



U P D A T E D

NOTICE OF HEARING/MEETING and AGENDA

December 13, 2013

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:

Friday, December 13, 2013

9:30 a.m.

Boston Convention and Exhibition Center

415 Summer Street, Room 151 A&B

Boston, MA

9:30 - PUBLIC HEARING

1. Ombudsman Report – John Ziemba
 - a. Arbitration Discussion
2. Licensing Regulations

1:00 - PUBLIC MEETING #97

1. FBT Everett Land Discussion - VOTE
2. 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 “Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

12/11/13
(date)

Stephen P. Crosby
Stephen P. Crosby, Chairman

Date Posted to Website: December 11, 2013 at 9:30 a.m.



Massachusetts Gaming Commission

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

Section

- 134.01: Key gaming employee licensees
- 134.02: Gaming Employee licensees
- 134.03: Gaming service employees
- 134.04: Vendors
- 134.05: Labor organizations
- 134.06: Junket enterprises and junket representatives
- 134.07: Forms
- 134.08: Submission of application
- 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors
- 134.10: Affirmative license standards for the licensing of employees and vendors of the gaming establishment
- 134.11: Affirmative registration standards for the registration of employees and vendors of the gaming establishment and Labor Organizations
- 134.12: Temporary licenses
- 134.13: Fingerprinting
- 134.14: Identification
- 134.15: Fees
- 134.16: Term of licenses
- 134.17: Renewals
- 134.18: Duties of applicants and licensees
- 134.19: Disciplinary action

134.01: Key gaming employee licensees

(A) No **individual** ~~person~~ shall be employed by or perform services for a gaming licensee as a key gaming employee, as defined by G.L. c.23K, §2, unless the ~~person~~ **individual** has been licensed in accordance with G.L. c.23K, §30 and 205 CMR 134.00. **For purposes of 205 CMR 134.00 a gaming licensee shall include all qualifiers issued a positive determination of suitability in accordance with 205 CMR 115.05(3).** There shall be two categories of key gaming employee licensees: **key gaming employee- executive** and ~~keys~~ **key gaming employee- standard**.

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

- (1) Assistant General Manager
- (2) ~~Audit Manager~~ **Chief Internal Audit Officer**
- (3) ~~Casino~~ **Gaming Manager**

- (4) Chief Financial Officer
- (5) Chief of Security
- ~~(3) Managers or supervisors of security employees~~
- (6) General Manager
- (7) Chief Surveillance Officer Manager
- (8) Chief Compliance Officer
- (9) Principal executive Officer
- (10) Principal operating Officer
- (11) Principal accounting Officer
- (12) Chief Information Officer

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

- (1) Controller
- ~~(2) Chief Information Officer~~
- (3) Electronic gaming device or slot machines manager
- (4) Human resources manager
- (5) Information technology manager
- ~~(6) Table games manager/Pit boss~~
- (7) Shift manager supervisor of table games, of a slot department, credit department, security, surveillance, accounting department, cage, or player development
- (8) Credit manager
- (9) Cage manager
- (10) Hotel Manager
- (11) Entertainment Director
- (12) Food & Beverage Manager
- (13) Other Executive or managerial employees who are not identified as a key qualifiers gaming employee- executive in accordance with 205 CMR 134.01(A)(1), but who have the power to exercise significant influence over a gaming establishment operator or management company including, but not limited to, a hotel manager, entertainment director, and food and beverage manager function in a supervisory capacity, are empowered to make discretionary decisions which impact gaming establishment operations, or as determined by the commission.

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

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

115.00, and 116.00.

134.02: Gaming employee licensees

(A) No **individual** person shall be employed by or perform services for a gaming licensee as a gaming employee, as defined by G.L. c.23K, §2, unless the **person individual** has been licensed in accordance with G.L. c.23K, §30 and 205 CMR 134.00. **For purposes of 205 CMR 134.00 a gaming licensee shall include all qualifiers issued a positive determination of suitability in accordance with 205 CMR 115.05(3). An person individual** holding one of the following positions at a gaming establishment, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a gaming employee:

- (A) Boxpersons
- (B) Cashiers
- (C) Change personnel
- (D) Clerks
- (E) Count room personnel
- (F) Data processing personnel
- (G) Dealers and croupiers
- (H) Floorpersons
- (I) **Gaming Hosts**
- (J) Internal audit and accounting personnel **whose duties include reviewing, verifying, and recording gaming revenue entries, the processing or control of active accounting documents related to gaming activity, or that have access to active accounting documents related to gaming activity**
- (K) **An person individual** who is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment **(whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00)**
- (L) ~~Machine mechanics, computer machine technicians, and table game device technicians~~
- (M) Personnel authorized to extend complimentary services, including employees performing functions similar to those performed by a junket representative
- (N) Junket representative **employed by the gaming licensee or affiliate of the gaming license or a junket enterprise licensed as a gaming vendor in accordance with 205 CMR 134.00**
- (O) Personnel authorized to issue credit ~~under \$5000~~
- (P) Personnel authorized to issue promotional play **including persons who identify patrons or groups of patrons who shall receive complimentaries based on actual patron play, authorize such complimentaries, or determine the amount of such complimentaries**
- (Q) Personnel with security administrator access to a slot machine tracking system
- (R) ~~Promotional play supervisors~~
- (S) Security personnel, including guards and game observers, or an employee with knowledge of security procedures of the gaming establishment
- (T) ~~Skills~~
- (U) Surveillance personnel, **including surveillance equipment maintenance and repair technicians (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00)**

- (V) Any employee who conducts or participates in the conduct of gaming, who participates in the transfer or handling of chips, tokens or money, or who participates in audit or accounting functions
- (W) Any employee whose has access to a restricted area of a gaming establishment
- (X) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02.
- (Y) An employee of a gaming establishment whom the Bureau deems necessary to be licensed to ensure compliance with the G.L. c.23K and 205 CMR and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

134.03: Gaming service employees

~~No person shall be employed by or perform services for a gaming licensee as a gaming service employee, as defined by G.L. c.23K, §2, unless the person has been registered in accordance with G.L. c.23K, §30 and 205 CMR 134.00. An person holding a position~~ **individual employed at in** a gaming establishment who is not classified as a key gaming employee in accordance with 205 CMR 134.01, or a gaming employee in accordance with 205 CMR 134.02, shall be designated as a gaming service employee and shall register in accordance with 205 CMR 134.08**9 prior to engaging in the provision of employment services. An individual employed by a vendor of a gaming establishment for work in a gaming establishment shall be considered a gaming service employee unless otherwise specified in 205 CMR 134.02.**

134.04: Vendors

(A) No person shall conduct business with a gaming licensee as a vendor to a gaming establishment unless such person has been licensed as a gaming vendor, as defined by G.L. c.23K, §2, or registered as a non-gaming vendor, as defined by G.L. c.23K, §2, in accordance with 205 CMR 134.00. For purposes of 205 CMR 134.00 a gaming licensee shall include all qualifiers issued a positive determination of suitability in accordance with 205 CMR 115.05(3).

A subcontractor to a vendor shall not be required to obtain licensure or registration under 205 CMR 134.00. For purposes of 205 CMR 134.00 a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services necessary to fulfill the licensed or registered vendor's contract with a gaming licensee. As part of the application process, vendors shall be required to identify all of its known or anticipated subcontractors and shall have a continuing duty to update the Bureau relative to any new subcontractors.

(A) Gaming vendors

(1) Gaming vendors- primary.

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

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

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

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

(2) Gaming vendors- secondary

Any person who regularly conducts over \$250,000 in gross sales with any one gaming licensee within a 12 month period or a person who conducts over \$100,000 in gross sales with any one gaming licensee within a 3 month period, and who does not otherwise qualify for designation as a Gaming Vendor-primary in accordance with 205 CMR 134.04(1)(A)(1), may be designated a Gaming Vendor-secondary by the Commission regardless of the type of goods or services being provided. This designation may be made either by virtue of submission of a *Business Entity Disclosure Form- Gaming Vendor-secondary* application by the vendor in anticipation of meeting the monetary threshold, or in accordance with 205 CMR 134.04(2)(B).

(B) Non-gaming vendors

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

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

(C) The Bureau shall determine upon review of the agreement submitted in accordance with 205 CMR whether a registered non-gaming vendor has met the conditions provided in 205 CMR 134.04(A)(2). If the Bureau determines that the non-gaming vendor registrant has met the threshold it shall forward notice of such to the vendor of its obligation to submit an application for licensure as a gaming vendor-secondary. Within 45 days of service of the notice, the registrant shall either submit a completed *Business Entity Disclosure Form- Gaming Vendor-secondary* as set forth in 205 CMR 134.07(G) for licensure as a gaming vendor-secondary, discontinue providing the goods or services it is contracted to provide, file for an exemption in accordance with 205 CMR 134.04(5), or file a written request to the Bureau for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary.

(D) Gaming vendor qualifier

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

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

1. The owner

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

1. Each officer
2. Each inside director and those outside directors serving on the audit or compliance committees.
3. Any person owning more than 5 per cent of the common stock of a company applying for licensure as a gaming vendor as provided by 205

CMR 134.04(A)(1), or a holding, intermediary or subsidiary company of such company.

4. Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment.
5. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b) any person with significant and substantial responsibility for the applicant's business in the Commonwealth.:

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

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

1. Each Member
2. Each transferee of a Member's interest
- ~~3. Each Director~~
4. Each Manager
5. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b) any person with significant and substantial responsibility for the applicant's business in the Commonwealth.:
 - ~~a. each lender~~
 - ~~b. each holder of evidence of indebtedness~~
 - ~~c. each underwriter~~
 - ~~d. each close associate~~
 - ~~e. each executive~~
 - ~~f. each agent~~

(4) If the applicant is a limited partnership:

1. Each General Partner
2. Each Limited Partner

3. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b) **any person with significant and substantial responsibility for the applicant's business in the Commonwealth.**

~~a. each lender~~

~~b. each holder of evidence of indebtedness~~

~~e. each underwriter~~

~~d. each close associate~~

~~e. each executive~~

~~f. each agent~~

(5) If the applicant is a partnership:

1. Each Partner

2. In the judgment of the Bureau in accordance with 205 CMR 134.04(3)(b) **any person with significant and substantial responsibility for the applicant's business in the Commonwealth.**

~~a. each lender~~

~~b. each holder of evidence of indebtedness~~

~~e. each underwriter~~

~~d. each close associate~~

~~e. each executive~~

~~f. each agent~~

(c) In all cases, any person who, in the opinion of the ~~commission~~ **Bureau**, can exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or holding, intermediary or subsidiary companies thereof **may be designated a Gaming Vendor qualifier.**

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

(e) An applicant may appeal any determination made by the Bureau in accordance with 205 CMR 134.04(3) to the commission by filing a petition on a form prescribed by the commission. The commission shall decide the appeal at a public hearing on the matter at which it may allow representatives of the petitioner and Bureau to testify.

(E) Waiver

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

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

(F) Exemptions

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

1. ~~provision of insurance~~ companies and insurance agencies
2. advertising and media services
3. transactions with a governmental entity
4. professional legal, accounting, and financial services
5. physicians
6. labor organizations, unions, or affiliates registered in accordance with 205 CMR 134.00
7. utility companies
8. telecommunications companies

9. training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee
10. non-profit charitable corporations or organizations, provided that no consideration is received for the contribution
11. court order or stipulation of settlement or for settlement of guest losses or guest refunds
12. payments for freight charges to freight transporters select by the vendor for delivering goods
13. professional entertainers and/or celebrity appearances
14. any other person that, by submission of a written petition, can demonstrate to the commission that registration as a non-gaming vendor is not necessary to protect the public interest.

For purposes of 205 CMR 134.00 a gaming licensee shall include all qualifiers issued a positive determination of suitability in accordance with 205 CMR 115.05(3).

134.05: Labor organizations

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

134.06: Junket enterprises and junket representatives

(RESERVED)

134.07: Forms

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

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

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history;
- (5) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;
- (7) Marital history, spouse, dependents and other family data;
- (8) The gaming licensee or qualifier, gaming vendor licensee or qualifier or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (9) Telephone number at the current place of employment, and home number;
- (10) Email address;
- (11) Employment history of the qualifier and qualifier's immediate family;
- (12) Education and training;
- (13) Record of military service;
- (14) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (15) Trusteeships or other fiduciary positions held by the qualifier and the qualifier's spouse, and any denial or suspension of, or removal from, such positions;
- (16) Current memberships in any social, labor or fraternal union, club or organization;
- (17) Licenses and other approvals held by or applied for by the qualifier or, where specified, the qualifier's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, as follows:
 - (a) Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;
 - (b) Motor vehicle registrations and operator licenses held by or applied for the by the qualifier or the qualifier's spouse, and any revocation or suspension thereof;
 - (c) Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;
 - (d) Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction held by or applied for by the qualifier; and
 - (e) Any denial, suspension or revocation by a government agency of a license, permit or certification held by or applied for by the qualifier or the qualifier's spouse, or

- any entity in which the qualifier or the qualifier's spouse was a director, officer, partner or any owner of a 5% or greater interest;
- (18) Any interest in or employment presently or previously held by the qualifier with any entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction; and any current employment or other association by the qualifier's family with the gambling or alcoholic beverage industries in the Commonwealth of Massachusetts or any other jurisdiction;
- (19) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:
- (a) ~~Arrests, charges or offenses committed by the qualifier or any member of the qualifier's immediate family~~ Any arrest, indictment, charge, or conviction of the applicant;
 - (b) Any instance where the ~~qualifier~~ applicant has been named as an ~~unindicted party~~ or a co-conspirator in a criminal proceeding or held as a material witness;
 - (c) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;
 - (d) Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;
 - (e) Lawsuits to which the ~~qualifier~~ applicant was or is a party;
 - (f) Any citation or charge for a violation of a statute, regulation or code or any jurisdiction, other than a criminal disorderly persons, petty disorderly persons or motor vehicle violation; and
 - (g) Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in M.G.L. c. 94C other than pursuant to a valid prescription issued by a licensed physician;
- (20) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;
- (21) Financial data, as follows:
- (a) All assets and liabilities of the ~~qualifier~~ applicant, and the ~~qualifier's~~ applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
 - (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;
 - (c) Real estate interests held by the ~~qualifier~~ applicant or the ~~qualifier's~~ applicant's spouse or dependent children;
 - (d) Businesses owned;
 - (e) Copies of Federal tax returns and related information;
 - (f) Judgments or petitions for bankruptcy, insolvency or liquidation concerning the qualifier or any business entity in which the qualifier held a 5% or greater interest, other than a publicly traded corporation, or in which the qualifier served as an officer or director;

- (g) Any business entity in which the qualifier was an owner, director or officer which has been placed under some form of governmental administration or monitoring;
- (h) Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;
- (i) Any repossessions of real or personal property;
- (j) Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;
- (k) Status as executor, administrator or fiduciary of any estate;
- (l) Life insurance policies on the **qualifier's applicant's** life which name someone other than the **qualifier's applicant's** family as a beneficiary;
- (m) Positions held, assets held, or interest received in any estate or trust;
- (n) Whether the **qualifier applicant** has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;
- (o) Insurance claims in excess of \$100,000.00 by the **qualifier applicant** or the **qualifier's applicant's** spouse or dependent children;
- (p) Referral or finder's fees in excess of \$10,000.00;
- (q) Loans in excess of \$10,000.00 made or received by the **qualifier applicant**, the **qualifier's applicant's** spouse or dependent children;
- (r) Gifts in excess of \$10,000.00 given or received by the **qualifier applicant** or the **qualifier's applicant's** immediate family;
- (s) Brokerage or margin accounts with any securities or commodities dealer;
- (t) Currency exchanges in an amount greater than \$10,000.00;
- (u) Information regarding any instance where the **qualifier applicant** or any entity in which the **qualifier applicant** was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$50,000.00; and
- (v) Information regarding any ownership interest or financial investment by the **qualifier applicant** in any entity which holds or is an applicant for a license issued by the commission, or in any gambling venture which does not require licensure by the commission, including persons providing or reasonably anticipated to provide the **qualifier applicant** with support in the financing of such investment or interest; the extent and nature of the **qualifier's applicant's** involvement in the management and operation of the entity; whether the **qualifier applicant** has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.

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

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

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

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

(B) Massachusetts Supplement Form For Key Qualifiers *Gaming Employees- executive and Gaming Vendor Qualifiers*

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

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description, ~~including a color photograph taken within the past six months;~~
- (4) Current address, mailing and home, if different;
- (5) Home, cell, and work telephone numbers;
- (6) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (7) **Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;**
- (7) The gaming license applicant or holding company, as applicable, with which the **qualifier applicant** is affiliated, and the nature of the **qualifier's applicant's** position with or interest in such entity;
- (8) Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the **qualifier applicant** is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the **qualifier's applicant's** arrival;
- (9) Whether during the last ten years any entity in which the **qualifier applicant** has been a director, officer, principal employee or a holder of 5% or more interest has:
 - (a) Made or been charged with (either itself or through third parties acting for it) bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;
 - (b) Held a foreign bank account or has had authority to control disbursements from a foreign bank account;
 - (c) Maintained a bank account or other account, whether domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;
 - (d) Donated, loaned or used funds or property for the use or benefit or in opposing any government, political party, candidate or committee either domestic or foreign;
 - (e) Compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party domestic or foreign; or
 - (f) Made any loans, donations or other disbursement to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;
- (10) Copies of Federal and foreign tax returns and related information for the last five years; ~~and~~
- (11) **The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;**
- (12) A signed, dated and notarized release authorization which shall direct all courts, **law enforcement agencies**, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all

governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the qualifier as requested by the commission, the bureau or a contractor investigator;

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

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

(C) Key **Gaming Employee- standard** Application Form

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

- (1) Name, including maiden name and any aliases or nicknames along with applicable dates of usage;
- (2) Date and place of birth;
- (3) Physical description;
- (4) Current address and telephone number, and residence history for the past 10 years;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date, country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and address of sponsor(s) upon the applicant's arrival;
- (7) Reason for filing the Key Form;
- (8) Marital history and other family data;
- (9) Employment history, including any gaming-related employment, for the past 10 years;
- (10) Education and training;
- (11) Record of military service;
- (12) **Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;**
- (12) Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, including:
 - (a) Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction;
 - (b) Any denial, suspension or revocation by a government agency in this State or any other jurisdiction of a license, permit, approval or registration held by or applied for by the applicant or the applicant's spouse; and
 - (c) Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof;
- (13) Civil, criminal and investigatory proceedings in any jurisdictions, as follows:
 - (a) ~~Arrests, charges or offenses committed by the applicant or any member of the applicant's immediate family~~ **Any arrest, indictment, charge, or conviction of the applicant;**
 - (b) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body; and
 - (c) Lawsuits to which the applicant was or is a party in the past ten years; and
- (14) Financial data, as follows:

- (a) All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable, credit card debt and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
- (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account during the last ten year period as well as with regard to safe deposit boxes;
- (c) Real estate interests held by the applicant or the applicant's spouse or dependent children in the past 10 years regardless of whether such interest was held under a recorded or unrecorded instrument;
- (d) Any business in which the applicant has held an ownership interest for the past 20 years;
- (e) Copies of Federal and State tax returns and related information for the last five years;
- (f) Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a five percent or greater interest, other than a publicly traded corporation, in the past 20 years or in which the applicant served as an officer or director;
- (g) Any garnishment or attachment of wages, charging order or voluntary wage execution, during the past 10-year period including the amount, court, nature of the obligation and the name and address holder of the obligation;
- (h) Positions held or interest received in any estate or trust during the last 10-year period;
- (i). Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children filed within the past 10-year period;
- (j) Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children in the last 10-year period;
- (k) During the last five-year period, any gifts in excess of \$10,000, either individually or in the aggregate, given or received, whether tangible or intangible, by the applicant or the applicant's immediate family in any one-year period; and
- (l) Referral or finder's fees in excess of \$10,000 in the past 10 years;
- (15) The name, address, occupation and phone number of persons who can attest to the qualifier's applicant's good character and reputation;
- (16) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars;
- (16) A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and
- (17) A signed, dated and ~~notarized~~ Statement of Truth.

