in and around Sullivan Square. Wynn committed to participating in this Regional Working Group and providing a proportionate share of funding to support this effort. Wynn has attended all monthly meetings of the Lower Mystic Regional Working Group ("LMRWG").

The Secretary's Certificate also required enhanced public review during permitting and development of Section 61 findings by MassDOT and the Massachusetts Gaming Commission ("MGC"). Following the receipt of the Secretary's Certificate, Wynn had productive meetings with each of the State Agencies with permitting authority over the Project for the purpose of preparing Section 61 findings to be issued by each such State Agency. Wynn received its Section 61 findings from the following agencies on the dates set forth below:

Massachusetts Water Resources Authority:	January 12, 2016
Massachusetts Port Authority:	January 21, 2016
Massachusetts Department of Transportation & Department of Conservation and Recreation:	April 5, 2016
Massachusetts Gaming Commission:	April 25, 2016

On February 28, 2017, Wynn filed an NPC with MEPA. The primary purpose of the NPC was to describe the sediment remediation plans for a portion of the Project Site and an adjacent parcel located in the Mystic River. The NPC also described refinements to the program and interior layout of the building to reflect current market conditions as they have changed since prior MEPA filings. Program changes include a reduction in retail space, a reduction of hotel suites to provide for additional rooms, an increase in food and beverage space, the

addition of a larger luxury ballroom space, and an increase in “back of house” support space. The NPC contained updated square footage for each of the Project components as they were further refined and finalized as part of the design process. Other minor changes that developed over the course of designing and preparing construction documents for the Project were also included in the NPC (e.g., minor adjustments to the elevation of the salt marsh to improve viability, minor changes to the docking and float systems to accommodate Americans with Disabilities Act (“ADA”) and other passenger needs, and a minor reduction in the navigational dredge footprint).

On August 24, 2015, Wynn filed its Chapter 91 License Application for the Project with the MassDEP to obtain license authorization for the development of portion of the Project on private filled and flowed tidelands. Wynn received its “Written Determination” from MassDEP on January 22, 2016. On February 11, 2016, Mayor Joseph A. Curtatone, in his capacity as Mayor of the City of Somerville (“Somerville”), filed a “Notice of Claim” with the Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, requesting an adjudicatory hearing with respect to the Written Determination. On February 18, 2016, the Office of Appeals and Dispute Resolution of MassDEP issued a Scheduling Order pursuant to which a hearing on Somerville’s appeal was set for June 2, 2016. As a direct result of this appeal, Wynn was unable to commence construction activities within those portions of the Project Site that are subject to Chapter 91.

On June 2, 2016, Wynn, Somerville and the DEP participated in the adjudicatory hearing. On July 15, 2016, MassDEP’s Office of Appeals and Dispute Resolution issued a “Recommended Final Decision” affirming Wynn’s Written Determination, and MassDEP issued the Chapter 91 License on August 3, 2016.

On February 22, 2017, Wynn filed a request with MassDEP for a Minor Project Modification, pursuant to CMR 9.22(3), to modify the below-grade footprint of underground parking facility. The requested modifications included (i) decreasing the below-grade parking structure from three (3) levels to one (1) level under the peninsular portion of the building footprint, (ii) a setback of the below-grade parking structure footprint under the main entrance, and (iii) increasing the below-grade parking structure from three (3) levels to four (4) levels under the remaining portion of the main building footprint. None of the foregoing modifications extended the below-grade building footprint, increased the total number of parking spaces, or changed any previously authorized uses. On February 28, 2017, MassDEP determined that the proposed modifications comply with the minor project modification provisions set forth in 310 CMR 9.22(3)(a) and that the submission of a Chapter 91 Waterways License Application was not required for such modifications.

On March 16, 2017, Wynn filed a request with MassDEP for a second Minor Project Modification, pursuant to CMR 9.22(3), to (1) reduce the living shoreline elevation, (2) increase the total number of hotel rooms from 629 to 671, (3) modify the docking facility of the Project to accommodate an improved accessible ramping system, (4) install three fender piles to protect an outfall structure, and (5) in response to market conditions, change the size and location of some first floor uses. On March 29, 2017, the DEP determined that the proposed modifications (1) through (4) above comply with the minor project modification provisions set forth in 310 CMR 9.22(3)(a) and that the proposed modification (5) complies with 310 CMR 9.22(3)(b). Therefore, DEP determined that the submission of a Chapter 91 Waterways License Application was not required for such modifications.

On May 12, 2017, Wynn filed a Chapter 91 License and Water Quality Certification Application with MassDEP for the removal of deteriorated barges and sediment remediation in a portion of the Mystic River located in the Cities of Boston and Everett. MassDEP issued a Water Quality Certification on August 25, 2017, which came into effect on September 15, 2017 after the three-week appeal period ended. A draft Chapter 91 License was issued on August 29, 2017. The final license was issued on September 25, 2017 following the expiration of the appeal period.

On May 22, 2017, Wynn submitted a request for an amendment to its combined 401 Water Quality Certification with MassDEP to conduct remediation activities at an area of the proposed living shore line where seepage of discolored water was observed. On June 29, 2017, MassDEP approved the amendment.

On June 21, 2017, Wynn filed a combined Phase III Remedial Action Plan and Phase IV Remedy Implementation Plan with MassDEP for the sediment portion of the Project Site. The purpose of the Phase III Remedial Action Plan was to establish remedial objectives, identify and evaluate remedial action technologies, formulate and evaluate remedial action alternatives, and select a remedial action alternative for the sediment portion of the Project Site that will result in a Permanent Solution. The Phase IV Remedy Action Plan addresses the design, construction, and implementation of the "Comprehensive Remedial Action" to be implemented for the sediment portion of the Disposal Site. A public meeting was held on June 29, 2017 and the public comment period ended July 11, 2017 in accordance with the PIP process.

4.3 Local Permits.

On May 11, 2015, Wynn submitted its Form 19A Site Plan Review Application to the Everett Planning Board. The City of Everett engaged outside consultants, LDD Collaborative, Inc. and TranSystems, to provide Site Plan Review services for the Project. On July 13, 2015, Wynn presented its Site Plan Review Application at the Everett Planning Board public meeting and advised the Everett Planning Board that it would be modifying its application to address comments raised by the City of Everett's outside consultants. On August 24, 2015, Wynn presented its modified application to the Everett Planning Board and the Everett Planning Board heard public comments. On September 16, 2015, the Everett Planning Board concluded the public hearing and unanimously approved the application.

The service road Application Site Plan Review and Special Permit was submitted to the City of Everett Planning Board for review in January 2016. On May 5, 2016, the Everett Planning Board issued the Site Plan Approval for the Service Road.

On August 11, 2015, Wynn submitted its Notice of Intent for the Project to the City of Everett Conservation Commission in order to obtain approval under the Massachusetts Wetland Protection Act for work within wetlands resource areas and buffer zones. The Everett Conservation Commission held an initial public meeting on August 20, 2015. On September 17, 2015, the Everett Conservation Commission held another public meeting and voted unanimously to approve Wynn's Notice of Intent. The Everett Conservation Commission issued its Order of Conditions with respect to the Project on September 24, 2015.

On May 31, 2017, Wynn filed an application for an amendment to the Everett Conservation Commission Order of Conditions. The purpose of the amendment was to include accessibility improvements for the floating dock system and installation of three piles to protect an outfall. The revised Order of Conditions was issued on July 13, 2017.

Pursuant to 205 CMR 135.02(6), please see [Appendix 3](#) for an updated permits chart and all documents and information listed in 205 CMR 120.01: *Permitting Requirements*.

4.4 Site Remediation.

Prior to the commencement of the remediation, Wynn completed field investigation including nearly 2,000 samples landside and in the river, and significant laboratory analysis of the samples. On April 8, 2015, Wynn received a petition from residents of the City of Everett requesting that the disposal site be designated as a Public Involvement Plan (“PIP”) site in accordance with Massachusetts General Laws (MGL) c. 21E §14(a). This law requires that, upon receiving such a petition, a plan for involving the public in decisions regarding response actions must be prepared and a public meeting held to present the proposed plan. The disposal site was designated as a PIP site on April 28, 2015. The PIP process was used to educate the public on the remediation process and provide a forum for addressing any comments. The PIP process will continue through the completion of the construction related remediation activities.

Wynn and GZA GeoEnvironmental, Inc., the Licensed Site Professional (“LSP”) for the Project Site, presented the draft PIP plan at a public meeting on June 2, 2015 at Everett City Hall. In addition, the draft Release Abatement Measure (“RAM”) plan was also presented at the meeting. The comment period for the PIP plan was scheduled to end on June 22, 2015, but was extended by Wynn at the request of the petitioners for an additional 21 days to July 13, 2015. In addition, the comment period for the draft RAM plan was extended an additional 30 days to July 22, 2015.

On August 19, 2015, the Release Abatement Measure (“RAM”) plan for the landside remediation (known as Phase 1) was submitted to the MassDEP and all petitioners were notified accordingly.

Pursuant to the RAM Plan, Wynn held public meetings in Everett and Charlestown on October 15 and 16, 2015, respectively, for the purpose of informing the public regarding the remediation prior to commencement. Remediation of the Project Site began following such meetings. Weekly updates on the remediation were posted on Wynn’s website (www.wynnbostonharbor.com). The perimeter air-monitoring system was operational throughout the remediation and no alarm conditions attributable to the RAM work were recorded.

Phase 1 remediation of the Project Site was completed in the second quarter of 2016. A total of approximately 10,680 tons of contaminated soil was transported off-site for proper disposal during Phase 1. The soil was transported in lined trailers that were cleaned prior to leaving the Project Site. The Draft Phase I RAM Completion Report and Immediate

Response Action Report was submitted on August 4, 2016. A public meeting on the Phase I RAM Completion Report was held on September 7, 2016. The public comment period ended September 27, 2016, and no comments were received.

A separate RAM Plan has been prepared to address construction-related RAM activities. Response actions to be conducted under this RAM Plan will include the excavation of contaminated soil, the dredging of contaminated sediment, and the placement of clean fill materials at the properties identified in the RAM Plan. On February 17, 2016, a public meeting on the construction-related RAM Plan was held at the Everett City Hall. The public comment period for the construction-related RAM Plan ended on March 9, 2016. No comments were received. On May 2, 2016 the construction-related RAM Plan and a Final Revised Public Involvement Plan was filed. On August 30, 2016, construction-related RAM Status Report No. 1 was filed. On October 28, 2016 and November 16, 2016, RAM Modifications were filed with MassDEP to address the detection of asbestos in soil associated with demolition debris. On February 2, 2017, a RAM Modification was filed with MassDEP to revise perimeter and interior air sampling for airborne fibers.

Wynn has undertaken a project to dredge and cap approximately seven acres of the Mystic River within and immediately adjacent to the Project Site. The intent of the dredging is to (1) remove and replace contaminated sediments that reside on the bottom of the river as a result of decades of industrial use of the surrounding land, and (2) to restore the depth of the navigable channel to allow for safe and efficient access to the Project Site by various size passenger craft. All permits are anticipated to be received in October 2017. Following the receipt of all permits and the completion of design, the project will be bid and awarded to a construction team. Dredging is anticipated to begin in October 2017. Fish migration in the river restricts dredging activities to an annual window of October to February.

4.5 Offsite Infrastructure.

As described above, the Secretary's Certificate confirmed that Wynn's traffic analysis and mitigation plans are effective to mitigate the Project's impacts on existing transportation infrastructure. In light of this positive response, an RFP was issued on June 26, 2015 to select a design and permitting team to deliver the offsite roadway and transit station improvements. In November 2015, Wynn entered into an agreement with AECOM USA of America, a Massachusetts corporation ("AECOM"), to provide civil and geotechnical engineering and construction oversight services for off-site infrastructure related to the Project. During first quarter 2016, AECOM completed the applicable Roadway Safety Audits and continued with site surveys and concept design. During the second quarter 2016, site

surveys were completed as well as the development of the 25% design plans and functional design reports. On April 26, 2016, Wynn and AECOM staff met with MassDOT, MBTA and DCR transportation officials to discuss the projects and schedule.

On June 14, 2016, the 25% design plans and functional design reports were submitted to the City of Everett and their peer review consultant, Weston & Sampson, at a design briefing meeting. The 25% design plans and functional design reports were submitted for review to MassDOT at a design briefing meeting held on June 24, 2016. MassDOT and the City of Everett both submitted comments in the third quarter 2016. Coordination with the Massachusetts Central Transportation Planning staff continued regarding the progression of the 25% design. Work continued on further developing the design documents to the 75%/100% stage and submittals were made to MassDOT as well as the Cities of Everett, Medford, Boston, and Chelsea for the Route 16 Roadway improvement projects that included Wellington, Sweetser, and Santilli Circles as well as Broadway and the proposed truck route.

On a separate track, Howard/Stein-Hudson Associates, Inc., Wynn's design team for the Sullivan Square improvements, has been working since last year on conceptual designs. During the first quarter of 2017, the MBTA contracted with Urban Idea Lab to conduct a peer review of the current design alternatives and coordination continues with the MBTA on advancing the Sullivan Square station design. Wynn filed 25% design documents for the roadway and station improvements with the City, MBTA, MassDOT, and Massport in April 2017. On March 22, 2017, Wynn filed a Notice of Intent ("NOI") application with the City of Boston Conservation Commission for its proposed improvements to the Sullivan Square Rotary and its approaches.

The offsite transportation improvements have been fully designed with comments from agency reviews incorporated. There are four separate bid packages, known as Construction Packages 1-4, generally organized by Broadway (CP #1), Revere Beach Parkway (CP #2), Train Stations (CP #3), and Sullivan Square (CP #4). Contracts have been awarded for CP #1, CP #2, and CP #4 and work is anticipated to start in all three areas in November 2017. CP #3 is anticipated to bid in October 2017. All contracts are scheduled for completion in January 2019, with the majority of work being performed in the spring, summer, and fall of 2018. Close coordination is underway with the Cities of Everett, Boston, and Medford, as well as numerous state agencies to reduce the impact of the work on commuters. The communication plan for alerting drivers of upcoming work or real time problems is in place through social media, variable message signs, and press engagement.

Subject to Wynn receiving all permits required to complete the work, all offsite improvements are envisioned to be completed and operable prior to the opening of the Project.

In addition to the foregoing mitigation improvements, in accordance with Wynn's Section 61 findings, Wynn is an active participant in the LMRWG. The LMRWG was convened by MassDOT to assess and develop short and long-range transportation improvements that can support sustainable redevelopment and economic growth for the Lower Mystic River area. MassDOT has engaged the services of staff from the Boston Region Metropolitan Planning Organization – including from the Metropolitan Area Planning Council (“MAPC”) and from the Central Transportation Planning Staff – to provide technical assistance and study support.

The Working Group is chaired by the Secretary of Transportation, and consists of elected officials and staff of the three communities of Boston, Everett and Somerville as well as MAPC. Representatives from the Executive Office of Housing and Economic Development, the Attorney General's Office of Massachusetts, the Massachusetts Gaming Commission, Congressman Capuano's office, the Massachusetts Port Authority, and the Wynn Boston Harbor are also participants of the LMRWG.

4.6 Design.

Construction Drawings (dated September 16, 2016) were issued on September 30, 2016. The hotel tower, podium, site, and interiors were reviewed by the City of Everett and a Building Permit was issued on December 15, 2016. Project design is complete with the exception of redesign for the meeting and event space area and food and beverage modifications as outlined in the NPC. Drawings for these areas were issued in July 2017.

4.7 Construction Services.

On January 8, 2016, Wynn entered into an Agreement for Guaranteed Maximum Price Construction Services with Suffolk Construction Company, Inc. (“Suffolk”). Following the receipt of Wynn's Chapter 91 License, construction activities were commenced on all portions of the Project Site. Wynn finalized Suffolk's Guaranteed Maximum Price on April 28, 2017. Below is a summary of the construction activities through September 30, 2017:

Sitework

- Marine - Landside 96% complete
- Marine - Dredging Scheduled to start 10/02/2017
- Site Utilities 96% complete
- EPS block 30% complete
- Landscaping Purchasing and selection of all plant material is underway

Garage

- Soil Disposal via rail car Complete
- Structure Complete
- Fire Protection, Electric, Masonry Underway
- MEP Systems Underway
- B4 mat slab 90% complete
- Spray insulation Underway

Podium North/Central Utility Plant

- Facade East, west, northeast exterior elevations complete, except for mechanical equipment leave outs
- Interior Framing Commenced, on schedule
- Spray Fireproofing Complete
- MEP Systems Major equipment installation underway
- Roofing System 98% complete, on schedule

Podium

- Steel Erection 98% complete except for tower infills
- Concrete on metal decks 40% complete, on schedule
- MEP installation Underway in specific areas, on schedule
- Façade Underway, west side 30% complete, east side 10% complete

Podium - Convention Center

- Final Designs Complete
- Rainwater Harvesting System 100% complete
- Structural Steel Underway, 38% complete
- Truss erection Underway

Tower

- L1-L8 Level Concrete Complete
- Curtain wall On schedule to start 10/8/17

Dust control measures that are in-place include a water truck dedicated full time to the Project Site when work is occurring on the Project Site and covering dirt stockpiles at night with Gorilla Snot (liquid copolymer soil stabilizer and dust control product).

In February 2017, the wheel wash was reconstructed to accommodate changes to the Project Site. Street sweeping is done daily on Horizon Way, Broadway, Dexter Street, and the adjacent MBTA property.

Soil disposal via rail car was completed in February 2017.

4.8 Service Road.

The service road and utilities drawings were prepared and issued on March 31, 2016. Bids were received in early May to allow early construction of this critical work. On May 25, 2016, J. Derenzo Co. was awarded the Service Road and Utility Relocation contract.

The following work was completed in the second quarter of 2017:

- The private section of the service road barriers, fencing, gates and street lighting were completed between the service road and the adjacent MBTA property;
- The binder layer of asphalt for the service road was placed to widen and improve access to the Project Site for construction material deliveries;
- Milling and paving improvements along the MBTA side of the service road barriers and new MBTA entrance were performed;
- Approximately 700 linear feet of 8" MBTA fire hydrant water loop along the south and west sides of the MBTA Maintenance Facility were replaced in order to remove and relocate old and corroded sections of the piping from beneath the Project Site entrance and service road alignment to the MBTA property. All new fire hydrants were installed along the service road.
- Installed all decorative landscaping along the public section for the service road and 3 Charlton Street.

4.9 *Procurement.*

<u>Date</u>	<u>Value</u>	<u>% Complete</u>	<u>% Complete to Date</u>	<u>Scope</u>
April 2017	\$31,336,809	2.83%	93.37%	Food Service Equipment, Shower Doors (Podium & Tower), Fire Alarm System
May 2017	\$18,878,738	1.71%	95.08%	Wall and Corner Guards Protection, Interior Glazing, Garage and Restaurants Drywall, Pneumatic Tube System, Spray Insulation, Misc. Metals (Podium and Hotel), Misc. Metals (Garage)
June 2017	\$2,230,821	0.20%	95.28%	Division 10 Specialties, Roof Anchors, Interior Awnings
July 2017	\$8,525,408	0.72%	96.13%	Uniform Conveying Systems, Suspended Work Platform, Radio Communications, Spa Equipment, Unistrut
August 2017	\$5,677,521	0.04%	96.19%	Mesh Partitions, Custom hardware, Unistrut
September 2017	\$1,247,640	0.11%	96.30%	Folding Partitions

4.10 *Owner Controlled Insurance Program ("OCIP").*

Wynn, in conjunction with Willis Towers Watson initiated an Owner Controlled Insurance Program for the Project. This Worker's Compensation and General Liability insurance programs were implemented on July 1, 2016 and Builder's Risk was implemented on August 15, 2016.

4.11 *Project Labor Agreement.*

Following the engagement of Suffolk, Wynn and Suffolk re-engaged in discussions with local labor leaders and finalized the draft Project Labor Agreement for the Project. The Project Labor Agreement was executed on May 5, 2016.

4.12 *Construction Management Plan.*

Howard/Stein-Hudson Associates, Inc. prepared a Construction Management Plan (“CMP”) for the purpose of mitigating any adverse impacts to the host and surrounding communities. The CMP was submitted to the City of Everett on April 21, 2016.

5.0 Project Schedule

5.1 *Six Month Look Ahead*

The 6-month look ahead schedule is attached hereto as Appendix 4.

5.2 *Project Master Schedule*

The development of the Master Schedule has evolved from a high level schedule to a more detailed schedule. This coincides with the contractor’s efforts to increase the detail level of their schedule by working with the subcontractors as they are selected for the Project.

6.0 Project Resources/Diversity

Pursuant to 205 CMR 135.02(5)(f), please see Appendix 5 for a report describing the number of contracts, total dollars amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the Project and related infrastructure, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by Wynn as approved by the MGC.



October 20, 2017

Massachusetts Gaming Commission
101 Federal St., 12th
Boston, MA 02110

Dear Commissioners:

In accordance with 205 CMR 135.02(5)(a), please see below for the total estimated cost of construction of the project and related infrastructure improvements and the costs incurred as of September 30, 2017, calculated pursuant to 205 CMR 122.03: *Costs Included in the Calculation of Capital Investment*, and separately identifying detailed costs for design, land acquisition, site preparation and construction and off-site improvements:

MGC Quarterly Report

Appendix 1

(US\$ thousands)

Component	Cost Incurred 9/30/2017	Estimated Remaining Cost	Total Estimated Cost
Construction / on-site development	\$ 546,422	\$ 1,014,524	\$ 1,560,946
Design and engineering	94,629	37,125	131,754
Site preparation	29,277	43,199	72,476
Off-Site Improvements	4,090	34,342	38,432
Land acquisition	65,196	2,225	67,421
Pre-opening	35,186	69,426	104,612
Owner FF&E	5,050	138,599	143,649
Total	\$ 779,850	\$ 1,339,440	\$ 2,119,290

In addition, in accordance with 205 CMR 135.02(5)(b), I direct you to the financial statements of Wynn Resorts, Limited (NASDAQ: WYNN), the parent of Wynn MA, LLC (the "Licensee"), including Wynn Resorts' Quarterly Report on Form 10-Q for the quarter ended June 30, 2017, filed with the Securities and Exchange Commission (the "SEC") on August 4, 2017, which is available at www.sec.gov. As reflected in these financial statements, Licensee has sufficient financial resources in order to meet all expected financial obligations relating to the completion of the Project and related infrastructure improvements associated with the Project.

