



**NOTICE OF MEETING and AGENDA**  
February 6, 2014

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

Thursday, February 6, 2014  
9:30 a.m.

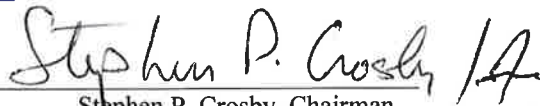
**Boston Convention and Exhibition Center**  
415 Summer Street, Room 160 A&B  
Boston, MA

**PUBLIC MEETING #106**

1. Call to order
2. Approval of Minutes
  - a. January 22, 2014
  - b. January 23, 2014
3. Legal Division – Catherine Blue, General Counsel
  - a. Omnibus Decision on Suitability Findings on Individual Qualifiers – David Acosta, Director – Licensing Division -- VOTE
  - b. Monitoring and Pre-Opening Regulations
4. Administration – Rick Day, Executive Director
  - a. General Update
  - b. Internet Gaming Forum Final Agenda – Commissioner McHugh
  - c. Issuance of Category 2 License Process
  - d. Discussion of Ballot Initiative Petition
  - e. Cost Assessment Regulation Draft – Derek Lennon, CFAO; Catherine Blue, General Counsel; and Todd Grossman, Deputy General Counsel -- VOTE
5. 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](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

2/3/2014  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** February 4, 2014 at 9:30 a.m.



Massachusetts Gaming Commission



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## Meeting Minutes

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**Date/Time:** January 22, 2014 – 1:00 p.m.

**Place:** Boston Convention and Exhibition Center  
415 Summer Street, Room 157  
Boston, Massachusetts

**Present:** Commissioner Stephen P. Crosby, Chairman  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** None

Clicking on the time posted in the margin will link directly to the appropriate section of the video.

### **Call to Order**

See transcript page 2-4.

1:02 p.m. Chairman Crosby opened the 102nd public meeting.

### **Application Presentation – Mohegan Sun Massachusetts**

See transcript pages 4-67.

1:04 p.m. Kevin Brown, Mitchell Etes, Gene Kohn, Hugh Trumbull, Todd Finard, Bethany Seidel, and Kawel LauBach presented on behalf of the applicant Mohegan Sun Massachusetts, LLC.

2:33 p.m. The Commission took a recess.

### **Application Presentation – Wynn MA**

See transcript pages 67-107.

3:31 p.m. Matt Maddox and Steve Wynn presented on behalf of the applicant Wynn MA, LLC.

4:21 p.m. Meeting adjourned.

**List of Documents and Other Items Used**

1. Mohegan Sun Presentation
2. Wynn MA Presentation

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary



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## Meeting Minutes

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**Date/Time:** January 23, 2014 – 9:30 a.m.

**Place:** Boston Convention and Exhibition Center  
415 Summer Street, Room 157  
Boston, Massachusetts

**Present:** Commissioner Stephen P. Crosby, Chairman  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** None

Clicking on the time posted in the margin will link directly to the appropriate section of the video.

### Call to Order

See transcript page 2.

9:32 a.m. Chairman Crosby opened the 103rd public meeting.

### Application Presentation – Blue Tarp Redevelopment

See transcript pages 2-74.

9:33 a.m. Marty Natasia, Jim Murren, Bill Hornbuckle, Phyllis James, Kelley Tucky, Michael Mathis, and Domenic Sarno presented on behalf of the applicant Blue Tarp Redevelopment, LLC.

11:02 a.m. The Commission took a brief recess.

### Approval of Minutes

See transcript pages 74-75.

11:31 a.m. Commissioner McHugh stated that the minutes for the January 9 public meeting are ready for approval.

*Motion made by Commissioner McHugh that the minutes of December 9, 2014 be accepted subject to any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*

### **Research and Problem Gaming**

See transcript pages 75-117.

11:32 a.m. Director Vander Linden presented the Western Massachusetts Casino Health Impact Assessment conducted by Partners for a Healthier Community. Kathleen Szegda and Frank Robinson provided more information on the assessment and responded to Commission questions.

12:20 p.m. The Commission took a recess.

### **Racing Division**

See transcript pages 117-137.

1:34 p.m. Director Durenberger proposed a two year extension to the existing pari-mutuel and simulcasting laws and provided three provisions for the Commission's consideration.

1:54 p.m. *Motion made by Commissioner McHugh that the Commission adopt the modifications to the existing pari-mutuel and simulcasting laws contained in the proposed legislation. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

1:55 p.m. Director Durenberger discussed the claims for payment pursuant to G.L. c. 128A, § 5A and G.L. c. 128C, § 3A and recommended that the Commission approve payment.

1:57 p.m. *Motion made by Commissioner Stebbins that the Commission approve the payments for the 2012 outs book to the individuals listed in the Commission's meeting packet. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

### **Administration**

See transcript pages 137-198.

1:57 p.m. Executive Director Day provided an administrative update on upcoming regulations, the Commission's search for office space, and the administrative completeness review of the RFA-2 applications.

2:01 p.m. Director Lennon provided an update on the Commission's budget and discussed current and projected spending.