(D) Gaming Employee License Form

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

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

(E) Gaming Service Employee Registration Form

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

- (1) Name, including maiden name and any aliases and nicknames;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history for the past five years;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship, and, if applicable, resident alien status, including any employment

authorization and expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States and name and address of sponsor(s) upon the applicant's arrival;

- (7) Last three jobs, and any gaming-related employment during the last 10 years;
- (8) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any ~~lawful-gambling~~ gaming operation in ~~this State or any other~~ jurisdiction;
- (9) Any license, permit, approval or registration held by the applicant to work in the gaming industry ~~that was~~ suspended, revoked or denied or had any disciplinary action taken ~~against~~ in ~~New Jersey or any other~~ jurisdiction;
- (10) ~~Arrests, charges or offenses committed by the applicant~~ Any arrest, indictment, charge, or conviction of the applicant;
- (11) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.;
- (12) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars;
- (13) A signed, dated and ~~notarized~~ Statement of Truth; and
- (14) A signed, dated and notarized Release Authorization which shall direct all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Commission and/or the Bureau.

(F) Business Entity Disclosure Form – Gaming Vendor- primary

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

- (1) The current or former official and trade names used and the dates of use;
- (2) ~~The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders.~~
- (3) ~~The current and former business addresses within the last 10-year period and dates of use;~~
- (4) The business telephone number;
- (5) The name, title and telephone number of the contact person;
- (6) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;
- (7) If the license applicant is other than the vendor filing this form, the reason for filing and the nature of the filing vendor's relationship to the license applicant;
- (8) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the enterprise;
- (9) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;
- (10) The Federal Employer Identification Number;
- (11) A description of the present and any former business engaged in or intended to be engaged in by the vendor and any parent, holding, intermediary or subsidiary company within the past five years and similar information for former businesses for the past 10 years;
- (12) A description of the nature, type, number of shares, terms, conditions, rights and privileges

- of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;
- (13) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members
 - (14) The name, address, date of birth (if appropriate), class of non-voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;
 - (15) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:
 - (a) Each officer, director or trustee;
 - (b) Each partner whether general, limited or otherwise;
 - (c) A sole proprietor;
 - (d) Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of five percent or more of the entity completing the form;
 - (e) Each sales representative or other person who will regularly solicit business from a casino licensee;
 - (f) Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;
 - (g) Any other person not otherwise specified in 13(a) through (f) above who has signed or will sign any agreement with a casino licensee;
 - (h) Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of an applicant for a junket enterprise license; and
 - (i) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees;
 - (16) A flow chart which illustrates the ownership of any other vendor which holds an interest in the filing vendor;
 - (17) The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding 10 years;
 - (18) The annual compensation of each partner, officer, director and trustee;
 - (19) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 13 above, who is currently expected to receive annual compensation of more than \$300,000;
 - (20) A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the vendor;
 - (21) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;
 - (22) A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;

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

person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;

- (33) Within the last 10 years, whether the vendor has:
- (a) Donated or loaned its funds or property for the use or benefit of or in opposing or supporting any government, political party, candidate or committee, either foreign or domestic;
 - (b) Made any loans, donations or disbursements to its directors, officers, partners or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or
 - (c) Maintained a bank account or other account, either foreign or domestic, not reflected on its books or records, or maintained any account in the name of a nominee for the vendor;
- (34) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 30 and 31 above;
- (35) A copy of each of the following:
- (a) Annual reports for the past five years;
 - (b) If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;
 - (c) An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;
 - (d) Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto; **and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years;**
 - (e) Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if the vendor is registered with the SEC, a copy of the most recently filed Form 8K;
 - (f) The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934; and
 - (g) Registration Statements filed in the last five years pursuant to the Securities Act of 1933;
- (36) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;
- (37) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years; and
- (38) A copy of a business registration certificate or other proof of valid business registration in Massachusetts
- (39) **A Subcontractor Identification Form completed in accordance with 205 CMR 134.07(K)**

- (39)(40) In addition to the information above, a completed BED GVP shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:
- (a) A Statement of Truth;
 - (b) A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission; and
 - (c) An acknowledgment of receipt of notice regarding confidentiality, ~~consent to search~~ and non-refundability of filing fees.

(G) Business Entity Disclosure Form – Gaming Vendor- secondary

A Business Entity Disclosure Form Gaming Vendor-secondary (BED GVS) shall contain the following information:

- (1) The current or former official and trade names used and the dates of use;
- (2) The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders.
- (3) The former business addresses within the last 10-year period and dates of use;
- (4) The business telephone number;
- (5) The name, title and telephone number of the contact person;
- (6) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;
- (7) If the license applicant is other than the vendor filing this form, the reason for filing and the nature of the filing vendor's relationship to the license applicant;
- (8) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the business;
- (9) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;
- (10) The Federal Employer Identification Number;
- (11) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;
- (12) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members
- (13) The name, address, date of birth (if appropriate), class of non-voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;
- (14) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:

- a. Each officer, director or trustee;
 - b. Each partner whether general, limited or otherwise;
 - c. A sole proprietor;
 - d. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of five percent or more of the entity completing the form;
 - e. Each sales representative or other person who will regularly solicit business from a casino licensee;
 - f. Any other person not otherwise specified in 13(a) through (f) above who has signed or will sign any agreement with a casino licensee;
- (15) The annual compensation of each partner, officer, director and trustee;
- (16) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 17 above, who is currently expected to receive annual compensation of more than \$300,000;
- (17) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;
- (18) A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;
- (19) A description of the nature, type, terms and conditions of all securities options;
- (20) Within the last 10 years, the following information for each account held by a bank, savings and loan association or other financial institution, whether foreign or domestic, in the name of the vendor or its nominee or which is otherwise under the direct or indirect control of the vendor:
- (a) The name and address of the financial institution;
 - (b) The type of account;
 - (c) The account numbers; and
 - (d) The dates held;
- (21) The name and address of each company in which the vendor holds stock, type of stock held, purchase price per share, number of shares held, and percentage of ownership indicating any holding of five percent or more of ownership held;
- (22) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the vendor or its subsidiaries have been involved as follows:
- (a) Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense
 - (b) Any criminal proceeding in which the business or its subsidiaries has been a party or has been named as an unindicted co-conspirator;
 - (c) Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;
 - (d) Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of the Federal antitrust, trade regulation or securities laws or similar laws of any state, province or country; and
 - (e) Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of any other state or Federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more;

- (23) Within the last 10 years, for the vendor and any holding or intermediary company, information regarding any judgments or petitions by or against it for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law, and any receiver, fiscal agent, trustee, reorganization trustee, or similar officer appointed for the property or business of the vendor or its parent, any holding, intermediary or subsidiary company;
- (24) Within the last 10 years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in this State or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the disposition, the reasons therefore, and the facts related thereto;
- (25) Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in this State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;
- (26) Within the last 10 years, whether the vendor or any director, officer, partner, employee or person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;
- (27) Within the last 10 years, whether the vendor has:
 - (a) Donated or loaned its funds or property for the use or benefit of or in opposing or supporting any government, political party, candidate or committee, either foreign or domestic;
 - (b) Made any loans, donations or disbursements to its directors, officers, partners or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or
 - (c) Maintained a bank account or other account, either foreign or domestic, not reflected on its books or records, or maintained any account in the name of a nominee for the vendor;
- (28) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 26 and 27 above;
- (29) A copy of each of the following:
 - (a) Annual reports for the past five years;
 - (b) If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;
 - (c) An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;
 - (d) Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto; and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years;
 - (e) Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if

- the vendor is registered with the SEC, a copy of the most recently filed Form 8K;
- (f) The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934; and
- (g) Registration Statements filed in the last five years pursuant to the Securities Act of 1933;
- (30) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;
- (31) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years;
- (32) A copy of a business registration certificate or other proof of valid business registration in Massachusetts
- (33) A *Subcontractor Identification Form* completed in accordance with 205 CMR 134.07(K)
- (34) In addition to the information above, a completed BED GVS shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:
 - (a) A Statement of Truth;
 - (b) A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission; and
 - (c) An acknowledgment of receipt of notice regarding confidentiality and non-refundability of filing fees.

(H) Non-gaming Vendor Registration Form

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

- (1) Any official or trade name used by the non-gaming vendor;
- (2) The current address and telephone number of the non-gaming vendor;
- (3) The nature of the non-gaming vendor's business and the type of goods and services ~~being~~ *to be provided to the casino industry a gaming licensee;*
- (4) The Federal Employer Identification Number;
- (5) The name, residence address and date of birth of each of the following persons:
 - (a) The sales representative(s) or other person(s) who solicit(s) business from a ~~casino~~ *gaming* licensee or applicant and such person's immediate supervisors; and

- (b) Any person authorized to sign any agreement with the ~~casino~~ gaming licensee or applicant **on behalf of the vendor**; and
- (c) The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.

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

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

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

- (6) **A Subcontractor Identification Form completed in accordance with 205 CMR 134.07(K)**
- (7) **Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordant to 205 CMR 134.07 (H)(5).**
- (8) **A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission**

(I) Labor Organization Registration Statement

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

- (1) The name of the registrant as shown on its charter or in its constitution;
- (2) The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a ~~casino~~ gaming licensee will be conducted;
- (3) The name, title, email address, telephone and fax numbers of a **primary contact** person ~~to be contacted in reference to the statement~~;
- (4) Whether the submission is an initial or biennial renewal registration;
- (5) The names of the registrant's parent organization and all affiliates of the registrant or its parent organization, whether chartered by the parent organization or governed by the same constitution or bylaws;
- (6) The name and nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a ~~casino hotel, casino or slot only casino facility by a casino licensee,~~ **gaming establishment** or which is

- (7) Financial data, including information concerning any financial interests held in a ~~casino-hotel, casino, slot only casino facility or casino licensee~~ gaming establishment; and
- (8) The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:
 - (a) Any pension or welfare system maintained by the registrant;
 - (b) Each officer and agent of any pension or welfare system maintained by the registrant;
 - (c) Each officer and officer-elect of the registrant;
 - (d) Each agent authorized to represent the registrant; and
 - (e) Each principal employee of the registrant.

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

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

(J) Labor Organization Individual Disclosure Form

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

- (1) Name, including maiden name and any aliases or nicknames;
- (2) Title or position with the labor organization;
- (3) Date and place of birth;
- (4) Physical description ~~including photograph taken within the past 12 months and name printed across the front bottom border;~~
- (5) Current address and home telephone number, email address, and residence history for the past year;
- (6) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (7) Citizenship and, if applicable, information concerning resident alien status;
- (8) Full name of the labor organization represented;
- (9) Telephone number and email address at current place of employment;
- (10) Employment history:
 - (a) All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and
 - (b) Last three jobs, indicating any gaming-related positions;
- (11) Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in ~~this State~~ the Commonwealth or any jurisdiction;
- (12) ~~Civil, criminal and investigatory proceedings in any jurisdiction as follows:~~
 - (a) ~~Convictions for crimes or disorderly persons offenses; and~~
 - (b) ~~Convictions for contempt for refusal to testify or cooperate with any legislative-~~

~~investigatory body or other official investigatory body of this state or the United States where the investigatory body was investigating crimes relating to gaming, official corruption or organized crime activity; and~~

- ~~(13) — Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee.~~

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

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

(K) Subcontractor Identification Form

A Subcontractor Identification Form shall contain the following information:

- (1) A list of all known and anticipated subcontractors including the official or trade name (for purposes of 205 CMR 134.07(K) a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services necessary to fulfill the licensed or registered vendor's contract with a gaming licensee)*
- (2) The current address, telephone number, email address, and any website for the subcontractor;*
- (3) The nature of the subcontractor's business and the type of goods and services to be provided to the vendor;*
- (4) The Federal Employer Identification Number of the subcontractor;*
- (5) The name, residence address and date of birth of each of any person authorized to sign any agreement with the vendor on behalf of the subcontractor; and*
- (6) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordance with 205 CMR 134.07(K)*
- (7) The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.*
- (8) A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the subcontractor as requested by the Commission.*

134.08: Submission of application

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

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

- (B) An applicant for a key gaming employee license who has previously been issued a positive determination of suitability by the Commission as part of an RFA-1 investigation shall file a *Massachusetts Supplement Form For Key Qualifiers Gaming Employees- primary and Vendor Qualifiers* as set forth in 205 CMR 205 CMR 134.07(B).
- (C) Each applicant shall file a complete application pursuant to 205 CMR 134.05(A) with the Bureau by mail, in person at the address specified on the application form, or via the Commission's website. The Bureau shall not accept an incomplete application.
- (D) Reciprocity for vendors If an applicant for a gaming vendor license or **non-gaming** vendor or ~~supplier~~ registration is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, **as determined by the Bureau**, and is in good standing in all jurisdictions in which it holds a license or registration, the commission may enter into a reciprocal agreement with the applicant, **upon the recommendation of the Bureau**, to allow for an abbreviated licensing or registration process and issue a gaming vendor license or registration ~~under this section~~ **in accordance with 205 CMR 134.00**; provided, however, **as part of any such an agreement** that the commission shall reserve its rights to investigate the qualifications of an applicant at any time and may require the applicant to submit to a full application for a gaming vendor license or provide further information for registration. **The reciprocal agreement shall identify the nature of the investigation to be conducted prior to issuance of the requested license or registration including, but not limited to, such provisos as the review of any investigatory reports from any jurisdictions in which the applicant is approved to conduct business, interviewing of any witnesses, and the filing of all required Massachusetts business filings.**
- (E) Scope of duties An employee of a gaming establishment may, where otherwise qualified, engage in the following duties without further licensure by the commission:
- (1) A person who is licensed as a ~~key-qualifier~~ **Key Gaming Employee- primary** may, where otherwise qualified, engage in the performance of duties of a ~~key~~ **Key Gaming Employee- secondary**, gaming employee or gaming service employee.
 - (2) A person who is licensed as a ~~key~~ **Key Gaming Employee- secondary** may, where otherwise qualified, engage in the performance of duties of a gaming employee or gaming service employee.
 - (3) A person who is licensed as a gaming employee may engage in the performance of duties of a gaming service employee.

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

(A) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(A)(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(A)(2), a gaming vendor qualifier license in accordance with 205 CMR 134.04(B), or a Labor Organization in accordance with 205 CMR 134.05 the **Division of Licensing shall conduct a review of each application for administrative completeness and then forward the application to the Bureau which shall conduct an investigation of the applicant. In the event an application is deemed incomplete, the Division of Licensing may either request supplemental information from the applicant or forward the application to the commission with a recommendation that it be denied.** For ~~natural persons~~ **individuals**, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the

applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

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

application.

(4) Non-gaming vendors The Bureau shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall **forward the results of the investigation to the Division of Licensing which shall** issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(B). The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

(5) Labor Organizations The Bureau shall issue a Labor Organization registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A).

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

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

(D) After a hearing conducted in accordance with 205 CMR 134.09(C) the following shall apply:

- (1) If the hearing officer recommends that a Key **Gaming Employee- standard** license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, or non-gaming vendor registration be issued, the ~~Bureau~~ **Division of Licensing** shall issue a license or registration to the applicant on behalf of the Commission.
- (2) If the hearing officer recommends that the application for a Key ~~Qualifier~~ **Gaming Employee-executive** or Gaming vendor license be issued, the decision shall be forwarded to the Commission as a recommendation along with the application and appeal materials for review and issuance of the license.

(E) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non-gaming vendor registration, or gaming

vendor qualifier is denied or approved with conditions in accordance with 205 CMR 134.09(C) the applicant may appeal the decision and request a hearing before the Commission within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Commission and contain an explanation of the basis for the appeal. The hearing will be conducted at a public meeting solely on the record of the administrative proceedings conducted by the Bureau in accordance with 205 CMR 134.09(C). The Bureau shall forward a copy of the administrative record of the proceeding to the Commission promptly upon receipt of the notice of appeal.

- (F) After the hearing conducted in accordance with 205 CMR 134.09(E) the Commission shall issue a written decision to the applicant. The Commission may affirm the denial of the application or revocation of the registration, reverse the decision and order that the license or registration be issued, order that the license or registration be issued with conditions or remand the matter to the Bureau for further proceedings. The Commission may impose any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations.
- (G) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(F), the Commission may consider whether the decision or any condition imposed is:
 - (1) In excess of the statutory or regulatory authority or jurisdiction of the Commission; or
 - (2) Based upon an error of law; or
 - (3) Made upon unlawful procedure; or
 - (4) Unsupported by substantial evidence; or
 - (5) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.
- (H) The decision of the commission made in accordance with 205 CMR 134.09(F) and (G) shall be final and an applicant shall not be entitled to further review.

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

- (A) An applicant for a key gaming employee license, gaming employee license, gaming vendor license, and a gaming vendor qualifier license shall establish its individual qualifications for licensure by clear and convincing evidence.
- (B) In determining whether an applicant for licensure is suitable for purposes of being issued a key gaming employee license, gaming employee license, gaming vendor license, or gaming vendor qualifier license, or having a license renewed, the Bureau shall evaluate and consider the overall reputation of the applicant including, without limitation:
 - (1) the integrity, honesty, good character and reputation of the applicant;
 - (2) the financial stability, integrity and background of the applicant; ~~including whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt~~
 - (3) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;

- (4) whether the applicant, at the time of application, is a defendant in litigation;
- (5) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(C).
- (6) whether the applicant has been convicted of a crime of moral turpitude
- (7) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character
- (8) the extent to which the individual has cooperated with the Bureau in connection with the background investigation
- (9) (for vendors) the integrity, honesty, and good character of any subcontractor

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

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

(D) Rehabilitation

- (1) An applicant for a Key gaming employee license, gaming employee license or a gaming vendor qualifier license may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- (2) An applicant for a Key gaming employee license may not appeal a decision made by the Bureau to the Commission in accordance with 205 CMR 134.09(F) that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(C)(1) on the basis that they wish to demonstrate rehabilitation.
- (3) An applicant for a Gaming employee license or gaming vendor qualifier license may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 134.10(C)(1) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the 10 year period immediately preceding the date of submission of the application for licensure or registration.
- (4) In its discretion, the Bureau and/or Commission may issue a Gaming employee license or Gaming vendor qualifier license to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant the Bureau and Commission shall consider the following:
 - (a) the nature and duties of the position of the applicant;
 - (b) the nature and seriousness of the offense or conduct;
 - (c) the circumstances under which the offense or conduct occurred;
 - (d) the date of the offense or conduct;
 - (e) the age of the applicant when the offense or conduct was committed;
 - (f) whether the offense or conduct was an isolated or repeated incident;
 - (g) any social conditions which may have contributed to the offense or conduct; and
 - (h) any evidence of rehabilitation, including recommendations and references of

persons supervising the applicant since the offense or conduct was committed.

- (5) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.10(B)(6). In its discretion, the Bureau and Commission may issue a Key gaming employee license, Gaming employee license, or gaming vendor qualifier license to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.10(D)(4).

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

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

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

- (B) The Bureau and Commission shall deny and revoke a registration as a gaming service employee or non-gaming vendor registrant if the individual:
- (1) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
 - (2) submitted an application for a license under G.L. c.23K, §30 and 205 CMR 134.00 that **intentionally** contains false or misleading information;
 - (3) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable; or
 - (4) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.
- (C) In determining whether an applicant for registration is suitable for purposes of being issued a gaming service employee registration or non-gaming vendor registration, or having a registration renewed, the Bureau may evaluate and consider the overall reputation of the applicant including, without limitation:
- (1) the integrity, honesty, good character and reputation of the applicant;
 - (2) the financial stability, integrity and background of the applicant; ~~including whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt~~
 - (3) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;
 - (4) whether the applicant, at the time of application, is a defendant in litigation;

- (5) whether the applicant is disqualified from receiving a license under 205 CMR 134.11(B).
- (6) whether the applicant has been convicted of a crime of moral turpitude
- (7) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character
- (8) the extent to which the individual has cooperated with the Bureau in connection with the background investigation
- (9) (for vendors) the integrity, honesty, and good character of any subcontractor

(D) Rehabilitation

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

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

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

134.12: Temporary licenses

(A) Upon petition to the Commission by a gaming licensee, the Commission may issue a temporary license to an applicant for a key gaming employee license, or a gaming employee license, or a gaming vendor license if:

- (1) the applicant for a key gaming employee license, or a gaming employee license, or a

- (2) gaming vendor license has filed a completed application with the commission; and the gaming licensee certifies, and the Commission finds, that the issuance of a temporary license is necessary for the operation of the gaming establishment and is not designed to circumvent the normal licensing procedures.

