



MASSACHUSETTS GAMING COMMISSION MEETING

April 2, 2015

10:30 a.m.

Boston Convention and Exhibition Center

415 Summer Street, Room 107B

Boston, MA



Massachusetts Gaming Commission

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



NOTICE OF MEETING and AGENDA

April 2, 2015

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, April 2, 2015

10:30 a.m.

Boston Convention and Exhibition Center

415 Summer Street, Room 107B

Boston, MA

PUBLIC MEETING - #148

1. Call to order
2. Approval of Minutes
 - a. March 19, 2015
3. Administrative Update – Rick Day, Executive Director
 - a. Region C Update
 - b. Phase 2 Application Form Update
4. Research and Responsible Gaming – Mark Vander Linden, Director
 - a. Responsible Gaming Evaluation Plan – Debi LaPlante, Ph.D., Division on Addiction at Cambridge Health Alliance – **VOTE**
 - b. Game Sense Marketing Procurement Update – E. Driscoll, Director of Communications
 - c. Play Management Requirements – **VOTE**
5. Workforce, Supplier and Diversity Development – Jill Griffin, Director
 - a. Penn National Gaming Tourism Plan – Lance George, Vice President and General Manager and Michele Collins, Vice President of Marketing – Plainridge Park Casino – **VOTE**
6. Information Technology Division – John Glennon, Chief Information Officer
 - a. Gaming Lab Planning Update
7. Legal Division – Catherine Blue, General Counsel
 - a. Records Retention, Classification Structure Policy Review - **VOTE**
8. Investigations and Enforcement Division – Karen Wells, Director
 - a. Exclusion List Regulations – Begin Formal Process – B. Band, Gaming Agents Division Chief and T. Grossman, Deputy General Counsel – **VOTE**
 - b. Internal Controls CMR 138 – B. Band, Gaming Agents Division Chief and T. Grossman, Deputy General Counsel – Final Approval and **VOTE**



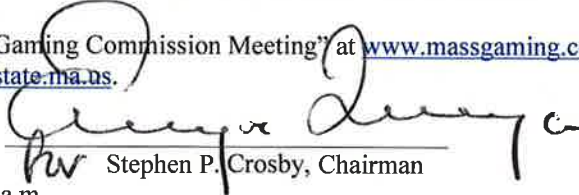
Massachusetts Gaming Commission

- c. Gaming Equipment Regulations – Begin Formal Process – B. Band, Gaming Agents Division Chief and L. Lillios, Chief Enforcement Counsel – **VOTE**
- d. Petition for Exception by JCM (vendor) – **VOTE**
- e. Licensee Name Change Request – Springfield Gaming and Redevelopment – **VOTE**
- f. Temporary License Update

9. 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.

March 31, 2015
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: March 31, 2015 at 10:30 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date/Time: March 19, 2015 – 10:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street Room 102B
Boston, Massachusetts

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

Call to Order

See transcript page 2

10:27 a.m. Chairman Crosby called to order the 147th Commission Meeting.

Approval of the Minutes

See transcript pages 2-3

10:28 a.m. *Commissioner McHugh moved for the approval of the March 5, 2015 minutes with reservation of power to change mechanical and typographical errors. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Administration

See transcript pages 3-64

10:29 a.m. Director Rick Day presented an administrative update which included the following: announcement appointing Dr. Alexandra Lightbrown as Interim Director of Racing, identification of temporary office space in Springfield, Plainridge opening and staffing needs.

10:39 a.m. Chief Information Officer John Glennon presented an update on CMS project plan.

10:41 a.m. Chief Financial & Accounting Officer Derek Lennon presented an update on the 2nd Quarter Budget report which included: revenue adjustments, spending reductions and recommendations.