- 2:18 p.m. Director Lennon presented a summary of the Commission's payments to consultants for the Phase 1 and Phase 2 evaluations.
- 2:25 p.m. Executive Director Day presented the Commission's proposed budget assessment process to recover Commission costs from the licensees.
- 2:43 p.m. The Commission discussed the tax withholding legislation and its effects on gaming.
- 3:06 p.m. Chairman Crosby left the meeting.

**Legal Division**

See transcript pages 198-216

- 3:07 p.m. General Counsel Blue discussed the process for applicants that have already been found suitable to enter Region C and whether a qualifier that the Commission has found suitable can enter Region C as an applicant. The Commission agreed to conduct more research on the issue and continue the discussion at a future meeting.
- 3:27 p.m. General Counsel Blue welcomed Loretta Lillios to the Commission's legal department. Attorney Lillios will be working primarily with the IEB.

**Licensing Division**

See transcript pages 216-226

- 3:28 p.m. Director Acosta described the progress on the licensing management system. The Commission expects that the system will be ready in early May. During the time period between the acceptance of license applications in March and the implementation of the system in May the Commission will utilize a temporary system to avoid delays in issuing licenses.
- 3:40 p.m. Meeting adjourned.

**List of Documents and Other Items Used**

1. Blue Tarp Redevelopment Presentation
2. Massachusetts Gaming Commission January 23, 2014 Notice of Meeting and Agenda
3. Massachusetts Gaming Commission January 9, 2014 Meeting Minutes
4. Western Massachusetts Casino Health Impact Assessment Report
5. Massachusetts Gaming Commission Licensing Management System (LMS) Update
6. Massachusetts Racing Division January 23, 2014 Memorandum Regarding Proposed Extension of Existing Chapters 128A and 128C
7. Massachusetts Gaming Commission Budget and Assessment Process
8. January 6, 2014 Email Regarding State Withholding Taxes on Gaming Winnings and attachments

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

MASSACHUSETTS GAMING COMMISSION

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*In the Matter of:* )  
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 )  
 Omnibus Suitability Decision )  
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**OMNIBUS SUITABILITY DECISION**

I. Background

The application for a gaming license consists of two parts. See 205 CMR 110.01. The first, called the Phase 1 application, essentially focuses on the qualifications and suitability of the Applicant and its qualifiers to hold a gaming license. See G.L. c. 23K, §12(a) and 205 CMR 115.00 through 117.00. The Phase 2 application focuses on the site, design, operation and other attributes of the gaming facility itself. See generally 205 CMR 118.00 and 119.00. “The commission shall not entertain a Phase 2 application for any applicant unless and until the commission has issued a positive suitability determination on that applicant.” 205 CMR 110.01; see also 205 CMR 115.05(4) and 118.01(1) (a).

Eleven applicants initiated the Phase 1 application process on January 15, 2013. Upon receipt of each application, the Commission instructed the IEB to commence an investigation into all of the entities and individuals associated with each application. See G.L. c.23K, §12(a), §14 and 205 CMR 116.00. The IEB conducted such an investigation on each entity and individual and reported its findings and recommendations to the Commission by way of a Report of Suitability of Applicant Entities and Individual Qualifiers (hereinafter the “Report”) for each applicant. See 205 CMR 115.03(2).

The Report contains information relative to the following areas for each entity and individual that makes up the applicant:

- (1) integrity, honesty, good character and reputation;
- (2) financial stability, integrity and background;
- (3) the business practices and the business ability to establish and maintain a successful gaming establishment;
- (4) history of compliance with gaming licensing requirements in other jurisdictions;
- (5) whether any entity or individual that is part of the applicant, at the time of application, is a defendant in litigation involving its business practices;
- (6) the suitability of all parties in interest to the prospective gaming license, including affiliates and close associates and the financial resources of any entities and individuals that make up the applicant; and



(7) whether any entity or individual making up the applicant is disqualified from receiving a license under G.L. c.23K, §16.

“All applicants for a Phase 1 suitability determination must establish their qualifications by clear and convincing evidence.” 205 CMR 115.01(2); see also G.L. c.23K, §13(a). “Clear and convincing proof involves a degree of belief greater than the usually imposed burden of proof by a fair preponderance of the evidence, but less than the burden of proof beyond a reasonable doubt imposed in criminal cases. It has been said that the proof must be ‘strong, positive and free from doubt’, and ‘full, clear and decisive.’” Stone v. Essex County Newspapers, Inc., 367 Mass. 849, 871 (1975) (internal citations omitted).

Upon receipt of that report, the Commission scheduled either a public hearing or an adjudicatory proceeding. Upon the conclusion of a public hearing, the Commission voted on whether to issue a positive or negative determination of suitability. Upon the conclusion of an adjudicatory proceeding, the Commission deliberated and within a reasonable time issued a written decision of positive or negative determination of suitability.