I, Craig S. Billings, hereby certify to my knowledge and in my capacity as Chief Financial Officer of Wynn Resorts, Limited, as to the material veracity of the foregoing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig S. Billings', written in a cursive style.

Craig S. Billings
Chief Financial Officer and Treasurer

3131 Las Vegas Boulevard South Las Vegas NV 89109 tel (702) 770 7000

Appendix 2

Design and Construction Contracts

As of September 30, 2017

Reference 205 CMR 135.02(5)(c)

Vendor/Contractor	Date	Services	MGC Status
AECOM	11/4/15	Civil and Geotechnical Eng. – Offsite Infrastructure	NGV092
	1/18/16	Design and Construction Phase Services – MBTA Everett Maintenance Facility	NGV092
	05/10/17	Concept Design – Mystic River Pedestrian Bridge	NGV092
AMEC Massachusetts Inc.	08/25/16	Peer Review – Supplemental Phase II Site Assessment	NGV952
Alliance Detective & Security	12/31/15	Site Security	NGV326
Arup USA, Inc.	12/10/14	Fire Protection Consulting	NGV102
Bard, Roa + Athanas Consulting Engineers, Inc.	08/31/16	Commissioning Services	NGV884
Bohler Engineering MA, LLC	06/08/16	Engineering Services – Property Redevelopment - McDonalds	NGV845
Building Enclosure Associates, LLC	08/30/16	Building Enclosure – Commissioning Svcs.	NGV989
Bukhari Design Studio, LLC	7/15/15	Concept and Documentation Services – High Limit Gaming	NGV434
Cashman Dredging & Marine Contracting and Company, LLC	9/2/15	Site Clean-up/Fencing	NGV450
Charter Contracting Company	11/10/15	Site Remediation Services	NGV479
Christopher Gordon		Project Management	NGV226
Cleo Design, LLC	7/15/15	Design Consultant – Staff Dining	NGV500
	7/15/15	Design Consultant – Executive Offices	NGV500
Code Red Consultants LLC	10/04/16	Life & Safety Systems Commissioning	NGV844
Cross Spectrum Acoustics	02/06/17	Acoustical Consultants	NGV1149
DHA Design Services LTD	9/24/15	Exterior Lighting Design	NGV522
Design Enterprise	9/17/15	Design Consultant – High Limit Gaming	NGV460
Eslick Design Associates	05/22/15	Design Consultant – Site Signage	NGV383
	7/15/15	Design Consultant – Low-Rise and Garage Signage	NGV383
	7/15/15	Design Consultant – High-Rise Signage	NGV383
First Circle Design, Inc.	10/14/15	Design Consultant – Interior Lighting – Meeting & Convention/Gaming	NGV518
Fenagh Engineering & Testing, LLC	09/08/16	Quality Control and Inspection Services	NGV185
Fort Point Associates, Inc.	12/30/14	Planning and Environmental Consulting	NGV075
	06/28/16	Environmental Consulting – Harbor Walk	
Forte Specialty Contractors, LLC	09/13/17	Contractor – Art Feature Installation	NGV789
Foundry Interior Design	10/21/15	Design Consultant – Performance Lounge	NGV535
Gilbane Building Company	01/24/14	Preconstruction Consulting Services	NGV035

	04/21/16	Geotechnical and Environmental Services – Harbor Walk	NGV013
Haks Engineers, P.C.	09/08/16	Quality Control and Testing	NGV894
Hirsch Bedner Associates dba HBA/Hirsch Bedner Associates	02/25/15	Design Consultant – High-Rise Interiors	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – F&B	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – Buffet	NGV133
	05/22/15	Design Consultant – Public Restrooms	NGV133
	05/22/15	Design Consultant – Meeting and Convention	NGV133
Howard/Stein-Hudson Associates, Inc.	12/30/14	Traffic Engineering	NGV079
	4/28/15	Traffic Engineering	NGV079
Harry Feldman, Inc., dba Feldman Land Surveyors	02/06/15	Surveying	NGV071
	05/10/17	Surveying – DC Harbor Walk	NGV071
In Order Business Solutions	07/20/17	Consultant – Diversity Reporting – Offsite Infrastructure	NGV397
JBA Consulting Engineers	09/30/15	A/V Engineering Services	NGV642
Jacobs Consultants Inc.	12/04/14	Executive Architect	NGV181
John A. Martin & Associates of Nevada, Inc.	07/29/16	Structural Expansion Joint Review	NGV919
John Lyons Systems - Moonlighting	05/09/16	A/V Engineering Services	NGV805
Koncerted LLC	11/11/16	Low Voltage Project Oversight	NGV1070
Lifescapes International, Inc.	02/03/15	Landscape Architect	NGV151
Lighting Design Alliance	10/29/15	Design Consultant – Interior Lighting – Food and Beverage/Public Areas	NGV439
	05/11/16	Design Consultant – Interior Lighting – Meeting and Convention Areas	NGV439
Halifax Security Inc. dba M. Malia & Associates	01/23/15	Security and Surveillance Consulting	NGV123
Medcor, Incorporated	08/31/16	On-site Safety Services Program	NGV851
Michael Hong Architects, Inc.	12/11/14	Architectural Design Services	NGV206
Musgrove Engineering P.A.	07/13/2017	Engineering Consultant – Snow Melt System Design	Exempt
National Grid	04/11/16	Relocation of Utilities – Service Road	Exempt
	06/08/16	Relocation of Gas Main – Main Site	
Oguz Cem Yazici	3/23/16	Construction Consultant – Scheduling	NGV801
PMA Consultants, LLC	03/21/17	Construction Consultant – Contractor Auditing	NGV1185
Quench USA, Inc.	05/31/17	Water Service	NGV317
RF Networks	11/12/15	Communication Systems Specifications	NGV688
Ryan Biggs Clark Davis Engineers	10/29/15	Structural Peer Review of Jacobs Drawings	NGV508
SJ Lighting Inc.	11/03/16	Theatrical Engineering and Special Effects	NGV1111
Sound Investment Audio	11/03/16	Audio Design	NGV1129

Suffolk Construction Company, Inc.	01/08/16	Construction Management	NGV163
The Vertex Companies, Inc.	06/21/17	Environmental Consulting – DCR Harbor Walk	NGV609
	06/30/17	Environmental Site Assessment – Offsite Infrastructure	NGV609
TRC Environmental Corporation	09/30/15	Construction Consultant - Building Demolition	NGV067
Vanasse & Associates, Inc.	02/06/15	Supplemental Final Environmental Impact Report - Transportation	NGV066
Vermuelens, Inc.	02/03/16	Construction Consultant – Construction Cost Analysis	NGC072
Vicente Wolf Associates	05/22/15	Design Consultant – F&B	NGV283
WES Construction Corporation	11/16/16	MBTA Maintenance Facility Improvements	NGV948

Appendix 3

Permits As of September 30, 2017

Reference 205 CMR 135.02(6)

Agency Governing Legal Authority (Statute/Regulation/Ordinance)	Permit, Review, or Approval	Date Application Submitted or Estimated Anticipated Application Date	Maximum Agency Decision Time Maximum Effective Period (if provided in applicable statute, regulation or ordinance)
Federal			
Federal Aviation Administration (FAA) 49 U.S.C. Subtitle VII, Aviation Programs, Part A and B; 14 CFR 77, Subpart D; Order JO 7400.2J, Procedures for Handling Airspace Matters, Ch. 7 Determinations	Determination Regarding Air Navigation	<u>Building:</u> Received January 9, 2016 <u>Cranes:</u> Cranes 1 & 2 received August 18, 2016 Cranes 3-8 received August 11, 2016 <u>Podium:</u> Received August 10, 2016	Determination is effective for 18 months and may apply for one 18-month renewal.
U.S. Army Corps of Engineers (ACOE) Section 10 of Federal Rivers and Harbors Act; 33 USC s. 403; 33 CFR Parts 322, 325	Work in Navigable Waters (Section 10) Permit	<u>Project:</u> Received December 12, 2016	No fixed maximum decision time. For individual permits, ACOE will be guided by the target schedule of decision within 60 days of receiving completed application, subject to receipt of any additional information needed for decision and processes required by other state and federal laws (such as CZM Act) to precede decision.
U.S. Army Corps of Engineers (ACOE) Section 404 of Federal Clean Water Act; 33 USC s. 1344; 33 CFR Parts 323, 325	Clean Water Act (Section 404) Individual Permit	<u>Project:</u> Received December 12, 2016	Individual permits for a permanent structure or activity typically do not expire, but may specify when the work must start - usually within 1 year of issuance.
U.S. Army Corps of Engineers (ACOE) Section 404 of Federal Clean Water Act; 33 USC s. 1344; 33 CFR Parts 323, 325	Clean Water Act (Section 404) Individual Permit	<u>Sediment Remediation:</u> Permit Modification Received August 31, 2017, Revised September 11, 2017	Massachusetts General Permit ("GP") includes 41 general conditions for all activities and identifies 23 differentiated GPs based on activity. GP 17 applies to activities that affect the containment, stabilization, or removal of hazardous materials, or toxic waste materials, including court-

			ordered remedial action plans or related settlements, which are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Under GP 17, work in navigable waters with permanent impacts that meet or exceed the PCN limits on page 4 of the GP of less than or equal to ½ acres, is eligible for review under a PCN.
U.S. Environmental Protection Agency (EPA) Federal Clean Water Act Section 402(p); 33 USC s. 1342(p); 40 CFR 122.26; NPDES Construction General Permit, Effective February 16, 2012	National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) NOI (for stormwater management)	On-site: April 6, 2016 On-site under 2017 CGP: May 23, 2017	Decision time for CGP and RGP: effective 14 days after NOI submittal to and acknowledged by EPA. The CGP expired on February 16, 2017, a new NOI for those activities covered by the CGP was filed under the new CGP.
U.S. Environmental Protection Agency (EPA) Federal Clean Water Act Section 402(a), 33 USC s. 1342(a); 40 CFR 122.28; 314 CMR 4.00; NPDES Remediation General Permit, NPDES Permit No. MAG910000, Effective September 10, 2010	NPDES Remediation General Permit (RGP) (for construction dewatering)	NOI Submitted May 25, 2016, 10 day waiting period ended June 9, 2016 NOI under 2017 RGP: Submitted July 6, 2017, Authorization received August 3, 2017	When the RGP expired on September 10, 2015, those activities covered by the RGP filed a NOI under the new RGP.

State			
Executive Office of Energy and Environmental Affairs Massachusetts Environmental Policy Act; MGL c. 30 ss. 61-62I; 301 CMR 11.00	Massachusetts Environmental Policy Act (MEPA) Review	<u>Project:</u> Certificate on EENF received 11/26/13 Certificate on DEIR received 2/21/14 Certificate on FEIR received 8/15/14 Certificate on SFEIR Received 4/03/15 Certificate on SSFEIR Received 8/28/15 <u>Sediment Remediation:</u> Notice of Project Change filed 2/28/17, Certificate received 4/7/17	Secretary determines whether a Draft EIR, or Final EIR, as applicable, is adequate within 37 days of notice of availability of the EIR in the Environmental Monitor. A project that has not commenced either construction, or other project development activities (including final design, property acquisition, or marketing), within five years of notice of availability of Final EIR must file a Notice of Project Change. Secretary determines whether a subsequent filing is required.

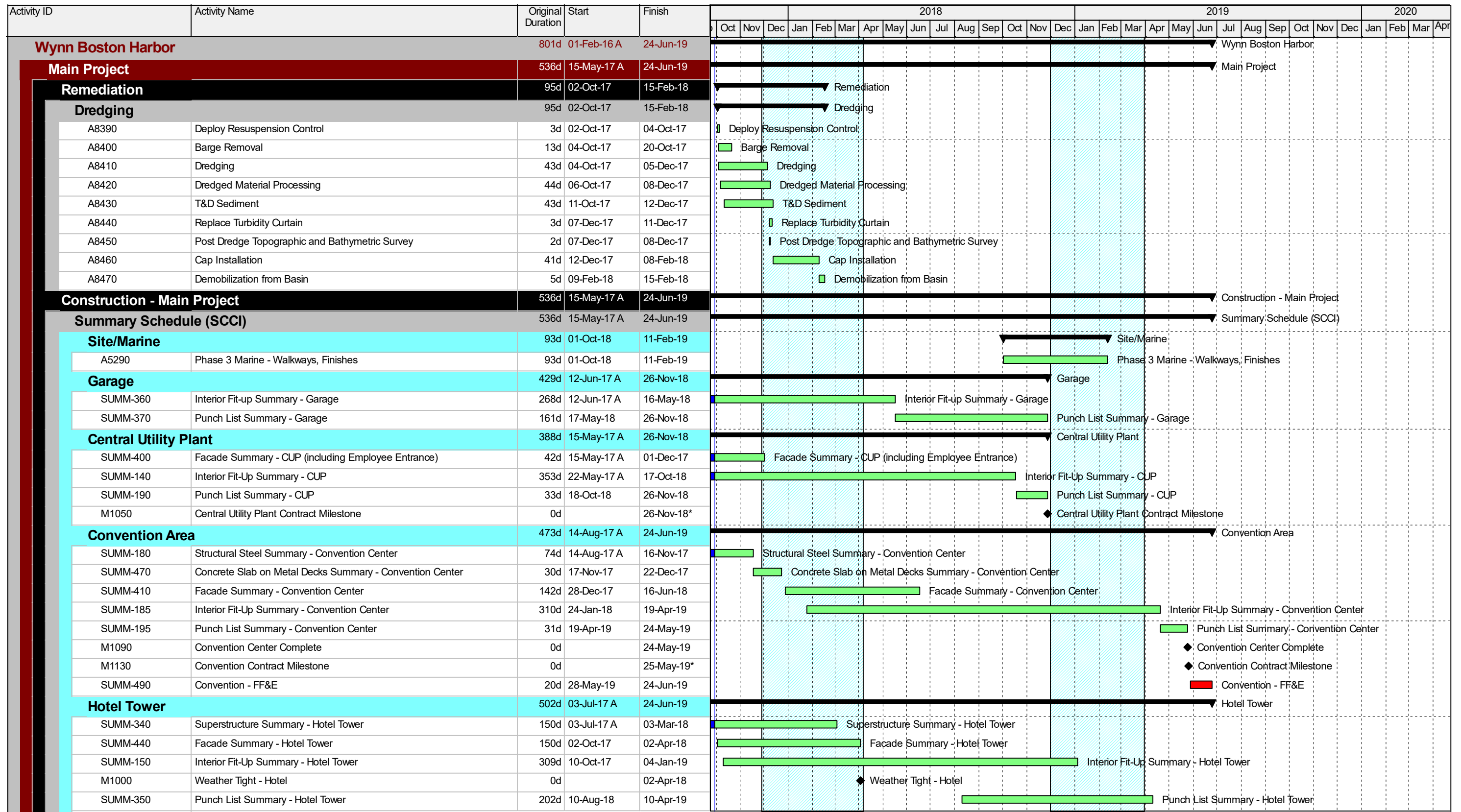
			MEPA review is complete if no further filings are required.
Executive Office of Energy and Environmental Affairs MGL c. 21A ss. 2 and 4A; 301 CMR 23.00	Municipal Harbor Plan	Submitted on 10/16/13 Approved on 2/10/14	After publication of proposed Plan in <i>Environmental Monitor</i> and 30 day public comment period, Secretary has 60 days to consult with municipality proposing the Plan and other applicable agencies/entities, and 21 days thereafter to issue a written decision on the MHP.
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways Determination of Applicability	Determination of Applicability re Chapter 91 jurisdictional boundaries received on July 29, 2013	
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways License	<u>Project</u> : Submitted August 19, 2015 License received August 3, 2016 Minor Project Modification (MPM) #1 received February 28, 2017 MPM #2 received March 29, 2017 <u>Sediment Remediation</u> : Submitted May 2017, License Received September 25, 2017	Licenses are issued for a fixed term; the standard term is 30 years but a license may be issued for an extended term (maximum of 99 years) if certain additional requirements are met.
MassDEP MGL c. 21 s. 43; 310 CMR 7.12	Compliance Certification for Stationary Engine	TBD	Required for CHP and generator
MassDEP MGL c. 111 ss. 142A-142E; 310 CMR 7.09	Notification of Construction and Demolition	TBD	Effective 10 working days after filing of notification.
MassDEP Section 401 of Federal Clean Water Act, 33 USC s. 1341; Massachusetts Clean Waters Act, MGL c. 21 ss. 26 et seq.; 314 CMR 9.00 (which cites to 310 CMR 4.00)	Water Quality Certification (401)	<u>Project</u> : Submitted September 8, 2015 Approval received January 22, 2016 Amendment #1 received February 2017 Amendment #2 received	Standard MassDEP technical review period is 120 days (24 days for determination of administrative completeness and 96 days for technical review). No fixed maximum decision time.

		June 2017 <u>Sediment Remediation:</u> Approval Received August 25, 2017	
MassDEP MGL c. 131 s. 40; 310 CMR 10.00	Wetlands Superseding Order of Conditions	Only in event of appeal of Order of Conditions issued by Everett Conservation Commission	Per 310 CMR 10.05 (7)(f) Issued within 70 days of request for superseding action (unless MassDEP requests additional information).
MassDEP Bureau of Waste Site Cleanup/Massachusetts Contingency Plan (MCP) MGL c. 21E; 310 CMR 40.000	(Submittals by Licensed Site Professional on behalf of Site Owner - do not need DEP approval)	<u>Landside Remediation:</u> Draft RAM Plan provided to DEP in May 2015; PIP process underway <u>Sediment Remediation:</u> Phase II submitted December 2015 Revised Phase II submitted December 30, 2016 Phase III/IV submitted June 2017	Agency decision time frame N/A under MCP privatized program.
Massachusetts Water Resources Authority (MWRA) Chapter 372 of the Acts of 1984, s. 8(m); 360 CMR 10.000	Section 8(m) Permit (to cross or construct within an MWRA easement)	<u>Project:</u> 8M permits were submitted to MWRA and are expected to be received by November 30, 2017	
Massachusetts Office of Coastal Zone Coastal Zone Management (CZM) 301 CMR 20.00, M.G.L. c. 21A, §§2 and 4A Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq., 15 CFR §§ 923 and 930	Federal Consistency Certification	<u>Project:</u> Received August 12, 2016	
Massachusetts Historical Commission (MHC) MGL c. 9 ss. 26 et seq.; 950 CMR 71.00	Review of project relative to potential effects on State Register historic/ archaeological resources.	Review Completed	Within 30 days of receipt of a completed Project Notification Form or ENF, the MHC will determine whether further information is needed and/or consultation is needed because the project may affect State Register properties. Beyond initial period, no other maximum decision times apply.
Board of Underwater Archaeological Resources (BUAR)	Review of waterside activities	<u>Project:</u> Review Completed <u>Sediment Remediation:</u> Review Completed under	

M.G.L. c. 6, ss. 179 and 180; 312 CMR 2.00		NPC	
Massachusetts Department of Transportation (MassDOT) MGL c. 81 s. 21, 720 CMR 13.00	Non-Vehicular Access Permit - Off-site roadway improvements	TBD	MassDOT completes technical reviews of the Access Permit application in 75 business days (35 business days following receipt of the 25% design submission, 20 business days following receipt of the 75%/100% design submission, and 20 business days following receipt of the PS&E submission.) Following technical review and approval, Section 61 Finding, and completion of MHC review and Mass. Wetlands Protection Act permitting, the MassDOT permit is issued 5 to 7 business days following final design approval.
Massachusetts Department of Transportation (MassDOT) MGL c. 40 s. 54A	Consent to issuance of building permit for construction on land formerly used by railroad company	<u>Project</u> : Approval issued May 2, 2016	
Massachusetts Department of Transportation (MassDOT) MGL c. 161A s. 5(b)	MBTA Land Disposition and Easement Agreements	Issued November 2016	