(B) Unless otherwise stated by the Commission, a temporary license issued in accordance with 205 CMR 134.12 shall expire 6 months from the date of its issuance and may be renewed, at the discretion of the Commission, for an additional 6-month period.

(C) Standard of review A Temporary license may be issued upon a finding that the license is reasonably likely to be issued upon completion of the investigation.

134.13: Fingerprinting

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

134.14: Identification

(A) Every natural person applicant for a license or registration shall establish his or her identity to a reasonable certainty.

(B) An natural person applicant for a license or registration may establish their identity pursuant to 205 CMR 134.13(A) by providing either:

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

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

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

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

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

134.15: Fees

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

- (1) Key Gaming Employee Initial fee: \$1000.00, submitted with the application. **The applicant shall be billed, which shall be credited to the total fee.** Payment for the efforts of the Commission and the Bureau on matters directly related to the applicant **that exceed the initial fee** at hourly rates to be set by the Commission **in pursuant to** G.L.c.23K, §30(i) **including** payment for all unusual or out of pocket expenses incurred by the Commission. ~~and/or the Bureau on matters directly related to the applicant or licensee.~~ Timely Renewal fee: \$1000.00
- (2) Gaming Employee Initial fee: \$300.00 Renewal fee: \$300.00
- (3) Gaming Service Employee Initial fee: \$75.00 Renewal fee: \$75.00
- (4) Gaming vendor - primary Initial fee: \$15,000.00, submitted with the application. **The applicant shall be billed which shall be credited to the total fee.** Payment for the efforts of the Commission and the Bureau on matters directly related to the applicant **that exceed the initial fee** at hourly rates to be set by the Commission **in pursuant** G.L.c.23K, §30(i) **including** payment for all unusual or out of pocket expenses incurred by the Commission. ~~and/or the Bureau on matters directly related to the applicant or licensee.~~ Timely Renewal fee: \$15,000.00

- (5) Gaming vendor – secondary Initial fee \$5,000.00 Renewal fee \$5,000.00
- (6) Gaming vendor qualifier No individual fee. The fee shall be included as part of the application fee for the Gaming vendor. Any additional fees resulting from the investigation of a gaming vendor qualifier shall be assessed to the gaming vendor in accordance with 205 CMR 134.15(B).
- (7) Non-gaming vendor Initial fee: \$100.00 Renewal fee: \$100.00
- (8) Labor organization Initial fee: \$200.00 Renewal fee: \$200.00
- (9) Replacement/Name or address changes \$10.00
- (10) Late fee a 10% late fee will be assessed to the initial application fee if a renewal application is not received by the Commission by the due date.

- (B) The application fee for a license or registration may be increased to the extent that the cost of the background investigation relating to an applicant exceeds the application fee set forth in 205 CMR 134.14(A). The **Commission Bureau** shall advise the applicant in writing that an additional application fee is required and the manner in which the additional fee was calculated. Once an applicant is directed to submit an additional application fee, the **Commission Bureau** will take no additional steps with respect to the application until the increased application fee is paid. **In the event that an application fee is not promptly paid without just cause, the application may be denied.**
- (C) All fees must be submitted to the Bureau in the form of a certified check, cashier's check, **personal check** or electronic funds transfer payable to the *Commonwealth of Massachusetts*.
- (D) A processing fee of \$30 will be assessed for return of dishonored checks.

134.16: Term of licenses

- (A) Licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for the following terms:
 - (1) Key gaming employees Key Gaming employee licenses shall be for an initial term of 3 years. The initial term of a key gaming employee license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date. Key gaming employee license renewals shall be for a term of 3 years. ~~The renewal term of a Key-gaming employee license shall expire and be renewable on the last day of the third anniversary of the issuance date.~~
 - (2) Gaming employees Gaming employee licenses shall be for an initial term of 3 years. The initial term of a gaming employee license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date. Gaming employee license renewals shall be for a term of 3 years. ~~The renewal term of a Gaming employee license shall expire and be renewable on the last day of the third anniversary of the issuance date.~~
 - (3) Gaming service employees Gaming service employee registrations shall be for an initial term of 5 years. The initial term of a Gaming service employee registration shall expire and

be renewable on the last day of the month on the fifth anniversary of the issuance date. Gaming service employee registration renewals shall be for a term of 5 years.

- (4) Gaming vendors-~~primary, gaming vendor-secondary, and gaming vendor qualifiers~~ Gaming vendor licenses and gaming vendor qualifier licenses shall be for an initial term of 3 years. The initial term of a Gaming vendor license and gaming vendor qualifier license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date. Gaming vendor license and gaming vendor qualifier license renewals shall be for a term of 3 years. ~~The renewal term of a Gaming vendor license and gaming vendor qualifier license shall expire and be renewable on the last day of the third anniversary of the issuance date.~~
- (5) Non-gaming vendors Non-gaming vendor registration shall be for an initial term of 5 years. The initial term of a Non-gaming vendor license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. **Non-gaming vendor registration renewals shall be for a term of 5 years.**
- (6) Labor organizations Labor organization registrations shall be for an initial term of 1 year. The initial term of a Labor organization registration shall expire and be renewable on the last day of the month on the first anniversary of the issuance date.

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

(C) If a licensee or registrant has, in accordance with 205 CMR 134.17, made timely and sufficient application for a renewal, their license or registration shall not expire **and the applicant shall remain in good standing** until the Bureau has issued a decision on the application. **If a renewal application is received after the renewal date and the license expires before the Commission issues a new license, the person shall not be employable nor conduct business with the gaming establishment until a new license is issued.**

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

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

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

134.17: Renewals

(A) At a minimum of one hundred fifty (150) days prior to expiration, each Key gaming **employee** licensee, gaming **employee** licensee, gaming vendor licensee, and gaming vendor qualifier licensee shall

submit a new and updated application in accordance with 205 CMR 134.08.

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

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

134.18: Duties of applicants and licensees

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

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

134.19: Disciplinary action

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

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

(B) Complaints

Any person may file a complaint against **any person** licensed or registered **in accordance with 205 CMR 134.00**. All complaints relative to a licensee or registrant must be in writing on a form provided by the Commission. All complaints must be received by the Commission within one year of the date of the alleged wrongdoing. The Commission **or Bureau** may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.

(C) Basis of Complaint

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

(D) Review and Investigation of Complaints

- (1) Every complaint filed shall be reviewed by the ~~Bureau~~ **Commission**. A hearing may be convened ~~or the complaint may be dismissed~~ in the discretion of the ~~Bureau~~ **Commission**. The Bureau may, if it elects, investigate a complaint prior to scheduling a hearing. ~~In its discretion, the Bureau may resolve informal patron complaints without formal investigation, notification or parties, or convening a hearing.~~ Failure of a complainant to cooperate in the investigation shall ~~may~~ be grounds for dismissal of a complaint.
- (2) ~~Upon receipt of a complaint, the Bureau shall send a letter acknowledging receipt to the complainant and the licensee or registrant being complained of. A copy of the complaint and all attachments shall be forwarded to the licensee or registrant with the acknowledgment letter. The licensee or registrant may be offered an opportunity to respond in writing to the complaint.~~

(E) Notice of Hearing

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

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

(G) Hearing

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

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

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

(H) Subpoenas

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

(I) Decisions and Discipline of License and Registration Holders

The ~~Bureau~~ **commission** shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The ~~Bureau~~ **commission** may suspend a license for a fixed period of time, revoke a license permanently, or issue a reprimand the licensee. In conjunction with ~~or in lieu of~~ these

disciplinary measures, pursuant to M.G.L. c. 23K, §, the Bureau commission may assess a fine and recoup the costs of investigation of up to \$X per violation. Any license or registration that is suspended or revoked shall be forwarded to the Bureau immediately. A person whose license is revoked may apply in writing to the Commission for reinstatement no sooner than ~~two~~ five years from the date of the revocation.

(J) Appeals

- (1) Any person aggrieved by a decision of the hearing officer may, in writing, request review of said decision by the Commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the hearing officer.
- (2) The Commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second Hearing on the same complaint(s). After review, the Commission may either deny the petition or remand the matter to the hearings officer for further proceedings as directed. The filing of an appeal with the Commission shall serve to toll the timing provisions of M.G.L. c. 30A, §14 until such time as a final decision is rendered by the Commission.
- (3) Any person aggrieved by a decision of the hearings officer or the Commission may appeal such decision in conformance with M.G.L. c. 30A, §14.

REGULATORY AUTHORITY

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

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 101.00: M.G.L. c.23K ADJUDICATORY PROCEEDINGS

101.02: Hearings Before the Bureau

~~(1) Except as set forth in M.G.L. c. 23K and 205 CMR 101.00, the bureau will conduct the following types of hearings in accordance with the procedures in 801 CMR 1.01: *Formal Rules:*~~

~~(a) Hearings before the bureau pursuant to M.G.L. c. 23K, § 30(g) to contest the findings of the bureau relative to a key gaming employee license or a renewal application with respect thereto; and~~

~~(b) Hearings before the bureau pursuant to M.G.L. c. 23K, § 31(n) to contest the findings of the bureau relative to a gaming vendor license application or renewal.~~

~~(2) Except as set forth in M.G.L. c. 23K and 205 CMR 101.00, the bureau will conduct the following types of hearings in accordance with the informal procedures in 801 CMR 1.02:~~

~~*Informal/Fair Hearing Rules:*~~

~~(a) Hearings before the bureau pursuant to M.G.L. c. 23K, § 30(g) to contest the findings of the bureau relative to a gaming employee license, or a gaming service employee registration or a renewal application with respect thereto; and~~

~~(b) Hearings before the bureau pursuant to M.G.L. c. 23K, § 31 to contest the findings of the bureau relative to non-gaming vendor registration.~~

101.04: Special Procedures for Hearings Before the Bureau

~~Formal Hearings. For hearings before the bureau pursuant to 205 CMR 101.02(1), the following provisions of M.G.L. c. 23K and 205 CMR 101.00 shall supersede any conflicting provisions of 801 CMR 1.01: *Formal Rules:*~~

~~(a) Standing: Same as 205 CMR 101.03(a).~~

~~(b) Presiding Officer: The deputy director shall appoint a presiding officer to preside over the hearing who may be any of the following:~~

~~1. An attorney from the commission, the bureau, or the attorney general's office;~~

~~2. An outside counsel;~~

~~3. An administrative law judge from the Massachusetts Division of Administrative Law Appeals;~~

~~4. A retired Massachusetts or Federal judge.~~

~~(c) Burden of Proof: Same as 205 CMR 101.03(e).~~

- ~~(d) Decision: Pursuant to M.G.L. c. 23K, § 4(15), in its decision after the hearing, the bureau may approve, deny, limit, condition, restrict, revoke or suspend such finding of suitability, license or renewal as the bureau deems reasonable to effectuate the purposes of M.G.L. c. 23K. Any orders by the bureau denying an application, determination of suitability, license, or renewal shall be accompanied by an explanation of the reasons that an applicant did not meet the qualifications for licensure under M.G.L. c. 23K.~~
- ~~(e) Notice of Decision: The bureau shall notify the applicant in person or by mail of the decision, of the applicant's right to appeal the decision to the commission and of the 30 day time limit on the right to appeal.~~
- ~~(f) Appeal to Commission from Bureau Decision: An applicant aggrieved by a decision of the bureau after a hearing pursuant to 205 CMR 101.04 may appeal that decision to the commission by filing a notice of appeal within 30 days of the date of the bureau's notice of decision under 205 CMR 101.04(e). The notice of appeal shall be filed with the commission at its main office and a copy shall be simultaneously transmitted to the bureau.~~
- ~~(g) Record Review: The commission shall hear and decide any appeal under 205 CMR 101.04(f) on the record of the bureau's hearing under 205 CMR 101.04(1).~~
- ~~(h) No Further Review: The decision of the commission on any appeal under 205 CMR 101.04(f) shall be final and the applicant shall not be entitled to further review.~~
- ~~(i) Waiver: If no hearing is timely requested concerning the bureau's decision under 205 CMR 101.02, or if no appeal is timely filed from the bureau's decision after a hearing under 205 CMR 101.04(f), then the bureau's decision shall be the final decision of the commission and the applicant shall not be entitled to further review.~~

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 102.00: CONSTRUCTION AND APPLICATION

102.02: Definitions

Record means a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.

Restricted area means a part of the gaming establishment in which gaming operations are ~~conducted~~ that is not open to the public as determined by the commission.

Rewards Card is defined in M.G.L. c.23K, §2.

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 112.00: REQUIRED INFORMATION D APPLICANT COOPERATION

112.01: Additional information

(1) The commission, the bureau or their agents and employees may request additional information and documents from an applicant **for a gaming license including all qualifiers, key gaming employee license, gaming employee license, gaming service employee registration, any vendor license or registration, or any other license or registration required in accordance with G.L. c.23K or 205 CMR** throughout the application review process including after the application has been deemed administratively complete under 205 CMR 111.00: *Phase I Application Requirements* and 205 CMR 118.03: *RFA-2 Administrative Completeness Review*. Failure by the applicant to timely submit the additional information as requested by the commission, the bureau or their agents and employees may be grounds, in the discretion of the commission, for denial of the application.

(2) All applicants, licensees, registrants and qualifiers under M.G.L. c. 23K and 205 CMR shall comply with all requests of the commission, the bureau and their agents and employees for information and documents as authorized by M.G.L. c. 23K and 205 CMR.

112.02: Obligation to Cooperate

(1) Applicants, licensees, registrants and qualifiers shall respond within ten days or within the time specified in an information request by the commission, the bureau and their agents and employees under 205 CMR 112.01 to said information request.

(2) All applicants, licensees, registrants and qualifiers under M.G.L. c. 23K shall have a continuing duty to provide all information and documents requested by the commission, bureau, and their agents and employees and to cooperate in any investigation or hearing conducted by the commission, bureau, and their agents and employees, as authorized by M.G.L. c. 23K. Without limitation, an applicant, licensee, registrant and qualifier shall have a continuing duty to provide updated information to the commission, the bureau and their agents and employees in connection with the Phase 1 investigation by the bureau pursuant to 205 CMR 115.03: *Phase I Investigation*

and Recommendations by the Bureau, the Phase 2 application review conducted in accordance with 205 CMR 118.00: Phase 2 Administrative Proceedings, an investigation commenced after submission of an application for licensure or registration in accordance with 205 CMR 134.00 and any hearing by the commission or the bureau pursuant to 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings.

(3) If the commission determines that an applicant, licensee, registrant, or qualifier has knowingly withheld information, knowingly failed to provide information or documents requested by the commission, bureau, or their agents and employees, or knowingly failed to cooperate with any investigation or hearing conducted by the commission, bureau, or their agents and employees, the commission may, with respect to such person:

- (a) Find that person ineligible to hold a license or registration or be qualified in connection with a license;
- (b) Suspend the relevant license, registration or qualification; or
- (c) Revoke the relevant license, registration or qualification.



AFFILIATED CHAMBERS OF COMMERCE OF GREATER SPRINGFIELD, INC.

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December 12, 2013

Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, Massachusetts 02109

Dear Chairman Crosby and Commissioners,

The Affiliated Chambers of Commerce of Greater Springfield and its affiliates, the East of the River Chamber of Commerce, the Springfield Chamber of Commerce, and the Professional Women's Chamber of Commerce (herein after referred to as the "Chamber") have been actively advocating for positive regional impacts as a result of gaming in the Commonwealth of Massachusetts. Our Casino Advisory Committee recently had an opportunity to review the draft of 205CMR 134:00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations. We are not able to attend the December 13, 2013 public hearing, but provide the following comments for your consideration:

1. 134.04: Vendors (A) (1) (B) (1) states "A person who conducts over \$250,000 in gross sales with a gaming licensee within a 12 month period shall be designated a gaming vendor regardless of the goods or services being provided."
 - a. Does this mean that any business, regardless of other sections, more specifically 134.04: Vendors (A) (2), will be considered a "Gaming Vendor" if they conduct over \$250,000 in gross sales with a gaming licensee within a 12 month period?
 - i. If the intention is that all vendors who conduct over \$250,000 in gross sales with a gaming licensee within a 12 month period be a "Gaming Vendor", we respectfully request that you consider raising the dollar threshold to no less than \$500,000.
 1. We believe that the proposed Business Entity Disclosure Form – Gaming Vendor (134.07: Forms (F)) and the proposed Fees (134.15: Fees (4)) will be a disincentive for many of our members to consider applying to be a gaming vendor. The \$10,000 application fee and an unknown additional cost are no less than 4% of the \$250,000 threshold. This does not take into account the additional costs for many small businesses to hire outside advisors to assist with the completion of the disclosure form.
2. 134.08: Submission of Application (D) Reciprocity. This section places small businesses in our region at a competitive disadvantage. It appears to us that vendors that are able to take advantage of this provision will not incur the same cost as those applying for the first time.
3. Some small businesses may not have the required capacity to respond to requests for proposal due to the size of a potential order. In these instances, businesses may collaborate to each provide a portion of goods or services requested. Such a collaborative may not be a separate entity and as a whole may supply more than \$250,000 annually to the casino. Based on the proposed regulations, only a business that individually provides more than \$250,000 of goods or services to the casino will be a "Gaming Vendor". Therefore the entire



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collaborating group may not be required to obtain a Gaming Vendor License. We you please clarify this scenario if we are not correct in our interpretation?

4. It is also unclear to us the status of any sub contractors that a business might hire in order to fulfill a contract.
5. We do not think a contractor should be punished, or moved into a category requiring additional documentation and costs if during the period of the contract, the gaming establishment increases the dollar amount. For instance if a business enters into a contract for \$ 200,000 and is then given the ability to extend that contract for another \$ 75,000, we do not feel the additional compensation should force that business into the requirements that would otherwise be triggered by a contract of \$ 250,000 or more.
6. The proposed regulations do not indicate when a business needs to obtain a license. Due to the cost associated with obtaining a Gaming Vendor License, we request that a business have the opportunity to secure a contract with a gaming licensee prior to obtaining a "Gaming Vendor" license.
7. We request, if not already covered in other regulations, that all information obtained by the Commonwealth pursuant to 134.07: Forms be kept confidential and not subject to public disclosure. If such information will be open to the public, we request that prior notice be provided to all applicants.

Small businesses drive our regional economy and should be encouraged to be a vendor to a gaming licensee. Currently, if a gaming facility is located in the City of Springfield, it is anticipated that the entity will expend approximately \$50 million annually within the region. We are advocating for a substantial portion of this spending to be with small businesses (those with annual revenues less than \$50 million). We are working to develop programs for our members to provide them with the support and resources they require to provide goods and services to a gaming licensee. We request that the gaming commission provide funding to Chambers of Commerce within the host city to fund such programs.

Thank you for giving us the opportunity to share these thoughts and comments with you. I am available at any time to discuss these comments or any other issues that might arise.

Sincerely,

Jeffrey S Ciuffreda, President
Affiliated Chambers of Commerce of Greater Springfield

Sharlow, Albert (MGC)

From: Lisa Clauson <lclauson@local26.org>
Sent: Thursday, December 12, 2013 2:38 PM
To: MGCcomments (MGC)
Cc: Griffin, Jill (MGC); Kate O'Neil; Brian Lang
Subject: UNITE HERE Local 26 comments on Draft Regs on Employee Registration
Attachments: UHCommentsDraftRegsCORI.pdf

I've attached Local 26's comments on the Drafts Regs for Employee Registration. I will be testifying at the hearing tomorrow. Please contact me if you have any questions regarding these comments. Thank you.

Lisa

--

Lisa Clauson
UNITE HERE Local 26
33 Harrison Ave, 4th Floor
Boston, MA 02111
www.local26.org
617-429-1677 cell

UNITE HERE!