## II. Findings and Discussion

The Report for each applicant contained a description of the investigation conducted by the IEB and detailed findings of fact. Each Commission decision contained a general finding of suitability for the applicant. The purpose of this decision is to make clear which individuals and entities who were part of an application were found suitable by the Commission. This decision may be used by those individuals and entities, if necessary, in future license proceedings before the Commission as evidence of their suitability.

### Suitability of Individuals and Entities

It is important to clarify the manner in which determinations are made as to the suitability of individual and entity qualifiers; that is, how one’s integrity, honesty, good character and reputation are evaluated. As the Commission has noted in past decisions, the New Jersey Casino Control Commission has best described the standard for evaluating the good character, honesty and integrity of an individual applicant. We look to that standard for guidance. In *In re Bally’s Casino Application*, 10 N.J.A.R 356, 393 (1981), the New Jersey Casino Control Commission stated:

The law requires us to judge each applicant’s character. We find this a most difficult task for several reasons. First “character” is an elusive concept which defies precise definition. Next we can know the character of another only indirectly, but most clearly through his words and deeds. Finally, the character of a person is neither uniform nor immutable.

Nevertheless, we conceive character to be the sum total of an individual’s attributes, the thread of intention, good or bad, that weaves its way through the experience of a lifetime. We must judge a [person’s] character by evaluating his words and deeds as they appear from the testimony and from all of the evidence in the record before us. We must focus particularly on those attributes of trustworthiness, honesty, integrity and candor which are relevant to our inquiry.

In employing the principles articulated in the *Bally's* decision the Commission finds that the individuals and entities identified in this decision have satisfactorily demonstrated their good character, honesty, and integrity and the Commission finds that each has satisfied their burden of proving their suitability.

**Blue Tarp reDevelopment LLC**

Dubai World  
Infinity World (Cayman) Holding  
Infinity World (Cayman) LP  
Infinity World Cayman Investments  
Corporation  
Infinity World Holding Ltd  
Infinity World Investments LLC  
MGM Resorts International  
Tracinda Corporation  
Alexis M. Herman  
Andrew Watson  
Anthony Mandekic  
Burton Cohen  
Charles M. Callahan  
Christopher J. O'Donnell  
Corey Sanders  
Daniel J. D'Arrigo  
Daniel J. Taylor  
Gregory Spierkel  
Hamad M. Buamim  
James J. Murren

Janet M. Callahan  
John G. Bulman  
John M. McManus  
Jon E. Callahan  
Julie A. Callahan  
Junaid Muhammad (Rahimullah)  
Ken Rosevar  
Kirk Kerkorian  
Larry Mefford  
Paul C. Picknelly  
Robert Baldwin  
Robert C. Selwood  
Roland Hernandez  
Rose McKinney-James  
Stephan DuCharme  
Thomas Peterman  
William A. Bible  
William Grounds  
William J. Hornbuckle  
Willie D. Davis

**Crossroads Massachusetts LLC**

2001 A&A Trust  
Ajax Gaming Ventures, LLC  
Etkin Massachusetts Gaming, LLC  
FCX Massachusetts  
Five Trees LLLP  
Foxwoods Massachusetts LLC  
Mashantucket Pequot Gaming Enterprise  
RMP Massachusetts Gaming, LLC  
White River Gaming, LLC  
Alan Potamkin  
Allan Kronberg

Bruce Etkin  
Crystal Whipple  
David Nunes  
Jeffrey Magee  
John Siedem  
Robert Potamkin  
Rodney Butler  
Scott Butera  
Timothy Bell  
Timothy Presutti

**Mass Gaming and Entertainment**

2002 AGB Family Dynasty Trust  
2002 LNB Family Dynasty Trust  
Carlin Dynasty Trust  
Meredith A. Bluhm 2006 Family GST Trust  
Neil Bluhm Trust  
Rush Street Gaming Partners, LLC  
Rush Street Gaming, LLC  
Andrew Bluhm  
David Patent

Greg Carlin  
James Jabczynski  
Joseph Scibetta  
Leslie Bluhm  
Meredith A. Bluhm-Wolf  
Neil Bluhm  
Suzanne Trout  
Timothy Drehkoff  
Zelletta Wyatt

**Mohegan Sun Massachusetts LLC**

Brigade Capital Management, LLC  
MGA Gaming MA, LLC  
MGA Holding MA, LLC  
MGA Palmer Partners, LLC  
Mohegan Gaming Advisors, LLC  
New England Gaming Partners LLC  
The Mohegan Tribal Gaming Authority  
Benjamin Renshaw  
Bruce Bozsum  
Cheryl A. Todd  
David Rome  
Donald E. Morgan III  
Douglas C. Pardon  
Gary Van Hettinga  
Ivan Krsitcevic

James Gessner, Jr.  
John Carney Hawks  
Kathleen Regan-Pyne  
Mark F. Brown  
Mario Kontomerkos  
Mark Sperry  
Mitchell Grossinger Etes  
Neal P. Goldman  
Patrick William Kelly  
Raymond Luis  
Rosario Diminni  
Steven Patrick Vincent  
Thayne D. Hutchins, Jr.  
William Quidgeon, Jr.