Local			
City of Boston (Off-site Roadway) Public Improvement Commission (PIC) Boston Transportation Department (BTD) Revised Ordinances of City of Boston of 1961, Ch.21, Sect. 36	Approvals	Filed January 30, 2015	
Everett Planning Board M.G.L. 40A, as amended, and Everett Zoning Ordinance, Section 28A, Resort Casino Overlay District (RCOD) in Lower Broadway Economic Development District (LBEDD)	Site Plan Review	<u>Project</u> : Approval Received October 14, 2015 <u>Access Road</u> : Approval Received May 5, 2016	Site Plan Review decisions shall be issued within 180 calendar days after filing of a completed application. Everett Zoning Ordinance, Sec. 28A(10)(B)(iii). Everett has accepted expedited permitting processes for Priority Development Sites pursuant to MGL c. 43D. All lots located in the LBEDD

			and RCOD are Priority Development Sites, Everett Zoning Ordinance Section 28A(10)(B).
Everett Conservation Commission Everett City Charter, c. 2, Article III, Division 7, Section 2-252 M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Project:</u> Order of Conditions issued September 24, 2015, Amended Order of Conditions Received July 13, 2017 <u>Landside Remediation:</u> Order of Conditions Issued 2015 <u>Sediment Remediation:</u> Received June 2017	Decision time (about 42 days plus duration of public hearing which may consist of more than one ConComm meeting): - A public hearing must be held within 21 days of receiving NOI. - Orders of Conditions issued within 21 days of the close of the public hearing. Orders of Conditions are valid for 3 years unless extended.
Everett Fire Department Rev. Ordinance 1976, Pt.2, Ch.7, §33 Everett City Charter, Chapter 8, Article I, §2-252 M.G.L. c. 148 §10A	Review of Plans Fire Suppression System Installation Fuel Storage Permit LP Gas Storage Permit Underground Storage Tank Removal Permit (Commercial)	TBD	
Everett Health Department M.G.L. c. 140	Food Establishment Permit Application	TBD	Permits are annual, and expire May 31st of each year.
Everett Licensing Commission Victualler License: M.G.L. c. 140	Alcohol License Common Victualler License	TBD	
Everett Public Works Sewer: M.G.L., c. 83; Everett City Charter, Chapter 15 Water: Everett City Charter, Chapter 20	Sewer Connection Permit Water Connection Permit	TBD TBD	
Everett Building Department State Building Code, 780 CMR 105.3.1	Building Permit <ul style="list-style-type: none"> • Plumbing • Gas • Electrical • Wire • Trench • Mechanical • Foundation 	Foundation Permit May 2, 2016 Building Permit December 15, 2016	30 days from submission of completed application. Specific permits (plumbing, gas, etc.) to be requested and issued at various times during construction period within 30 days following application
Boston Conservation Commission M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Sediment Remediation:</u> Issued June 2017	



Data Date: 29-Sep-17
 Print Date: 06-Nov-17
 Page 1 of 5

Wynn Boston Harbor
Project Master Schedule
Schedule Update #32



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020											
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr					
Service Road and Utilities Projects		501d	15-May-17 A	03-May-19	Service Road and Utilities Projects																																			
Service Road Construction		373d	14-Nov-17	03-May-19	Service Road Construction																																			
12110	Service Road - Phase 4c - Pavement Alignment	12d	14-Nov-17	01-Dec-17	Service Road - Phase 4c - Pavement Alignment																																			
12120	Final Roadway Top, Striping, Landscaping	25d	01-Apr-19*	03-May-19	Final Roadway Top, Striping, Landscaping																																			
National Grid Gas Line Extension on Broadway		71d	20-Oct-17	01-Feb-18	National Grid Gas Line Extension on Broadway																																			
A2990	Test Pits	7d	20-Oct-17*	30-Oct-17	Test Pits																																			
A3000	Tie in at Dexter	20d	15-Dec-17	15-Jan-18	Tie in at Dexter																																			
A2970	National Grid Complete Gas Line Upgrades	10d	16-Jan-18	29-Jan-18	National Grid Complete Gas Line Upgrades																																			
A9810	Gas Line Upgrades Completed	0d		01-Feb-18	Gas Line Upgrades Completed																																			
115Kv High Tension Tower Relocation		166d	15-May-17 A	10-Jan-18	115Kv High Tension Tower Relocation																																			
A2340	National Grid Complete Construction/Relocation of High Tension Tower	150d	15-May-17 A	10-Jan-18	National Grid Complete Construction/Relocation of High Tension Tower																																			
14170	Tower Relocation Completed	0d		10-Jan-18	Tower Relocation Completed																																			



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020							
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	
Off-Site Transportation Improvements		648d	01-Feb-16 A	15-Nov-18	Off-Site Transportation Improvements																															
Milestone		278d	12-Oct-17	15-Nov-18	Milestone																															
Package #1 (Lower Broadway and Truck Route)		260d	12-Oct-17	22-Oct-18	Package #1 (Lower Broadway and Truck Route)																															
AMS.800.1140	CP#1 Construction (Lower Broadway and Truck Route)	260d	12-Oct-17	22-Oct-18	CP#1 Construction (Lower Broadway and Truck Route)																															
Package #2 (Santilli, Sweetser, Wellington, Bell and C/M Signals)		251d	26-Oct-17	23-Oct-18	Package #2 (Santilli, Sweetser, Wellington, Bell and C/M Signals)																															
AMS.800.1160	CP#2 Construction (Santilli Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Santilli Circle)																															
AMS.800.1220	CP#2 Construction (Sweetser Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Sweetser Circle)																															
AMS.800.1230	CP#2 Construction (Wellington Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Wellington Circle)																															
AMS.800.1240	CP#2 Construction (Bell Circle)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Bell Circle)																															
AMS.800.1250	CP#2 Construction (Chelsea/Medford Signals)	251d	26-Oct-17	23-Oct-18	CP#2 Construction (Chelsea/Medford Signals)																															
Package #3 (Wellington and Malden Stations)		170d	23-Oct-17	25-Jun-18	Package #3 (Wellington and Malden Stations)																															
AMS.800.1210	Bid Process	15d	23-Oct-17	10-Nov-17	Bid Process																															
AMS.800.1180	CP#3 Construction (Wellington and Malden Stations)	60d	02-Apr-18	25-Jun-18	CP#3 Construction (Wellington and Malden Stations)																															
Package #4 (Sullivan Square)		255d	14-Nov-17	15-Nov-18	Package #4 (Sullivan Square)																															
AMS.800.1300	CP#4 Construction (Sullivan Square)	255d	14-Nov-17	15-Nov-18	CP#4 Construction (Sullivan Square)																															
Land Transfers, Easements		110d	02-Jan-17 A	30-Jan-18	Land Transfers, Easements																															
Vigorito (CP #1)		40d	18-Sep-17 A	05-Dec-17	Vigorito (CP #1)																															
1100	City Council Approval	40d	18-Sep-17 A	16-Oct-17	City Council Approval																															
1110	Land Rights from Tenant Received	0d		10-Nov-17	Land Rights from Tenant Received																															
1120	Tenant Moves out (to be coordinated with CP #1 work)	5d	29-Nov-17	05-Dec-17	Tenant Moves out (to be coordinated with CP #1 work)																															
Batchyard Easement (CP #1)		50d	10-Jul-17 A	31-Oct-17	Batchyard Easement (CP #1)																															
1050	Agreement Finalization	50d	10-Jul-17 A	31-Oct-17	Agreement Finalization																															
Varoudakis (Robin and Beacham Corner) (CP #1)		87d	10-Jul-17 A	29-Dec-17	Varoudakis (Robin and Beacham Corner) (CP #1)																															
1070	Land Owner Application for Planning Board	25d	10-Jul-17 A	13-Oct-17	Land Owner Application for Planning Board																															
1140	Planning Board Review/Approval	20d	16-Oct-17	10-Nov-17	Planning Board Review/Approval																															
1180	Agreement Finalization	32d	13-Nov-17	29-Dec-17	Agreement Finalization																															
Sprague (CP #1)		108d	05-Jun-17 A	30-Jan-18	Sprague (CP #1)																															
1080	NGrid Easement Received from Sprague	45d	05-Jun-17 A	31-Oct-17	NGrid Easement Received from Sprague																															
1150	License Agreement	10d	01-Nov-17	14-Nov-17	License Agreement																															
1160	Award Utility Relocations	16d	15-Nov-17	08-Dec-17	Award Utility Relocations																															
1170	Utility Relocations, Remove Pole	30d	18-Dec-17	30-Jan-18	Utility Relocations, Remove Pole																															
Proposed Beacham Realignment (CP #1)		110d	02-Jan-17 A	22-Dec-17	Proposed Beacham Realignment (CP #1)																															
1040	Negotiate with Land Owner	110d	02-Jan-17 A	22-Nov-17	Negotiate with Land Owner																															
1130	Finalize Legal Agreements, Tenant Vacates	20d	27-Nov-17	22-Dec-17	Finalize Legal Agreements, Tenant Vacates																															
Proposed Dexter Realignment (CP #1)		110d	02-Jan-17 A	22-Dec-17	Proposed Dexter Realignment (CP #1)																															
14950	Previous Owner/Tenant Legal Agreement Reached	110d	02-Jan-17 A	22-Nov-17	Previous Owner/Tenant Legal Agreement Reached																															
14960	Tenant Vacates	20d	27-Nov-17	22-Dec-17	Tenant Vacates																															
Gilbane-BNY Mellon Building (CP #2)		50d	05-Jun-17 A	22-Nov-17	Gilbane-BNY Mellon Building (CP #2)																															
1090	Finalize Easement with Owner	50d	05-Jun-17 A	22-Nov-17	Finalize Easement with Owner																															

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Wynn Boston Harbor
Project Master Schedule
Schedule Update #32



Activity ID	Activity Name	Original Duration	Start	Finish	2018												2019												2020							
					Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	
Construction Package #1 - Lower Broadway & Truck Route		260d	12-Oct-17	22-Oct-18	Construction Package #1 - Lower Broadway & Truck Route																															
Lower Broadway & Truck Route		260d	12-Oct-17	22-Oct-18	Lower Broadway & Truck Route																															
CP#1 Construction		260d	12-Oct-17	22-Oct-18	CP#1 Construction																															
ALB.900.1050	CP#1 - Construction (Lower Broadway and Truck Route)	260d	12-Oct-17	22-Oct-18	CP#1 - Construction (Lower Broadway and Truck Route)																															
ALB.900.1070	CP #1 Completed	0d		22-Oct-18	◆ CP #1 Completed																															
Construction Package #2 - Route 16		251d	26-Oct-17	23-Oct-18	Construction Package #2 - Route 16																															
CP#2 Construction		251d	26-Oct-17	23-Oct-18	CP#2 Construction																															
ALB.900.1040	CP#2 - Construction (Santilli, Wellington, Sweetser, Bell Circles, Chelsea	251d	26-Oct-17	23-Oct-18	CP#2 - Construction (Santilli, Wellington, Sweetser, Bell Circles, Chelsea/Medford Signals)																															
ALB.900.1060	CP #2 Completed	0d		23-Oct-18	◆ CP #2 Completed																															
Construction Package #3 - MBTA Wellington & Malden Station		180d	18-Sep-17 A	25-Jun-18	Construction Package #3 - MBTA Wellington & Malden Station																															
MBTA Wellington & Malden Station		180d	18-Sep-17 A	25-Jun-18	MBTA Wellington & Malden Station																															
CP#3 Construction		180d	18-Sep-17 A	25-Jun-18	CP#3 Construction																															
AWM.901.1030	CP#3 - Finalize CDs	15d	18-Sep-17 A	06-Oct-17	■ CP#3 - Finalize CDs																															
AWM.901.1010	CP#3 - Bid Documents	10d	09-Oct-17	20-Oct-17	■ CP#3 - Bid Documents																															
AWM.903.1030	CP#3 - Bidding	15d	23-Oct-17	10-Nov-17	■ CP#3 - Bidding																															
AWM.900.1060	CP #3 - Contracting/Award (NTP)	28d	13-Nov-17	22-Dec-17	■ CP #3 - Contracting/Award (NTP)																															
AWM.900.1040	CP#3 - Construction (Wellington and Malden MBTA Stations)	60d	02-Apr-18	25-Jun-18	■ CP#3 - Construction (Wellington and Malden MBTA Stations)																															
AWM.900.1050	CP #3 Completed	0d		25-Jun-18	◆ CP #3 Completed																															
Construction Package #4 - Sullivan Square Charlestown		272d	29-Sep-17 A	15-Nov-18	Construction Package #4 - Sullivan Square Charlestown																															
A7530	Contracting	10d	29-Sep-17 A	12-Oct-17	■ Contracting																															
A7420	Construction - Sullivan Square	255d	14-Nov-17	15-Nov-18	■ Construction - Sullivan Square																															
A7550	Sullivan Square Completed	0d		15-Nov-18	◆ Sullivan Square Completed																															
Woods Memorial Bridge (by DOT)		520d	01-Feb-16 A	06-Apr-18	Woods Memorial Bridge (by DOT)																															
A4040	Project by DOT	520d	01-Feb-16 A	06-Apr-18	■ Project by DOT																															
A4080	Bridge Completed	0d		06-Apr-18	◆ Bridge Completed																															

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Wynn Boston Harbor
Project Master Schedule
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Appendix 5

**Project Construction Workforce:
Women, Minority, Veteran Participation
As of September 30, 2017**

Reference 205 CMR 135.02(5)(e)

As of September 30, 2017, 1,089,173 person-hours of work was completed on the Project Site by 2,568 individuals, with 577 minorities, 144 females, and 122 veterans, performing work on site.

	# of Workers	Participation to Date (% of workforce hours)	Goal (% of workforce hours)
Minority	577	25.5%	15.3%
Female	144	7.1%	6.9%
Veteran	122	6.8%	3.0%

LOCAL TRADE UNION	PROJECT TO DATE										
	Total Hours	Total # Workers	MINORITY - Goal: 15.3%			FEMALE - Goal: 6.9%			VETERAN - Goal: 3.0%		
			# Workers	Hours	%	# Workers	Hours	%	# Workers	Hours	%
Asbestos Workers Local 6	1,322.0	14	2	316.5	23.9%	1	196.5	14.9%	1	184.0	13.9%
Boilermakers Local 29	306.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Bricklayers Local 3 Eastern Mass.	10,738.0	54	10	1,986.0	18.5%	1	599.5	5.6%	2	44.0	0.4%
Carpenters Local 107	3,250.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 108	2,537.5	3	3	2,537.5	100.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 111	4,738.0	11	4	3,004.0	63.4%	1	287.0	6.1%	0	0.0	0.0%
Carpenters Local 1305	5,562.5	17	4	2,336.5	42.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 218	68,000.5	107	27	20,300.5	29.9%	9	7,652.0	11.3%	8	5,818.0	8.6%
Carpenters Local 26	1,839.0	4	1	724.0	39.4%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 275	4,482.5	5	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 33	41,658.5	61	11	8,787.0	21.1%	3	2,084.0	5.0%	3	4,342.5	10.4%
Carpenters Local 40	4,538.5	7	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 424	1,750.0	2	0	0.0	0.0%	0	0.0	0.0%	1	804.0	45.9%
Carpenters Local 475	3,567.5	5	1	160.0	4.5%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 535	595.5	4	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 624	14,799.0	33	8	5,301.0	35.8%	2	982.0	6.6%	2	458.0	3.1%
Carpenters Local 67	15,623.0	22	12	6,416.5	41.1%	1	126.0	0.8%	2	696.0	4.5%
Carpenters Local 94	480.0	3	0	0.0	0.0%	0	0.0	0.0%	1	168.0	35.0%
Electricians Local 103 I.B.E.W.	78,721.5	264	48	16,680.5	21.2%	11	5,479.0	7.0%	6	2,853.5	3.6%
Electricians Local 104 I.B.E.W	1,041.5	18	1	116.0	11.1%	1	112.0	10.8%	0	0.0	0.0%
Elevator Constructors Local 4	5,420.0	35	4	682.0	12.6%	1	49.0	0.9%	1	569.5	10.5%
Floorcoverers Local 2168	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Iron Workers Local 7	179,231.8	434	113	47,533.5	26.5%	23	10,954.0	6.1%	20	15,374.0	8.6%
Laborers Local 133	2,650.5	9	2	336.5	12.7%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 138	2,442.0	11	2	1,970.0	80.7%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 14	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 1421 (Wreckers)	7,628.5	33	32	7,581.5	99.4%	4	1,412.0	18.5%	1	164.0	2.1%
Laborers Local 146	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 151	21,113.0	32	6	7,814.0	37.0%	2	2,683.0	12.7%	0	0.0	0.0%
Laborers Local 175	14,580.5	26	9	9,816.0	67.3%	0	0.0	0.0%	1	1,472.0	10.1%
Laborers Local 22	184,706.9	344	105	59,140.5	32.0%	43	25,286.5	13.7%	11	4,276.0	2.3%
Laborers Local 223	18,308.5	34	11	5,250.5	28.7%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 230	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 243	3,927.5	6	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 271	5,561.5	13	4	2,218.0	39.9%	0	0.0	0.0%	1	285.5	5.1%
Laborers Local 385	5,599.5	19	8	2,020.5	36.1%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 39	35.0	2	0	0.0	0.0%	0	0.0	0.0%	1	0.5	1.4%
Laborers Local 401	5,803.5	21	5	463.0	8.0%	1	614.0	10.6%	2	1,605.5	27.7%
Laborers Local 401E	420.5	2	0	0.0	0.0%	0	0.0	0.0%	1	316.5	75.3%
Laborers Local 429	2,444.5	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 455	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 473	162.5	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 547	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 560	7,021.0	17	5	2,558.5	36.4%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 596	24.0	2	1	16.0	66.7%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 609	12,947.5	28	7	5,162.5	39.9%	0	0.0	0.0%	2	579.0	4.5%
Laborers Local 610	6,213.0	14	3	91.0	1.5%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 611	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 665	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 675	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 721	4,062.0	8	2	67.5	1.7%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 876	2,297.5	11	2	2,022.5	88.0%	1	136.0	5.9%	0	0.0	0.0%
Laborers Local 88 (Tunnel)	17,539.0	40	5	1,864.0	10.6%	1	44.0	0.3%	1	641.5	3.7%
Laborers Local 999	8.0	1	1	8.0	100.0%	0	0.0	0.0%	0	0.0	0.0%
Operating Engineers Local 4	187,235.5	312	47	30,245.0	16.2%	12	11,624.0	6.2%	24	20,776.0	11.1%
Painters & Allied Trades D.C. #35	1,889.0	21	3	33.0	1.7%	0	0.0	0.0%	0	0.0	0.0%
Piledrivers Local 56	39,834.0	100	9	4,984.5	12.5%	8	1,775.0	4.5%	9	4,923.5	12.4%
Pipe Fitters Local 537	13,202.0	34	7	2,672.0	20.2%	3	1,059.0	8.0%	2	771.0	5.8%
Plasterers & Cement Masons	18,152.5	116	16	1,865.0	10.3%	3	314.0	1.7%	2	126.5	0.7%
Plumbers & Gasfitters Local 12	27,171.5	90	14	5,539.5	20.4%	8	2,286.0	8.4%	9	3,791.5	14.0%
Roofers & Slaters Local 33	6,616.5	38	11	2,426.0	36.7%	2	863.0	13.0%	2	508.5	7.7%
Sheet Metal Workers Local 17	8,822.3	41	6	2,080.0	23.6%	1	479.0	5.4%	3	821.0	9.3%
Sheet Metal Workers Local 63	20.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Shop and Mill Cabinet Local 51	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Sprinkler Fitters Local 550	10,473.0	25	5	2,418.0	23.1%	1	120.0	1.1%	2	1,490.0	14.2%
Teamsters Local 25	50.0	5	0	0.0	0.0%	0	0.0	0.0%	1	8.0	16.0%
Union Number	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Woodframe Local 723	8.0	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Total	1,089,173.5	2,568	577	277,545.0	25.5%	144	77,216.5	7.1%	122	73,868.0	6.8%