Local 26

33 Harrison Avenue, 4th Floor
Boston, MA 02111

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Phone (617) 832-6699

Fax (617) 426-7684

December 12, 2013

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President

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Jean Soulouque
Henrique Fernandes
Latifa Bekhechi
Jody Ho
Rhode Howe

Stephen Crosby, Chair
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

Dear Chairman Crosby:

We are writing to offer comments on the proposed draft regulations on the licensing and registration of casino workers. Our concerns relate to four key aspects of the proposed regulations: 1) CORI checks for gaming service workers required to register with the commission, 2) questions about governmental financial liens and judgments for workers required to register with the commission, 3) the fees attached to licensure and registration, and 4) the definition of restricted area. We detail each of our concerns below.

1) **CORI-** Section 134.09 (“Investigation, Determination, and Appeals for gaming establishment employees and Vendors”) indicates that for both gaming employee licenses and gaming service employee registrations, the investigation will include obtaining and reviewing criminal offender record information (CORI). In addition the description of forms in Section 134.07 indicates that all applicants will be asked to list arrests, charges or offenses. The requirement of a CORI check and a list of arrests and charges for all workers, especially gaming service employees, presents a barrier to access to gaming jobs.

Even if the Commission intends to take into account rehabilitation when considering whether to register an applicant, the requirement to run a CORI check may cause some employers to screen job applicants and avoid hiring workers with an open CORI of any kind. The CORI reform law of 2010 bans questions about criminal history from initial written job application, unless the absence of conviction is required for a particular job by federal or state law, or the conviction is a presumptive disqualifier.¹ This new law also bans employer

¹ Chap. 151B, Section 4, subsection 9 ½.,



reliance upon arrests and various convictions,² but of course it is usually impossible for an applicant to know how much weight if any was given by an employer to CORI when the applicant is turned down. The Commission should not adopt a policy that is in tension with the legislative policy by encouraging the sort of hiring barriers which the Legislature sought to outlaw.

It appears that a number of draft regulations have largely been borrowed from New Jersey regulations (where there was no CORI reform law). For example in Section 134.07 Forms, (E) Gaming Service Employee Registration Form, item (9), “any disciplinary action taken in New Jersey” is requested. We assume the Commission intends to replace “New Jersey” with “Massachusetts.” However New Jersey is obviously not the only jurisdiction with experience regulating the gaming industry. In other long-established gaming jurisdictions, including Nevada and Mississippi, service workers are not required to be licensed or registered by the state. We understand that the Massachusetts requires some form of registration for service workers, but following the Nevada and Mississippi models we encourage the Commission to minimize the impact of registration requirements and investigations upon service workers, to ensure that the establishment of gaming in Massachusetts has the intended outcome of expanding economic opportunity to the unemployed and underemployed.

2) Financial Suitability- We are encouraged to see that a credit check is not required as part of the employee licensing and registration process. However we note that section 134.07 indicates that applicants must provide a list of all governmental financial liens or judgments. We hope that owing money for child support or student loans will not be a barrier to working in the gaming industry. For individuals who have been unemployed or underemployed, a job in the gaming industry may provide the stable income needed to repay debt and pay other financial obligation.

3) Fees- Section 134.15 (Fees) identifies fees of \$1000 for Key Gaming Employees, \$300 for Gaming Employees, and \$75 for Gaming Service Employees. These fees present a real barrier for people from low-income communities seeking to apply for gaming jobs. We encourage the commission to consider whether these fees more than cover the cost of licensing or registering the worker. If that is the case, the fees should be reduced, particularly for service workers, so that the application fee does not present an unnecessary barrier to employment. We also encourage the Commission to consider requiring that the employer, not the employee, pay the fee or at least requiring employers to offer payroll deductions for these fees to allow workers to pay the fees after they begin earning wages and to divide the payment of the fee over multiple pay periods.

4) Definition of “Restricted Area”- The draft regulations in section 102.02 (Definitions) define “restricted area” as follows: “Restricted area means a part of the gaming establishment in which

² Chap. 151B, Section 4, subsection 9.

gaming operations are conducted.” We interpret this definition to include the gaming floor containing slot machines and table games.

We believe this definition is problematic, because certain service workers work on the gaming floor but do not participate in or have any control over gaming operations. For example an EVS worker (janitor) vacuums around the slot machines, a cocktail server delivers drinks to customers playing slot machines or table games, and a bar back walks bottles of champagne or other beverages across the gaming floor to customers in poker rooms and other VIP areas.

Therefore the definition of restricted area as “a part of the gaming establishment in which gaming operations are conducted” is so broad that it would have the consequence of requiring many service workers to hold gaming employee licenses, rather than just register. We understand the need for security in a casino. However we also note that customers have similar access to these areas, but are not licensed by the commission.

Thank you for your consideration of these comments. If you have questions, my e-mail address is lclauson@local26.org.

Sincerely,



Lisa Clauson
Director
UNITE HERE Local 26

Sharlow, Albert (MGC)

From: Taylor, Richard <rtaylor@mgmresorts.com>
Sent: Monday, December 09, 2013 4:53 PM
To: MGCcomments (MGC)
Subject: RE: MGM Responses to Draft Licensing Regulations
Attachments: Letter to Richard Day MGC 120913.pdf; MGM Responses to Draft Licensing Regulations.pdf

Categories: Red Category

Please see the attached documents.

Thank you,

Richard Taylor, Jr.
Executive Assistant to
Kelley L. Tucky
VP of Community & Public Affairs-Eastern Region
MGM Resorts International
111 East Harmon
Las Vegas, NV 89109
office: 702-891-1839
cell: 702-234-1537
rtaylor@mgmresorts.com



December 9, 2013

Richard Day
Executive Director
Massachusetts Gaming Commission
84 State St., 10th Floor
Boston, MA 02109

Dear Mr. Day,

The Massachusetts Gaming Commission (the "Commission") is developing regulations that will implement the procedures for the licensing and registration of employees, vendors, junket enterprises and representatives and labor organizations.

The licensing of gaming employees, vendors and junket operators was authorized by Chapter 23K of Massachusetts General Laws enacted by the Expanded Gaming Act of 2011 to allow for the determination of the background qualifications and suitability for these positions.

The Commission has requested interested parties to provide input concerning the proposed regulations. MGM Resorts International ("MGM") one of the world's leading global hospitality companies is pleased to provide comments in response to the Commission's notice of the proposed licensing regulatory approach.

MGM strongly supports the Commission's desire to open this process to the public to ensure the highest level of confidence and transparency. The Commission has been thoughtful and deliberate with its proceedings to date. The emphasis the Commission has placed on economic development, corporate and community responsibility and responsible gaming fits in well with the MGM mission. Accordingly MGM applauds the Commission for its proactive approach to these issues and its efforts to ensure a transparent and efficient application process.

Please refer to the enclosed attachment for our comments.

Sincerely,

A handwritten signature in black ink that reads "Kelley L. Tucky".

Kelley L. Tucky
Vice President
Community & Public Affairs-Eastern Region

:kt

Attachment: MGM Responses to Draft Licensing Regulations

cc: David Acosta, Director of Licensing, via email (david.acosta@state.ma.us)



MGM RESORTS
INTERNATIONAL™

MGM RESPONSES TO DRAFT LICENSING REGULATIONS

Massachusetts Gaming Commission

9 December 2013

**MGM Springfield
Licensing Comments**

INTRODUCTION

The Massachusetts Gaming Commission (the "Commission") is developing regulations that will implement the procedures for the licensing and registration of employees, vendors, junket enterprises and representatives and labor organizations.

The licensing of gaming employees, vendors and junket operators was authorized by Chapter 23K of Massachusetts General Laws enacted by the Expanded Gaming Act of 2011 to allow for the determination of the background qualifications and suitability for these positions.

The Commission has requested interested parties to provide input concerning the proposed regulations. MGM Resorts International ("MGM") one of the world's leading global hospitality companies is pleased to provide comments in response to the Commission's notice of the proposed licensing regulatory approach.

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COMMENTS

MGM would like to address the following issues in response to the Commission's request for comments on the proposed regulations:

1. 134.01 (A) (1): Key gaming employee licensees

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

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

- (a) Assistant General Manager
- (b) Audit Manager
- (c) Casino Manager
- (d) Chief Financial Officer
- (e) Chief of Security
- (f) Managers or supervisors of security employees
- (g) General Manager
- (h) Surveillance Manager
- (i) Chief Compliance Officer
- (j) Principal executive officer
- (k) Principal operating officer

**MGM Springfield
Licensing Comments**

(I) Principal accounting officer

Request:

The positions of audit manager, casino manager and managers of security employees are not department heads. These positions do not have the authority or responsibility for policy making and operational decisions at the property. We respectfully submit that these positions should be classified as key or gaming employees, not key qualifiers. A suggested change would be to indicate the following positions, (b) Vice President; (c) Vice President or head of Casino Operations; (f) Vice President or head of Security Department.

2. 134.01 (A) (2):

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

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

Request:

The responsibility of managers would require more definition. MGM requests that the definition include the responsibilities and consider assigning this licensing requirement to positions with responsibilities for directly overseeing the entirety of the following types of departments or functions of the licensee's operations in Accounting, Cage, Casino Operations, Credit, Finance, Human Resources, Information Systems, Slots and Table Games.

3. 134.01 (C)

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

**MGM Springfield
Licensing Comments**

Request:

It would be our recommendation to clarify the intent of the licensing requirement. As it currently reads, it is interpreted that a qualifier who performs any of the duties set forth in 134.01(A) (2) (a) through (f) in addition to their duties under 134.01 (A) (1) (a) through (l), would also be required to become licensed as a key gaming employee in addition to being licensed as a qualifier.

4. 134.02: Gaming employee licensees

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

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

**MGM Springfield
Licensing Comments**

(25) An employee of a gaming establishment whom the Bureau deems necessary to be licensed to ensure compliance with the G.L. c.23K and 205 CMR and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

Request:

MGM respectfully requests that the positions listed in Section 134.02 (1) through (10) be consolidated under a department heading, with suggested language to read as follows: "define gaming employee as: any person holding a position within the following departments at a gaming establishment, and any person in a similar or equivalent position, whose employment relates directly to the licensee's operations shall be designated a gaming employee," followed by a listing of the departments to include Cage, Casino Marketing, Casino Accounting, Count Room, Internal Audit and Casino Surveillance.

Request:

In reference to Section 134.01 (15), please clarify intention for licensing of gaming employees who are authorized to issue credit in excess of \$5,000;

In reference to Section 134.01 (18), MGM respectfully requests use of the title Player Development Management Personnel in place of Promotional Play Supervisors;

With respect to Section 134.01 (19), MGM respectfully requests that Security Department personnel be used in place of "...an employee with knowledge of security procedures of the gaming establishment."

5. 134.04 (A) through (B) (2)

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

(1) Gaming vendors

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

(a) Manufactures, sells, leases, supplies, or distributes devices, machines, equipment, accessories, or items that meet at least one of the following conditions:

- (1) are designed for use in a gaming area as defined by G.L. c.23K, §2;
- (2) are designed for use in a simulcast wagering area;
- (3) are needed to carry out a game in the gaming area;
- (4) have the capacity to affect the result of the play of a game in the gaming area; or
- (5) have the capacity to affect the calculation, storage, collection, or control of the gaming revenues from a gaming

**MGM Springfield
Licensing Comments**

- establishment;
 - (b) provides maintenance services or repairs gaming or simulcast wagering equipment, including slot machines;
 - (c) provides services directly related to the management or administration of a gaming area;
 - (d) acts as a junket enterprise; or
 - (e) provides items or services that the Commission has determined are used in or are incidental to gaming or to an activity of a gaming facility.
- (B) (1) A person who conducts over \$250,000 in gross sales with a gaming licensee within a 12 month period shall be designated a gaming vendor regardless of the goods or services being provided.
- (2) A person who conducts over \$100,000 in gross sales with a gaming licensee within a 3 month period shall be designated a gaming vendor regardless of the goods or services being provided. The vendor filing requirement could be harmful to small businesses, and inadvertently limit the opportunities for them to supply goods and services to the industry. For example, a small company would be required to pay a fee of \$10,000 to obtain a license if it provided more than \$100,000 worth of goods and services within a 3 month period. Further, this assumes that investigative fees do not exceed \$10,000 since under Section 134.15 costs and expenses incurred by the State are the responsibility of the vendor applicant.

Request:

MGM respectfully recommends that Massachusetts implement the practice in place in New Jersey, which is that gaming vendors require licensing.

Understanding the guidelines set forth in Chapter 23K MGM would like to work with the commission to address the classification of non-gaming vendors. It is recommended that Non-gaming vendors should be registered in accordance with the specific licensee's compliance program.

Request:

We respectfully submit that the language be simplified to one time period and amount in addition to a more specific period of time: A person who conducts over \$150,000 in gross sales with a gaming licensee within a (12-month rolling period or 12-month period) shall be designated a gaming vendor, regardless of the goods or services being provided.

6. 134.04 (A) (2) (i)

- (i) a person that sells, distributes, tests, or repairs antique slot machines as described in G.L. c.271, §5A

**MGM Springfield
Licensing Comments**

Request:

Please consider that a vendor of antique slot machines could still be considered a vendor if the antique slot machines are still active on the casino floor.

7. 134.05: Labor organizations

(A) Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the Commission in accordance with 205 CMR 134.05.

(B) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a gaming establishment, a labor organization, union or affiliate shall file with the Bureau a labor organization registration in accordance with 205 CMR 134.08. Organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

(C) Each officer, agent or principal employee of the labor organization, union or affiliate shall file a Labor Organization Individual Disclosure Form at the time the pertinent labor organization, union or affiliate registers or should register, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Bureau may, upon a showing of good cause, permit.

(D) Notwithstanding 205 CMR 134.05(D)(1) a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a Massachusetts gaming establishment provided that the Bureau may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register.

(E) Neither a labor organization, union, or affiliate, nor its officers who are not otherwise licensed or registered as a key gaming employee, gaming employee, or gaming service employee, may hold any financial interest in a gaming establishment whose employees are represented by the organization.

Request:

MGM respectfully requests that clarification be provided on whether MGM will have a role or responsibility in ensuring that labor organizations are registered i.e. as an operator is MGM required to ask for proof of a labor organization's registration before entering into discussions about representation?

Also, please consider how this provision requiring registration may coordinate with the statutory requirement for labor peace and employees' rights to select a union representative under the National Labor Relations Act.

**MGM Springfield
Licensing Comments**

8. 134.15 (A) (1-8): Fees

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

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

(2) Gaming Employee Initial fee: \$300.00 Renewal fee: \$300.00

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

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

(5) Non-gaming vendor Initial fee: \$100.00 Renewal fee: \$100.00

(6) Labor organization Initial fee: \$200.00 Renewal fee: \$200.00

(7) Replacement/Name or address changes \$10.00

(8) Late fee

Request:

The application fees proposed are high compared to the fees in other gaming jurisdictions. MGM respectfully requests that gaming employee license fees be tiered based on the duties, accountability and responsibility of the employee. In jurisdictions such as Nevada and New Jersey, a casino employee registration fee for first-tier investigations are \$75 and \$95, respectively. Fees increase for job classifications with increased responsibility for policy making and management of gaming operations.

9. 134.16 (D): Terms of licenses

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

Request:

While MGM understands and supports the provision that an employee who has a license maintains that license if they are rehired or transferred, this language could be clarified to ensure that changes in responsibilities do not require a new application until time of renewal.

**MGM Springfield
Licensing Comments**

10. 134.17 (A-C): Renewals

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

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

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

Request:

MGM respectfully requests that the advance time period for submitting re-application be shortened from a minimum of one hundred fifty (150) days; the license remains active and in effect until the expiration date.

11. 134.19 (A) (3): Disciplinary action

(3) failed to comply with any provision of G.L. c.23K or 205 CMR pertaining to licensees and registrations. In regards to grounds for disciplinary action related to inability of a licensee to renew in a timely manner, please consider the timing for license renewal as mentioned above in Section 134.17 (A-C).

Request:

In regards to grounds for disciplinary action related to inability of a licensee to renew in a timely manner, please consider the timing for licensee renewal as mentioned above in Section 134.17 (A-C).

CONCLUSION

As detailed herein, MGM respectfully appreciates the Commission's consideration of the comments above. We thank you for the opportunity to contribute our views in this important dialogue and we would be pleased to sit down with the Commission to discuss these comments, in addition to our thoughts on all other aspects of the Gaming Act and the activities of the Commission.

ABOUT MGM RESORTS INTERNATIONAL

MGM Resorts International (NYSE: MGM) is one of the world's leading global hospitality companies, operating a peerless portfolio of destination resort brands, including Bellagio, MGM Grand, Mandalay Bay and The Mirage. The Company has significant holdings in gaming, hospitality and entertainment, owns and operates 15 properties located in Nevada, Mississippi and Michigan, and has 50% investments in four other properties in Nevada, Illinois and Macau. One of those investments is CityCenter, an unprecedented urban resort destination on the Las Vegas Strip featuring its centerpiece ARIA Resort &

**MGM Springfield
Licensing Comments**

Casino. Leveraging MGM Resorts' unmatched amenities, the M life loyalty program delivers one-of-a-kind experiences, insider privileges and personalized rewards for guests at the Company's renowned properties nationwide. Through its hospitality management subsidiary, the Company holds a growing number of development and management agreements for casino and non-casino resort projects around the world. MGM Resorts International supports responsible gaming and has implemented the American Gaming Association's Code of Conduct for Responsible Gaming at its gaming properties. The Company has been honored with numerous awards and recognitions for its industry-leading Diversity Initiative, its community philanthropy programs and the Company's commitment to sustainable development and operations.

COMMUNICATIONS

Kindly provide all communications concerning these comments to:

Martin T. Nastasia
BROWN RUDNICK LLP
One Financial Center
Boston, MA 02111
Tel: 617-856-8407
Fax: 617-289-0724
Email: mnastasia@brownrudnick.com

Sharlow, Albert (MGC)

From: lcassis@cassiscayer.com
Sent: Monday, December 09, 2013 4:19 PM
To: MGCcomments (MGC)
Attachments: CommentsToGamingComm.docx

Follow Up Flag: Follow up
Flag Status: Flagged

To The Massachusetts Gaming Commission, I have attached the written comments of The Wine & Spirits Wholesalers of Massachusetts, Inc. to the proposed gaming regulations relative to vendors for which you have scheduled hearings for December 13, 2013.

Thank you,

Louis A. Cassis, President
Wine & Spirits Wholesalers of Massachusetts, Inc.

Written Comments on Proposed Regulations Regarding Licensing for Gaming Employees and Vendors from The Wine & Spirits Wholesalers of Massachusetts, Inc.

The Wine & Spirits Wholesalers of Massachusetts, Inc. (“WSWM”) is a trade association comprised of Massachusetts wholesalers of alcoholic beverages licensed under M.G.L. c. 138, §18. WSWM members sell approximately 95% of all the wine and spirits sold in the Commonwealth to §12 (restaurants) and §15 (package stores) licensees. Presumably, the members of WSWM will be vendors of alcoholic beverages to casinos, hotels and restaurants licensed by this Commission.

Under definitions contained in M.G.L. c. 23K, §2, the members of WSWM would be classified as “non-gaming vendors” as a “supplier of alcoholic beverages.” As such, they would be required to register with the Commission under §31. However, under subsection (d) of §31, the members of WSWM could be classified as a gaming vendor, requiring licensing, as the members will likely regularly conduct over \$250,000.00 of business with gaming licensees within a 12 month period.

To the extent that the Commission is considering classifying members of WSWM as gaming licensees, for the sole reason that they will conduct in excess of \$250,000.00 of business per year with the casinos, hotels and restaurants which the Commission licenses, WSWM urges that the Commission not do so for the following reasons:

- (1) The sale of alcoholic beverages to casinos and the hotels and restaurants contained therein do not relate to gambling and the members of WSWM will not be providing anything relating to gaming as provided in the definition of a “gaming vendor” as defined in §2.
- (2) In order to obtain its licenses under §18, the members of WSWM have already submitted applications to both the Commonwealth and the Federal Government and been approved by both.
- (3) Unlike most vendors, the members of WSWM are already closely regulated by the Alcoholic Beverages Control Commission pursuant to M.G.L. c. 138.