**PPE Casino Resorts Ma, LLC**

Cordish Family II, LLC  
Blake Cordish  
Charles Jacobs  
David Cordish

Jonathan Cordish  
Joseph Weinberg  
Reed Cordish

**Raynham Park LLC**

Carney Family Group, LLC  
Greenwood Racing, Inc.  
International Turf Investment Co. Inc  
ITIC/ITAC, LLC  
Koorungal Holdings Curaco N.V.  
Koorungal Holdings, B.V.  
Management Enterprises Holding  
Management Enterprises, LLC  
Raynham Manager, Inc  
Raynham Member, Inc  
Rock, Ltd.  
Anthony Ricci  
Bryan Bartlett

David Budd  
George L. Carney, Jr.  
James Lane  
Joseph Wilson  
Laetitia A. Carney  
Richard Kendle  
Robert Green  
Robert Kelly  
Terrence Everett  
Thomas Bonner  
Timothy Carney  
Watche A. Manoukian  
William Hogwood

**Springfield Gaming and Redevelopment LLC**

Carlino Family Trust  
Delvest Corp  
FIF V PFD, LLC  
Fortress Investment Group, LLC  
Penn National Gaming, Inc  
Western Mass Gaming Ventures, LLC  
Barbara Shattuck-Kohn  
David A. Handler  
Frank T. Donaghue  
Harold Cramer  
Jay Snowden  
John M. Jacquemin

Jordan B. Savitch  
Michael E. Novogratz  
Peter L. Briger Jr.  
Peter M. Carlino  
Randal A. Nardone  
Robert Ippolito  
Robert Paley Levy\*  
Saul Reibstein  
Steven Snyder  
Timothy Wilmott  
Wesley R. Edens  
William J. Clifford

\*Found suitable but no longer a qualifier.

**Sterling Suffolk Racecourse LLC**

Cambridge Suffolk LLC  
Coastal Development Massachusetts, LLC  
Coastal Development SSR, LLC  
Coastal Development Suffolk, LLC  
C.S. Sixth Street, LLC  
CS SSR Investor LLC  
CS/NED SSR Holdings LLC  
CSTL Holdings, LLC  
JJO Sterling Suffolk, Inc.  
Sixth Street Sterling, LLC  
Sterling Racecourse, Inc.  
Suffolk CCF, LLC

Charles A. Baker, III  
Charles E. Morneau  
John L. Hall, II  
John W. Payne  
John F. Rizzo  
Joseph J. O'Donnell  
Paul M. "Chip" Tuttle  
Richard T. Fields  
Robert K. Vincent  
Stephen Kidder  
William J. Mulrow

**Wynn MA LLC**

Wynn Resorts, Ltd.  
Alvin V. Shoemaker  
Daniel Boon Wayson  
Dr. Ray R. Irani  
Elaine P. Wynn  
James Edward Virtue

John J. Hagenbuch  
John Strzemp  
Kimmarie Sinatra  
Matthew O. Maddox  
Robert J. Miller  
Stephen A. Wynn

III. Conclusion

Based upon the Report, the testimony, if any, provided to the Commission at the public hearing or the adjudicatory proceeding as the case may be, as well as the exhibits provided by the IEB or the applicant at the adjudicatory proceeding, the Commission, by unanimous vote, finds that the individuals listed in this decision have satisfied their burden of proving by clear and convincing evidence that they meet the standards for suitability under M.G.L. 23K, §12

**SO ORDERED.**

**MASSACHUSETTS GAMING COMMISSION**

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Stephen P. Crosby, Chairman

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Gayle Cameron, Commissioner

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James F. McHugh, Commissioner

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Bruce Stebbins, Commissioner

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Enrique Zuniga, Commissioner

DATED: \_\_\_\_\_, 2014



**Massachusetts Gaming Commission  
Internet Forum  
MARCH 11, 2014**

***The Massachusetts Gaming Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.***

**FORUM AGENDA  
DRAFT**

- |               |  |
|---------------|--|
| 8:30 - 9:00   | Registration   |
| 9:00 – 9:15   | Welcome/Introduction<br>Chairman Stephen Crosby  |
| 9:15 – 10:15  | What are internet gaming and social gaming? Demonstration and discussion of internet games and a comparison to social gaming.<br><br>Presenter: IGT – DoubleDown; Table games<br>Bally - cross platform                                    |
| 10:15 – 11:00 | Status of Internet Gaming Nationally and Around the World including legal status of internet gambling in Massachusetts<br><br>Presenter: James Kilsby, Americas Editor,<br>GamblingCompliance<br>Assistant Attorney General Patrick Hanley |
| 11:00 – 11:15 | BREAK  |