CONTRACTOR	PROJECT TO DATE										
	Total Hours	Total # Workers	MINORITY - Goal: 15.3%			FEMALE - Goal: 6.9%			VETERAN - Goal: 3.0%		
			# Workers	Hours	%	# Workers	Hours	%	# Workers	Hours	%
Andella Iron Inc.	565.0	4	3	511.0	90.4%	0	0.0	0.0%	0	0.0	0.0%
Angelini Plastering, Inc.	228.0	4	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Anvil Steel Engineering, Inc.	3,694.0	17	7	2,219.0	60.1%	0	0.0	0.0%	1	1,060.5	28.7%
Axion Specialty Contracting	194.0	5	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Back Bay Concrete Corp.	2,082.5	35	2	332.5	16.0%	2	33.5	1.6%	2	82.5	4.0%
BOSS Steel Inc.	22,036.8	71	21	5,290.5	24.0%	3	1,406.0	6.4%	3	1,399.5	6.4%
Brightview Landscaping Development Inc.	178.0	6	1	32.0	18.0%	0	0.0	0.0%	0	0.0	0.0%
Capco Steel Erection Company	936.5	9	2	148.0	15.8%	0	0.0	0.0%	0	0.0	0.0%
Cashman Dredging & Marine Contracting	200.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Cavalieri Construction Company, Inc.	2,102.5	21	5	1,326.0	63.1%	0	0.0	0.0%	1	462.5	22.0%
Century Drywall, Inc.	17,788.0	71	18	5,189.0	29.2%	3	922.0	5.2%	4	1,120.0	6.3%
Coastal Marine Construction	2,223.5	15	0	0.0	0.0%	1	84.0	3.8%	1	116.5	5.2%
Coghlin Electrical Contractors, Inc.	20,451.0	64	10	4,076.0	19.9%	4	1,576.0	7.7%	2	1,227.5	6.0%
Construction Drilling, Inc.	499.5	4	1	8.0	1.6%	0	0.0	0.0%	0	0.0	0.0%
Costa Brothers Masonry, Inc.	13,785.5	56	12	2,792.5	20.3%	2	735.5	5.3%	1	16.0	0.1%
Dagle Electrical Construction Corporation	3,401.0	26	3	462.0	13.6%	0	0.0	0.0%	0	0.0	0.0%
Daniel Marr and Son Co.	71,024.0	153	16	9,776.0	13.8%	7	4,280.0	6.0%	9	7,232.5	10.2%
DeLucca Fence Company	857.5	32	6	135.0	15.7%	1	16.0	1.9%	1	24.0	2.8%
Dependable Masonry Construction Co.	848.5	6	2	203.0	23.9%	0	0.0	0.0%	0	0.0	0.0%
Don Martin Corporation	550.5	20	8	218.5	39.7%	0	0.0	0.0%	1	12.0	2.2%
D's Welding	438.0	9	2	181.0	41.3%	0	0.0	0.0%	0	0.0	0.0%
E.H. Marchant Co. Inc.	59.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
E.M. Duggan, Inc.	13,892.5	51	5	1,469.5	10.6%	5	613.0	4.4%	7	3,066.5	22.1%
East Coast Fireproofing Co	270.0	4	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Easton Concrete Cutting & Drilling LLC	590.0	13	1	27.0	4.6%	0	0.0	0.0%	0	0.0	0.0%
Edward G. Sawyer Co., Inc.	26,869.5	46	9	5,871.5	21.9%	3	2,207.0	8.2%	2	1,228.5	4.6%
Ferguson-Neudorf Glass Inc.	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Fischbach & Moore Electric Group, LLC	996.0	7	1	8.0	0.8%	0	0.0	0.0%	0	0.0	0.0%
Fisher Contracting Corporation	4,876.0	20	3	604.0	12.4%	3	837.0	17.2%	1	276.0	5.7%
Geologic Earth Exploration, Inc.	72.5	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Griffin Door dba Overhead Door	112.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Hayward Baker Inc.	9,495.0	51	4	1,472.0	15.5%	2	250.0	2.6%	1	365.5	3.8%
Hub Foundation Co., Inc.	18,363.5	45	6	2,839.5	15.5%	2	1,164.0	6.3%	6	4,377.0	23.8%
J & M Brown Company, Inc.	3,836.5	14	2	594.0	15.5%	1	144.0	3.8%	0	0.0	0.0%
J Rams Inc	17.0	2	0	0.0	0.0%	0	0.0	0.0%	1	8.0	47.1%
J. Derenzo Co.	118,873.4	97	16	26,649.0	22.4%	10	11,934.0	10.0%	9	11,223.5	9.4%
J.C. Cannistraro	10,769.0	31	7	3,157.0	29.3%	3	1,673.0	15.5%	2	480.0	4.5%
J.C. Higgins Corp	15,605.0	37	6	3,537.0	22.7%	3	1,059.0	6.8%	2	1,016.0	6.5%
J.F. White Contracting Company, Inc	29,010.5	46	8	4,212.0	14.5%	2	3,904.5	13.5%	3	1,145.0	3.9%
John W. Egan Co., Inc.	40.0	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
JP Obelisk, Inc.	309.0	6	3	168.0	54.4%	0	0.0	0.0%	0	0.0	0.0%
JR Vinagro Corp.	884.0	11	4	780.0	88.2%	0	0.0	0.0%	0	0.0	0.0%
K Safe Corp	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
K&H Electrical Systems, Inc.	11,699.5	30	8	3,050.5	26.1%	1	457.5	3.9%	1	120.5	1.0%
K&M Fire Protection Services, Inc.	10,473.0	25	5	2,418.0	23.1%	1	120.0	1.1%	2	1,490.0	14.2%
LCN, Inc.	2,288.5	19	5	489.0	21.4%	1	852.5	37.3%	0	0.0	0.0%
Leading Way Construction Co., Inc.	96.0	6	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Liberty Construction Services	140,525.0	233	65	38,592.0	27.5%	21	12,824.0	9.1%	4	2,996.0	2.1%
Liberty Equipment and Supply	7,898.0	14	2	1,986.0	25.1%	2	655.0	8.3%	1	1,217.0	15.4%
Lockwood Remediation	32.0	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Lund Rebar Services, Inc.	62,135.5	103	42	24,920.0	40.1%	9	3,786.0	6.1%	6	4,773.0	7.7%
M.L. McDonald Sales Company, LLC	8,792.0	37	7	487.0	5.5%	2	630.0	7.2%	3	1,922.0	21.9%
Marr Equipment Corp.	53.0	5	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Mass Bay Electrical Corp.	2,241.0	36	2	34.0	1.5%	1	112.0	5.0%	0	0.0	0.0%
Maxim Crane Works, L.P.	27,335.0	57	12	5,834.0	21.3%	1	1,698.0	6.2%	4	3,514.5	12.9%
McCusker-Gill, Inc.	8,668.8	36	6	2,080.0	24.0%	1	479.0	5.5%	3	821.0	9.5%
McGregor Industries, Inc.	2,981.0	5	0	0.0	0.0%	1	869.0	29.2%	0	0.0	0.0%
McPhee Electric Ltd.	5,397.0	12	2	1,389.0	25.7%	1	242.0	4.5%	1	277.0	5.1%
Melo's Rodbusters, Inc.	5,280.0	17	10	2,790.5	52.9%	0	0.0	0.0%	1	908.5	17.2%
Midnight Iron Construction Management	32.0	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
MON Landscaping Inc.	96.0	7	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%

CONTRACTOR	PROJECT TO DATE										
	Total Hours	Total # Workers	MINORITY - Goal: 15.3%			FEMALE - Goal: 6.9%			VETERAN - Goal: 3.0%		
			# Workers	Hours	%	# Workers	Hours	%	# Workers	Hours	%
Moretrench	19,856.0	38	11	5,850.0	29.5%	3	302.0	1.5%	2	1,335.5	6.7%
MTK Construction Services, Inc.	287.0	10	8	254.0	88.5%	0	0.0	0.0%	0	0.0	0.0%
NER Construction Mgmnt	989.5	9	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
NewRoads Environmental	7,793.5	36	35	7,746.5	99.4%	4	1,412.0	18.1%	1	164.0	2.1%
North East Foam Solutions, Inc.	652.0	9	3	94.0	14.4%	1	122.0	18.7%	2	126.0	19.3%
NorthStar Contracting Group, Inc	37.0	2	1	12.0	32.4%	0	0.0	0.0%	0	0.0	0.0%
Otis Elevator Company	3,355.3	28	3	104.8	3.1%	1	49.0	1.5%	0	0.0	0.0%
P.J. Spillane Company, Inc.	2,379.0	21	5	598.0	25.1%	0	0.0	0.0%	1	28.0	1.2%
Pick Crane Service, Inc.	51.5	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
R.J. Cobb LTD	48.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Rapid Flow Inc.	1,527.5	1	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Regis Steel Corporation	6,283.5	24	6	1,415.5	22.5%	3	613.0	9.8%	0	0.0	0.0%
Richard W. Reid Electric Company Inc.	34.0	3	2	16.0	47.1%	0	0.0	0.0%	0	0.0	0.0%
S&A Cranes LLC	34.0	4	0	0.0	0.0%	0	0.0	0.0%	1	8.0	23.5%
S&F Concrete Contractors, Inc.	221,449.5	325	87	68,594.0	31.0%	14	11,540.0	5.2%	13	10,842.5	4.9%
Silverback Construction Inc.	416.0	18	1	27.0	6.5%	0	0.0	0.0%	0	0.0	0.0%
SOEP Painting Corp.	173.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
SOS Corporation	179.0	2	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Sunrise Erectors, Inc.	8,736.5	31	3	1,339.5	15.3%	2	352.5	4.0%	3	1,245.0	14.3%
Sweeney Drywall Finishes Corp	48.5	3	0	0.0	0.0%	0	0.0	0.0%	1	0.5	1.0%
T&T Electrical Contractors, Inc.	1,722.5	13	3	689.5	40.0%	0	0.0	0.0%	0	0.0	0.0%
Tavares LLC	72.0	2	1	40.0	55.6%	0	0.0	0.0%	0	0.0	0.0%
The Railroad Associates Corporation	68.5	3	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
The Welch Corporation	11,582.5	21	2	1,308.0	11.3%	3	1,057.0	9.1%	2	1,225.0	10.6%
Thermo-Dynamics International, Inc.	1,128.0	9	2	316.5	28.1%	1	196.5	17.4%	1	184.0	16.3%
Titan Roofing, Inc.	6,694.0	39	11	2,426.0	36.2%	2	863.0	12.9%	2	508.5	7.6%
Total Mechanical Service Corp.	48.0	3	3	48.0	100.0%	0	0.0	0.0%	0	0.0	0.0%
TREVICOS CORPORATION	60,039.5	88	24	16,020.5	26.7%	7	4,090.5	6.8%	3	2,630.0	4.4%
Urban Insulation Inc	0.0	0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
UTEC Constructors LLC	688.0	9	1	116.0	16.9%	0	0.0	0.0%	0	0.0	0.0%
Vynorius Piledriving Inc.	13,610.3	32	3	1,810.3	13.3%	3	657.5	4.8%	4	1,592.0	11.7%
WES Construction Corp	4,134.0	15	1	356.5	8.6%	1	398.0	9.6%	0	0.0	0.0%
Wood & Wire Fence Co. Inc	8.0	2	1	4.0	50.0%	0	0.0	0.0%	0	0.0	0.0%
TOTAL	1,089,173.5	2,568	577	277,545.0	25.5%	144	77,216.5	7.1%	122	73,868.0	6.8%

**Contracts and Payments to Minority, Women and
Veteran Business Enterprises for Construction Phase**
As of September 30, 2017

Reference 205 CMR 135.02(5)(f)

As of September 30, 2017, Wynn had awarded \$177,188,732, or 16.3% of qualified construction contracts, in contracts to M/W/VBEs. As of September 30, 2017, Wynn and Wynn contractors and sub-contractors awarded 51 contracts to MBEs, 115 contracts to WBEs, and 30 contracts to VBEs for construction.

	# Contract Awards*	Contract Award Value (\$)	% of Total Construction Contracts Awarded to Date	% Goal	Paid to Date (\$)
MBE	51	60,815,901	5.6%	5.0%	16,892,109
WBE	115	103,901,361	9.6%	5.4%	19,835,255
VBE	30	28,763,234	2.6%	1.0%	11,404,910
TOTAL**	176	\$177,188,732	16.3%	11.4%	\$42,311,924

*Note that a majority of M/W/VBEs are sub-contracted with Wynn's contractors and sub-contractors.

M/W/VBE contract awards and payments report includes awards and payments made to businesses with more than one diverse classification (i.e. M/WBE). **Totals reported deduct any double counting due to awards to businesses with more than one diverse classification.

**Contracts and Payments to Minority, Women and
Veteran Business Enterprises for Design Phase
As of September 30, 2017**

Reference 205 CMR 135.02(5)(f)

As of September 30, 2017, Wynn had awarded \$13,861,497, or 22.6% of qualified design contracts, to M/W/VBEs for design work. As of September 30, 2017, Wynn and Wynn consultants awarded twelve contracts to MBEs, 13 contracts to WBEs, and four contracts to VBEs for design work.

	# Contract Awards*	Contract Award Value (\$)	% Total Design Contract*	% Goal	Paid to Date (\$)
MBE	12	5,503,406	9.0%	7.9%	4,752,794
WBE	13	4,313,573	7.0%	10.0%	3,105,215
VBE	4	4,044,518	7.1%	1.0%	3,555,823
TOTAL	29	\$13,861,497	22.6%	18.9%	\$11,413,832

*Note that 9 MBE contracts, 9 WBE contracts, and 2 VBE contract, are sub-contracted with Wynn's consultants.



Division of Racing

TO: Stephen Crosby, Chairman
Gayle Cameron, Commissioner
Lloyd Macdonald, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Ed Bedrosian, Executive Director
Catherine Blue, General Counsel

DATE: November 6, 2017

RE: Applications to conduct live horse racing in 2018

Dear Commissioners:

The Commission has received two applications to conduct live horse racing in Massachusetts in 2018:

- Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) to conduct 100 days of harness racing from April 16 through November 29;
- Sterling Suffolk Racecourse, LLC (Suffolk Downs) to conduct 6 days of running horse racing on July 7th and 8th, August 4th and 5th, and September 1st and 2nd, with the possibility of adding days.

In order to grant a racing license, the Commission must take into consideration the criteria provided in Chapter 128A Section 3 (i), "in addition to any other appropriate and pertinent factors". Those criteria are:

- The financial ability of the applicant to operate a race track;
- The maximization of state revenues;
- The suitability of racing facilities for operation at the time of the year for which the dates are assigned;
- That large groups of spectators require safe and convenient facilities;
- Having and maintaining proper physical facilities for racing meetings;



Massachusetts Gaming Commission

- According fair treatment to the economic interest and investments of those who in good faith have provided and maintained the facilities

In order for the Commission to determine if the criteria are met, the Commission can consider the application materials provided by the applicant and the testimony and comments received from the public.

Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) meets the requirements of Chapter 128A Section 3(i) and is the only facility to apply for harness racing. With 100 days of live racing, they will also meet the requirements of Massachusetts General Laws Chapter 128C Section 2, the requirement for their ability to simulcast. Plainridge raced 105 days in 2015, 115 days in 2016, and are on schedule to complete 125 days of racing in 2017, as described in Massachusetts General Laws Chapter 23K Section 24. Plainridge Racecourse and the Harness Horseman's Association of New England will give presentations regarding the number of live racing days for 2018 at the November 9th Commission meeting, and I will be happy to answer any questions the Commission may have.

Recommendation: The Racing Division recommends the Commission approve the application of Plainville Gaming and Redevelopment, LLC (Plainridge Racecourse) for live harness horse racing in 2018, with the condition that they have an independent expert review the track surface prior to racing.

Sterling Suffolk Racecourse, LLC (Suffolk Downs) meets the requirements of Chapter 128A Section 3(i) and is the only facility to apply for Thoroughbred racing. With six days of live racing, they will also meet the requirements of Massachusetts Session Laws, Acts of 2015 Chapter 10 Section 35, for their ability to simulcast.

Recommendation: The Racing Division recommends the Commission approve the application of Sterling Suffolk Racecourse, LLC (Suffolk Downs) for live running horse racing in 2018, with the following conditions:

1. Suffolk Downs will have an independent expert review the track surface prior to racing.
2. Suffolk Downs will request in writing to the Commission how much money they would like from the Race Horse Development Fund and how it will be spent.
3. Suffolk Downs will notify the Commission in writing if they are going to race more than the six days, at least 30 days before the races are conducted.
4. Suffolk Downs will provide their purse agreement to the Commission.



Massachusetts Gaming Commission



Catherine Blue
General Counsel
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts 02110

Dear General Counsel Blue:

Plainville Gaming and Redevelopment, LLC, (PGR) assisted by its outside counsel, Morgan, Lewis & Bockius, LLP, submits this memorandum in support of its application for harness horse racing to be held at Plainridge Park Casino (Plainridge), which seeks 100 racing days in 2018. PGR respectfully requests that the Commission grant its application for 100 racing days, because (1) pursuant to G.L. ch. 23K, s. 24, the Commission is empowered to adjust the required number of racing days after the third year of operation, based on fields, demand, and racing performance; and (2) the 100-day racing schedule submitted by PGR properly accounts for these statutory factors while also furthering other statutory objectives of the gaming and racing laws.

1. The Commission Is Not Bound by the 125-Day Requirement for 2018.

As the Commission previously noted in its correspondence dated September 26, 2017 (see Exhibit A), it is “not bound by the 125-day requirement in section 24(a) and has the authority to consult with the parties to the purse agreement and make a determination as to the appropriate number of required racing days each year.” In enacting Section 24, the Legislature created minimums for the number of racing days held during each of the gaming licensee’s first three calendar years of operation, and set a default minimum number of racing days for subsequent years, subject to adjustment by the Commission based on certain factors that the Legislature presumably recognized might change over time. Specifically, Section 24(a) provides that:

An applicant for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule: (i) in the first calendar year of operation, a gaming licensee shall hold 105 racing days; (ii) in the second calendar year of operation, a gaming licensee shall hold 115 racing days; and (iii) in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days;

Because Plainridge Park Casino opened in 2015, Plainridge was required to hold at least 105 racing days in calendar year 2015, at least 115 racing days in calendar year 2016, and at least 125 racing days in calendar year 2017.¹ There is no dispute that Plainridge held the required number of racing days for the first three calendar years of operation, in accordance with Section 24(a).

¹ See <https://www.collinsdictionary.com/us/dictionary/english/calendaryear> (defining “calendar year” as “a period of twelve months from January 1 to December 31.”)

Now that Plainridge has entered the “subsequent calendar years” phase of this framework, it remains subject to the 125-day requirement *except* in the circumstances described in subsections (b) and (c), which allow for an adjustment in the number of racing days under certain circumstances. These subsections likely reflect the Legislature’s recognition that conditions in the racing marketplace may change in ways it was not able to anticipate in 2011, when the statute was enacted. First, in the event that market conditions *improved* such that a licensee was able to exceed that minimum and hold more than 125 racing days, Subsection (b) provides that it may do so, as long as it “is holding a minimum of 125 racing days within 3 years of receiving a gaming license.” Second, if market conditions *warranted* such that 125 days became unsustainable (or if they improved so drastically that the Commission determined that 125 days was too low), Subsection (c) provides that, “[a]fter 3 years of operation of the gaming establishment and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a gaming establishment and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a gaming establishment based on fields, demand and racing performance.”

When the 2018 racing season begins in April, Plainridge will be in its fourth calendar year of operations, and therefore the Commission is empowered to “adjust the amount of required racing days . . . based on fields, demand and racing performance” under Ch. 23k, Section 24(c). Although the Legislature did not use the term “*calendar years*” in subsections (b) and (c), as it did in subsection (a), there was no need to do so, because G.L. c. 4, sec. 7, cl. 19th provides that the term “year” shall be construed to mean “calendar year” in interpreting Massachusetts statutes.

At the public hearing held on October 25, counsel for the Harness Horseman’s Association of New England (HHANE) suggested that subsection (c) is not yet applicable because the gaming establishment “does not have three years of operation.” See Transcript at 23:18-19. The rationale behind this contention is not entirely clear, but none of the interpretations offered by HHANE is consistent with the logical scheme the Legislature set forth in Section 24 or the text of that statute. At one point, HHANE appeared to suggest that “3 years of operation” should be measured from the issuance of the operations certificate on January 24, 2015 (see Transcript at 22:18-24), and went on to argue that Subsection (c) requires three full years at 125 days (presumably on top of the first two years in which subsection (a) requires 105 and 115 days to be held). See Transcript at 23:2-5 (“Moreover, the three-year period referenced in that section hasn’t tol[l]ed yet. Accordingly, three full years at 125 days won’t be reached until 2019.”). To the extent HHANE’s argument is that subsection (c) only kicks in on January 24, 2018, three years after the issuance of the operations certificate, that interpretation conflicts with the framework set forth in subsection (a), and also has no material impact the Commission’s analysis, because the 2018 racing season does not begin until several months after January 24, 2018. Furthermore, HHANE’s suggestion that the Commission is not permitted to adjust the number of live racing days until it has completed “three full years at 125 days” is completely unsupported by subsection (c) itself, which refers only to “3 years of operation,” and which is most logically understood as referring to the three-year phase-in period set forth in subsection (a). Interpreting subsection (c) would not permit the Commission to adjust the number of days until after Plainridge had held *five* racing seasons (2015-2019), effectively transforming the three-year mandatory minimum scheme into a five-year mandatory minimum scheme, with no statutory basis to do so.

Elsewhere, counsel for HHANE suggested that the “3 years of operation” referred to in subsection (c) will only be completed on June 30, 2018, which is tied to the date the casino opened. *See* Transcript 24:20-25:1. Again, this interpretation is inconsistent with subsection (a), which is measured in calendar years of operation, and with the Commission’s prior practice in 2015, in which it counted racing days held at Plainridge *before* the casino opened toward the 105-day minimum required under the statute. In practice, it also would be nonsensical. If the Commission is not permitted to adjust the number of racing days until after June 30, 2018, Plainridge would have to apply for a mid-season adjustment of racing days downward, which would be disruptive and illogical. Alternatively, if a request for a mid-season adjustment was not permitted, subsection (c) would effectively be transformed to permit adjustment only after *four* years of operation (as Plainridge would have been required to hold 105 days in 2015, 115 days in 2016, and 125 days in both 2017 and 2018). Similar to the first interpretation offered by HHANE, tying subsection (c) to the anniversary of the date the casino opened its doors would effectively transform the three-year mandatory minimum scheme into a four-year mandatory minimum scheme.

If the Legislature intended to create an initial three-year phase-in subsection (a), tied to calendar years of operation, and then to create an entirely different scheme, based on different measurements, in subsection (c), it would have done so explicitly. Instead, the Legislature tied both subsection (a) and subsection (c) to “years of operation,” with the only difference being the omission of the phrase “the gaming establishment” from subsection (a) and the omission of the word “calendar” from subsection (c). It is clearly implied that subsection (a), in referring to the “calendar years of *operation*,” means the operation of *the gaming establishment* that the “applicant for a gaming license” will eventually be operating. Similarly, the “3 years of operation of the gaming establishment” referenced in subsection (c) must be understood to be “*calendar* years,” both in light of the Legislature’s own definition in GL c. 4, s. 7, cl. 19th, and in light of the express reference to calendar years in subsection (a). Neither of these minor differences in word choice can justify HHANE’s position.

Here, the simplest explanation is the correct one. The Legislature created a three-year mandatory minimum phase-in period, requiring the licensee to ramp up to 125 racing days to be held in the third calendar year of operations, and provided that, after that third year, that number may be adjusted based on conditions that the Legislature recognized it would not be able to forecast when it enacted the law. This framework balances several overriding statutory objectives. On the one hand, as HHANE has pointed out, it sets goals for an increase in racing days in order to help preserve the racing industry in the Commonwealth, and it requires licensees to meet those goals at least for the first three years, and for subsequent years absent approval from the Commission. On the other hand, it empowers the Commission, in consultation with the parties, to adjust the amount of racing days after that three-year period, based on the “fields, demand and racing performance.” This serves several interests set forth in G.L. c. 128A, s. 3(i), including by ensuring that racing competition remains competitive and thus “of good quality,” and ensuring that the licensee is able to secure a fair return on its investment (which serves the interest of “according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities”), which in turn ensures the “maximization of state revenues.” The Commission’s interpretation of Section 24, as set forth in its September 26 letter, is therefore consistent with the letter of that statute *and* with the statutory objectives underlying both the gaming and racing statutes. Because Plainridge will have held the required number of racing days during the first

three years of operation, the Commission is free to adjust the required number of racing days based on fields, demand, and racing performance.