It is submitted that the additional requirements of licensing as a gaming vendor rather than registration as a non-gaming vendor will be an additional and unnecessary layer of regulation that will do nothing to further the goals of this legislation.

Thank you for allowing me to convey our position and concerns in this matter.

// Louis A. Cassis, President, WSWM//

December 9, 2013

Sharlow, Albert (MGC)

From: Robert Russell <russell@rmclegal.com>
Sent: Monday, December 09, 2013 3:15 PM
To: MGCcomments (MGC)
Cc: Acosta, David (MGC); Marcus Prater (agem.org@cox.net); Dustin Ford; Dave Waddell
Subject: Draft regulations comment
Attachments: Letter - AGEM Vendor Licensing Rule Comments (12.9.13).pdf

Dear Massachusetts Gaming Commission:

In response to the Massachusetts Gaming Commission's invitation for comment to draft regulation 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives and Labor Organizations*, attached please find comments and recommendations submitted on behalf of the Association of Gaming Equipment Manufacturers ("AGEM"). The attached submission contains a detailed letter which outlines AGEM's comments, as well as corresponding Attachments that set forth proposed revisions to the text of these regulations. In addition, a courtesy hard copy is being sent via overnight mail for staff review.

On behalf of AGEM and its Executive Director, Marcus Prater, we would like to thank you for the opportunity to provide these comments to draft 205 CMR 134.00. If you or Commission staff have any questions regarding these comments or would like AGEM to provide any further suggestions or expertise in this area, please do not hesitate to contact me at (517) 507-3858.

Regards,

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December 9, 2013

Via Email – mgccomments@state.ma.us

Mr. David Acosta
Director of Licensing
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

**RE: Association of Gaming Equipment Manufacturers Comments to 205 CMR 134.00:
Licensing and Registration of Employees, Vendors, Junket Enterprises and
Representatives and Labor Organizations**

Dear Mr. Acosta:

Thank you for the opportunity to submit comments on the Massachusetts Gaming Commission's ("Commission") draft 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives and Labor Organizations. The Association of Gaming Equipment Manufacturers ("AGEM") serves as the non-profit international trade association for gaming equipment manufacturers and suppliers. AGEM has been closely monitoring the developments in Massachusetts as its membership is excited to enter the market as the casino development process progresses. I am writing today to submit the comments contained herein on behalf of AGEM and its membership. It is also possible that you will hear from individual member companies of AGEM related to their specific comments unique to their business practices.

I would like to commend the Commission staff for its diligent efforts to develop a comprehensive set of regulations to govern the licensing process for industry vendors and their principal employees. AGEM has strived to promote sound regulatory policy that protects the public from unscrupulous business practices and promotes high ethical standards of conduct from those participating in the industry.

It is my hope that the comments generate a thoughtful discussion on the specific issues detailed below and I look forward to answering any questions that you or the Commission may have as the regulations move through the final drafting and adoption processes. In addition, AGEM anticipates monitoring and providing commentary to the internal control and technical standards regulations as these areas are developed, as well as additional regulations regarding gaming vendors and/or their products.

Below please find certain general comments, as well as specific recommendations and suggestions of AGEM and its membership regarding draft 205 CMR 134.00. Where suggestions for regulatory language changes have been submitted, these are noted in redlined attachments to this Letter. Please note the electronic PDF version of this Letter includes bookmarks for each attachment noted in Section 2 below.

1. Confidentiality

Although not directly addressed in draft regulation 205 CMR 134.00, an overarching area of concern for gaming suppliers in emerging jurisdictions is the establishment of robust confidentiality protections for gaming license applications and investigations. In this regard, AGEM has been closely monitoring the Commission's public disclosure process for the Category 1 and Category 2 license applicants including the current litigation involving the Town of Hopkinton's public disclosure requests.

AGEM supports the current Commission stance of only releasing specifically identified portions of gaming license applications that are not otherwise protected under Massachusetts law or Commission policy. It is also commendable that the Commission and its staff have instituted a policy whereby applicants are notified of pending disclosure requests and provided with the opportunity to seek further redactions for information that is protected from disclosure by statute, regulation, or Commission policy.

As you are aware, strong confidentiality protections allow the Commission to conduct a rigorous licensing investigation.

Currently, the Commission has utilized "Specimen Applications" that note which information the Commission deems to be protected from public disclosure to assist Category 1 and Category 2 license applicants and associated qualifiers in understanding the scope of information that is subject to disclosure.

AGEM emphasizes the "arms-length" relationship between gaming vendors and a gaming establishment. As the Commission balances the gaming vendor applicants' need for confidentiality with the public interest in transparency in gaming operations, it is important to note that vendors have no ability to influence or affect the affairs of the gaming operation. As such, gaming vendors should be afforded greater confidentiality protections during the application and investigation process due to the tenuous link with gaming operations. Given this relationship, AGEM suggests that the Commission refrain from publicly releasing any form of the gaming licensing application, including a Specimen Form, and rather develop a process that is consistent with industry standards.

As is common in many gaming jurisdictions, public information related to vendors should be limited to the name of the vendor, type of business conducted, and dates of license issuance and termination. This information is typically provided in summary format via a spreadsheet or other combined list of approved vendors. AGEM encourages the Commission to follow this approach regarding publicly available information for gaming vendors.

AGEM promotes the development of a comprehensive public disclosure policy that is consistent with standard gaming industry practices across the country, which provides consistency for its membership with multijurisdictional business models. AGEM and its membership will continue to closely monitor this area and will submit commentary as it deems necessary as the confidentiality protections for gaming vendors are developed.

2. Specific Comments to 205 CMR 134.00

Per the Commission's invitation for comment dated November 18, 2013, below please find specific comments to draft 205 CMR 134.00. Please note that each suggested change in regulatory language is contained in the identified attachment that corresponds with the subsection labeling below.

A. 205 CMR 134.02: Gaming Employee Licensees

1. Current Draft Language Amendments

The Gaming Employee licensing requirements of 205 CMR 134.02 apply to those individuals who are "employed by or perform services for a gaming licensee as a gaming employee, as defined by G.L. c.23K, §2, unless the person has been licensed in accordance with G.L.c.23K, §30 and 205 CMR 134.00." Each of these statutory citations, G.L. c.23K §2 and §30, relate to individuals who are "an employee of a gaming establishment" or "employed by a gaming licensee."¹ See M.G.L. c.23K, §2 "Gaming employee," See also M.G.L. c.23K, §30(a).

In order to clarify that the existing language contained in 205 CMR 134.02 applies solely to those employees of the gaming facility, as contemplated by the statutory language cited above, AGEM proposes that 205 CMR 134.02(11) and (12) are revised to note that the person is providing such services in a restricted area of a gaming establishment.

This suggested change to Regulation 205 CMR 134.02 is included as Attachment A.

¹ Please note that a "gaming licensee" is defined as "a person or entity who holds a gaming license under this chapter." Further, the term "gaming license" is defined as "a license issued by the commission that permits the licensee **to operate a gaming establishment**." M.G.L. c.23K, §2 (Emphasis added).

2. Gaming Vendor Employees

Further, in reviewing the draft regulations, AGEM notes that the Commission has not included an explicit category for licensure of gaming vendor employees. Importantly, these are not individuals who would be considered Gaming Vendor Qualifiers, as they are not officers/directors of the company, nor do they have any ability to influence or affect the affairs of the gaming vendor business or hold a policy-making position within the company. Also, as noted above, these individuals would not be considered a Gaming Employee under the current draft of the regulations as these individuals are not employed by the gaming establishment.

While this is not a universal standard, the Commission may find benefit in adopting the approach that many jurisdictions currently utilize - requiring a basic background check and abbreviated registration for those employees that, from time to time, must access the restricted area of a gaming establishment to perform certain employment duties. These requirements affect a small number of vendor employees, such as some maintenance workers and on-site sales representatives, that do not typically require access to a restricted area on a continuing or consistent basis but may need some form of access on occasion.

As these employees only need access on limited occasions, are typically accompanied by licensed gaming establishment employees, and as the ultimate gaming vendor licensee remains primarily responsible for the vendor employees conduct, a basic background check and limited registration is appropriate for this level of access to a restricted area. As the Commission has established this type of review for Gaming Service Employees (See draft 205 CMR 134.07(E)), AGEM suggests that this review process be extended for those gaming vendor employees that require periodic access to restricted areas of the gaming establishment.

In this regard, AGEM has provided draft language for this section, inserted as 134.04(4) and titled "Gaming Vendor Employees." Minor revisions throughout the draft regulations have also been submitted that are consistent with this approach and adopt the same general policies that apply to Gaming Service Employees. These revisions are noted in the sections below and related attachments, primarily in Attachment B, where applicable.

B. 205 CMR 134.04: Vendors

1. Removal of Filing Requirement for Subsidiaries

Subsection (A)(3)(a)(2)(3) of Regulation 205 CMR 134.04 requires that "[a]ny person owning more than 5 per cent of the common stock of a company applying for licensure as a gaming vendor...or a holding, intermediary, or **subsidiary** company of such company" be required to qualify as a gaming vendor qualifier. (Emphasis added). Similar language is also included throughout this Regulation.

AGEM urges the Commission to remove the requirements for subsidiary companies to qualify as part of the vendor licensing process. As you are aware, general gaming licensing practices focus on those individuals or entities that have either an ownership interest or operational control over

the applicant company. Subsidiaries, by their very nature, are subject to the ownership and control of the applicant company and, therefore, traditionally have no ownership interest or ability to control the vendor license applicant.

In this regard, AGEM has included changes to the draft regulation that focus the Commission's review on those companies that are "up stream" of the applicant on the organizational chart and that have ownership or control interests in the vendor license applicant. Similar changes have been incorporated throughout the proposed redline changes attached to this Letter.

2. Filing Requirements for Investors and Other Individuals

Subsection (A)(3)(a)(2)(4), (A)(3)(a)(3)(5), (A)(3)(a)(4)(3), and (A)(3)(a)(5)(2) each contain a list of six individuals or entities that may be required to file as gaming vendor qualifiers. It should be noted that the provisions related to financial services, agents, and employees in these sections are duplicative, as the Commission retains the discretion to call forward any individual or entity that exercises control or influence, or can otherwise provide direction to the applicant, as qualifiers. This authorization is contained in Subsection (A)(3)(b) and (A)(3)(C).

By specifically indicating that any lender, holder of indebtedness, and underwriter may be called forward for licensing, the Commission may deter potential investors that are typically exempt from the licensing or qualification process in many gaming jurisdictions. These individuals and entities, however, may be called forward for qualification under Subsections (A)(3)(b) and (A)(3)(c) should they have the ability to influence the gaming vendor license applicant. Similarly, employees and agents may be called forward under Subsections (A)(3)(b) or (A)(3)(c) if the Commission determines that these individuals can exercise any control over the gaming vendor license applicant.

3. Gaming Vendor Employees – Proposed Registration Process

Consistent with AGEM's discussion of registration of gaming vendor employees in Section 2(A)(2) above, draft language has been inserted at 205 CMR 134.04(4) addressing this issue. The submitted language notes that the Commission may identify for registration those gaming vendor employees that require access to the restricted areas of a gaming establishment as part of their employment duties.

4. Vendor Licensing Waivers for Institutional Investors

Existing subsection 134.04(4) details a waiver process for institutional investors that hold up to a 15% ownership interest in the gaming vendor license applicant and for those that cannot exercise control of the license applicant. AGEM supports this process, as it is consistent with industry standards for institutional investors and those without control of vendor licensees. As part of this waiver process, AGEM encourages the Commission to develop a standard waiver procedure and related forms for use by these individuals and entities to increase filing efficiency and to provide for a clear waiver application process.

In accordance with the comments provided in Section B(1) of this Letter above, references to subsidiary companies have been removed from existing 205 CMR 134.04(4).

5. Vendor License Exemptions

In addition, 205 CMR 134.04(5) lists business activities that are exempted from the vendor licensing requirements. AGEM has included in its suggested revised version of 134.04 an expanded list of activities that would be exempt from the vendor licensing process. These categories are based on those exemptions typically available for vendor activity in a number of gaming jurisdictions.

Of note, AGEM has inserted an exemption for those providing construction services during the initial gaming establishment development in conformity with similar approaches in other gaming jurisdictions. These companies are in a unique position, as they receive substantial payments from the gaming establishment related to construction services but have little to no influence on the actual gaming activity and provide services that occur on a very limited basis related to the initial construction. As such, many gaming jurisdictions allow exemptions for these companies at a higher dollar threshold than traditional non-gaming vendors. These exemptions also assist in allowing efficient scheduling of contractors and subcontractors throughout the development phase in order to quickly adapt to any initial construction issues that may arise.

These changes are noted in the redline version of 205 CMR 134.04 included as Attachment B.

C. 205 CMR 134.07: Forms

Draft Regulation 134.07 contains an exhaustive list of information to be collected in the various licensing application forms required to be filed by license applicants. While AGEM members are familiar with the standard *Multijurisdictional Personal History Disclosure Form* (“MJP HDF”) that has been used for gaming license applicants in Massachusetts, Subsection (A) of 205 CMR 134.07 contains some extraneous items that are duplicative and not required by statute and, thus, should be removed to maintain uniformity across jurisdictions.

1. MJP HDF – Duplicative or Unnecessary Items

Specifically, these include three items that are listed below and which are currently outside of the scope of the existing MJP HDF as adopted by the industry and widely used:

1. The requirement to list any criminal, civil, or investigatory proceeding related to controlled substances as defined under Massachusetts law (205 CMR 134.07(A)(19)(g)). This information would be provided under the general requirements of the proceeding Subsections (A)(19)(a)-(f) and, thus, the requirement is duplicative.
2. The requirement to provide information regarding instances in which the applicant has been “a party to any leasing arrangements in excess of \$50,000.” 205 CMR 134.07(A)(21)(u).

3. The requirement that the applicant consent to “the supplying of handwriting exemplars.” 205 CMR 134.07(A)(24). Please note that this consent is currently provided for in the *Massachusetts Supplement Form to Multi-jurisdictional Personal History Disclosure Form for Key Gaming Employees and Qualifiers*, and, as such, AGEM suggests removing this requirement from the MJPHDF and maintaining the consent in the supplement form that is developed for Gaming Vendor Qualifiers.

AGEM suggests that these provisions be removed in order to provide uniformity with the MJPHDF used in various gaming jurisdictions.

In addition, existing Subsection (D)(11) – “Gaming regulatory history” has been removed in Attachment C. This requirement is broad, vague, and duplicative as such history is required to be reported under Subsections (D)(6) and (D)(7). While AGEM supports the Commission’s review of an applicant’s gaming licensing history as part of the licensing investigation, it notes that this information is provided in the aforementioned Subsections of this Regulation and existing Subsection (D)(11) is not clear on the types of information that should be reported by an applicant. As such, the redline proposals removes this Subsection (D)(11).

Alternatively, should the Commission determine that this information is vital to its licensing investigation of vendor license applicants, AGEM requests that this information be requested solely in the *Massachusetts Supplement Form for Key Qualifiers and Vendor Qualifiers* so that the MJPHDF remains consistent with its iterations in other existing gaming jurisdictions.

2. *Subsidiary Requirements*

In addition, AGEM suggests the removal of certain filing requirements for subsidiaries of an applicant under this section. These changes are in conformance with its suggested changes to 205 CMR 134.04 discussed above. Please see Section 2(B) of this Letter above for more detail.

3. *Gaming Vendor Employees – Proposed Registration Process*

As noted above, AGEM suggests including a category for registration as a gaming vendor employee and for those designated as such to file the same form as a Gaming Service Employee. Minor changes to the language of draft 205 CMR 134.07(E) have been submitted consistent with this suggested approach.

These changes have been outlined in the revised language contained in Attachment C.

D. 205 CMR 134.08: Submission of application

1. *Reciprocity*

AGEM is pleased to see that the Commission has proposed to include the reciprocity provisions contained in the Massachusetts Expanded Gaming Act, located at MGL c. 23K, s. 31(f), within

its draft regulation at 205 CMR 134.08(D). While the draft regulations do not detail the specific considerations or processes involved in granting certain vendors reciprocity, the inclusion of such language will hopefully allow the Commission to develop sound reciprocity policies that encourage established vendors to quickly and efficiently navigate the gaming vendor licensing investigation in Massachusetts.

In order to provide further guidance in this area for gaming vendors, AGEM suggests that the Commission develop a list of the specific gaming jurisdictions that it considers to have “comparable license and registration requirements” so that potential applicants can adequately prepare for the vendor licensing process. 205 CMR 134.08(D). Such a list would greatly assist those vendors with a multijurisdictional business model in preparing application materials and in evaluating the processes necessary to enter the Commonwealth’s gaming industry. In addition, AGEM encourages the Commission to further develop the abbreviated reciprocity application process that is authorized by statute and the draft regulations as to allow for a clear approval path for those vendors currently approved and licensed in other gaming jurisdictions.

Furthermore, developing policies to clarify and streamline the reciprocity process would greatly assist the Commission in administering the initial vendor licensing process as it would allow MGC staff to focus on the intensive task of vetting and issuing licensing approvals to the large number of gaming vendors seeking licensure at the outset of the Commission’s vendor licensing process. AGEM deeply understands and applauds the Commission’s efforts to thoroughly investigate each gaming license applicant and a developed reciprocity process will allow Commission resources to be focused on areas of concern while limiting excessive or duplicative investigative efforts for gaming vendors with established multijurisdictional compliance records.

As a final note, AGEM also supports the current Commission policy of receiving all application materials via electronic submission. Although this policy is not necessarily detailed within draft regulation 205 CMR 134.08, AGEM suggests that the Commission continue to accept electronic copies of application documents and related materials as this allows for more efficient filing practices.

2. Gaming Vendor Employee – Proposed Registration Process

Minor changes have been inserted within this draft regulation to note that those individuals identified by the Commission as a gaming vendor employee will be required to submit the *Gaming Service Employee and Gaming Vendor Employee Registration Form*.

These changes have been noted in Attachment D.

E. 205 CMR 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees. These are included as Attachment E.

F. 205 CMR 134.10: Affirmative license standards for the licensing of employees and vendors of the gaming establishment

1. Review Standards for Affiliates and Close Associates

Subsection (C) of this Regulation notes the situations in which an application for a license issued under Regulation 134.00 must be denied by the Commission. While the first three considerations are typical of domestic gaming jurisdictions, Subsection (C)(4) provides a very broad scope that would result in a complete denial of the application.

While AGEM agrees that the character of affiliates and close associates should be examined during licensing investigation, the association suggests moving Subsection (C)(4) to Subsection (B), which provides for discretionary licensing considerations. As such, this information would ultimately be considered by the Commission and the applicant could be allowed a chance to cure the situation by severing a relationship with an affiliate or close associate prior to the close of the licensing investigation.

2. Gaming Vendor Employees – Proposed Registration Process

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees.

These changes have been noted in Attachment F.

G. 205 CMR 134.11: Affirmative registration standards for the registration of employees and vendors of the gaming establishment and Labor Organizations

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees. These have been included as Attachment G.

H. 205 CMR 134.12: Temporary Licenses

The draft regulation 205 CMR 134.12 allows for the issuance of temporary licenses to key gaming employee and gaming employee license applicants. AGEM urges the Commission to extend the availability of temporary licenses to gaming vendors and gaming vendor qualifiers in order to provide for a more efficient licensing process.

1. Extension of Temporary Licenses to Vendors

As you are aware, the vendor licensing process outlined in the 205 CMR 134.00 requires the review of multiple individuals and entities for each vendor license applicant. AGEM and its membership understand the depth of such investigations and acknowledge that the process often

takes at least several weeks, if not months, to complete. As such, temporary licenses are a valuable tool used by gaming regulatory bodies to allow gaming vendors to provide goods and services in a timely fashion to gaming operators during the course of a licensing investigation. A temporary licensing structure, which is commonly used in gaming jurisdictions for vendor license applicants, will be especially helpful as the Commission begins its initial vendor licensing review so that gaming operators may acquire the needed goods and services to establish and operate a gaming facility during this investigation period. Once gaming establishments are operational, temporary licenses allow for companies to transact business efficiently and quickly during the formal licensing investigation process.