Massachusetts Gaming Commission

- 11:15 – 12:30 Risks to Internet Gaming: Money Laundering, Problem Gambling and Verification:
- Presenters: Tim Richards, General Manager and senior VP, Global Cash Access (GCA) (money laundering);
- Mark Vander Linden, Director of Research and Problem Gambling and Keith Whyte, Executive Director, National Council on Problem Gambling (problem gaming);
- Lindsay Kininmonth - Operations Manager, GeoComply USA (location verification)
- 12:30 – 1:15 LUNCH
- 1:15 – 2:15 Panel Discussion: Challenges and successes of internet gaming in Nevada, Delaware and Canadian Provinces:
- Presenters: Vernon Kirk, Director, Delaware Lottery (invited)
- George Sweny, Senior Vice-President, Charitable and iGaming, Ontario Lottery & Gaming Corporation;
- Jim Barbee, Chief, Technology Division, Nevada Gaming Control Board;
- 2:15 – 2:30 BREAK
- 2:30 – 3:15 Massachusetts Lottery: Assuring continued success for a billion dollar asset in a changing environment.
- Presenters: TBD



Massachusetts Gaming Commission

3:15 – 4:45

Panel Discussion: Lottery, Internet Gaming and Casinos -  
Peaceful Coexistence?

Presenters: Stephen Martino, Director, Maryland State  
Lottery & Gaming Control Agency

Vernon Kirk, Director, Delaware Lottery  
(invited)

George Sweny, Senior Vice-President, Charitable  
and iGaming, Ontario Lottery & Gaming  
Corporation;

Marcus Prater, Executive Director, Association of  
Gaming Equipment Manufacturers (AGEM)

Others TBD

4:45 - 5:00

Wrap Up

Chairman Stephen Crosby



Massachusetts Gaming Commission





# DRAFT TEMPLATE FOR DISCUSSION

Massachusetts Gaming Commission  
RFA-2 Application Review  
Category 2 License for Slots Parlor

Report to the Commissioners for: **Category #** \_\_\_ - \_\_\_\_\_

Commissioner \_\_\_\_\_

## Contents

### **1. Introduction**

- a. **Criteria**
- b. **RFA – 2 Category # \_\_\_\_ Question List**
- c. **Rating System**

**2. Overall Provisional Rating** - an overall rating for each applicant with a summary justification based on the supporting rollup.

**3. Criteria Rating Summary** - a summary of the findings and ratings for each of the criteria

**4. Review Detail** - presents further details on criteria, and related questions *(this may vary by Commissioner)*

**5. Appendix** - provides additional information *(items below listed as examples)*

- Schematic Design
- Parking and Traffic Report
- Energy and Sustainable Design Report
- Permitting Report

## Introduction

This section would describe the approach to the review and/or the weighting of the criterion

**a. Criteria** – *the following is an example of the criteria in Category 4*

Category 4 is comprised of 7 Criteria:

- Criterion 1 (Questions 4-1 to 4-9): **Demonstrate Creativity in Design and Overall Concept Excellence**
- Criterion 2 (Questions 4-10 to 4-22): **Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities**
- Criterion 3 (Questions 4-23 to 4-36): **Compatibility with Surroundings**
- Criterion 4 (Questions 4-37 to 4-59): **Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility**
- Criterion 5 (Questions 4-60 to 4-68): **Security**
- Criterion 6 (Questions 4-69 to 4-77): **Permitting**
- Criterion 7 (Questions 4-78 to 4-79): **Other**

**b. Question List** – *the following is an example and is a selection of the questions in Category 4*

- 4-1 Overall Theme
- 4-2 Relationship with Surroundings
- 4-3 Architects, Engineers, and Designers
- 4-4 Color Rendering
- 4-5 Schematic Design
- 4-6 Proposed Landscaping
- 4-7 Alternative Presentation
- 4-8 Parking
- 4-9 Transportation Infrastructure
- 4-10 Gaming
- 4-11 Non-Gaming Amenities
- 4-12 Exhibition Spaces
- 4-13 Conference Space

### c. Rating System

Color coding and rating explanation

<b>INSUFFICIENT</b>	Failed to present a clear plan to address the topic, or failed to meet the minimum acceptable criteria of the Commission.
<b>SUFFICIENT</b>	Comprehensible and met the minimum acceptable criteria of the Commission; and/or provided the required or requested information.
<b>VERY GOOD</b>	Comprehensive, demonstrates credible experience and plans, and /or excels in some areas.
<b>OUTSTANDING</b>	Uniformly high quality, and demonstrates convincing experience, creative thinking, innovative plans and a substantially unique approach.

**Category # \_\_\_\_ - \_\_\_\_\_ - Overall Provisional Rating**

<b>Introduction</b>  <i>This section would describe the approach to the review and weighing the criteria</i>	
	<b>Applicant A</b>
	<b>Applicant B</b>
	<b>Applicant C</b>

**Criteria Rating** – *examples from Category 4 – Building & Site Design*

	Applicant A	Applicant B	Applicant C
1. Demonstrate Creativity in Design and Overall Concept Excellence			
2. Gaming Establishment of High Caliber with Quality Amenities in Partnership with Local Facilities			
3. Compatibility with Surroundings			
4. Utilize Sustainable Development Principles in the Construction and During the Life Cycle of the Facility			
5. Security			
6. Permitting			
7. Other			