2. **Plainridge's Proposed Schedule is Appropriate in Light of "Fields, Demand, and Racing Performance"**

Plainridge's proposed racing schedule is fully supported by the factors set forth in Section 24(c).

a. Field Size

Field size is a metric used by every racetrack as a benchmark in assessing the general health and success of its racing program. The ideal field size for Plainridge would be nine (9) horses, which is the number that can be placed on the first tier of the mobile starting gate (although races of ten (10) horses per race, which involve a horse starting in the second tier, can also be conducted at Plainridge.)

The most current Plainridge meet field size is 7.38, a number that has just marginally increased over the past three racing seasons, this despite a significant increase in purse funds available for races at Plainridge. In fact, as of October 20, a majority of the races conducted at Plainridge in 2017 have had a field size of 7 horses or less. A key reason Plainridge wishes to increase average field size is to stimulate wagering opportunities and handle, which drive increased revenues for the state, horsemen and Plainridge. Statistics from Plainridge show that increased field size provide greater wagering opportunities and stimulate wagering handle (see Exhibit B), and also allows for the conduct of several additional wagers which require minimum betting interests to be offered. With a 100-day schedule Plainridge projects that average field size should increase at a higher rate than the past three years and should thus provide a positive stimulus for wagering on the Plainridge racing product.

While HHANE relies on increases in horse population in previous years and specifically in Massachusetts, it has not addressed the current nationwide shortage which should not be a surprise to any follower of standardbred racing. As noted at the public hearing, the nationwide horse shortage has resulted in 36 race day cancellations among the tracks in the Northeast thus far in 2017 (see Exhibit C). According to the United States Trotting Association, registered standardbred foals have decreased substantially in the last 10 breeding seasons (see Exhibit D), which points directly to less horses available to race at meets across the United States. HHANE points to an increase in horses bred in the Commonwealth in recent years, which we agree is an encouraging sign, however the anticipated increase in offspring this year will not have an effect on the racing program in the next few years and it by no means will come close in filling the void being left by the significant drop off in available horses to race at Plainridge and other local, regional and national racetracks in the coming years due to this long term downward trend in the harness horse breeding business. The racing industry participants must accept and adapt to these macro changes and not continue to brush aside the statistics as "not being relevant" to "their" local marketplace. Plainridge's 2018 schedule sufficiently accounts for this shortage by adjusting the number of racing days per week down to three, which will maximize participation in Plainridge races without shortening the overall length of the season or number of races as compared to the 2017 racing season. This ensures that, as identified in G.L. 128A, s.3(i), the Commonwealth has access to a competitive, high-quality racing product,

which also helps drive increased handle, and thus maximize revenue for the Commonwealth, the horsemen and PGR.

b. Demand

Demand is another factor tied into the field size equation. Demand equates to the level of interest in races at Plainridge. While Plainridge has met the minimum requirements on number of races per day, demand for its races is not exceeding available racing opportunities, in fact, as detailed above, there still is a need for more horses to fill the available racing opportunities already offered to horsemen competing at Plainridge. Fulfilling demand for the races conducted at Plainridge is also a contractual requirement of HHANE (see Exhibit E, Section 3a), and Plainridge has been attempting to prioritize this provision going back to the 2016 race meet, while HHANE has acknowledged this requirement it has not reacted with any sense of urgency to address the matter (see Exhibit F).

If field size was at its maximum allowable amount (a minimum of nine (9) starters per race) and the number of races was at an optimum 12 races per day (see below) then demand would be in equilibrium with the available supply. That equilibrium is not in place based on the current statistics we have supplied to the Commission and HHANE, therefore, Plainridge feels it is incumbent to make changes to bring supply and demand into line. Plainridge's 2018 racing schedule makes a rational adjustment that provided sufficient available racing opportunities (races) for horsemen and provides a racing calendar which is the same duration as in 2017, thus alleviating most of the issues and concerns of horsemen regarding a reduction in live racing dates.

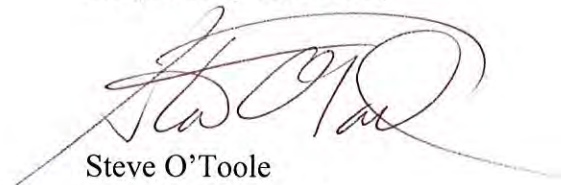
c. Racing Performance

The term "racing performance" is defined in the racing statute, G.L. 128C, s.1 as "***the conduct of at least seven live races during one day,***" and thus again goes to the heart of the horse supply shortage issue. While seven races represent the *minimum* to be considered a racing performance to satisfy legislative requirements, the *optimum* number of races, in the opinion of Plainridge, to engage the wagering public and racing fan, is 12 races per day. For the 2017 racing season Plainridge is currently averaging 9.57 races per day, which is significantly below this optimum number. Stretching out the available horse supply over additional days has proven to water down the product and competitive racing suffers in turn. During the course of this current racing season, due to the four day a week racing schedule, and in order to meet the minimum statutory requirement of races, Plainridge has often needed to utilize races with lower number of starters or "split" races (instead of using a race which is oversubscribed, that is more than 9 entrants, the racing secretary will make the race into two races, in most cases with a smaller field size in each of the two "split" races.)

Reducing the total number of racing days will enable Plainridge to maximize the number of races offered per day, fill the demand for larger field size, to the extent possible given the current horse supply shortage, and thus provide the most competitive product possible to engage the racing consumer and in turn maximize revenue to the Commonwealth, the horsemen and PGR.

For these reasons, Plainridge respectfully requests that the Commission approve its proposed racing schedule for 100 days in 2018 as it is in the best interests of the Commonwealth and the racing industry.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. O'Toole", with a large, sweeping flourish extending to the right.

Steve O'Toole
Director of Racing
Plainridge Park Casino
Plainville Gaming and Redevelopment, LLC

cc Christopher McErlean – Penn National Gaming



Legal Division

September 26, 2017

Robert J. McHugh
President
Harness Horseman's Association of New England
P.O. Box 1811
Plainville, MA 02762

VIA REGULAR MAIL AND EMAIL: hhanesec@hane.com

RE: September 20, 2017 Letter to Plainville Gaming & Redevelopment LLC

Dear Mr. McHugh:

I received a copy of your September 20, 2017 letter to Plainville Gaming & Redevelopment LLC. I attached to this letter a copy of M.G.L. c.23K section 24(a) which provides that a gaming licensee who holds a racing license must race 105 days in its first year of operation; 115 days in the second year of operation; and 125 days in the third year of operation and subsequent years. Section 24(a) is modified by section 24 (c) which provides that after the third year of operation, the Commission, in consultation with the parties to the purse agreement, may adjust the number of racing days based upon fields, demand and racing performance.

Plainville Gaming & Redevelopment LLC will complete its third year of operation in 2017. For 2018 and thereafter, the Commission is not bound by the 125 day requirement in section 24(a) and has the authority to consult with the parties to the purse agreement and make a determination as to the appropriate number of required racing days each year.

In the future, if you have questions regarding racing, please feel free to contact me or Dr. Lightbown directly.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Blue".

Catherine Blue
General Counsel

Cc: Ed Bedrosian
Alex Lightbown
Steve O'Toole



Massachusetts Gaming Commission

Exhibit A cont.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title II	EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH
Chapter 23K	THE MASSACHUSETTS GAMING COMMISSION
Section 24	APPLICANTS HOLDING LIVE RACING LICENSE UNDER CHAPTER 128A; NUMBER OF LIVE RACING DAYS; ANNUAL PURSE AGREEMENTS

Section 24. (a) An applicant for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule: (i) in the first calendar year of operation, a gaming licensee shall hold 105 racing days; (ii) in the second calendar year of operation, a gaming licensee shall hold 115 racing days; and (iii) in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days;

(b) A gaming licensee may increase the number of live racing days if the gaming licensee is holding a minimum of 125 racing days within 3 years of receiving a gaming license. If a gaming licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the gaming license.

(c) After 3 years of operation of the gaming establishment and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a gaming establishment based on fields, demand and racing performance.

(d) A gaming licensee with a live racetrack shall have an annual purse agreement in effect by December 31 of each year for the following year's racing; provided, however, that if the parties to a purse agreement at a gaming establishment cannot in good faith negotiate an agreement by December 31, the purse agreement shall be arbitrated by the commission.

Impact of Field Size and Races Per Day On Pari-Mutuel Handle

YEAR	FIELD SIZE	RACES per DAY	PURSE per RACE	HANDLE per RACE
2015	7.00	9.04	\$4,437	\$14,687
2016	7.21	9.50	\$7,284	\$16,493
2017	7.38	9.57	\$7,214	\$19,195



2017 Cancellations Due To Lack of Entries

NORTHEAST TRACK	STATE	CANCELLATIONS
Scarborough Downs	Maine	20
Vernon Downs	New York	11
Bangor Raceway	Maine	2
Tioga Downs	New York	2
Buffalo Raceway	New York	1
		36



Exhibit D

Standardbred Breeding Statistical Data

Provided by The United States Trotting Association

Through October 21, 2017

Breeding Season	# Mares Bred	Foaling Year	# Foals reported
2005	16117	2006	10,463
2006	14914	2007	9,832
2007	14796	2008	9,297
2008	13621	2009	8,848
2009	12660	2010	7,400
2010	11793	2011	7,998
2011	11185	2012	6,700
2012	10917	2013	7,253
2013	10749	2014	6,754
2014	10429	2015	6,500
2015	9960	2016	5,842
2016	10152	2017	3935*
2017	9862**	2018	??

*2017 Foals – this is the current total as of today; the projected total number is approximately 5,881.

**2018 Breedings – this is the total number as of 10/21/2017, the USTA may receive more.

AGREEMENT
Plainridge Racecourse

Harness Horsemen's Association of New England

This agreement (the "Agreement") is made by and between Springfield Gaming and Redevelopment, LLC, a wholly owned indirect subsidiary of Penn National Gaming, Inc. (hereinafter referred to as "SGR") a harness racetrack operator for the track in Norfolk County, Massachusetts located at 301 Washington Street, Plainville, and the Harness Horsemen's Association of New England (hereinafter referred to as "Horsemen" or "HHANE") as the organization authorized to represent the Horsemen racing at Plainridge Racecourse.

WHEREAS, The parties hereto have negotiated in good faith in order to agree upon terms as set forth the herein;

WHEREAS, The parties have entered into this Agreement to provide for live racing, purse accounts and other negotiated matters;

NOW THEREFORE, The parties agree as follows, for good and valuable consideration:

- 1) This Agreement shall only become effective upon the granting of a license to conduct harness racing to SGR by the Massachusetts Gaming Commission. This Agreement can be terminated within ten days after (a) the award of a Category 2 gaming license to any entity other than SGR, (b) if the Category 2 license award is postponed beyond March 31, 2014, or (c) upon a breach of the Agreement by either party not cured within 20 days after written notice (no cure period is required for material regulatory issues).
- 2) The Horsemen and SGR agree for the term of this Agreement to abide by the terms as set forth in this Agreement and in the SGR Racing Guide, as amended (attached as Exhibit A). The Horsemen further agree to vigorously and exclusively support SGR's Category 2 gaming application, including public presentations. To the extent third party, mutually agreed costs are incurred by Horsemen in connection with this support, SGR will be responsible for such costs.

Horsemen further agree to use best efforts to support required statutory changes to allow for the conduct of 80 live racing dates in calendar year 2014.

Under no circumstances shall the Horsemen, individually or collectively, directly or indirectly, strike, threaten to strike, boycott, threaten to boycott or cause any action detrimental to the orderly conduct of the live race meet or SGR's business.

- 3) (a) The Horsemen agree to enter and fill race cards, to race once entered abiding by policies set forth by SGR and to properly care for all race horses brought to, or stabled at Plainridge Racecourse. The Horsemen acknowledge the heavily regulated nature of SGR's business and agree that SGR, at its sole discretion, may accept or reject horses.

501
[Handwritten signatures and initials]

Exhibit F



PLAINRIDGE PARK
CASINO

May 26, 2016

Robert McHugh
Harness Horsemen's Association of New England
PO Box 1811
Plainville, MA 02762

Re: Adequate Entries to Fill Race Cards

Dear Bob,

A month into our new racing season there are many signs for optimism: a refurbished paddock that has been positively received; an increase in handle for on-track, export and incoming simulcast signals; the addition of a new infield video board and racing images featured on our entrance pylon sign plus coming this summer a racing rewards program integrated into our casino loyalty program *Marquee Rewards*.

We have instituted, at your association's request, a text alert system for entries, added more ship-in stalls and hired an outrider for the daily races. I think Plainridge Park and Penn National Gaming have kept up their commitments to racing at the property but we are concerned that the product and support of horsemen for racing at Plainridge is not as strong.

Despite a 33% increase in purses from 2015, filling racing cards continues to be a challenge. While I know our side can be criticized at times, the product on the racetrack falls squarely into horsemen's realm and the product thus far this meet has been, at best, mediocre.

Case in point:

In April, eight (8) cards were raced with at least nine (9) races per card. However, half of the race cards had less than 72 entries; only 46 of the 77 races were full fields of at least 8 horses with an average programmed field size of 7.55. When broken down by actual starters the average field size fell to 7.27. While April's racing entries produced some improvements over previous years, the month actually fell short of an adequate supply of entries.

So far in the month of May, there has been a significant decline in entries and field size versus the prior month. Through Friday May 20, half of the first 12 cards had less than nine (9) races. Only 37 of 102 races were full fields, there has not been a card with at least 72 entries; the entry box for Friday May 20 contained only 44 eligible entries. Our average programmed field size thus far in the month of May is a lackluster 7.08 per race. When broken down by actual starters the average field size is down to 6.88. In addition, over 30 entries had to be discarded over the last couple of weeks due to non-compliance with state rules.

Exhibit F cont.



PLAINRIDGE PARK
CASINO

To put this in further perspective, Bangor Raceway, which is racing for under two-thirds of the average daily purses offered at Plainridge, has averaged close to 70 horses per draw since its opening earlier this month, much higher than the average number of entries so far this meet at Plainridge of 65.

The responsibility of filling the cards lies with your organization and horsemen, and I would appreciate you advising me on the steps you and your organization have, or will be taking, to assure an adequate supply of entries that have met all state requirements plus any other steps that will be taken going forward to proactively address this issue.

Sincerely,

Steve O'Toole
Director of Racing

Copy to: Chris McErlean, Penn National Gaming

Exhibit F cont.

O'Toole, Steve

From: president@hhane.com
Sent: Sunday, June 05, 2016 2:58 PM
To: Steve O'Toole
Cc: Christopher.Mc@hhane.com; Alexandra Lightbown MGC
Subject: RE: Adequate Entries to Fill Race Cards

Steve:

This is to respond to inform you that I have read the correspondence that you sent to me on May 27th, and will make every effort to respond to your concerns as soon as possible. I have spent all of my time at this point working on the issues we need to ensure we obtain a higher percentage of the split. We did talk to Paul Verrette about offering some series which we hope would bring additional horses to Plainridge and increase membership in our Association.

Thanks for the update on the ship in barns and some of the other issues we discussed at our recent meeting were resolved.

When we discussed our contracting with Innovation Group you indicated that you may request that Penn National provide some financial support. Have you received a response on this request.

Again, thanks for your assistance on helping us with the information with Innovation Group; in my opinion the report strengthens our position that we should receive a higher percentage of the money from the Race Horse Development Fund.

Bob

----- Original Message -----

Subject: Adequate Entries to Fill Race Cards
From: Steve O'Toole <Steve.O'Toole@pngaming.com>
Date: Fri, May 27, 2016 3:37 pm
To: "president@hhane.com" <president@hhane.com>

Steve O'Toole
Director of Racing

301 Washington Street
Plainville, MA 02762

Office 508-576-4480



TO: MA GAMING COMMISSION

FROM: Martin G. Corry, Attorney at Law, on behalf of
The Harness Horsemen's Association of New England

Re: Horse Racing License Application (100 days)
Plainville Gaming & Redevelopment, LLC

Date: November 3, 2017

The Harness Horsemen's Association of New England (HHANE) is a party to the purse agreement at the Race Track located at the Plainridge Park Casino in Plainville, Massachusetts, and as such, pursuant to MGL ch. 23K, Section 24, requests that the MA Gaming Commission (MGC) deny the application of Plainville Gaming and Redevelopment, LLC to conduct a 100-day harness horse racing meeting from April through November 2018 at Plainridge Park Casino in Plainville, MA, and, after consultation with HHANE, adjust the amount of live racing days to at least 125 days during 2018, pursuant to an optimal schedule that, agreed to by the parties, will maximize the value of this unique amenity to the patrons who flock to Plainridge for gaming and live racing.

As the SEIGMA Economic Impact Report: Plainridge Park Casino First Year of Operation so clearly showed- Massachusetts can recapture the patrons who previously had to travel out-of-state for gaming opportunities. With the encouragement of the Commission, and with the analytical abilities of your team, Plainridge Park Race Track can maximize gaming revenue for the Commonwealth and true enjoyment for fans of live racing.

Live Racing is an amenity no other competing casinos offer. Doesn't it make sense to enhance the value of this unique amenity to attract more patrons to Plainridge instead of attempting, against all available evidence, to diminish live racing dates by 20% next year, undermining all of the hard work the horsemen & women have strived to achieve, and threaten the stability that is so important going forward in order to reach the goals so clearly articulated in the statute?

MGL ch. 23K, Section 24

The clear and unambiguous obligation of an applicant for a gaming license who holds a live racing license under MGL ch. 128A to continue live racing pursuant to Section 24 is indisputable.

Moreover, this obligation is defined in sections (a) through (c):

Section (a)

(a) An applicant for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee **shall increase the number of live racing days to a minimum of 125 days** according to the following schedule: (i) in the first **calendar year** of operation, a gaming licensee shall hold 105 racing days; (ii) in the second **calendar year** of operation, a gaming licensee shall hold 115 racing days; and (iii) **in the third and subsequent calendar years of operation**, a gaming licensee shall hold 125 racing days;

That bares repeating:

And (iii) in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days;

Black's Law Dictionary defines "Calendar Year" as "The period from January 1st to December 31st, inclusive."

So, in order to get a gaming license in the first place, any applicant for that license knew going in that the clear obligation was to support and expand live racing. Indeed, one of the clear underpinnings of the entire Gaming Statute in Massachusetts has been to enhance, support, and help live racing thrive.

Section (b)

(b) a gaming licensee **may increase the number of live racing days** if the gaming licensee is holding a minimum of 125 racing days within 3 years of receiving a gaming license. **If a gaming licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the gaming license.**

So, section (b) clearly permits the gaming licensee to increase above 125 live racing days if the gaming licensee is holding a minimum of 125 racing days within 3 years of receiving a gaming license.

Conversely, the commission **shall** suspend the gaming license of a gaming licensee that does not conduct live racing for the minimum number of days set forth in subsection (a).

Imagine the seriousness of this penalty. Either hold 125 days of live racing or your casino will be shut down.

Section (c)

(c) After **3 years of operation** of the **gaming establishment** and in consultation with the parties to the purse agreement, the commission may

adjust the amount of required racing days at a gaming establishment based on fields, demand and racing performance.

In section (c), we see referenced for the first time “gaming establishment,” which is defined legally in MGL ch.23K, Section 2, as

“Gaming Establishment”, the premises approved under a gaming license which includes a gaming area and any other nongaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants, or other amenities.

Lastly, “Operation Certificate” is defined (MGL ch. 23K, Section 2) as

“Operation Certificate”, a certificate of compliance issued by the commission to the operator of a gaming establishment.

The Operation Certificate issued by the MGC to Plainville Gaming and Redevelopment, LLC was issued on June 24, 2015 (See Copy Attached). Prior to this date, there was clearly no legal entity that existed as referenced under section (c); moreover, the three (3) year period referenced in (c) hasn't tolled yet.

Using the legal definition of “calendar year,” Plainville Gaming and Redevelopment, LLC, three (3) calendar years as a Gaming Establishment, or racing at 125 days “in the third and subsequent calendar years of operation” [MGL 23K, S24(a)(iii)] won't be reached until January 1, 2019. (January 1, 2016- January 1, 2019)

Conclusion

MGL ch. 23K, Section 24 gives a clear road map in the construction of the Gaming Laws as to the priority of live racing in relationship to obtaining, and as a condition to maintaining, a gaming license.

The plain reading of MGL Ch. 23K, Section 24 (a) through (c) provides a clear progression through the three stages in the process:

You are first:

- (a) An applicant for a gaming license; and if awarded a license you become
- (b) A gaming licensee; and then, and only then,
- (c) After 3 years of operation of the **gaming establishment** having raced 125 days in the third and subsequent calendar years

Applicant, Licensee, Gaming Establishment after 3 years of receiving a Certificate to Operate.

And it is then, and only then, that in consultation with the parties to the purse agreement, that the commission may adjust the amount of required racing days at a gaming establishment based on fields, demands and racing performance. And since the Certificate of Operation to operate a Gaming Establishment was issued to Plainville Gaming and Redevelopment, LLC on June 24, 2015, the three years of operation required pursuant to MGL ch.23K, Section 24(a)&(c) won't be completed until **after** the 2018 Racing Season (2016, 2017, & 2018).

Therefore, the Application filed by Plainville Gaming and Redevelopment, LLC, must be rejected when weighed against the requirements of the statute, MGL ch. 23k, Section 24, and the MGC cannot consider this issue at this time.

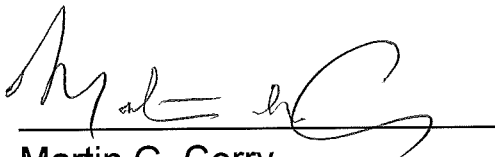
In addition to these arguments, the metrics in Section 24 (c); specifically

- Fields
- Demand, &
- Performance

show that Harness Racing at Plainridge Park Race Track have shown significant improvement.