In addition, in order to remove the burdens placed on the Commission, the changes suggested by AGEM to this regulation would delegate the authority to issue such temporary licenses to the Executive Director, as is common practice in other gaming jurisdictions, which would increase the efficiency of the practice.

2. Relationship between Reciprocity and Temporary Licenses

As with the suggestions related to the development of the reciprocity process noted above, AGEM also encourages the Commission to develop a clear and concise process for seeking a temporary license for gaming vendors. Such processes, when used concurrently, would allow for both vendors with established multijurisdictional licensing practices and vendors that are seeking their first gaming license to begin assisting gaming operators in a timely fashion upon submission of a gaming vendor license application.

Regarding the standards for issuance of a temporary license, AGEM supports the current Commission draft standard of a reasonable likelihood to be awarded a license, as is typical in the wider gaming industry. It should be noted, regarding the relationship between reciprocity and temporary licenses, that the temporary licensing standard is and should be higher than that to receive reciprocity as those seeking reciprocity have an established gaming licensing history.

Suggested regulatory language changes for this regulation are included as Attachment H.

I. 205 CMR 134.13: Fingerprinting

1. Acceptance of Standard Fingerprint Cards

The current draft regulation states that each person required to submit fingerprints “shall be fingerprinted under the supervision of the [Investigations and Enforcement] Bureau.” While the following sentence in this regulation allows applicants to submit fingerprints on approved cards “for good cause,” AGEM suggests that the requirement that fingerprints be taken under the supervision of the Commission be removed and that the Commission allow for the submission of standard FBI fingerprint cards.

As you are aware, a wide variety of gaming vendors from various domestic and international jurisdictions will be seeking a gaming vendor license from the Commission. Requiring each to

be fingerprinted under the supervision of the Commission is unduly burdensome and unnecessary. As such, AGEM has suggested language changes that would eliminate this requirement and solely require that fingerprints are taken by a law enforcement or professional agency utilizing standard FBI (Form FD-258) fingerprint cards. This change would remove the burden of the Commission scheduling various fingerprint sessions with numerous license applicants, as well as the need to provide such applicants with specially tailored fingerprint cards. Under the revised language, applicants would be able to have their fingerprints taken in their home jurisdiction by law enforcement or other certified professionals using a standardized fingerprint card.

2. Gaming Vendor Employees – Proposed Registration Process

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process.

Please see Attachment I for proposed changes to 205 CMR 134.13.

J. 205 CMR 134.15: Fees

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees. These are included as Attachment J.

K. 205 CMR 134.16: Term of licenses

1. Gaming Vendor License Term

Given the breadth of the gaming vendor licensing process, AGEM suggests that the gaming vendor license be issued for a term of five (5) years. This term length is common among gaming jurisdictions for gaming vendors, especially given the comprehensive nature of the Commission's initial licensing application investigation.

2. Gaming Vendor Employee – Proposed Registration Process

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees.

Revised language for this Regulation is included as Attachment K.

L. 205 CMR 134.17: Renewals

As noted above, minor changes have been inserted regarding the proposed gaming vendor employee registration process that are consistent with the approach utilized for registration of Gaming Service Employees. These have been noted in Attachment L.

Conclusion

Thank you again for the opportunity for AGEM to submit comments to the Commission draft licensing regulations. The association will continue to monitor the regulation development process in Massachusetts and anticipates submitting additional commentary on vendor related issues.

It is my hope that this letter leads to thoughtful discussion on the issues detailed above. In this regard, if you or Commission staff have any further questions regarding these comments or would like AGEM to provide further suggestions or expertise in the area, please feel free to contact me at (517) 507-3858.

Sincerely,
Regulatory Management Counselors, P.C.



Robert R. Russell
Gaming Analyst

Enclosures

CC: Marcus Prater
David D. Waddell, Esq.

Attachment A

205 CMR 134.02

134.02: Gaming employee licenses

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

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

Attachment B

205 CMR 134.04

134.04: Vendors

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

(3) Gaming vendor qualifier

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

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

1. Each officer

2. Each director

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

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

(4) Gaming Vendor Employees. The commission may, at its sole discretion, require that employees of a gaming vendor licensee or applicant that require access to restricted areas of the gaming establishment as part of their employment be registered as a gaming vendor employee.

(54) Waiver

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

(A) institutional investors holding up to 15 per cent of the stock of the company, or holding ~~or~~ intermediary ~~or subsidiary~~ company of such company, upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the company or a holding ~~or~~ intermediary ~~or subsidiary~~ company of such company. Any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor, or a holding ~~or~~ intermediary ~~or subsidiary~~ company of the gaming vendor, shall provide not less than 30 days' notice to the commission of such intent and shall

file an application and be subject to the licensing requirements of 205 CMR 134.00 before taking any action that may influence or affect the affairs of the applicant company or a holding ~~or~~; intermediary ~~or subsidiary~~ company of the applicant company. Any company holding over 15 per cent of a gaming vendor, or a holding ~~or~~; intermediary ~~or subsidiary~~ company of a gaming vendor, shall be required to apply for a license before doing business in the Commonwealth.

(B) Any person who, in the opinion of the commission, cannot exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or a holding ~~or~~; intermediary ~~or subsidiary~~ company thereof. Provided, however, a person who is not an institutional investor and who holds more than 5 per cent of the common stock of a company, or holding ~~or~~; intermediary ~~or subsidiary~~ company of such a company may not petition for waiver in accordance with 205 CMR 134.04(4)(B).

(6)(5) Exemptions

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

- (1) provision of insurance
- (2) advertising and media services
- (3) transactions with a governmental entity
- (4) professional entertainers and/or celebrity appearances
- (5) transactions with a publicly-traded company where such transactions total less than 5 per cent of the overall annual gross revenue of the publicly-traded company
- (6) financial services provided by a state or federally licensed financial institution
- (7) employee training services that contribute to the work performance or professional development of casino employees
- (8) professional legal and accounting services
- (3)(9) construction and construction-related services related to the initial development of a gaming establishment that supply less than \$8 million worth of goods or services to a single gaming establishment, or less than \$16 million worth of goods or services to two or more gaming establishments, over the life of the contract.

Attachment C

205 CMR 134.07

134.07: Forms

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

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

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history;
- (5) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;
- (7) Marital history, spouse, dependents and other family data;
- (8) The gaming licensee or qualifier, gaming vendor licensee or qualifier or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (9) Telephone number at the current place of employment, and home number;
- (10) Email address;
- (11) Employment history of the qualifier and qualifier's immediate family;
- (12) Education and training;
- (13) Record of military service;
- (14) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (15) Trusteeships or other fiduciary positions held by the qualifier and the qualifier's spouse, and any denial or suspension of, or removal from, such positions;
- (16) Current memberships in any social, labor or fraternal union, club or organization;
- (17) Licenses and other approvals held by or applied for by the qualifier or, where specified, the qualifier's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, as follows:
 - (a) Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;
 - (b) Motor vehicle registrations and operator licenses held by or applied for the by the qualifier or the qualifier's spouse, and any revocation or suspension thereof;
 - (c) Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;
 - (d) Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction held by or applied for by the qualifier; and
 - (e) Any denial, suspension or revocation by a government agency of a license, permit or certification held by or applied for by the qualifier or the qualifier's spouse, or any entity in which the qualifier or the qualifier's spouse was a director, officer, partner or any owner of a 5% or greater interest;

- (18) Any interest in or employment presently or previously held by the qualifier with any entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction; and any current employment or other association by the qualifier's family with the gambling or alcoholic beverage industries in the Commonwealth of Massachusetts or any other jurisdiction;
- (19) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:
- (a) Arrests, charges or offenses committed by the qualifier or any member of the qualifier's immediate family;
 - (b) Any instance where the qualifier has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;
 - (c) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;
 - (d) Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;
 - (e) Lawsuits to which the qualifier was or is a party;
 - (f) Any citation or charge for a violation of a statute, regulation or code or any jurisdiction, other than a criminal disorderly persons, petty disorderly persons or motor vehicle violation; and
 - ~~(g) Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in M.G.L. c. 94C other than pursuant to a valid prescription issued by a licensed physician;~~
- (20) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;
- (21) Financial data, as follows:
- (a) All assets and liability of the qualifier, and the qualifier's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
 - (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;
 - (c) Real estate interests held by the qualifier or the qualifier's spouse or dependent children;
 - (d) Businesses owned;
 - (e) Copies of Federal tax returns and related information;
 - (f) Judgments or petitions for bankruptcy, insolvency or liquidation concerning the qualifier or any business entity in which the qualifier held a 5% or greater interest, other than a publicly traded corporation, or in which the qualifier served as an officer or director;
 - (g) Any business entity in which the qualifier was an owner, director or officer which has been placed under some form of governmental administration or monitoring;
 - (h) Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;

- (i) Any repossessions of real or personal property;
 - (j) Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;
 - (k) Status as executor, administrator or fiduciary of any estate;
 - (l) Life insurance policies on the qualifier's life which name someone other than the qualifier's family as a beneficiary;
 - (m) Positions held, assets held, or interest received in any estate or trust;
 - (n) Whether the qualifier has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;
 - (o) Insurance claims in excess of \$100,000.00 by the qualifier or the qualifier's spouse or dependent children;
 - (p) Referral or finder's fees in excess of \$10,000.00;
 - (q) Loans in excess of \$10,000.00 made or received by the qualifier, the qualifier's spouse or dependent children;
 - (r) Gifts in excess of \$10,000.00 given or received by the qualifier or the qualifier's immediate family;
 - (s) Brokerage or margin accounts with any securities or commodities dealer;
 - (t) Currency exchanges in an amount greater than \$10,000.00;
 - (u) Information regarding any instance where the qualifier or any entity in which the qualifier was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper; ~~or been a party to any leasing arrangements in excess of \$50,000.00; and~~
 - (v) Information regarding any ownership interest or financial investment by the qualifier in any entity which holds or is an applicant for a license issued by the commission, or in any gambling venture which does not require licensure by the commission, including persons providing or reasonably anticipated to provide the qualifier with support in the financing of such investment or interest; the extent and nature of the qualifier's involvement in the management and operation of the entity; whether the qualifier has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.
- (22) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;
- (23) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process;
- ~~(24) Consent to inspection, searches and seizures and the supplying of handwriting exemplars;~~
~~and~~
- ~~(25)~~(24) A signed, dated Statement of Truth affidavit.

(D) Gaming Employee License Form

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

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

(E) Gaming Service Employee and Gaming Vendor Employee Registration Form

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

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

- (8) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction;
- (9) Any license, permit, approval or registration held by the applicant to work in the gaming industry suspended, revoked or denied or had any disciplinary action taken in New Jersey or any other jurisdiction;
- (10) Arrests, charges or offenses committed by the applicant;
- (11) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.
- (12) A signed, dated and notarized Statement of Truth; and
- (13) A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Commission and/or the Bureau.

(F) Business Entity Disclosure Form – Gaming Vendor

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

- (26) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the vendor ~~or its subsidiaries have~~has been involved as follows:...

Attachment D

205 CMR 134.08

134.08: Submission of application

(A) An application for the initial issuance of a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(A)(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(A)(2), a Gaming Vendor qualifier license in accordance with 205 CMR 134.04(A)(3), a gaming vendor employee registration in accordance with 205 CMR 134.04(A)(4), a Labor Organization registration in accordance with 205 CMR 134.05, and officers, agents, and principal employees of a Labor Organization in accordance with 205 CMR 134.05 shall include all of the following:

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

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

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

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

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

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

Attachment E

205 CMR 134.09

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

(A) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(A)(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(A)(2), a gaming vendor qualifier license in accordance with 205 CMR 134.04(A)(3B), a gaming vendor employee registration in accordance with 205 CMR 134.04(A)(4) or a Labor Organization in accordance with 205 CMR 134.05 the Bureau shall conduct an investigation of the applicant. For natural persons, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

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

deny the application for a gaming vendor license pursuant to 205 CMR 134.10. If the Bureau approves the application for a Gaming Vendor, the decision shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If the application for a Gaming vendor qualifier license is approved, the Bureau shall issue a license to the applicant on behalf of the Commission. If the application is denied, the Bureau shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision to the Bureau in accordance with 205 CMR 134.09(B). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

(4) Non-gaming vendors The Bureau shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(A) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(B). The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

(5) Labor Organizations The Bureau shall issue a Labor Organization registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(A).

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

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

(D) After a hearing conducted in accordance with 205 CMR 134.09(C) the following shall apply:

- (1) If the hearing officer recommends that a Key license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, gaming vendor employee registration, or non-gaming vendor registration be issued, the Bureau shall issue a license or registration to the applicant on behalf of the Commission.
- (2) If the hearing officer recommends that the application for a Key Qualifier or Gaming vendor license be issued, the decision shall be forwarded to the Commission as a recommendation along with the application and appeal materials for review and issuance of the license.

(E) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non-gaming vendor registration, ~~or gaming vendor qualifier~~, or gaming vendor employee registration is denied or approved with conditions in accordance with 205 CMR 134.09(C) the applicant may appeal the decision and request a hearing before the Commission within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Commission and contain an explanation of the basis for the appeal. The hearing will be conducted at a public meeting solely on the record of the administrative proceedings conducted by the Bureau in accordance with 205 CMR 134.09(C). The Bureau shall forward a copy of the administrative record of the proceeding to the Commission promptly upon receipt of the notice of appeal.

(F) After the hearing conducted in accordance with 205 CMR 134.09(E) the Commission shall issue a written decision to the applicant. The Commission may affirm the denial of the application or revocation of the registration, reverse the decision and order that the license or registration be issued, order that the license or registration be issued with conditions or remand the matter to the Bureau for further proceedings. The Commission may impose any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations.

(G) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(F), the Commission may consider whether the decision or any condition imposed is:

- (1) In excess of the statutory or regulatory authority or jurisdiction of the Commission; or
- (2) Based upon an error of law; or
- (3) Made upon unlawful procedure; or
- (4) Unsupported by substantial evidence; or
- (5) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

(H) The decision of the commission made in accordance with 205 CMR 134.09(F) and (G) shall be final and an applicant shall not be entitled to further review.

Attachment F

205 CMR 134.10

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

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

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

- (1) the integrity, honesty, good character and reputation of the applicant;
- (2) the financial stability, integrity and background of the applicant; including whether the individual has filed or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend or otherwise resolve the payment of any debt
- (3) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;
- (4) whether the applicant, at the time of application, is a defendant in litigation;
- (5) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(C).
- (6) whether the applicant has been convicted of a crime of moral turpitude
- (7) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character
- (8) the extent to which the individual has cooperated with the Bureau in connection with the background investigation
- ~~(8)(9) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may poses an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.~~

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

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

Attachment G

205 CMR 134.11

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

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

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

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

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

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

(D) Rehabilitation

- (1) The holder of a Gaming service employee registration, gaming vendor employee registration, or non-gaming vendor registration may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 134.11(B) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the 10 year period immediately preceding application for licensure or registration.
- (2) In its discretion, the Bureau and/or Commission may issue a Gaming service employee registration, gaming vendor employee registration, or a non-gaming vendor registration to an

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

- (a) the nature and duties of the position of the applicant;
- (b) the nature and seriousness of the offense or conduct;
- (c) the circumstances under which the offense or conduct occurred;
- (d) the date of the offense or conduct;
- (e) the age of the applicant when the offense or conduct was committed;
- (f) whether the offense or conduct was an isolated or repeated incident;
- (g) any social conditions which may have contributed to the offense or conduct; and
- (h) any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

(3) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.11(C). In its discretion, the Bureau and Commission may issue a Gaming service employee registration, gaming vendor employee registration, or non-gaming vendor registration to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.11(D)(2).

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

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

Attachment H

205 CMR 134.12

134.12: Temporary licenses

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

Attachment I

205 CMR 134.13

134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, gaming vendor employee registration, or non-gaming vendor registration shall be fingerprinted under the supervision of the Bureau or other law enforcement or professional agency using the standard FBI fingerprint form (FBI Form FD-258) or substantial equivalent. ~~The Bureau may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Bureau.~~

Attachment J

205 CMR 134.15

134.15: Fees

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

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

(2) Gaming Employee Initial fee: \$300.00 Renewal fee: \$300.00

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

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

(5) Non-gaming vendor Initial fee: \$100.00 Renewal fee: \$100.00

(6) Gaming vendor employee Initial fee: \$75.00 Renewal fee: \$75.00

(6)(7) Labor organization Initial fee: \$200.00 Renewal fee: \$200.00

(7)(8) Replacement/Name or address changes \$10.00

(8)(9) Late fee

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

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

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

Attachment K

205 CMR 134.16

134.16 Term of licenses

134.16: Term of licenses

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

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

Attachment L

205 CMR 134.17

134.17: Renewals

- (A) At a minimum of one hundred fifty (150) days prior to expiration, each Key gaming licensee, gaming licensee, gaming vendor licensee, and gaming vendor qualifier licensee shall submit a new and updated application in accordance with 205 CMR 134.08.
- (B) At a minimum of thirty (30) days prior to expiration, each gaming service employee registrant, gaming vendor employee registrant, and non-gaming vendor registrant shall submit a new and updated application in accordance with 205 CMR 134.08.
- (C) It shall be the responsibility of the licensee or registrant to ensure that their license or registration is current.

Sharlow, Albert (MGC)

From: Henderson.Tonya <Tonya.Henderson@IGT.com>
Sent: Monday, December 09, 2013 2:53 PM
To: MGCcomments (MGC)
Cc: Withey.LaVonne
Subject: Draft regulations comment
Attachments: IGT - Reg. 134 Draft Regulations Response.pdf

Importance: High

IGT respectfully requests the Massachusetts Gaming Commission consider the attached suggestions on draft regulation 205 CMR 134. We appreciate this opportunity to comment.

Regards,

Tonya M. Henderson
Manager Regulatory Compliance | International Game Technology

6355 S. Buffalo Drive | Las Vegas, NV 89113
Office: 702.669.8267
Mobile: 702.290.4531
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igt.com

Via Electronic Mail

December 6, 2013

Chairman Steve Crosby
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

Dear Chairman Crosby:

On behalf of IGT, we would like to thank Massachusetts Gaming Commission ("Commission") for the opportunity to comment on the proposed regulations. It is my understanding these rules will be discussed at a public hearing held by the Commission on December 13, 2013.

As you are aware, IGT is a world leader in the design, manufacture, and distribution of gaming products and is licensed in numerous jurisdictions. IGT respectfully requests the Commission consider the following suggestions in relation to proposed regulation 205 CMR 134.

The proposed regulations require the submission of information by a business entity and its principals when applying for a gaming vendor license. Highly sensitive confidential information may be required in the application materials from both a corporate and personal standpoint. IGT supports the Commission's position on the release of information on specifically identified portions of the gaming application forms for operators that are not otherwise protected under Massachusetts law. IGT requests that the same standards be applied to gaming vendor application forms.

205 CMR 134.02 enumerates those positions that would be subject to gaming employee licensing. While the definition under G.L. c.23K §2 defines a "gaming employee" as an employee of a gaming establishment, it appears that gaming vendor employees who service the machines or gaming computer equipment may also be subject to licensure. IGT recommends that licensing be limited to the vendor employees who are permanently assigned to providing service in Massachusetts. Gaming vendors conduct business in nearly every legal gaming jurisdiction in the United States with employees spread throughout the country. In order to

ensure no delays in a casino opening or major installation, these resources may be called upon to support a property in Massachusetts on a one-time or temporary basis. IGT would suggest that in those circumstances, the employees be subject to temporary approval or a lesser process such as registration as a gaming service employee under 205 CMR 134.03.

205 CMR 134.04 (A) states in relevant part that no person shall “conduct business” [emphasis added] with a gaming licensee unless such person has been licensed as a gaming vendor. IGT is unsure as to what comprises the “conduct of business.” It is a common industry practice for operators and gaming vendors to enter into discussions far in advance of a casino opening. This is done to ensure the availability and customization of products and for operators to determine game mix; and may occur prior to the actual issuance of a license to a gaming vendor. IGT requests the Commission consider that conduct of business begins when gaming is made available to the public for play.