## Final Phase - Issuance of Category 2 license

TIMING <sup>1</sup>	EVENT	LEAD
Schedule to begin February 25, 2014	<ul style="list-style-type: none"> <li>• Each commissioner shall prepare a binder which documents the review of each category including reviews of questions and criteria. Commissioners can elect to rate all, some, or none of the questions.</li> <li>• Each criteria shall be rated and an overall provisional rating for each applicant in their respective category.</li> <li>• Binders may contain appendices which are expected to primarily be related to either data analysis (e.g. financial, traffic) and/or relevant site or architectural details.</li> <li>• Commissioners may elect to bring original source materials to the meetings or to include such material in the appendices. Any such documents will be reviewed by the legal department to ensure that any applicable confidentiality issues are addressed.</li> </ul>	All commissioners
	In advance of Day 1 each commissioner will be provided with a copy of each binder in order to familiarize themselves with the reviews. Commissioners may request that any specific applicant source material be included in the meeting materials for reference purposes. Any such documents will be reviewed by the legal department to ensure that any applicable confidentiality issues are addressed. A copy of the binders and accompanying materials will be publicly released prior to each Commissioner's presentation	
Day 1	Introduction and explanation of proceedings	Chairman Crosby
Day 1	Outline of the law relative to issuance of a gaming license	Catherine Blue
Day 1 - 2	<u>Building and Site Design</u>	Commissioner McHugh
	<ul style="list-style-type: none"> <li>• Description of evaluation methodology, presentation of findings, and recommendation (including recommended conditions of licensure for each applicant)</li> <li>• Questions from Commissioners and discussion</li> </ul>	
Day 1 - 2	<u>Finance</u>	Commissioner Zuniga
	<ul style="list-style-type: none"> <li>• Description of evaluation methodology, presentation of findings, and recommendation (including recommended conditions of licensure for each applicant)</li> <li>• Questions from Commissioners and discussion</li> </ul>	
Day 1 - 2	<u>Mitigation</u>	Commissioner Cameron
	<ul style="list-style-type: none"> <li>• Description of evaluation methodology, presentation of findings, and recommendation (including recommended conditions of licensure for each applicant)</li> <li>• Questions from Commissioners and discussion</li> </ul>	

<sup>1</sup> Timing is subject to change depending upon length of individual presentations, discussion and extent of deliberations. Presentations and deliberations are not time restricted.

Day 1 - 2	<p style="text-align: center;"><u>Economic Development</u></p> <ul style="list-style-type: none"> <li>• Description of evaluation methodology, presentation of findings, and recommendation (including recommended conditions of licensure for each applicant)</li> <li>• Questions from Commissioners and discussion</li> </ul>	Commissioner Stebbins
Day 1 - 2	<p style="text-align: center;"><u>Overview of the Project</u></p> <ul style="list-style-type: none"> <li>• Description of evaluation methodology, presentation of findings, and recommendation (including recommended conditions of licensure for each applicant)</li> <li>• Questions from Commissioners and discussion</li> </ul>	Chairman Crosby
Day 1 - 2	Continuation of Commissioner Reports	
Day 3	Discussion and deliberations	Chairman Crosby
Day 4	Final discussion , deliberations, and award including determination of conditions of licensure (May conclude earlier depending on the discussions)	Chairman Crosby



205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 121.00: LICENSING FEE

Section

- 121.01: Licensing ~~Fee~~ and Assessment Fees
- 121.02: ~~Payment of the Fee~~ Fees
- 121.03: Commission Fiscal Year
- 121.04: Commission Annual Budget
- 121.05: Annual Reconciliation of Commission Budget

121.01: Licensing ~~Fee~~ and Assessment Fees

- (1) Within 30 days after the award of a category 1 license by the commission, the licensee shall pay a ~~non-refundable~~ license fee of \$85,000,000 to the ~~Commission~~ commission.
- (2) Within 30 days after the award of a category 2 license by the commission, the licensee shall pay a ~~non-refundable~~ license fee of \$25,000,000 to the commission.
- (3) ~~Within 30 days after the award of a category 1 or category 2 license by~~ The following fees are due and payable to the commission, ~~the licensee shall remit for each gaming establishment:~~
  - a. ~~A~~ An annual license fee, as provided by M.G.L. c.23K, §56(a), of \$600 for each slot machine ~~referenced in 205 CMR 119.01(45) and~~ approved by the commission for use by a gaming licensee operation at a gaming establishment (the "Slot Fee"); and
  - b. ~~A license fee,~~ An annual assessment, ("Annual Assessment") as provided by M.G.L. c.23K, §56(c), to be determined by the commission ~~upon issuance of the license, and calculated in accordance with c. 23K §56(c)~~ to cover costs of the commission necessary to maintain control over gaming establishments, in proportion to the number of gaming positions ~~projected for~~ approved by the commission at the gaming establishment; provided, however, that such assessment may be adjusted by the commission at any time after payment is made where required to reflect ~~a licensee's~~ the actual share number of positions at a gaming establishment, and accordingly, the ~~license may be required to remit~~ payment of additional funds may be required or a credit may be issued towards the payment due the following year; and
  - c. ~~a license~~ An annual fee, as provided by M.G.L. c.23K, §56(e), ~~to be determined by the commission upon issuance of the license,~~ reflecting ~~the applicant's~~ each gaming establishment's share of at least \$5,000,000 to be deposited into the Public Health Trust Fund in proportion to the number of gaming positions projected for the gaming establishment; provided, however, that such assessment may be adjusted by the commission at any time after payment is made where required to reflect ~~a licensee's~~ the actual share number of gaming positions at a gaming establishment, and

accordingly, ~~the license may be required to remit~~ the payment of additional funds may be required or a credit may be issued towards the payment due the following year—; and

d. any other such license fees required under M.G.L. c. 23K as now in effect or as hereafter amended and required to be assessed by the commission.