Robert McHugh, President of HHANE, will discuss that aspect of our presentation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Marty Corry", written over a horizontal line.

Martin G. Corry
Attorney at Law
Corry Associates LLC
Suite 312
6 Beacon Street
Boston, MA 02108
BBO#100580
617-429-7555
marty.corry@gmail.com

Supporting Documentation

In addition, MGC materials also provide relevant content:

Exhibit #7

MA Gaming Commission 2016 Annual Report

The second full year of operations for Plainridge Park Casino will conclude on June 30, 2017. (Massachusetts Gaming Commission Annual Report 2016, Page 6)

“The Gaming Act requires 125 racing days for calendar year 2017 for Penn National. The number of race days in calendar year 2018 will be determined by the Commission. In doing so, the MGC will solicit public comment and conduct public hearings to obtain input from stakeholders (operator, horsemen, etc.)”

(Massachusetts Gaming Commission Annual Report 2016, Page 21)

Exhibit #8

6/18/15 MGC Meeting Minutes:

- o 3:37 p.m: Commissioner McHugh moved that the Commission approve both the temporary operating certificate and the permanent operating certificate, approve the form of the temporary operating certificate and the permanent operating certificate as those documents appear in the packet of materials before the Commission. Motion seconded by Commissioner Stebbins. Motion passed unanimously.

Exhibit #9

June 15, 2015 Letter from Lance George, V.P./G.M., Plainville Gaming and Redevelopment, LLC

Requesting Operations Certificate from MGC

Exhibit #10

June 16, 2015 Memo from MGC Executive Director Rick Day re: Determination That Gaming Establishment May Open for Business

Exhibit #11

June 24, 2015 Certificate to Operate issued to Plainville Gaming and Redevelopment LLC

MA Gaming Commission Certificate of Operation Dated June 24, 2015

Exhibit #12

MGL ch.23K, S.24

Applicants Holding Live Racing License Under Chapter 128A; Number of Live Racing Days; Annual Purse Agreements

HHANE Position Paper to the Massachusetts Gaming Commission regarding the number of Standardbred Race Days in 2018

The Massachusetts Gaming Statute:

MGL ch. 23K section 24 outlines the **minimum** number of race dates that a gaming licensee, (that was running live racing at the time of its application) **must race** in order to keep its gaming license. The legislature was clear with its mandate that **increasing** the live race dates was important/economically beneficial to the Commonwealth of Massachusetts and its horsemen & women. This is borne out by the statutory language which **required** an increasing number of live race dates for the first three (3) years after the gaming licensee operations began. The clear and unambiguous statutory language in MGL ch. 23K, sec. 24 (a) (iii) states, “in the third **and subsequent** calendar years of operation, a gaming licensee **shall** hold 125 racing days...” (see MGL ch. 23K, section 24 attached hereto as **Exhibit “1”**). Not just for three (3) years...but the statute clearly mandates 125 live race days, “in the third **and subsequent** calendar years of operation...”

It is interesting to note that MGL ch. 23K section 24 (B) states that, “a gaming licensee may **increase** the number of live racing days if the gaming licensee is holding a minimum of 125 racing days within 3 years of receiving a gaming license. If a gaming licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the gaming license. So, the statute is clear that the number **may be increased**,

but only changed as paragraph (c) notes, “...in consultation with the parties to the purse agreement.”

The statutory default is a **minimum of 125 live race days in the third and subsequent years**. There would need to be compelling data regarding the three (3) metrics listed above in the statute to deviate down from that 125 number. A discussion of these metrics is as follows:

Fields

- Even while increasing the race dates **and** the number of races annually (over 50% since 2014), field size **has grown** about 5% since 2013/2014 and was up 2% from 2016 to 2017. (see Spreadsheet attached hereto as **Exhibit # “2”**). This is a clear indication that the horse population has grown at a pace faster than that of the race dates increase. This shows a continuing confidence in the “marketplace” that racing at Plainridge is on the “upswing” and is causing (as we had hoped!) out of state horsemen to bring their horses to race in Massachusetts, and Massachusetts owners to upgrade their horse stock and get more horses.
- This upward trend of increasing horse population is further evidence by the registration of Massachusetts mares for breeding. In 2014 the number of registered broodmares was 44. In 2017, there are 111 registered broodmares in Massachusetts! As this trend continues, there will be plenty of horses in Massachusetts very soon!

Demand

- The best indicator of demand would be the total amount of money bet by the public on the live racing product at Plainridge. While the number of race days increased 56% from 2014 to 2017, the **total handle has increased 203%**! From 2016 to 2017 there was a 27%. This is clear and unquestionable evidence that the demand for the racing product is **strong and growing each and every year** since 2014. It is interesting to compare & contrast these metrics with the national indicators. From 2016 to 2017, while wagering on the Plainridge product has increased 27%, the **national average has decreased 4.99%**.
- The number of actual races raced, has increased from 2015 to 2017. While the number of race days increased 19%, the number of races has increased over 26%! This is clear evidence that **even with the mandated race days being increased the past three (3) years, there were more than enough horses to race in these races**. As noted above, *even with the race days increasing*, field size has increased!
- **Claims:** Horses claimed (“purchased by new owners just prior to racing”) at Plainridge has risen. In 2016 there were 17 total claims. So far, this year, still with about 15 days to race, there have been 30 claims. An almost 100% increase!

- **Owners:** An owner's participation report was received from the national governing body of Harness Racing, the United States Trotting Association (USTA) which indicates 365 Massachusetts owners in 2015, 550 in 2016 and 768 in 2017. **This shows a 110% increase in ownership participation at Plainridge since 2015.** (see Owners participation report attached hereto as **Exhibit # "3"**).
- **Horses:** A horse participation report obtained from the USTA indicates 627 horses participated in 2015, 900 in 2016 and 930 through 10-30-17. This shows that since 2015 the horse participation has increased by 50% from 2015 to 2017. (see horse participation report attached hereto as **Exhibit # "4"**).

The demand for racing at Plainridge has shown a steep increase since 2014 and has continued that upward trend throughout 2015, 2016 and now into 2017!

Performance

- WOW! In the past 3 years, since purses have been enhanced...there have been **18 track records for the 24 categories noted.** To put this in perspective, taking another racetrack owned by Penn Gaming...Freehold Raceway...for the same 24 categories, Freehold's statistics indicate **only 3 track records during the same 3 year**

time period! (see printout from Plainridge Park Casino website attached hereto as **Exhibit # "5"**).

The third metric dictated by the Gaming Statute is daunting in its support for a continuation of the 125 day racing schedule!

Conclusion

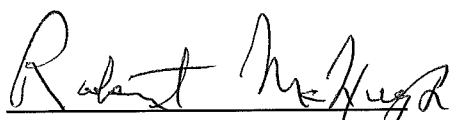
Chapter 23K sec. 24 clearly states that the gaming licensee **shall race 125 days in the third and subsequent years**. Ch. 23K sec. 24 (c) provides a mechanism where the parties (plural) to the purse agreement can approach the Gaming Commission for a change in the number of race days. Section (b) discusses actually increasing the number of race days. Nowhere in the statute does it state that the number of race days can be decreased. Even if you find that sec. 24 (c) **might** allow a decrease in the minimum number of race days, the metrics stated in Ch. 23K sec. 24 (c) ***strongly*** support keeping the racing days as is. In fact, based on the metrics that we are directed to review, as the statute directs, if **any** change should be made to the number of racing days, ***the number of racing days should increase!***

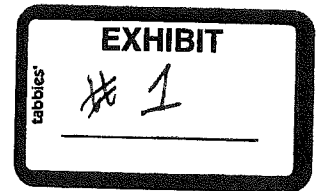
However you look at and review the statute and the required metrics, there is no credible evidence whatsoever, that racing days should be decreased.

- There **IS NOT ONE SINGLE METRIC** that would suggest there is a need to reduce days!

- 2017 is proving to be the most successful racing season since Plainridge Park opened. If there is **any** change at all...it should only be the “days of the weeks” raced. Friday is an extremely weak day. There should be at least one weekend day each week with live racing. (see Alternate Proposed 2018 Race Schedules attached hereto as Exhibit # 6).
- It is so important to keep this industry **stable**. Horsemen & women worldwide are still unsure as to the lasting...long term stability of this industry in Massachusetts. We **must** continue the positive direction and send the right message to the breeders, owners and trainers that Harness Racing in Massachusetts is on the rise...and this **upward trend will continue**.
- Penn Gaming/PGR has an obligation to the citizens of the Commonwealth of Massachusetts which granted Penn Gaming/PGR the **only** class 2 gaming license and to the Standardbred horsemen & women to continue racing **a minimum of 125 days** in 2018 and beyond!

Respectfully submitted;
HHANE


Robert McHugh, President



Part I ADMINISTRATION OF THE GOVERNMENT

Title II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH

Chapter 23K THE MASSACHUSETTS GAMING COMMISSION

Section 24 APPLICANTS HOLDING LIVE RACING LICENSE UNDER CHAPTER 128A; NUMBER OF LIVE RACING DAYS; ANNUAL PURSE AGREEMENTS

Section 24. (a) An applicant for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule: (i) in the first calendar year of operation, a gaming licensee shall hold 105 racing days; (ii) in the second calendar year of operation, a gaming licensee shall hold 115 racing days; and (iii) in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days;

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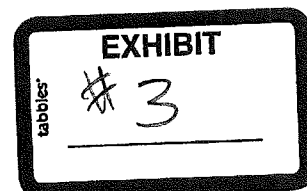
Plainridge Race Day Review

	2013	2014 ~	2015 ^	2016	2017 *	2017 Forecasted	Increase from 2014	Increase from 2015	Increase from 2016
Racing Days	80	80	105	115	102 of 125	125	56%	19%	9%
Total Races	780	736	949	1092	976	1196	63%	26%	10%
Races per Race Day	9.75	9.2	9.04	9.5	9.57	9.57	4%	6%	1%
Field Size	7.02	7.02	7	7.21	7.38	7.38	5%	5%	2%
Field Size avg Nationwide	8.08	8.1	8.06	8.08	8.05	8.05	-1%	0%	0%
Total Handle	\$11,260,125.00	\$ 7,566,221.00	\$ 13,938,411.00	\$ 18,010,540.00	\$ 18,734,340.00	\$ 22,958,750.00	203%	65%	27%
Handle Per Card	\$ 140,751.56	\$ 94,577.76	\$ 132,746.77	\$ 156,613.39	\$ 183,670.00	\$ 183,670.00	94%	38%	17%
Handle per Race	\$ 14,436.00	\$ 10,280.19	\$ 14,687.47	\$ 16,493.17	\$ 19,195.02	\$ 19,195.02	87%	31%	16%
Total Purses	\$ 1,988,055.00	\$ 2,581,552.00	\$ 4,210,636.00	\$ 7,954,092.00	\$ 7,040,800.00	\$ 8,628,431.25	234%	105%	8%
Purses Per Race Day	\$ 24,850.69			\$ 69,027.45					

Important Notes

* Data available through 102 days of the 125 day season

^ February of 2014 Penn was granted Gaming license



Owner participation at Plainridge Racecourse, 2015-2017

Please note: These are a count of individual persons or stables that were listed as a sole or part owner of a horse that raced at Plainridge in the given year. An owner is counted one time regardless how many horses the owner had race at the track. If a stable is the owner of a horse, only that stable, and not the underlying members of the stable, is counted toward the totals below. Also, if a horse is owned by 4 owners, each owner is counted 1 time for this list. Data is through 10/26/2017

2015		2016		2017	
state	owner_count	state	owner_count	state	owner_count
MA	111	ME	137	ME	162
ME	99	NY	119	NY	131
NY	60	MA	118	MA	117
NH	24	NH	30	NJ	34
CT	16	NJ	24	NH	31
NJ	14	CT	17	FL	30
FL	12	FL	16	PA	18
RI	11	DE	15	CT	17
DE	7	PA	14	DE	16
OH	6	RI	10	RI	9
PA	5	OH	8	KY	8
NB	4	MI	5	OH	8
VT	4	NB	5	IL	6
SC	2	ON	5	CA	5
QC	1	SD	4	MI	4
CA	1	CA	3	MD	3
MD	1	VA	2	NB	3
MI	1	MD	2	ON	3
KY	1	IL	2	PE	2
VA	1	QC	2	SC	2
IN	1	SC	2	GA	2
NS	1	WI	1	IN	2
WI	1	NC	1	AZ	2
TN	1	NULL	1	QC	2
total unique owners	365	NS	1	WI	1
		NV	1	VA	1
		TN	1	NV	1
		AZ	1	TN	1
		IN	1	VT	1
		VT	1	MS	1
		KY	1	IA	1
		total unique owners	550	total unique owners	768



Horse participation at Plainridge Racecourse, 2015-2017

Year by year horse participation

2015

627 unique horses participated in purse races
6,578 total purse starts
average of 10.5 starts per horse
\$4,215,922 total purses award
\$641 average money won per start by horse

2016

900 unique horses participated in purse races
7896 total purse starts
average of 8.8 starts per horse
\$7,966,217 total purses award
\$1,009 average money won per start by horse

2017 through 10/25/2017

930 unique horses participated in purse races
7761 total purse starts
average of 8.3 starts per horse
\$8,076,914 total purses award
\$1,041 average money won per start by horse

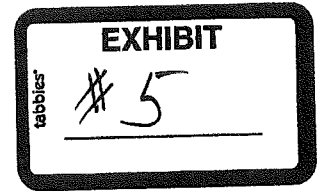
In the additional sheets are the lists of individual horses that started in purse races in each of the years, 2015-2017, with their Plainridge starts and Plainridge earnings, as well as their North American racing statistics for that same year.



PLAINRIDGE PARK
CASINO

Track Records

Pacing



2 Year Old Colt	Marced Card	B. Irvine	9/20/04	1:54.4
2 Year Old Filly	Jordan's Jewel	R. Sumner	7/28/08	1:55
2 Year Old Gelding	Michaels Boy	C. Long	8/23/16	1:55.1
3 Year Old Colt	Shoobee's Place	J. Hardy	9/06/10	1:51.1
3 Year Old Filly	Apple Bottom Jeans	K. Switzer Jr.	7/14/16	1:52.3
3 Year Old Gelding	Jackson's Image	J. Hardy	11/05/15	1:51.1
4 Year Old Horse	Space Shuttle	W. Case Jr.	8/26/00	1:49.3
4 Year Old Mare	Golden Idol	E. Davis Jr.	7/14/16	1:52
4 Year Old Gelding	MALTESE ARTIST	B. Ranger	9/05/05	1:49.2
Aged Horse	Givenupdreaming	S. Bouchard	7/05/16	1:49.3
Aged Mare	Shesjustadelight N	R. Cushing	11/17/16	1:51
Aged Gelding	Chewy Gross	M. MacDonald	9/06/04	1:49.3
	Psilvuheartbreaker	J. Meittinis	9/01/08	1:49.3

Trotting

2 Year Old Colt	French Moni	P. Ancora	10/10/16	1:57.4
2 Year Old Filly	Penny Dream	R. Tisbert	7/14/05	1:58.2
2 Year Old Gelding	Muscles Jared*	C. Lems	10/24/16	1:57
3 Year Old Colt	Backstage Pass	E. Davis Jr.	5/04/17	1:55.4
	Only Passing Thru	G. Merton	6/22/17	1:55.4
3 Year Old Filly	Concentration*	J. Whittemore	10/05/15	1:55.2
3 Year Old Gelding	Shorething Fashion	C. Long	7/18/17	1:55.2
4 Year Old Horse	Wings Of Royalty*	C. Lems	8/29/16	1:53.2
4 Year Old Mare	Black Broadway	R. Cushing	4/20/17	1:54.4
4 Year Old Gelding	Mambo Lindy	P. Ancora	11/03/15	1:54
Aged Horse	Kodak Lindy	K. Switzer Jr.	8/8/16	1:53.4
Aged Mare	Shelikescandy	S. Gray	9/08/16	1:54.1
Aged Gelding	JL CRUZE	A. McCarthy	7/28/17	1:51.2

*Massachusetts Eligible

updated 8/17/2017

126 Days

Exhibit #6



PLAINRIDGE PARK CASINO

2018 Live Racing Calendar

APRIL						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8		10	11		13	14
		17	18		20	21
		24	25		27	28

10 Race Days

MAY						
S	M	T	W	T	F	S
		1	2		4	5
		8	9		11	12
		15	16		18	19
		22	23		25	26
		29	30			

13 Race Days

JUNE						
S	M	T	W	T	F	S
					1	2
		5			8	9
		12			15	16
		19			22	23
		26			29	

17 Race Days

JULY						
S	M	T	W	T	F	S
		3	4		6	7
		10			13	14
		17			20	21
		24			27	28
		31				

17 Race Days

Spirit of Massachusetts Day

AUGUST						
S	M	T	W	T	F	S
					3	4
		7			10	11
		14			17	18
		21			24	25
		28			31	

18 Race Days

SEPTEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

17 Race Days

OCTOBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

18 Race Days

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

16 Race Days

- 4:00 PM Post Time
- 2:00 PM Post Time
- 1:00 PM Post Time

125 Days

Exhibit #6

P

PLAINRIDGE PARK CASINO

2018 Live Racing Calendar

APRIL						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8		10	11		13	
15		17	18		20	
22		24	25		27	
29						

10 Race Days

MAY						
S	M	T	W	T	F	S
		1	2		4	
6		8	9		11	
13		15	16		18	
20		22	23		25	
27		29	30			

13 Race Days

Spirit of Massachusetts Day

JUNE						
S	M	T	W	T	F	S
					1	
3		5			8	
10		12			15	
17		19			22	
24		26			29	

17 Race Days

JULY						
S	M	T	W	T	F	S
1		3	4		6	
8		10			13	
15		17			20	
22		24			27	
28		31				

16 Race Days

AUGUST						
S	M	T	W	T	F	S
					3	
5		7			10	
12		14			17	
19		21			24	
26		28			31	

18 Race Days

SEPTEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

17 Race Days

OCTOBER						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

18 Race Days

NOVEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

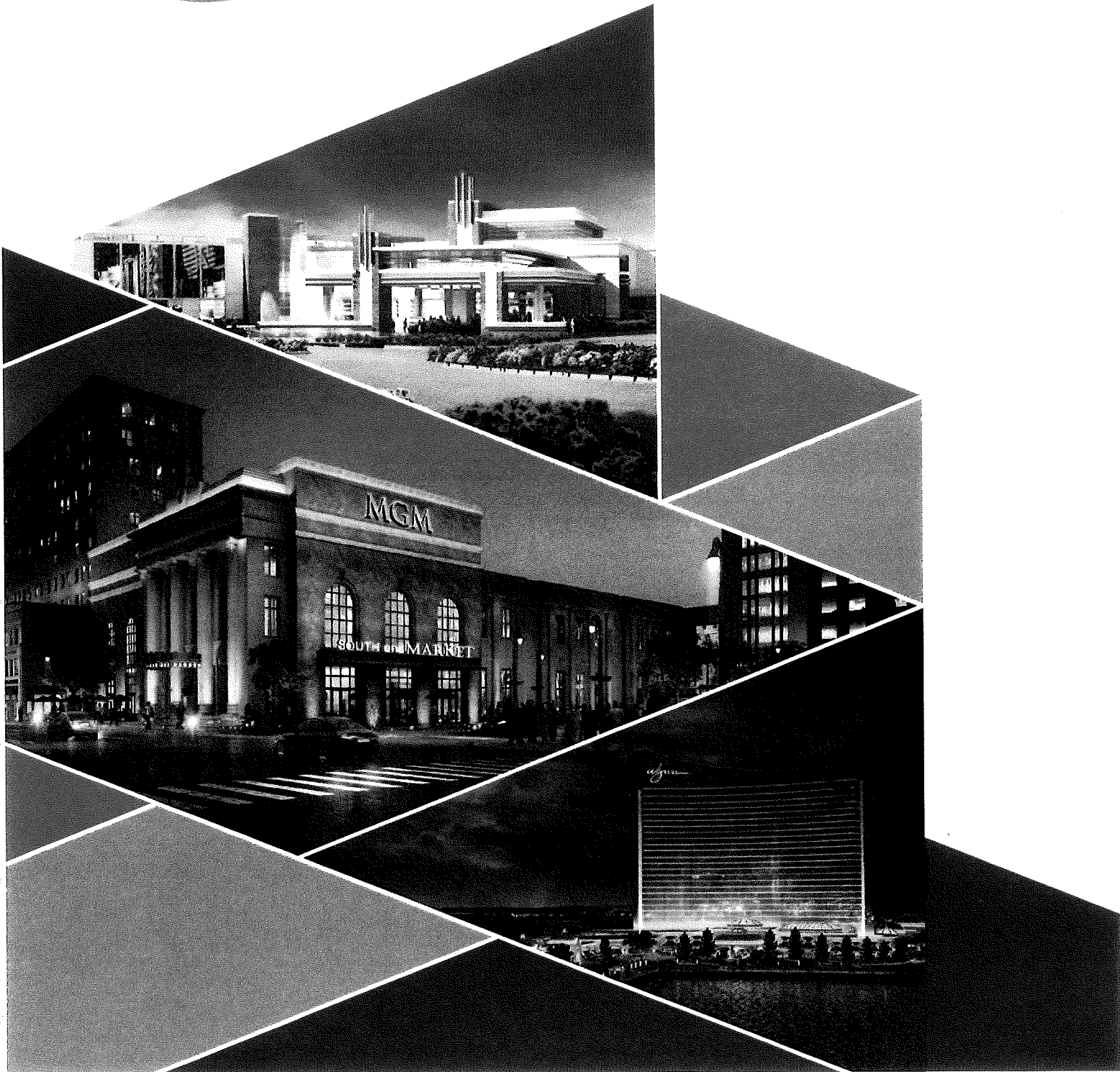
16 Race Days

- 4:00 PM Post Time
- 2:00 PM Post Time
- 1:00 PM Post Time

#7



2016 ANNUAL REPORT



MAJOR MILESTONES ANTICIPATED FOR FISCAL YEAR 17

The second full year of operations of Plainridge Park Casino will conclude on June 30, 2017. Gaming revenue for the first quarter of FY17 was \$39.8 million, which resulted in \$19.5 million in revenues to the Commonwealth. Overall, in FY17 PPC could generate approximately \$64 million to Local Aid, and \$14 million to the Race Horse Development Fund.