205 CMR 134.04 (A)(1)(A) addresses the activities which would trigger licensing as a gaming vendor. Subsection (a)(4) speaks to devices or equipment that have the capacity to affect the result of the play of a game in the gaming area as meeting a condition requiring licensure. In the development of game programs, there are cases in which 3rd parties may be utilized for portions of this development. There can be advantages to this model in terms of access to greater pools of creative talent and latest technological advances. In such cases, the gaming vendor licensee will typically oversee the work, up to and including independent review and testing of the work. IGT respectfully suggests that a gaming vendor license for 3rd party developers is not required provided that the gaming vendor licensee assumes all responsibility for the product distributed to Massachusetts licensed gaming establishments.

Subsection (a)(5) of 205 CMR 134.04 (A)(1)(A) speaks to manufacture or supply of equipment having the capacity to affect the calculation, storage, collection, or control of the gaming revenues from a gaming establishment as meeting a condition requiring licensure. Gaming revenue information is communicated from a slot machine to the online slot accounting system through multiple off-the-shelf components such as network cable, routers and firewalls and stored on a server. These components are generally available for all networking purposes and are not unique to the gaming environment. IGT requests confirmation that the licensing requirements do not apply to vendors of such off-the-shelf components. If the intent of this regulation is to require licensure of such parties, the selection of components available to support this infrastructure may be severely limited.

205 CMR 134.04 (A)(3)(c) grants the Commission discretion to require licensure of other persons or companies that have a business association of any kind with the gaming vendor applicant. IGT notes that the use of “business association of any kind” is very broad and provides unclear direction regarding the extent in which licensure may be required as a gaming

vendor qualifier. IGT suggests the Commission change "business association of any kind" to "close associate" as defined in G.L. c.23K § 2.

205 CMR 134.07 (A)(24) requires a gaming vendor qualifier applicant to consent to "inspection, searches and seizures". IGT notes this consent is all encompassing and can be construed to allow for inspection, search, and seizure of an applicant's private property. IGT respectfully requests this consent be limited to gaming business premises.

I hope this information is helpful to the Commission. Should you have any questions or wish to discuss, please contact me at (702) 669-8734 or via email at LaVonne.Withey@igt.com.

Sincerely,

A handwritten signature in cursive script that reads "Lavonne R. Withey". The signature is written in black ink and is positioned above the printed name and title.

Lavonne R. Withey
Director of Regulatory Compliance

Sharlow, Albert (MGC)

From: LePage, Robert <rlepage@stcc.edu>
Sent: Monday, December 09, 2013 2:16 PM
To: MGCcomments (MGC)
Cc: Robert LePage
Subject: Draft Regulations 205 CMR 134.00 comments MA Community College
Attachments: Presidents Casino Regulations 205 CMR 134_00.pdf

Good afternoon,

Please find attached comments related to draft regulations 205 CMR 134.00 in behalf of the MA Community Colleges from:

Ira H. Rubenzahl, Ph.D.

President,

Springfield Technical

Community College

Chair,

Massachusetts Community

College Council of Presidents

William Messner

President,

Holyoke Community College

Chair,

Massachusetts Casino Careers

Training Institute



Springfield Technical Community College

Exceptional Education. Proven Results.

Office of the President
One Armory Square
Suite 1 • PO Box 9000
Springfield, MA 01102-9000
(413) 755-4906 • Fax (413) 755-6308
irubenzahl@stcc.edu • www.stcc.edu

December 6, 2013

Massachusetts Gaming Commission
4 State Street, 10th Floor
Boston, MA 02109

Dear Commissioners,

In establishing the regulations required by Chapter 23K, Section 5, we urge you to use this as an opportunity to ensure the integrity and success of the new casino gaming industry in Massachusetts.

The Community Colleges in Massachusetts are united and stand ready to assist you in your efforts. We have signed agreements with all casino developers in Massachusetts. By working with them and by recruiting and training future employees, especially amongst the unemployed, underemployed, and minority communities – we can help realize the desired net job gain and economic benefits for Massachusetts while fostering diversity in the workplace.

We are not alone. We are working with other schools and colleges, regional employment boards, one stop career centers, community based organizations, and labor unions to meet this challenge.

Having enough Massachusetts residents to be skilled employees, trained in their professions, is essential for the successful inauguration of casino gaming in the Commonwealth. But, we should do more. We can help establish the integrity of gaming in Massachusetts by making sure that every employee is trained in the ethics, problems, and proper conduct of the casino industry, as defined by the Massachusetts Gaming Commission. This is not a job that we want to leave to others. Massachusetts has this opportunity to create the best prepared workforce of any state that has initiated casino gaming.

It is towards this end that we ask for your assistance.

Chapter 23K, Section 5, states that “the Commission shall promulgate regulations” to “establish minimum training requirements” and shall “require that all gaming establishment employees be properly trained in their respective professions”. By “establishing certification procedures for any training schools”, the Commission can ensure that those requirements are met.

Schools certified by the Commission would be responsible to the Commission. These schools would be powerful vehicles not only for creating job opportunities, but also for establishing and maintaining the integrity of gaming.

Page 2
Massachusetts Gaming Commission
4 State Street, 10th Floor
Boston, MA 02109

We urge you to consider the suggestions MCCTI has submitted, and we are ready to answer any questions and provide any assistance that you might require.

Sincerely,



Ira H. Rubenzahl, Ph.D.
President,
Springfield Technical
Community College
Chair,
Massachusetts Community
College Council of Presidents



William Messner
President,
Holyoke Community College
Chair,
Massachusetts Casino Careers
Training Institute

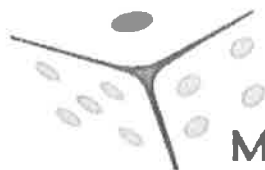
Sharlow, Albert (MGC)

From: LePage, Robert <rglepage@stcc.edu>
Sent: Monday, December 09, 2013 2:09 PM
To: MGCcomments (MGC); Robert LePage
Subject: Draft Regulations Comments 205 CMR 134.00 MCCTI
Attachments: MCCTI Gaming Regulations.pdf

Good afternoon,

Please find attached related to the Draft 205 CMR 134.00 from the MCCTI. We appreciate the opportunity to provide MGC input to these important regulations that will have a major impact on the workforce and economic development success of the Commonwealth.

Robert LePage
STCC Workforce Training



Massachusetts Casino Careers Training Institute

December 5, 2013

Massachusetts Gaming Commission
4 State Street, 10th Floor
Boston, Massachusetts 02109

Dear Commissioners:

Thank you for the opportunity to provide feedback to the draft 205 CMR 134.00.

The Massachusetts Casino Careers Training Institute has been pleased to provide information and feedback to the Massachusetts Gaming Commission (MGC). We have been in regular contact with our community college partners, Workforce Investment Boards, One-Stop Career Centers, area businesses, community based training programs, organized labor and various economic and workforce development leaders throughout the Commonwealth. We believe that the draft regulations can be the foundation for the workforce training efforts needed to achieve the goals of integrity in gaming, a net job gain for the state, diversity in the workplace, and economic benefit for Massachusetts.

Establishing minimum training requirements and certifying training schools are powerful tools which the MGC can employ to ensure the integrity of gaming operations within the Commonwealth as well as maximizing the success of this economic and workforce development initiative in Massachusetts, i.e., jobs for Massachusetts residents, a diversified pool of workers, and clear career pathways.

The legislation mandates that the Commission establish regulations regarding licensure and work permits as well as the minimum training requirements for employees (Chapter 23K, Section 5a [11]). In addition, it requires that the Commission ensure that all gaming establishment employees be properly trained in their respective professions (Chapter 23K, Section 5a [12]).

Minimum training requirements for employees, although varied for specific positions, should include courses on the Massachusetts Gaming Law, Ethics and the integrity of

**c/o Training and Workforce Options ☐☐ 1 Federal Street, Building 101 ☐ Springfield, MA
01105**

Gaming, Compulsive and Addictive Behaviors and Health and Safety in the Workplace. These courses provide a curriculum foundation, which will define the roles and responsibilities of each employee. In addition, the hours of instruction and general training curriculum, once defined by the MGC, will ensure consistent and effective training. The skill levels required for these gaming related jobs is significant if the initiative is to maintain integrity and be successful.

By "establishing certification procedures for any training schools", (Chapter 23K, Section 5a [11]) the MGC can ensure that those training requirements are met.

Schools certified by the Commission could lose their certification at any time. These schools would be powerful vehicles for establishing the integrity of gaming while creating job opportunities especially for the unemployed and underemployed, thereby ensuring a net job gain for Massachusetts. If the Commission does not set standards and certify schools, others will set their own standards.

At a recent meeting with our colleagues in Boston, one casino developer outlined its plans to fly in a hundred trainers from Las Vegas to do training and to use a headhunter from Las Vegas to do recruitment and other training. It is doubtful that such a scheme would have the same effect as recruitment and training done by a school certified by the Commission and committed to achieving the Commission's goals of integrity in gaming, a net job gain for the state, diversity in the workplace, and economic benefit for Massachusetts.

Certainly, there is nothing in our suggestions that would prevent an employer from training their employees, i.e. incumbent workers. But, the all important initial training and the on-going training in important issues such as ethics and integrity in gaming, problem gaming, etc. ought to be done by a school certified by the Commission and responsible for meeting the goals of the Commission.

If you have any questions or if you need additional information, please feel free to contact us at your convenience.

Sincerely,



Jeffrey P. Hayden, VP
Holyoke Community College



Robert G. LePage, VP
Springfield Technical
Community College

Additions in Bold – Draft Suggestions 12/6/13

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

Section

- 134.01: Key gaming employee licensees
- 134.02: Gaming Employee licensees
- 134.03: Gaming service employees
- 134.04: Vendors
- 134.05: Labor organizations
- 134.06: Junket enterprises and junket representatives
- 134.07: Forms
- 134.08: Submission of application
- 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors
- 134.10: Affirmative license standards for the licensing of employees and vendors of the gaming Establishment
- 134.11: Affirmative registration standards for the registration of employees and vendors of the gaming Establishment and Labor Organizations
- 134.12: Temporary licenses
- 134.13: Fingerprinting
- 134.14: Identification
- 134.15: Fees
- 134.16: Term of licenses
- 134.17: Renewals
- 134.18: Duties of applicants and licensees
- 134.19: Disciplinary action

...

134.07: Forms

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

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

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

- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history;
- (5) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;
- (7) Marital history, spouse, dependents and other family data;
- (8) The gaming licensee or qualifier, gaming vendor licensee or qualifier or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (9) Telephone number at the current place of employment, and home number;
- (10) Email address;
- (11) Employment history of the qualifier and qualifier's immediate family;
- (12) Education and training;
- (new) Proof of satisfactory completion of a course of curriculum within the last 3 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx;**
- (13) Record of military service;
- (14) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (15) Trusteeships or other fiduciary positions held by the qualifier and the qualifier's spouse, and any denial or suspension of, or removal from, such positions;
- (16) Current memberships in any social, labor or fraternal union, club or organization;
- (17) Licenses and other approvals held by or applied for by the qualifier or, where specified, the qualifier's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, as follows:
 - (a) Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;
 - (b) Motor vehicle registrations and operator licenses held by or applied for the by the qualifier or the qualifier's spouse, and any revocation or suspension thereof;
 - (c) Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;
 - (d) Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction held by or applied for by the qualifier; and
 - (e) Any denial, suspension or revocation by a government agency of a license, permit or certification held by or applied for by the qualifier or the qualifier's spouse, or any entity in which the qualifier or the qualifier's spouse was a director, officer, partner or any owner of a 5% or greater interest;

- (18) Any interest in or employment presently or previously held by the qualifier with any entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction; and any current employment or other association by the qualifier's family with the gambling or alcoholic beverage industries in the Commonwealth of Massachusetts or any other jurisdiction;
- (19) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:
- (a) Arrests, charges or offenses committed by the qualifier or any member of the qualifier's immediate family;
 - (b) Any instance where the qualifier has been named as an unindicted party or co-conspirator in a criminal proceeding or held as a material witness;
 - (c) Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;
 - (d) Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;
 - (e) Lawsuits to which the qualifier was or is a party;
 - (f) Any citation or charge for a violation of a statute, regulation or code or any jurisdiction, other than a criminal disorderly persons, petty disorderly persons or motor vehicle violation; and
 - (g) Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in M.G.L. c. 94C other than pursuant to a valid prescription issued by a licensed physician;
- (20) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;
- (21) Financial data, as follows:
- (a) All assets and liability of the qualifier, and the qualifier's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;
 - (b) Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;
 - (c) Real estate interests held by the qualifier or the qualifier's spouse or dependent children;
 - (d) Businesses owned;
 - (e) Copies of Federal tax returns and related information;
 - (f) Judgments or petitions for bankruptcy, insolvency or liquidation concerning the qualifier or any business entity in which the qualifier held a 5% or greater interest, other than a publicly traded corporation, or in which the qualifier served as an officer or director;

- (g) Any business entity in which the qualifier was an owner, director or officer which has been placed under some form of governmental administration or monitoring;
- (h) Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;
- (i) Any repossessions of real or personal property;
- (j) Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;
- (k) Status as executor, administrator or fiduciary of any estate;
- (l) Life insurance policies on the qualifier's life which name someone other than the qualifier's family as a beneficiary;
- (m) Positions held, assets held, or interest received in any estate or trust;
- (n) Whether the qualifier has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;
- (o) Insurance claims in excess of \$100,000.00 by the qualifier or the qualifier's spouse or dependent children;
- (p) Referral or finder's fees in excess of \$10,000.00;
- (q) Loans in excess of \$10,000.00 made or received by the qualifier, the qualifier's spouse or dependent children;
- (r) Gifts in excess of \$10,000.00 given or received by the qualifier or the qualifier's immediate family;
- (s) Brokerage or margin accounts with any securities or commodities dealer;
- (t) Currency exchanges in an amount greater than \$10,000.00;
- (u) Information regarding any instance where the qualifier or any entity in which the qualifier was a director, officer or holder of a five percent or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$50,000.00; and
- (v) Information regarding any ownership interest or financial investment by the qualifier in any entity which holds or is an applicant for a license issued by the commission, or in any gambling venture which does not require licensure by the commission, including persons providing or reasonably anticipated to provide the qualifier with support in the financing of such investment or interest; the extent and nature of the qualifier's involvement in the management and operation of the entity; whether the qualifier has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.

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

- (23) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process;
- (24) Consent to inspection, searches and seizures and the supplying of handwriting exemplars; and
- (25) A signed, dated Statement of Truth affidavit.

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

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

- (1) Name, including maiden name and any aliases or nicknames and applicable dates of use;
- (2) Date of birth;
- (3) Physical description, including a color photograph taken within the past six months;
- (4) Current address, mailing and home, if different;
- (5) Home, cell, and work telephone numbers;
- (6) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;
- (7) The gaming license applicant or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;
- (8) Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the qualifier is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the qualifier's arrival;
- (9) Whether during the last ten years any entity in which the qualifier has been a director, officer, principal employee or a holder of 5% or more interest has:
 - (a) Made or been charged with (either itself or through third parties acting for it) bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;
 - (b) Held a foreign bank account or has had authority to control disbursements from a foreign bank account;
 - (c) Maintained a bank account or other account, whether domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;
 - (d) Donated, loaned or used funds or property for the use or benefit or in opposing any government, political party, candidate or committee either domestic or foreign;
 - (e) Compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party domestic or foreign; or
 - (f) Made any loans, donations or other disbursement to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;

- (10) Copies of Federal and foreign tax returns and related information for the last five years; [and]
- (11) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;
- (12) A signed, dated and notarized release authorization which shall direct all courts, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the qualifier as requested by the commission, the bureau or a contractor investigator;
- (13) A signed, dated and notarized Statement of Truth.
- (14) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process; and

(C) Key Employee Application Form

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

- (1) Name, including maiden name and any aliases or nicknames along with applicable dates of usage;
- (2) Date and place of birth;
- (3) Physical description;
- (4) Current address and telephone number, and residence history for the past 10 years;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date, country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and address of sponsor(s) upon the applicant's arrival;
- (7) Reason for filing the Key Form;
- (8) Marital history and other family data;
- (9) Employment history, including any gaming-related employment, for the past 10 years;
- (10) Education and training;
- (new) **Proof of satisfactory completion of a course of curriculum within the last 3 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx;**
- (11) Record of military service;
- (12) Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in this State or any other jurisdiction, including:
 - (a) Any license, permit, approval or registration required to participate in any lawful gambling operation in this State or any jurisdiction;
 - (b) Any denial, suspension or revocation by a government agency in this State or any other jurisdiction of a license, permit, approval or

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

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

(D) Gaming Employee License Form

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

- (1) Personal background information;
- (2) Employment history;
- (3) Education and training;
- (new) Proof of satisfactory completion of a course of curriculum within the last 3 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx;**
- (4) Record of military service;
- (5) Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;
- (6) Licenses, registrations, permits, certification and other approvals held by or applied for in this State or any other jurisdiction;
- (7) Any denial, suspension or revocation by a governmental agency of a license, registration, permit or certification held by or applied for the applicant or any entity in which the applicant a director, officer, partner or an owner of a five (5) percent or greater interest;
- (8) Any interest in or employment presently or previously held by the applicant with an entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in this State or any other jurisdiction;
- (9) Arrests, charges or offenses committed by the applicant;
- (10) Civil litigation history where the applicant was or is a party; and
- (11) Gaming regulatory history;

- (12) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.
- (13) A signed, dated and notarized release authorization which shall direct all courts, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and
- (14) A signed, dated and notarized Statement of Truth.

(E) Gaming Service Employee Registration Form

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

- (1) Name, including maiden name and any aliases and nicknames;
- (2) Date of birth;
- (3) Physical description;
- (4) Current address and residence history for the past five year;
- (5) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (6) Citizenship, and, if applicable, resident alien status, including any employment authorization and expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States and name and address of sponsor(s) upon the applicant's arrival;
- (7) Last three jobs, and any gaming-related employment during the last 10 years;
- (new) Education and training;**
- (new) Proof of satisfactory completion of a course of curriculum within the last 5 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx;**
- (8) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any lawful gambling operation in this State or any other jurisdiction;
- (9) Any license, permit, approval or registration held by the applicant to work in the gaming industry suspended, revoked or denied or had any disciplinary action taken in **Massachusetts** or any other jurisdiction;
- (10) Arrests, charges or offenses committed by the applicant;
- (11) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, etc.
- (12) A signed, dated and notarized Statement of Truth; and
- (13) A signed, dated and notarized Release Authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions,

banks, financial and other institutions and all governmental agencies, Federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Commission and/or the Bureau.