#### 121.02: Payment of ~~the fee~~Fees

~~(1) All fees~~(1) All license fees due and payable under 205 CMR 121.01(1) and 121.01(2) shall be due and payable to the commission within 30 days of an award. As a condition of any award, the commission may provide that such license fees be paid on an installment basis.

(2) The Slot Fee will be assessed on or about July 1 of each fiscal year based upon the number of approved slot machines as of July 1 of said year and shall be assessed on a pro rata basis for any additional slot machines added during the fiscal year.

(3) The Annual Assessment due under 205 CMR 121.01(3) (b) shall be assessed on or about 30 days prior to the start of the commission fiscal year. The Annual Assessment for each gaming establishment shall be the difference between the commission’s projected costs minus the Slot Fee and any other revenues anticipated to be received by the commission and assessed as provided in 205 CMR 121.01(3)(b). The commission will assess the Annual Assessment commencing with fiscal year 2015 and continuing each fiscal year thereafter. The commission, in its sole discretion, may allow the Annual Assessment to be paid in one or more installments during the fiscal year.

(4) The fee required under 205 CMR 121.01 (3) (c) shall be assessed on or about 30 days prior to the start of the commission fiscal year. The commission will assess this fee commencing with fiscal year 2016.

(5) All license fees and assessments due to the commission, except those required by 205 CMR 121.01(1) and 121.01(2) shall be due and payable within 30 days of receipt of an invoice from the commission.

(6) All license fees and assessments shall be submitted in the form of a certified check or secure electronic funds transfer payable to the “Massachusetts Gaming Commission.”

~~(7)~~ In the event that a licensee fails to pay ~~the fee~~any fees or assessments as provided in 205 CMR 121.01, the commission may take any remedial action it deems necessary up to and including revocation of the gaming license.

#### 121.03: Commission Fiscal Year

(1) The commission fiscal year shall commence on July 1 and end on June 30.

#### 121.04: Commission Annual Budget

(1) The commission shall develop and approve an annual budget prior to the beginning of each fiscal year. The budget is an estimated budget and shall include cost projections for the subsequent fiscal year and anticipated revenues to the commission. For fiscal year 2015 and thereafter as necessary, the budget shall also include as part of cost projections an amount sufficient to make the transfers pursuant to §93 of chapter 194 of the Acts of 2011. Such amount shall be assessed on each licensee on a proportional basis using the number of gaming positions approved for each gaming establishment.

(2) The commission will monitor the budget on a quarterly basis and issue a report outlining actual costs/revenues against the estimated budget.

(3) If at any time during the fiscal year the commission determines that actual costs will exceed the projected costs and projected revenue in the budget the commission will revise the Annual Assessment assessed to each gaming establishment and invoice each gaming establishment for its proportional share of such costs.

#### 121.05: Annual Reconciliation of Commission Budget

(1) Within 90 days of the close of each fiscal year the commission will reconcile its actual costs to actual revenues. In no case will the commission end a fiscal year on a negative basis. No commitment or expense shall cause the Gaming Control Fund to end the fiscal year with a negative cash balance.

(2) In the event that actual revenues exceed actual costs for a given fiscal year, the commission, in its sole discretion may either return any excess revenue ("Excess Assessment") in the same manner in which Excess Assessment was assessed or the commission may credit such Excess Assessment to the Annual Assessment due for the next fiscal year.

(3) In the event that actual revenues are less than actual costs for a given fiscal year, the commission will assess each gaming establishment for its share of the excess costs ("Excess Cost Assessment") in the same manner in which the commission assessed the Annual Assessment. Such Excess Cost Assessment shall be due and payable as part of the Annual Assessment due for the next fiscal year.