We will continue to evaluate and improve on our responsible gaming initiatives. We have engaged a group of researchers to evaluate the *GameSense* program, the self-exclusion program, as well as the voluntary play management system "PlayMyWay." The results of the evaluation will help us ascertain the effectiveness of these programs.

Harness Racing will continue at Plainridge Park Racecourse and increase to the statutory 125 days for calendar year 2017. We continue to evaluate the feasibility of Thoroughbred Racing given available monies for purses, and racing application(s) due on Oct 1, 2016.

We will continue to work to maximize the economic benefits from a casino. We convene and connect licensees to the Commonwealth's workforce and small business resources. We bring together stakeholders to focus on local and diverse hiring and contracting, and report, monitor, and analyze diversity and affirmative action plans, efforts, and results by each licensee. Specific efforts include a promising expansion of apprenticeship programs within various union trades.

We will continue to make significant administrative progress in the implementation and staffing of additional functions. Such functions include:

- A Licensing Unit to license and register casino and slots parlor employees and vendors
- A Gaming Technology Unit for the implementation of testing protocols and procedures to ensure the machines and games on the gaming floor are operating as intended
- Further regulations that govern operations and functions at the gaming establishments

We continue to implement rules and procedures to ensure the integrity of the game. These efforts include:

- Promulgation of rules for table games in anticipation of workforce and training programs for dealers, surveillance, security, and supervisory personnel at the Category 1 casinos
- Robust compliance, monitoring, and audit programs for the audit and oversight of operations of licensees
- Further regulations that govern operations and functions at the gaming establishments

We constantly monitor developments that affect the gaming industry to make policy recommendations. Topics like the status of the Mashpee Wampanoag Tribe and their land-in-trust determination will continue to have significant implications for **Region C**. Further, online gaming, daily fantasy, charitable gaming, sports betting, and illegal gaming impact the young gaming industry in MA.

RACING OPERATIONS

The Commission is also responsible for the operational and fiscal oversight of the Standardbred and Thoroughbred racing operations and pari-mutuel facilities in the Commonwealth (under M.G.L. c 128A & 128C).

FY16 marked the second year that the Race Horse Development fund had monies available to supplement purses, and accordingly the Commission approved disbursements for the prescribed purposes.

LIVE RACING AND SIMULCASTING AT LICENSED FACILITIES

STANDARDBRED RACING

On October 1, 2016, the Commission received the live racing application for Penn National at **Plainridge Park Racecourse to conduct 125 days of harness live racing during calendar year 2017**. The number of race days in calendar year 2016 was 115. Live harness racing will be conducted from April 10 through November 24, 2017. For the meet, the Division of Racing expects to issue 1,004 occupational licenses at Plainridge.

The Gaming Act requires 125 racing days for calendar year 2017 for Penn National. The number of race days in calendar year 2018 will be determined by the Commission. In doing so, the MGC will solicit public comment and conduct public hearings to obtain input from stakeholders (operator, horsemen, etc.).

During FY16, Plainridge Park Casino continued to upgrade the racing facilities, totally redoing the inside of the paddock, and adding ship-in stalls.



THOROUGHBRED RACING

For calendar year 2016, live thoroughbred racing was conducted at Suffolk Downs for a total of 6 days. For the meet, the Division of Racing issued approximately 1,006 occupational licenses.

SIMULCASTING

Simulcasting is conducted year-round on seven licenses at the following facilities:

- Plainridge Park Racecourse
- Raynham Park
- Suffolk Downs, including: Twin Spires, TVG, Xpressbets, Wonderland

For 2016, total pari-mutuel handle in the commonwealth is expected to reach \$201,893,976.

During FY16, the Division of Racing continued efforts to enhance the safety and welfare of racing participants, as well as monitor and regulate the racing operations in the Commonwealth. Key activities included:

- Participation in the annual Association of Racing Commissioners International (ARCI) conference
- Working with Suffolk Downs to obtain reaccreditation of their National Thoroughbred Racing Association (NTRA) racing safety and integrity alliance
- Cutting-edge updates to racing regulations

THOROUGHBRED RACING IN MASSACHUSETTS GOING FORWARD

On October 1, 2016, the Commission received one racing application (from Suffolk Downs) to conduct thoroughbred racing for six (6) days with a possible extension to twelve (12). This application requires monies from the Race Horse Development Fund to supplement purses and other expenditures.



8

MEMORANDUM

To: Stephen Crosby, Chair
Gayle Cameron, Commissioner
Enrique Zuniga, Commissioner
James F. McHugh, Commissioner
Bruce Stebbins, Commissioner

From: Catherine Blue

Date: June 18, 2015

Re: Delegation of Authority to Commissioner Cameron to Issue Temporary Certificate of Operation

REQUEST: The the Commission delegate to Commission Cameron the authority to issue a temporary certificate of operation to the category 2 gaming licensee, Plainridge Park Casino after observation of the test period and review of the results of the test period.

DISCUSSION: The Commission may not approve a Category 2 gaming establishment to open for business, begin gaming operations or operate a slot machine until the Commission has issued a certificate of operation pursuant to 205 CMR 151. 205 CMR 151 requires that the category 2 gaming licensee demonstrate compliance with the requirements of G.L. c. 23K, 205 CMR, and the conditions imposed by the category 2 gaming license issued by the Commission.

The category 2 gaming licensee will come before the Commission on June 18 to demonstrate compliance with many of the requirements of c. 23K, 205 CMR and the conditions imposed by the category 2 license. However, compliance with certain requirements will not be established until the category 2 licensee completes an evaluation and test period as described in 205 CMR 151.03. The test period is scheduled for June 22, 2015 and the results will be

Massachusetts Gaming Commission

reviewed on June 23, 2015. The category 2 gaming establishment is scheduled to open to the general public on June 24, 2015, subject to the receipt of an operations certificate from the Commission.

I am requesting that the Commission delegate to Commissioner Cameron the authority to observe and review the results of the June 22, 2015 test period, and, in Commissioner Cameron's discretion, to determine that based upon her review of the test results, a temporary certificate of operation be issued to the category 2 gaming licensee. I am further requesting that Commissioner Cameron be delegated authority to sign a temporary certificate of operation for the period beginning at 12:01 am June 24 and continuing through the earlier of 12:01 am June 26 or the approval of a final certificate of operation by the full Commission. Commissioner Cameron will report on the results of the test period and the category 2 licensee's compliance with the requirements of 205 CMR 151 at the Commission's public meeting on June 25, 2015.

★ ★ ★ ★ ★

Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com


PLAINRIDGE PARK
CASINO

#9

301 Washington Street · Plainville, MA 02762

June 15, 2015

Mr. Rick Day, Executive Director
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

Dear Mr. Day:

Pursuant to 205 CMR 151.01(1), Plainville Gaming and Redevelopment, LLC, d.b.a. Plainridge Park Casino ("PPC"), hereby requests an Operations Certificate from the Massachusetts Gaming Commission ("Commission") to commence the gaming operations test period on June 22, 2015 and open to the public on June 24, 2015.

As of this date, all of the required documentation as outlined in 205 CMR 151.03 has been provided to the Commission for review and approval.

We believe that granting the Operations Certificate is in the best interest of PPC, the Commission, and the Commonwealth. If you have any questions or need additional information, please contact me by phone at (508) 576-4407.

Sincerely,

Lance George

Lance George
Vice President/General Manager



FF 10 -

MEMORANDUM

DATE: June 16, 2015

TO: Chairman Stephen Crosby
Commissioner Gayle Cameron
Commissioner James McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

FROM: Rick Day, Executive Director

RE: 205 CMR 135 and 151: Determination That Gaming Establishment May Open for Business

Order of Presentations

Dane Wigfall, Pinck and Co.
Jack Rauen, Penn National

- Compliance with 135 and punch list for compliance with permits and occupancy
- License agreement and conditions
- Related infrastructure
- Host & surrounding communities
- Impacted live entertainment venue agreements
- Certificates of occupancy
- Other essential ancillary services have been built and superior quality and comply conditions
- Elevators certificate of operation
- Provision of office space for MGC and MSP
- Tax Intercept MOU

John Glennon

Jason Gittle & Mike Thoma, PPC & Ali Ghanavani, GLI

- Certification and verification of the software
- Permitting for platforms and ACSC test
- Network Security Plan
- CMS Plainridge Park Casino Floor Set-up status

Mark Vander Linden

Roberta Gregoire, PPC

- Responsible Gaming Plan



Massachusetts Gaming Commission

- Self-Exclusion
- Credit Restriction
- GameSense

Jill Griffin

Shannon Wells, PPC

- Progress in reaching diversity goals
- Hiring Goals

Bruce Band, Burke Cain and Monica Chang

Roberta Gregoire, PPC

- Floor plan and status of inspections for final approval
- Hours of Operation
- Internal Controls including consultant report and approval
- Surveillance Plan (141.00)
- Emergency Response Plan
- Critical Incident Preparedness Plan (138.22)
- AML\Title 31 Plan (138.14)
- Slot management plan
- Final inspection checklist on June 23rd based on test play and 205 CMR 151.03 & 04 if needed a Compliance Memorandum for Commission consideration on the 25th

Karen Wells and Paul Connelly

Shannon Wells, PPC

- Licensing compliance and status
- Up to date list of Gaming Establishment Employees

Derek Lennon

Jeremy Howland, PPC

- Temporary Tax reporting process and payment
- Lottery Agreement

Catherine Blue

- Legal

Other Material as Necessary

Commission Action:

Consider a Determination that Plainridge Park Casino (PPC) may open for business for test play June 22, evaluation on June 23 and on June 24 conditional opening pending final on-site inspection.

- Delegation to a Commissioner to approve a Temporary Operation Certificate following final inspection;
- Approval of format for Certificate of Operation.



Massachusetts Gaming Commission

On June 25th the Commission will consider granting Plainville Gaming and Redevelopment, LLC a Certificate of Operation.



Massachusetts Gaming Commission

101 Federal Street, 23rd Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



11

MASSACHUSETTS GAMING COMMISSION

PURSUANT TO THE POWER AND AUTHORITY GRANTED TO IT BY
CHAPTER 23K OF THE MASSACHUSETTS GENERAL LAWS,
HEREBY PRESENTS THIS OPERATION CERTIFICATE TO

Plainville Gaming and Redevelopment, LLC

ON THE PREMISES OF THE CATEGORY 2 GAMING ESTABLISHMENT LOCATED IN PLAINVILLE, MASSACHUSETTS WITH

1250 SLOT MACHINES / 0 TABLE GAMES / _____ GAMING POSITIONS.

THIS CERTIFICATE IS SUBJECT TO THE LICENSEE'S COMPLIANCE WITH CHAPTER 23K OF THE GENERAL LAWS,
THE REGULATIONS OF THE MASSACHUSETTS GAMING COMMISSION PROMULGATED THEREUNDER, AND ALL OTHER APPLICABLE LEGAL REQUIREMENTS.

EFFECTIVE JUNE 24, 2015 THROUGH JUNE 25, 2015

Gayle Cameron, Commissioner





MASSACHUSETTS GAMING COMMISSION

PURSUANT TO THE POWER AND AUTHORITY GRANTED TO IT BY
CHAPTER 23K OF THE MASSACHUSETTS GENERAL LAWS,
HEREBY PRESENTS THIS OPERATION CERTIFICATE TO

Plainville Gaming and Redevelopment, LLC

ON THE PREMISES OF THE CATEGORY 2 GAMING ESTABLISHMENT LOCATED IN PLAINVILLE, MASSACHUSETTS WITH
1250 SLOT MACHINES / 0 TABLE GAMES / ____ GAMING POSITIONS.

THIS CERTIFICATE IS SUBJECT TO THE LICENSEE'S COMPLIANCE WITH CHAPTER 23K OF THE GENERAL LAWS,
THE REGULATIONS OF THE MASSACHUSETTS GAMING COMMISSION PROMULGATED THEREUNDER, AND ALL OTHER APPLICABLE LEGAL REQUIREMENTS.

EFFECTIVE JUNE 24, 2015

Commissioner

Commissioner

Chairman

Commissioner

Commissioner

MASSGAMING 2015



MA General Laws, Chapter 23K, Section 24:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter23k/Section24>

Section 24: Applicants holding live racing license under chapter 128A; number of live racing days; annual purse agreements

Section 24. (a) An applicant for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule: (i) in the first calendar year of operation, a gaming licensee shall hold 105 racing days; (ii) in the second calendar year of operation, a gaming licensee shall hold 115 racing days; and (iii) in the third and subsequent calendar years of operation, a gaming licensee shall hold 125 racing days;

(b) A gaming licensee may increase the number of live racing days if the gaming licensee is holding a minimum of 125 racing days within 3 years of receiving a gaming license. If a gaming licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the gaming license.

(c) After 3 years of operation of the gaming establishment and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a gaming establishment based on fields, demand and racing performance.

(d) A gaming licensee with a live racetrack shall have an annual purse agreement in effect by December 31 of each year for the following year's racing; provided, however, that if the parties to a purse agreement at a gaming establishment cannot in good faith negotiate an agreement by December 31, the purse agreement shall be arbitrated by the commission.



TOWN OF PLAINVILLE

Office of the
BOARD OF SELECTMEN

November 5, 2017

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

Re: 2018 Racing Application Plainridge Park Casino

Dear Commissioners:

As Chairman of the Plainville Board of Selectmen, I would like to offer my opinion on the request of Penn National to reduce the number of race dates to 100 for 2018. I have been an elected official in Plainville for 22 years, 15 as a Selectman. I remember running through the Plainridge site when it was a gravel bestrewn moonscape. I have been there from the beginning so I speak from experience.

I have read the transcript of the public meeting held on October 25th and weighted the arguments of both sides. I have come to the conclusion that the Gaming Commission should continue to adhere to 125 race dates as ascribed in the legislation.

Mr. O'Toole's argument is that race stock is the basic issue in the request and the number of horses coming into the system has stagnated and fallen off to meet demand. I have known Steve for a long time and greatly respect his knowledge of the industry, but I think it is premature to reduce the number of race dates.

We have to remember that we are really in a learning curve situation at this point, only two years into the new reality. I believe we need to hold the course and continue the original plan of 125 dates and establish some consistency and reliability. A reduction in dates may send the wrong signal at this stage; 'Is Massachusetts serious about its commitment to racing?' We do not know what the ramifications of that are. Will it exacerbate the race stock shortage? It very well could.

That isn't to say that we can ignore the issue of diminished race stock as the current situation portends a future problem that needs to be monitored. As a longtime Plainville official, I ask that you continue the 125 dates.

I thank the Massachusetts Gaming Commission for considering my comments on the Plainridge request.

Sincerely,

Robert Rose

Robert Rose, Chairman
Plainville Board of Selectmen

Blue, Catherine (MGC)

From: Lightbown, Alexandra (MGC)
Sent: Monday, October 16, 2017 5:21 PM
To: Blue, Catherine (MGC)
Subject: FW: 6days of racing and rhdf

Hi Catherine,

It looks like the below can be added to comments for both the Suffolk application and the Race Horse Committee also.

Thank you,
Alex

From: Anthony Spadea Jr. [<mailto:anthonyspadea@braintreeins.com>]
Sent: Monday, October 16, 2017 5:14 PM
To: MGCcomments (MGC); Lightbown, Alexandra (MGC)
Subject: 6days of racing and rhdf

Dear Commission, Dr. Lightbown: The NEHBPA APRECIATES YOR PAST SUPPORT AND HOPES FOR YOUR CONTINUED SUPPORT OF OUR RACING FESTIVALS AT SUFFOLK DOWNS. THE ABILITY FOR US TO RACE HAS A STRONG EFFECT ON OUR MEMBERSHIP. WE HAVE ENJOYED SUCCESS BECAUSE THESE EVENTS THE PAST 3 YEARS, HAVE ALLOWED OUR FARMERS, BREEDERS, HORSEMEN , VENTORS, TELLERS AN ALL THOSE JOBS CONNECTED WITH RUNNING LIVE RACING AN OPPORTUNITY TO WORK. YOU HAVE MADE THIS POSSIBLE BY SUPPORTING OUR RACING FESTIVALS.

I WOULD ALSO LIKE TO MENTION THE RHDF IS ESSENTIAL FOR ALL OF US, BREEDERS, FARMERS, OWNERS, TRAINERS AND JOCKEYS TO MAINTAIN OUR HOPE TO BUILD A NEW RACE TRACK SOMEWHERE SOMEHOW IN MASS. CREATE 1000 JOBS, CREATE A LARGE AMOUNT TAX REVENUE AND KEEP WHATEVER OPEN SPACE LEFT IN THE COMMONWEALTH FOR OUR CHILDREN AND GRANDCHILDREN. PLEASE MAINTAIN A FAIR SPLIT TO KEEP ALL THESE THINGS MOVING FORWARD.

Anthony Spadea Jr. President NEHBPA
Munroe Morrow Wealth Management
639 Granite Street LL15 Braintree, MA 02184
781-664-1027



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Tuesday, October 17, 2017

Massachusetts Gaming Commission
Ms. Gayle Cameron
101 Federal Street, 12th Floor
Boston, MA 02110

Dear Commissioner Cameron:

Despite not filing for 2018 live race days in Massachusetts The Stonach Group maintains our interest in the New England region. We believe the Boston area is a terrific sports market, rich in Thoroughbred history, and has tremendous potential to support a track that is properly managed.

Under the current legislation, which requires a mile track and 100 days of racing, our initial desire was to partner with Raynham Park. We were hoping to accomplish this with minimal disruption to the facility and roadways in order to start racing in 2018. However, after reviewing the existing layout we have determined that the land will not accommodate a mile track as well as barns and other necessary amenities without major construction. Additionally, we did not know if we would be afforded the simulcast and ADW market. These combined challenges made it impossible to apply for the 2018 racing license.

As you know Thoroughbred racing is a huge economic developer with increased job opportunities and additional consumer spending. Green spaces also offer a very positive impact from racing in any region. These are just a few obvious winning factors for all of the markets where we operate race tracks.

The Stonach Group will continue to explore all of our options, which could include reconfiguring an existing track to accommodate the current requirements, or purchasing available property. However, we cannot do this without your support of a favorable change to current legislation concerning simulcasting and ADW's. Reducing or reallocating the slot revenue away from Thoroughbred racing and the loss of the Race Horse Development Fund are also not beneficial and will cause us to reconsider our desire to be in the Boston market.

We would like to work with you to bring a full schedule of racing to the Commonwealth and look forward to your support.

Thank you,

Tim Ritvo
COO, The Stonach Group

Blue, Catherine (MGC)

From: MGCcomments (MGC)
Sent: Thursday, October 19, 2017 9:24 AM
To: Lightbown, Alexandra (MGC)
Cc: Blue, Catherine (MGC)
Subject: FW: Racing

Good morning Alex,

FYI.

Thank you,

Colette

From: Lisa Welch [<mailto:lwelch78@icloud.com>]
Sent: Thursday, October 19, 2017 7:57 AM
To: MGCcomments (MGC)
Subject: Racing

MGC,

I am sending this email in regards to the six days of racing in 2018 at Suffolk Downs. The NEHBPA is working along with Suffolk Downs to put this six Day Festival on to help the owners and breeders along with all the People who's jobs bank on this. This festival has been successful for Massachusetts while the NEHBPA is working diligently toward a full and meaningful racetrack. Please allow this Festival to continue for 2018.

I also wanted to ask that you do not adjust the split at this time between the Thoroughbred and Standardbreds .The Thoroughbred Racing industry has taken on enough hardship once the casino did not

vote in their favor. We all lost yet another racetrack, Breeding farms suffered, tack shops, grain & hay farms and thousands of employees who's homes are here in MA are struggling with the separation of family to continue their livelihood. Please work with us to bring full time racing back to the Commonwealth. Thank you!

Blue, Catherine (MGC)

From: Blue, Catherine (MGC)
Sent: Monday, October 16, 2017 10:50 AM
To: Blue, Catherine (MGC)
Subject: FW: Contact the Commissioner Form Submission

Catherine Blue
General Counsel

Massachusetts Gaming Commission

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
TEL 617.979.8434 | FAX 617.725.0258
www.massgaming.com
FB | [TWITTER](#) | [YOUTUBE](#) | [LINKEDIN](#) | [TUMBLR](#)

From: MGCcomments (MGC)
Sent: Monday, October 16, 2017 9:16 AM
To: Lightbown, Alexandra (MGC)
Subject: FW: Contact the Commissioner Form Submission

Good morning Alex,

FYI.

Thank you,

Colette

From: MGC Website [<mailto:website@massgaming.com>]
Sent: Friday, October 13, 2017 5:59 PM
To: MGCcomments (MGC)
Subject: Contact the Commissioner Form Submission

Name

Lisa Welsch

Email

lwelsch78@yahoo.com

Phone

(857) 293-8289

Subject

Thoroughbred Racing

Questions or Comments

Dear MGC,

I am sending this email in regards to the six days of racing in 2018 at Suffolk Downs. The NEHBPA is working along with Suffolk Downs to put this six Day Festival on to help the owners and breeders along with all the People who's jobs bank on this. This festival has been successful for Massachusetts while the NEHBPA is working diligently toward a full and meaningful racetrack. Please allow this Festival to continue for 2018.