(F) Business Entity Disclosure Form – Gaming Vendor

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

- (1) The current or former official and trade names used and the dates of use;
- (2) The current and former business addresses within the last 10-year period and dates of use;
- (3) The business telephone number;
- (4) The name, title and telephone number of the contact person;
- (5) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;
- (6) If the license applicant is other than the vendor filing this form, the reason for filing and the nature of the filing vendor's relationship to the license applicant;
- (7) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the enterprise;
- (8) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;
- (9) The Federal Employer Identification Number;
- (10) A description of the present and any former business engaged in or intended to be engaged in by the vendor and any parent, holding, intermediary or subsidiary company within the past five years and similar information for former businesses for the past 10 years;
- (11) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;
- (12) The name, address, date of birth (if appropriate), class of non-voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non-voting stock;
- (13) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:
 - (a) Each officer, director or trustee;
 - (b) Each partner whether general, limited or otherwise;
 - (c) A sole proprietor;
 - (d) Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of five percent or more of the entity completing the form;
 - (e) Each sales representative or other person who will regularly solicit business from a casino licensee;
 - (f) Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who

- regularly solicit business from a casino hotel;
 - (g) Any other person not otherwise specified in 13(a) through (f) above who has signed or will sign any agreement with a casino licensee;
 - (h) Each natural person who indirectly holds any beneficial or ownership interest of 10 percent or more of an applicant for a junket enterprise license; and
 - (i) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees;
- (new) Proof of satisfactory completion of a course of curriculum within the last 3 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx for each of the following persons:**
- (a) Anyone who provides a service or who does work in a gaming establishment;**
 - (b) Each sales representative or other person who will regularly solicit business from a casino licensee;**
 - (c) Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;**
 - (d) Any other person not otherwise specified in (a) through (c) who has signed or will sign any agreement with a casino licensee; and**
 - (e) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees;**
- (14) A flow chart which illustrates the ownership of any other vendor which holds an interest in the filing vendor;
 - (15) The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding 10 years;
 - (16) The annual compensation of each partner, officer, director and trustee;
 - (17) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 13 above, who is currently expected to receive annual compensation of more than \$300,000;
 - (18) A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the vendor;
 - (19) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;
 - (20) A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;
 - (21) A description of the nature, type, terms and conditions of all securities options;
 - (22) Within the last 10 years, the following information for each account held by a bank,

savings and loan association or other financial institution, whether foreign or domestic, in the name of the vendor or its nominee or which is otherwise under the direct or indirect control of the vendor:

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

- participate in any lawful gaming operation in this State or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;
- (30) Within the last 10 years, whether the vendor or any director, officer, partner, employee or person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;
 - (31) Within the last 10 years, whether the vendor has:
 - (a) Donated or loaned its funds or property for the use or benefit of or in opposing or supporting any government, political party, candidate or committee, either foreign or domestic;
 - (b) Made any loans, donations or disbursements to its directors, officers, partners or employees for the purpose of making political contributions or reimbursing such individuals for political contributions either foreign or domestic; or
 - (c) Maintained a bank account or other account, either foreign or domestic, not reflected on its books or records, or maintained any account in the name of a nominee for the vendor;
 - (32) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 30 and 31 above;
 - (33) A copy of each of the following:
 - (a) Annual reports for the past five years;
 - (b) If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;
 - (c) An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;
 - (d) Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto;
 - (e) Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if the vendor is registered with the SEC, a copy of the most recently filed Form 8K;
 - (f) The most recent Proxy or Information Statement filed pursuant to Section 14 of the Securities Exchange Act of 1934; and
 - (g) Registration Statements filed in the last five years pursuant to the Securities Act of 1933;
 - (34) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;

- (35) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years; and
- (36) A copy of a business registration certificate or other proof of valid business registration in Massachusetts
- (37) In addition to the information above, a completed BED GV shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:
 - (a) A Statement of Truth;
 - (b) A Release Authorization directing all courts, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, Federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission; and
 - (c) An acknowledgment of receipt of notice regarding confidentiality, consent to search and non-refund ability of filing fees.

(G) Non-gaming Vendor Registration Form

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

- (1) Any official or trade name used by the non-gaming vendor;
- (2) The current address and telephone number of the non-gaming vendor;
- (3) The nature of the non-gaming vendor's business and the type of goods and services being provided to the casino industry;
- (4) The Federal Employer Identification Number;
- (5) The name, residence address and date of birth of each of the following persons:
 - (a) The sales representative(s) or other person(s) who solicit(s) business from a casino licensee or applicant and such person's immediate supervisors; and
 - (b) Any person authorized to sign any agreement with the casino licensee or applicant; and
 - (c) The name(s), address (es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.
- (new) Proof of satisfactory completion of a course of curriculum within the last 5 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx for each of the following persons:**

- (a) **The sales representative(s) or other person(s) who solicit(s) business from a casino licensee or applicant and such person's immediate supervisors; and**
- (b) **Any person authorized to sign any agreement with the casino licensee or applicant.**

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

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

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

(H) Labor Organization Registration Statement

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

- (1) The name of the registrant as shown on its charter or in its constitution;
- (2) The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a casino licensee will be conducted;
- (3) The name, title, email address, telephone and fax numbers of a person to be contacted in reference to the statement;
- (4) Whether the submission is an initial or biennial renewal registration;
- (5) The names of the registrant's parent organization and all affiliates of the registrant or its parent organization, whether chartered by the parent organization or governed by the same constitution or bylaws;
- (6) The name and nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a casino hotel, casino or slot only casino facility by a casino licensee, or which is involved or seeking to be involved in the control or direction of such representation;
- (7) Financial data, including information concerning any financial interests held in a casino hotel, casino, slot only casino facility or casino licensee; and

- (8) The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:
 - (a) Any pension or welfare system maintained by the registrant;
 - (b) Each officer and agent of any pension or welfare system maintained by the registrant;
 - (c) Each officer and officer-elect of the registrant;
 - (d) Each agent authorized to represent the registrant; and
 - (e) Each principal employee of the registrant.

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

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

(I) Labor Organization Individual Disclosure Form

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

- (1) Name, including maiden name and any aliases or nicknames;
- (2) Title or position with the labor organization;
- (3) Date and place of birth;
- (4) Physical description including photograph taken within the past 12 months and name printed across the front bottom border;
- (5) Current address and home telephone number, email address, and residence history for the past year;
- (6) Social Security Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;
- (7) Citizenship and, if applicable, information concerning resident alien status;
- (8) Full name of the labor organization represented;
- (9) Telephone number and email address at current place of employment;
- (10) Employment history:
 - (a) All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and
 - (b) Last three jobs, indicating any gaming-related positions;
- (new) Proof of satisfactory completion of a course of curriculum within the last 3 years which meets the minimum training requirements of 205 CMR 134.yy at a training school, certified by the Commission in accordance with 205 CMR 134.xx for each of the following persons:**
 - (a) Anyone seeking to represent employees who are employed in a**

casino hotel, casino or slot only casino facility by a casino licensee;
(b) Anyone involved or seeking to be involved in the control or direction of such representation.

- (11) Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in this State or any jurisdiction;
- (12) Civil, criminal and investigatory proceedings in any jurisdiction as follows:
 - (a) Convictions for crimes or disorderly persons offenses; and
 - (b) Convictions for contempt for refusal to testify or cooperate with any legislative investigatory body or other official investigatory body of this state or the United States where the investigatory body was investigating crimes relating to gaming, official corruption or organized crime activity; and
- (13) Financial data, including information concerning any financial interests held in a casino hotel, casino, casino simulcasting facility or casino licensee.

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

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

134.08: Submission of application

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

- (1) A completed application form as follows:
 - (a) An applicant for a key qualifier license shall file a *Multi-jurisdictional Personal History Disclosure Form For Key Qualifiers and Vendor Qualifiers* as set forth in 205 CMR 134.07(A) and a *Massachusetts Supplement Form For Key Qualifiers and Vendor Qualifiers* as set forth in 205 CMR 134.07(B);
 - (b) An applicant for a key license shall file a *Key Employee Application Form* as set forth in 205 CMR 134.07(C);

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

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

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

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

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

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

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134.xx Certification Requirements for Training Schools

- (A) In order to be certified by the Commission, a training school must demonstrate that it:
- (1) Is approved by either the Massachusetts Department of Education as an accredited college or university, or the MA Department of Elementary and Secondary Education as a school, or the Massachusetts Division of Professional Licensure as a private school, or is a non-profit with an established educational mission;
 - (2) Has job training courses approved by the Massachusetts Department of Labor and Workforce Development, in order to receive state and federal training dollars administered by the Commonwealth;
 - (3) Offers adult basic education, workplace skills training and English for speakers of other languages;
 - (4) Has established relationships with regional employment boards, one-stop career centers and community based organizations;
 - (5) Can employ, with its partners, basic skills assessments, criminal background checks, career counseling, and job placement services; and
 - (6) Offers certificate and degree programs, or through its partners provides educational and training pathways, beyond entry-level, table games/slots skills training.

134.vv Minimum Training Requirements

(A) Minimum Training Requirements For Key Qualifiers

Training for Key Qualifiers should be appropriate to their positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling; and
- (4) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(B) Minimum Training Requirements For Vendor Qualifiers

Training will be required for the following employees of Vendor Qualifiers:

- (1) Anyone who provides a service or who does work in a gaming establishment;
- (2) Each sales representative or other person who will regularly solicit business

- from a casino licensee;
- (3) Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;
 - (4) Any other person not otherwise specified in (1) through (5) who has signed or will sign any agreement with a casino licensee; and
 - (5) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees.

Training should be appropriate to the employees' positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling; and
- (4) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(C) Minimum Training Requirements For Key Employees

Training for Key Employees should be appropriate to their positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling;
- (4) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.
- (5) The relationship of compulsive and problem gambling to other addictive behavior;
- (6) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling;
- (7) Preventing the serving of alcohol to visibly intoxicated gaming patrons;
- (8) Preventing an under-age person, excluded person, a person on the self-exclusion list from being mailed any advertisement or promotion, cashing a check, or receiving any complimentary services; and
- (9) Health and safety in the workplace.

(D) Minimum Training Requirements For Gaming Employees

- (1) Training for Gaming Employees should be appropriate to their positions and should include, at a minimum for all employees, instruction in the following:
 - (a) Massachusetts gaming law;
 - (b) Ethics and the integrity of gaming;
 - (c) Customer service;

- (d) Dealing with difficult patrons;
 - (e) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling;
 - (f) The relationship of compulsive and problem gambling to other addictive behavior;
 - (g) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling;
 - (h) Preventing the serving of alcohol to visibly intoxicated gaming patrons;
 - (i) Preventing an under-age person, excluded person, a person on the self-exclusion list from being mailed any advertisement or promotion, cashing a check, or receiving any complimentary services; and
 - (j) Health and safety in the workplace including ergonomic training.
- (2) If applicants seeking employment as dealers have not had at least 6 months of employment as a dealer within the last 5 years, they must satisfactorily complete a training course on the conduct of table games. A curriculum related to the conduct of table games offered by a training school must, at a minimum, include:

- (a) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in this subpart:

<u>Table Game</u>	<u>Minimum Hours of Instruction</u>
Blackjack and other banked card games	100 hours over a 5-week period, at least 80 hours of which shall be in Blackjack
Craps and Mini-Craps	160 hours over a 6-week period
Baccarat, Midibaccarat and Minibaccarat	80 hours over a 4-week period
Poker	80 hours over a 4-week period
Roulette	80 hours over a 4-week period
Pai Gow Tiles	160 hours over a 6-week period
Pai Gow Poker	80 hours over a 4-week period

- (b) The proper use, control and shuffling of playing cards for authorized games that involve the use of cards.

- (c) The proper use and control of dice for authorized games that involve the use of dice.
 - (d) The proper use and control of tiles for authorized games that involve the use of tiles.
- (3) A dealer who has completed a course of training in accordance with the above and would like to be trained to deal a different game type shall successfully complete, at a training school as defined in 205 CMR 134.xx . The following minimum hours of instruction required for the different game type:

<u>Additional Training on Different Game Type</u>	<u>Minimum Hours of Instruction</u>
Blackjack and Poker	60 hours over a 3-week period
Craps and Mini-Craps	140 hours over a 6-week period
Roulette	40 hours over a 2-week period
Pai Gow Tiles	140 hours over a 6-week period

- (4) If applicants are seeking employment as slot technology technicians and have not had at least 6 months of employment as a slot technician within the last 5 years, they must satisfactorily complete a training that is a minimum of 96 hours in duration over a 5-week period.

(E) Minimum Training Requirements For Gaming Service Employees

Training for Gaming Service Employees should be appropriate to their positions and should include, at a minimum for all employees, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling;
- (4) The relationship of compulsive and problem gambling to other addictive behavior;
- (5) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling; and
- (6) Health and safety in the workplace including ergonomic training.

(F) Minimum Training Requirements For Gaming Vendors

Training will be required for the following employees of Gaming Vendors:

- (1) Anyone who provides a service or who does work in a gaming establishment;
- (2) Each sales representative or other person who will regularly solicit business from a casino licensee;
- (3) Each management person who supervises a regional or local office which

- employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;
- (4) Any other person not otherwise specified in (1) through (5) who has signed or will sign any agreement with a casino licensee; and
 - (5) If a junket enterprise, each junket representative who will deal directly with casino licensees and their employees.

Training should be appropriate to the employees' positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling; and
- (4) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(G) Minimum Training Requirements For Non-Gaming Vendors

Training will be required for the following employees of Non-Gaming Vendors:

- (1) The sales representative(s) or other person(s) who solicit(s) business from a casino licensee or applicant and such person's immediate supervisors; and
- (2) Any person authorized to sign any agreement with the casino licensee or applicant.

Training should be appropriate to the employees' positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;

(H) Minimum Training Requirements For Employees of Labor Organizations

Training will be required for the following employees of labor organizations:

- (1) Anyone seeking to represent employees who are employed in a casino hotel, casino or slot only casino facility by a casino licensee;
- (2) Anyone involved or seeking to be involved in the control or direction of such representation.

Training should be appropriate to the employees' positions and should include, at a minimum, instruction in the following:

- (1) Massachusetts gaming law;
- (2) Ethics and the integrity of gaming;
- (3) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling;
- (4) The relationship of compulsive and problem gambling to other addictive behavior;

- (5) **The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling;**
- (6) **Health and safety in the workplace including ergonomic training.**

...

REGULATORY AUTHORITY

205 CMR 134: M.G.L. c. 23K, §§3, 5, 12, 16, 30, and 31

Note: Chapter 23K, Section 5, states,

The commission shall promulgate regulations... that...

(11) establish licensure and work permits for employees working at the gaming establishment and minimum training requirements...

And that...

(12) require that all gaming establishment employees be properly trained in their respective professions

Furthermore...

the commission may establish certification procedures for any training schools

Sharlow, Albert (MGC)

From: Julie Kushner <JKushner@uaw.net>
Sent: Monday, December 09, 2013 12:11 PM
To: MGCcomments (MGC)
Cc: Barry Hock
Subject: UAW Comments on Draft Licensing and Registration Regs
Attachments: UAW comments on draft licensing and registration regs 12-9-1_1.pdf

Please see the attached.

Thank you,
Julie Kushner

JK/jl
opeiu494

Julie Kushner
Regional Director
UAW Region 9A
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®

BOB KING, President



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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW

DENNIS WILLIAMS, Secretary-Treasurer

December 9, 2013

Stephen Crosby, Chairman
Massachusetts Gaming Commission
84 State Street
Boston, MA 02109

Dear Chairman Crosby:

I am enclosing our comments on the Commission's proposed regulations pertaining to the licensing of gaming employees and vendors, which I asked our legal department to review since they are familiar with regulations in other states. Thank you for the opportunity to comment.

Sincerely,

Julie Kushner
Director
UAW Region 9A

JK/jl
opeiu494

**UAW COMMENTS ON MASSACHUSETTS GAMING COMMISSION
DRAFT LICENSING AND REGISTRATION REGULATIONS**

134.05: Labor organizations

Para. (C) Each officer, agent or principal employee of the labor organization, union, or affiliate shall file a Labor Organization Individual Disclosure Form at the time the pertinent labor organization, union or affiliate registers, or should register, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Bureau may, upon a showing of good cause, permit.

Para. (D) Notwithstanding 205 CMR 134.05(D)(1) a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a Massachusetts gaming establishment provided that the Bureau may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register.

Comment

Paragraph (D) has an incorrect regulation reference. The correct reference is to 205 CMR 134.05 (C).

Both paragraphs are over broad if the labor organization in question is an international or national labor organization. As written, these paragraphs require "[e]ach officer, agent or principal employee of a labor organization" to register with the Bureau by filing an Individual Disclosure Form. If applied as written that could potentially result in numerous individuals, who have no relationship to a Massachusetts gaming establishment and perform other jobs for the union, to register with the Bureau. If the words, "agent or principal employee" are added to Paragraph (D) this problem is avoided. The suggested paragraph would read:

(D) Notwithstanding 205 CMR 134.05(D)(1) a Labor Organization Individual Disclosure Form need not be filed by an officer, agent or principal employee of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a Massachusetts gaming establishment provided that the Bureau may direct such officer, agent or principal employee to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer, agent or principal employee of a labor organization which is required to register.

134.07 Forms

Para. (6) Licenses, registrations, permits, certification and other approvals held by or applied for in this State or any other jurisdiction;

Comment

This paragraph is exceptionally broad. As written this paragraph could be interpreted as requesting the applicant to list all hunting licenses applicant has applied for in his/her life. A suggested clarification is to include the words, "in a gaming operation" or "professional, business, liquor, or gaming added at the beginning of the paragraph. The edited paragraph would read:

(6) Licenses, registrations, permits, certification and other approvals held by or applied for in a gaming operation in this State or any other jurisdiction;

Or

(6) Professional, business, liquor, or gaming licenses, registrations, permits, certification and other approvals held by or applied for in this State or any other jurisdiction;

Para. (7) Any denial, suspension or revocation by a governmental agency of a license, registration, permit or certification held by or applied for the applicant or any entity in which the applicant a director, officer, partner or an owner of a five (5) percent or greater interest;

Comment

This paragraph is confusing. It is difficult to discern the intent of the paragraph. If the State is asking for information related to "denial, suspension or revocation" of a license, etc. then the paragraph should be narrowed to refer to only the "denial, suspension or revocation" of a license, etc., "in a gaming operation."

Para. (10) Civil litigation history where the applicant was or is a party;

Comment

This paragraph is overbroad. This paragraph should include limiting language. The edited paragraph would read:

(10) Civil litigation history for the past 10 years where the applicant was or is a party;

Section (H) Labor Organization Registration Statement

Para. 8(d) Each agent authorized to represent the registrant;

Para. 8(e) Each principal employee of the registrant.

Comment

As discussed in 205 CMR 134.05(C) and (D) above, a similar outcome occurs here. A Labor Organization Registration Statement could potentially include the names of every agent and principal employee of an international or national union regardless of whether such agents and principal employees have any connection to organizational activities or representational activities with gaming in Massachusetts. This issue can be resolved by defining the terms "agent" and "principal employee" such that both definitions include the phrase "relationship to a Massachusetts gaming establishment" where the agent or principal employee are employees of an international or national labor organization.

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

Comment

While Section (A) states that registrations for individuals of Labor Organizations are presumptively issued neither sections (B), (C) or (D) provide any standards for suitability or rehabilitation of a registration. To correct, adding "Labor Organizations" to each clause should suffice.

134.13: Fingerprinting

Comment

If fingerprinting is a requirement for the completion of the registration application process for those individuals of Labor Organizations filing disclosure forms then "Labor Organizations" should be added to this section.

Sharlow, Albert (MGC)

From: Lewis Finfer <lewfinfer@gmail.com>
Sent: Thursday, December 12, 2013 9:21 AM
To: MGCcomments (MGC)
Cc: Griffin, Jill (MGC)
Subject: comments on Licensing for Gaming Employees and Vendors

Massachusetts Communities Action Network (MCAN)
150 Mt. Vernon Street, Suite 200 E Boston, MA 02125
(617) 470-2912 cell, (617) 822-1499 (office)
www.mcan-pico.org <<http://www.mcan-pico.org>>

Testimony on Gaming Commission Regulations on Licensing for Gaming Employees and Vendors

The current CORI law and regulations remain a barrier to employment for ex-offenders. This means ex-offenders do not get a true second chance for redemption and have a hard time supporting themselves and their families. While everyone is responsible for their actions, not being able to find a job contributes to the high recidivism rate in the first years after release. Recidivism means new crimes, new crime victims, and new costs to taxpayers.

We have a problem with the \$75 fee that is required of every person applying for a job and extensive background CORI and credit checks that are required.

Other states do this differently. Nevada regulations specify that service jobs are not considered gaming employees requiring any type of license and as such they don't charge them a fee. In the Nevada's regulations: "'Gaming employee' does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages."

Some states have followed the Nevada model. Massachusetts appears to be following the New Jersey model. In fact the draft regulations even say New Jersey instead of Massachusetts in certain places!

We would request that the regulations be changed to go in the direction of what Nevada does in terms of not counting service jobs as gaming employees who need to pay a \$75 fee and have to undergo extensive credit and CORI checks.

Our group was an active member of the Commonwealth CORI Coalition that worked hard for the passage of the reform law and regulations along side of other community groups.

We join now with community groups and unions in bringing these concerns to you. We are a community improvement organization with membership in 10 cities across the state.

Lewis Finfer, Director

Massachusetts Communities Action Network (MCAN)

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affiliated with the PICO National Network www.piconetwork.org