#### REGULATORY AUTHORITY

205 CMR 121: M.G.L. c.23K, §§4(26); 4(37); 5; 10(d); 11(b); and 56.

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 121.00: LICENSING FEE

Section

- 121.01: Licensing and Assessment Fees
- 121.02: Payment of Fees
- 121.03: Commission Fiscal Year
- 121.04: Commission Annual Budget
- 121.05: Annual Reconciliation of Commission Budget

121.01: Licensing and Assessment Fees

- (1) Within 30 days after the award of a category 1 license by the commission, the licensee shall pay a license fee of \$85,000,000 to the commission.
- (2) Within 30 days after the award of a category 2 license by the commission, the licensee shall pay a license fee of \$25,000,000 to the commission.
- (3) The following fees are due and payable to the commission for each gaming establishment:
  - a. An annual license fee, as provided by M.G.L. c.23K, §56(a), of \$600 for each slot machine approved by the commission for operation at a gaming establishment (the “Slot Fee”) ; and
  - b. An annual assessment, (“Annual Assessment”) as provided by M.G.L. c.23K, §56(c), to be determined by the commission and calculated in accordance with c. 23K §56(c) to cover costs of the commission necessary to maintain control over gaming establishments, in proportion to the number of gaming positions approved by the commission at the gaming establishment; provided, however, that such assessment may be adjusted by the commission at any time after payment is made where required to reflect the actual number of positions at a gaming establishment, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year; and
  - c. An annual fee, as provided by M.G.L. c.23K, §56(e) reflecting each gaming establishment’s share of at least \$5,000,000 to be deposited into the Public Health Trust Fund in proportion to the number of gaming positions projected for the gaming establishment; provided, however, that such assessment may be adjusted by the commission at any time after payment is made where required to reflect the actual number of gaming positions at a gaming establishment, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year; and

- d. any other such license fees required under M.G.L. c. 23K as now in effect or as hereafter amended and required to be assessed by the commission.

#### 121.02: Payment of Fees

- (1) All license fees due and payable under 205 CMR 121.01(1) and 121.01(2) shall be due and payable to the commission within 30 days of an award. As a condition of any award, the commission may provide that such license fees be paid on an installment basis.
- (2) The Slot Fee will be assessed on or about July 1 of each fiscal year based upon the number of approved slot machines as of July 1 of said year and shall be assessed on a pro rata basis for any additional slot machines added during the fiscal year.
- (3) The Annual Assessment due under 205 CMR 121.01(3) (b) shall be assessed on or about 30 days prior to the start of the commission fiscal year. The Annual Assessment for each gaming establishment shall be the difference between the commission's projected costs minus the Slot Fee and any other revenues anticipated to be received by the commission and assessed as provided in 205 CMR 121.01(3)(b). The commission will assess the Annual Assessment commencing with fiscal year 2015 and continuing each fiscal year thereafter. The commission, in its sole discretion, may allow the Annual Assessment to be paid in one or more installments during the fiscal year.
- (4) The fee required under 205 CMR 121.01 (3) (c) shall be assessed on or about 30 days prior to the start of the commission fiscal year. The commission will assess this fee commencing with fiscal year 2016.
- (5) All license fees and assessments due to the commission, except those required by 205 CMR 121.01(1) and 121.01(2) shall be due and payable within 30 days of receipt of an invoice from the commission.
- (6) All license fees and assessments shall be submitted in the form of a certified check or secure electronic funds transfer payable to the "Massachusetts Gaming Commission."
- (7) In the event that a licensee fails to pay any fees or assessments as provided in 205 CMR 121.01, the commission may take any remedial action it deems necessary up to and including revocation of the gaming license.

#### 121.03: Commission Fiscal Year

- (1) The commission fiscal year shall commence on July 1 and end on June 30.

#### 121.04: Commission Annual Budget

- (1) The commission shall develop and approve an annual budget prior to the beginning of each fiscal year. The budget is an estimated budget and shall include cost projections for the

subsequent fiscal year and anticipated revenues to the commission. For fiscal year 2015 and thereafter as necessary, the budget shall also include as part of cost projections an amount sufficient to make the transfers pursuant to §93 of chapter 194 of the Acts of 2011. Such amount shall be assessed on each licensee on a proportional basis using the number of gaming positions approved for each gaming establishment.

(2) The commission will monitor the budget on a quarterly basis and issue a report outlining actual costs/revenues against the estimated budget.

(3) If at any time during the fiscal year the commission determines that actual costs will exceed the projected costs and projected revenue in the budget the commission will revise the Annual Assessment assessed to each gaming establishment and invoice each gaming establishment for its proportional share of such costs.

#### 121.05: Annual Reconciliation of Commission Budget

(1) Within 90 days of the close of each fiscal year the commission will reconcile its actual costs to actual revenues. In no case will the commission end a fiscal year on a negative basis. No commitment or expense shall cause the Gaming Control Fund to end the fiscal year with a negative cash balance.

(2) In the event that actual revenues exceed actual costs for a given fiscal year, the commission, in its sole discretion may either return any excess revenue (“Excess Assessment”) in the same manner in which Excess Assessment was assessed or the commission may credit such Excess Assessment to the Annual Assessment due for the next fiscal year.

(3) In the event that actual revenues are less than actual costs for a given fiscal year, the commission will assess each gaming establishment for its share of the excess costs (“Excess Cost Assessment”) in the same manner in which the commission assessed the Annual Assessment. Such Excess Cost Assessment shall be due and payable as part of the Annual Assessment due for the next fiscal year.

#### REGULATORY AUTHORITY

205 CMR 121: M.G.L. c.23K, §§4(26); 4(37); 5; 10(d); 11(b); and 56.