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205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 138: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES
AND INTERNAL CONTROLS

138.28: Gaming Day

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall specify ~~what~~ the hours of operation for the gaming establishment and ~~what the~~ incorporate a 'gaming day' ~~will be~~ for accounting purposes **that begins at 6:00:00 a.m. and ends the following day at 5:59:59 a.m.** Each gaming licensee may establish a gaming day for slot machines which is different from its gaming day for table games; provided, however, that ~~no gaming day shall be longer than 24 hours.~~

138.33: Removal of Slot Drop Containers: Unsecured Currency Funds; Recording of Meter Readings for Slot Machine Drop

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures and protocols relative to the removal of slot drop containers, unsecured currency, and the recording of meter readings for slot machine drop that, at a minimum, incorporates the following requirements:

(7) Whenever currency, a gaming voucher, or a coupon is found inside a ~~bill-changer slot machine~~ but outside of the slot ~~cash-storage drop box (unsecured drop)~~ during the collection of slot ~~cash-storage drop~~ boxes **it shall be deemed "unsecured funds."** When unsecured funds are located, a count team member and a member of the casino security department shall complete and sign an **unsecured funds** form which includes the asset number in which the unsecured ~~drop-funds was~~ **were** found, the date the unsecured ~~drop-funds was~~ **were** found, and the total value of the unsecured ~~drop-funds~~. The unsecured ~~drop-funds~~ and the original **unsecured funds** form shall be transported to the ~~count room~~ **cashier's cage**. A determination shall be made as to whether the unsecured funds registered on the coin-in meter of the slot machine from which they were retrieved. If the unsecured funds registered on the coin-in meter of the slot machine, the funds shall be ~~counted~~ **recorded** as part of the gross gaming revenue for the slot machine and ~~counted and~~ recorded with the contents removed from the corresponding slot ~~cash-storage drop box~~. If it is determined that the unsecured funds did not register on the coin-in meter of the slot machine, the funds shall ~~be transferred along with the original and duplicate unsecured funds form to the cashiers' cage and~~ processed as unclaimed cash in accordance with 205 CMR 138.68(1)(b). If after a count of the contents of a slot drop box it is determined that the total value of currency, gaming vouchers, and coupons is greater than the corresponding value indicated on the coin-in meter for the subject slot machine, the excess value shall be considered

unsecured funds and the value shall be reflected on an unsecured funds form and transferred to the cashiers' cage and processed as unclaimed cash in accordance with 205 CMR 138.68(1)(b).

The duplicate of the unsecured funds form shall be placed in a locked accounting box. Upon completion of the count, the original unsecured funds form relative to funds that registered on the coin-in meter shall be placed in a locked accounting box located in the count room. The accounting department will shall retrieve the original form and reconcile it to the duplicate. A copy of the form shall be provided to the IEB.

(8) Whenever unsecured drop funds is are found inside a slot machine but outside of the slot drop box at times other than the collection of slot cash storage drop boxes, a slot department member shall notify the surveillance department and complete and sign the unsecured funds form referenced in 205 CMR 138.33(7). The unsecured drop funds and the original form shall be transported by the slot department member, escorted by a security department member, to the cashiers' cage where a cashier shall sign the form acknowledging receipt. The unsecured drop funds and original form shall be retained by the cashier, and the slot department member shall place the duplicate form in a locked accounting box. The accounting department shall reconcile the original form to the duplicate. handled in accordance with the process described in 205 CMR 138.33(7).

(9) Upon receipt of an unsecured gaming voucher or coupon, the cage cashier in the presence of the slot department member shall deface or otherwise deactivate the gaming voucher or coupon, to the extent necessary, so as to prevent subsequent redemption.

(10) At the end of the gaming day, at a minimum, the original unsecured drop funds forms and as applicable, gaming vouchers and coupons, shall be forwarded to the accounting department. The accounting department shall reconcile the original and duplicate forms and record the appropriate amount on the Slot Win Report or unclaimed cash report, as applicable. Reconciliation of unsecured funds shall be completed by the end of the gaming day on which the count of the slot machine drop for the machine in which the unsecured funds were located is performed.

(11) In conjunction with the removal of any slot drop container box, a gaming licensee shall manually read, or cause an approved slot monitoring system to record, the slot machine's accounting meters that are used to calculate gross gaming revenue, as described by GLI-11, 5.4.1 *Electronic Accounting and Occurrence Meters*, including the in-meter, drop meter, out-meter, attendant paid jackpots meter, attendant paid cancelled credits meter, bill meters and handle pull meter. In addition, the following meters shall be read and recorded:

- (a) If the slot machine accepts gaming vouchers, the numerical and value cashable gaming voucher meters, and the numerical and value non-cashable gaming voucher meters;
- (b) If the slot machine accepts coupons enrolled in the gaming voucher system, the numerical and value cashable coupon meters and numerical and value non-cashable coupon meters;
- (c) If the slot machine accepts promotional credits, the electronic cashable credit meter and the electronic non-cashable credit meter; and

(d) If the slot machine accepts funds from an account based wagering system, the wagering account transfer-in meter and the wagering account transfer out meter.

(12) The slot monitoring system shall provide a report to the accounting department for a comparison of the meter readings to the count room reports and the calculation of each slot machine's payout percentage. **In the event it is determined after a count that a shortage exists between the total registered on a slot machine's accounting meters that are used to calculate gross gaming revenue, as described by GLI-11, 5.4.1 *Electronic Accounting and Occurrence Meters*, the licensee shall investigate to determine the cause and record the findings. Only members of the accounting department shall have the authority to adjust meter readings subsequent to the count, provided that notification is provided to the IEB and the commission's finance office if the shortage was caused by a technical malfunction. The IEB and/or finance office may take any action necessary to ensure the integrity of the adjustment prior to the month end reconciliation and public reporting of gross gaming revenue.**

(13) Nothing in 205 CMR 138.00 or a gaming licensee's internal controls shall preclude the IEB from requiring a gaming licensee to read a slot machine meter manually as a remedial measure in the event of a malfunction or as it may otherwise deem necessary to ensure the integrity of gaming and the accurate reporting of gross revenue.

138.68: Expiration of Gaming-related Obligations Owed to Patrons: Payment to the Gaming Revenue Fund

(1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the expiration of gaming-related obligations, **and unclaimed cash and prizes** that provide, at a minimum, that:

(a) Any money that is owed to a patron by a gaming licensee as a result of a gaming transaction must be claimed within one year of the date of the gaming transaction or the obligation of the gaming licensee to pay the patron will expire. Upon expiration of the obligation, the involved funds must be transferred to the Gaming Revenue Fund in accordance with M.G.L. c. 23K, §§ 53 and 59;

(b) Any unsecured funds that did not register on a slot machine's coin-in meter, as described in 205 CMR 138.33(7), must be claimed by the owner within one year of the date the funds are located or the obligation of the gaming licensee to pay the patron will expire. Provided, verification procedures designed to prevent fraudulent claims shall be included in the provision. Upon expiration of the obligation, the cash or equivalent cash value of the subject funds shall be transferred to the Gaming Revenue Fund in accordance with M.G.L. c. 23K, §§ 53 and 59; and

~~(b)~~ (c) A gaming licensee shall maintain a record of all **unclaimed cash and prizes and gaming-related obligations** that have expired.

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 140: GROSS GAMING REVENUE TAX REMITTANCE AND REPORTING

140.02: Computation of Gross Gaming Revenue

(3) Slot Machines and Other Electronic Gaming Devices. For purposes of complying with 205 CMR 140.01 relative to the gross gaming revenue payment for slot machine and other electronic gaming device gross gaming revenue, a gaming licensee shall pay the amount calculated by the commission. Disputed amounts shall be reconciled on a monthly basis as described in 205 CMR 140.04(1). Gross gaming revenue equals *drop*, minus jackpot payouts, including vouchers issued by the gaming device, and any hopper fills to the machine, subject to the following:

- (a) For purposes of 205 CMR 140.02(3), *drop* means the total value of coins, slot tokens, and foreign slot tokens in a slot drop bucket or a slot drop box, plus the value of currency, and gaming vouchers in a slot cash storage box, **unsecured funds located inside a slot machine but outside the slot drop box that registered on the coin-in meter**, and electronic credits withdrawn from a patron's account.
- (b) The initial hopper load, if any, shall not be considered a fill.
- (c) A gaming licensee shall not include the cash equivalent value of any merchandise or thing of value as part of the sum paid out as winnings or a jackpot.



MassGaming.com Redesign

November 2017



MASSGAMING.COM REDESIGN



MASSGAMING.COM REDESIGN

As the state's gaming industry continues to evolve, so does MGC's communication priorities and needs. The new site is now more reflective of the gaming industry current status and MGC's advancing regulatory function



Mobile-Friendly & Simplified Layout

The new MassGaming.com is now mobile-responsive and features a more simplified drop-down menu



REDESIGN



MassGaming.com's redesign is mobile-friendly and better meets the needs of the growing number of gaming constituents

- An analysis of user-data and public survey responses greatly informed design and development decisions.
- New design is more streamlined and intuitive.
- Homepage is prioritized by strongest areas of constituent interests.
- The mobile-enable website is compatible with the new mobile-friendly Licensing Management System.
- New site allows for focused attention on new programs & initiatives, and Research Agenda.
- Site maintains commitment to public engagement.

New Features



KEY SERVICES

Direct access to MGC's critical services and most visited areas of interest



PROGRAMS & INITIATIVES

High profile placement of MGC's programs and initiatives that support fundamental aspect of the agency's work



AT A GLANCE

Fast facts about casino developments and gaming research



GAMING RESEARCH

Dedicated and comprehensive section featuring MGC's robust, first-of-its-kind Research Agenda



LICENSING MANAGEMENT SYSTEM

Prominent and convenient access to licensure and registration process for casino job applicants



TIMELINE

Interactive and comprehensive digital overview of key dates and milestones

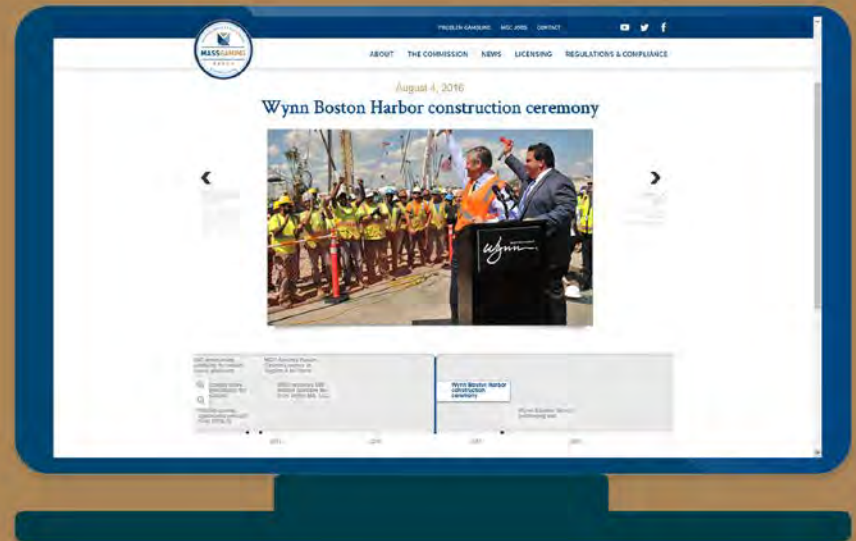
Timeline



The website now features an interactive timeline that provides an expansive overview of key dates and milestones related to the implementation of the Gaming Act and the ongoing establishment of the gaming industry.

Timeline can be viewed by specific areas of interest including:

- Racing
- Regions A, B, C
- Responsible Gaming



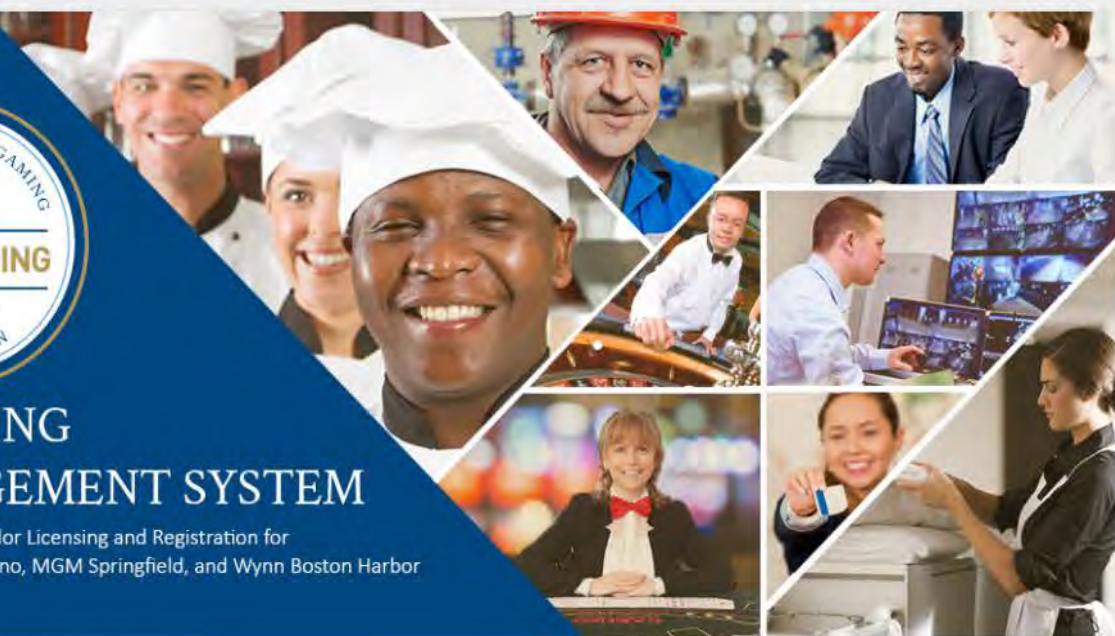
LICENSING MANAGEMENT SYSTEM





LICENSING MANAGEMENT SYSTEM

Employee and Vendor Licensing and Registration for
Plainridge Park Casino, MGM Springfield, and Wynn Boston Harbor




Welcome!

Welcome to the Licensing Management System, a service of the Massachusetts Gaming Commission. You must have an active user account to use this service.


LMS

Username

Password

 Login and
Accept Terms of Use


Having trouble logging in?

 Retrieve User Name

 Reset Password

Questions?

If you have any questions about this service please email us at EmployeeLicensing.mgc@state.ma.us

 View Online Help

LMS FEATURES



In preparation for the influx of thousands of casino job applicants, MGC has launched a newly streamlined, mobile-friendly LMS

- Casino job applicants can submit applications online from any mobile device.
- New system is more efficient and intuitive.
- Casinos can now track status of potential employees.
- System will enhance predictability of casino operations and facilitate “on-boarding” process.
- MGC can now more easily view, track and process a high volume of applications.
- LMS is now scalable and more secure.

REGISTRATION TUTORIAL

MGC developed two instructional videos to facilitate the licensing and registration process of casino job applicants.



PROBLEM GAMING MGC JOBS CONTACT

MASSGAMING
MASSACHUSETTS GAMING COMMISSION

ABOUT THE COMMISSION NEWS LICENSING REGULATIONS & COMPLIANCE

MASSACHUSETTS GAMING COMMISSION • ABOUT
EXPANDED GAMING ACT



What You Need To Know

On November 22, 2011, Governor Deval Patrick signed the Expanded


Related Content

Expanded Gaming Act
Full text version of Chapter 238B of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth
[VIEW THE ACT >>](#)

Statute
Full text version of Chapter 238B of the General Laws
[VIEW LAW >>](#)

Coded Index
Download the PDF to learn more about the Coded Index of the Expanded Gaming Act
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MASSGAMING
MASSACHUSETTS GAMING COMMISSION



We create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law.

KEY SERVICES

FIND A JOB

EMPLOYEE LICENSING

VENDOR LICENSING

HORSE RACING

MGC REGULATIONS

REVENUE

MEETING NOTIFICATION

TRANSPARENCY

PUBLIC COMMENTS

THE GAMING ACT

TAX

AT A GLANCE

GAMING RESEARCH **HGM SPRINGFIELD** **WYNN BOSTON HARBOR** **PLAINRIDGE PARK CASINO**

\$960M
Federal investment

3,000
Employment (additional jobs)

200
Distance, in yards, MGM Springfield viewed the First Spiritualist Church to preserve it

>54
Marketwide license holding units to be built in Springfield within 18 months of opening



101 Federal Street, 12th Floor, Boston, MA 02110

TEL 617.979.8400

FAX 617.725.0258

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Record Sealing Waiting Periods By State

Source: Restoration of Rights Project's [50-State Comparison Judicial Expungement, Sealing, and Set-aside](#), updated October 2017

- Arkansas
 - Minor felonies and drug charges: 5 year waiting period
 - Misdemeanors: immediately after completion of sentence
 - Serious violent and sexual offense are ineligible from sealing
 - Deferred adjudication for first-time offenders may lead to sealing
- Illinois
 - Most misdemeanors and felonies: 3 years (some exceptions).
- Kansas
 - Most misdemeanors and some felonies: 3 to 5 years.
- Michigan
 - Set aside for first felony offenders with no more than 2 prior misdemeanors after 5 years but info can still be seen by law enforcement and for employment related reasons.
- Missouri
 - Effective January 2018 expungement will be available for all misdemeanors and all non-class A felonies with exception for violent sex and other serious crimes – waiting period reduced from 10 to 3 for misdemeanors, 7 years for felonies.
- Ohio
 - Record sealed for one felony or up to 2 misdemeanors after 1 to 3 years waiting period depending on the offense (applies to out of state and federal convictions).
- South Carolina
 - First offense misdemeanors (except traffic offenses) may be expunged if no other conviction within 3 years.

CORI 2.0 Reforms

- **CSG REPORT:** recommends we need to reduce our recidivism rates.
- **STATUS:** Based on their caseloads, Greater Boston Legal Services and MA Law Reform Institute identified 6 CORI corrections, filed timely by Rep. Malia as a standalone bill (H3084);
 - Included in both timely filed omnibus bills - *Justice Reinvestment Act* (Keefe/Chang-Díaz)
 - 1st time such reforms filed in legislature since 2010 law
 - Of 6 provisions, we're prioritizing the 3 discrete problems with simple statutory corrections
- **PROBLEM:** 3 barriers with CORI rendering people unemployable
- **SOLUTION:** 3 fixes to 2010 law to help people become employable faster, contributing members to their families and our communities, and less state services dependent (good for taxpayers):
 1. **Reduce waiting periods to seal criminal records** *in SWM bill (S.2185)*
 - 2010 CORI reform reduced waiting periods for felonies from 15 to 10 years and misdemeanors from 10 to 5 years.
 - Detected recidivism occurs within 3-4 years of arrest; after that, no more likely to reoffend, yet make people wear a "scarlet letter" for too long.
 - To get people on viable pathways to gainful employment, we can move goal post from 10 to 7 years for felonies and from 5 to 3 years for misdemeanors.
 2. **Allow sealing of resisting arrest convictions** *in SWM bill (S.2185)*
 - Creates lifetime CORIs = unemployable (no one will hire you). Crime of A&B on police officer is sealable, but resisting arrest isn't?!
 - Disproportionately impacts folks with behavioral health issues – veterans w PTSD, people with MH or SUDs, etc.
 - Remains a crime, doesn't alter other punishment, nor prevent law enforcement and courts from performing their duties or seeing the offense on a CORI report.
 3. **If the record is sealed, permit a person to say "I have no record" when applying for housing and occupational licenses (same as current law when applying for jobs)** *in SWM bill (S.2185)*
 - Current law prevents legal services from adequately advising a client on how to answer questions about past CORI when applying for housing and occupational licenses.
 - People don't know how to answer questions about their CORI once the records are sealed.
 - Without expanding the law, this omission undermines and defeats the intended benefit and purpose of sealing record.
- Bottom line, the only way to prevent recidivism is if we successfully help put people on the **path to employment** (original intent of 2010 reforms). These proposed provisions seek to eliminate the obstacles to re-entry and the compound collateral consequences that ultimately increase the likelihood of reoffending.
- **STAKEHOLDERS:**
 - Major Chiefs of Police – so far supportive of 2 provisions, still considering item #1: reducing waiting periods; Jobs Not Jails Coalition speakers tentatively presenting at their next meeting 11/21
 - Sheriffs Association's – we provided information (in person) to policy folks 10/25
 - DA's Association – we provided information to policy folks 10/25

-
- FYI - 3 other provisions in H.3084 include:
 - **REPAIR: Require Probation to set up a system for easy correction of CORI database errors.**
Through the Probation Department, folks ought to be able to officially request a CORI database correction by accessing a form in person or online.
 - **NOTIFY: Require DOR, DOC & HOC to provide inmates upon admission an application to DOR services, ideally preventing accumulation of massive child support arrears.** This change would not suspend or reduce child support payments automatically; provides the obligor and other parent opportunity to appear before a judge to determine if support should be reduced for all or part of time the obligor is incarcerated.
 - **EXCLUDE: Exclude cases dismissed before arraignment and clarify juvenile youthful offender “adjudications” involving probation past age 21 and/or prison or house of correction sentences are NOT convictions and are not CORI.** A person whose case was dismissed before arraignment may be denied a job because the case appears on CORI reports that employers receive due to inconsistent courthouse data entry practices. Per well-established case law and statutes, juvenile adjudications are not convictions and should not be included on CORI reports unless the juvenile was tried as an adult in superior court or tried as an adult after transfer of a case from juvenile court to another trial court. *in SWM bill (S.2185)*