- 11:02 a.m. *Commissioner Zuniga moved that the Commission approve the proposed adjustments for the second quarter as shown in Appendix A to balance the fiscal year '15 budget and approve the reduction in the assessment on licensees as presented in the packet. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- 11:04 a.m. Deputy General Counsel Todd Grossman presented an update on changes to the draft ABCC regulation which included defining complimentary or free alcoholic beverages and storage of alcoholic beverages. Attorney Grossman also noted discussions with the ABCC pertaining to acceptable forms of identification.
- 11:20 a.m. Chairman Crosby clarified that ABCC agents, as well as increased personnel for the Attorney General's Office and the State Police, who will cover casinos are paid for by the licensees through the Commission.
- 11:25 a.m. *Commissioner Cameron moved that the Commission approve the draft 205 CMR 136:00 – Sale and Distribution of Alcoholic Beverages at Gaming Establishments and move it into the formal process. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*
- 11:26 a.m. Chief Information Officer Glennon introduced and provided background information on James Maida and Ali Ghanavanti from Gaming Laboratories International (GLI), and Travis Foley from BMM North America (BMM), pertaining to the independent lab conditional certification.
- 11:30 a.m. James Maida provided brief comments about operations at GLI.
- 11:33 a.m. Travis Foley provided brief comments about his professional experience and apologies from BMM Owner Storm who could not attend meeting.
- 11:36 a.m. *Commissioner Stebbins moved that the Commission approve conditional independent testing laboratory certifications for BMM and GLI with full certification to be issued contingent on the outcome of the IEB background investigations. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- 11:37 a.m. The Commission took a short recess.
- 11:47 a.m. Meeting resumed.

Ombudsman

See transcript pages 64-108

- 11:47 a.m. Ombudsman John Ziemba provided an overview of the Wynn presentation and also noted the posting of the supplemental final environmental impact report (SFEIR) filing on MGC website.

- 11:49 a.m. Robert DeSalvio, President of Wynn MA, presented an update on Wynn's SFEIR filing and community outreach.
- 11:50 a.m. Jacqui Krum, Senior Vice President and General Counsel of Wynn Resorts, presented an update on activities since the licensure which included: payments to surrounding communities, payment of license fees, bond deposit, land acquisition, diversity plan submission, City of Boston escrow, Charlestown community meetings, submission of PIC application and letters to Suffolk Downs' employees.
- 11:55 a.m. Chris Gordon, Project Manager for Wynn Everett, presented an update on the SFEIR and design project highlights which included: addition of hotel rooms, reduction of parking spaces, removal of night club, increased meeting and conference room space, retail space, events lawn, public boardwalk, parking garage and signature glass façade. Mr. Gordon also reported on MBTA land closure and transportation improvements.
- 12:27 p.m. Commission recessed for lunch.
- 1:20 p.m. Meeting resumed.

Research and Responsible Gaming

See transcript pages 108-121

- 1:20 p.m. Director Mark Vander Linden presented an update on the responsible gaming evaluation plan.

Racing Division

See transcript pages 121-164

- 1:36 p.m. Dr. Alexandra Lightbrown, Interim Director of Racing; Steve O'Toole, Racing Manager of the Plainridge Racecourse; and Bill Abdelnour and Robert Bogigian, representing the Harness Horsemen's Association of New England, presented a request to delay the opening of the racing schedule due to the extreme winter conditions and its effect on getting the track and horses ready for an April 1st start date.
- 1:59 p.m. *Commissioner Cameron moved that the Commission approve the request of the Plainridge Park Casino Harness Racing to move the opening day to April 15 and suspend racing on April 1, 2, 6, 8, 9 and 12 which will be made up later in the season. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*
- 2:00 p.m. Senior Financial Analyst Doug O'Donnell presented an overview of two requests from the Plainridge Racecourse for payment from the Promotional Trust Fund monies for a radio advertising campaign and Back to the Track promotion totaling \$22,651.81.

- 2:04 p.m. *Commissioner Cameron moved that the Commission approve the request from Plainridge Racecourse to utilize the Promotional Trust Fund monies for a total request of \$22,651.81. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*
- 2:04 p.m. Senior Financial Analyst O'Donnell and Chief Pari-Mutuel Officer Carol Malcom, presented on the 2013 Racing Division Annual Report, which included highlights of the following: staff, racetracks, licensing, State Police Investigative Unit report, laboratory services, rulings, financials, regulations, handles and individual track financial reports.
- 2:26 p.m. *Commissioner Cameron moved that the Commission accept the 2013 Annual Report of the Racing Division. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Legal Division

See transcript pages 164-187

- 2:27 p.m. General Counsel Catherine Blue presented on the draft regulations pertaining to the Gaming Commission Hearing process.
- 2:36 p.m. *Commissioner McHugh moved that the Commission approve the draft 205 CMR 101.00 – M.G.L. C. 23K Adjudicatory Proceedings and move it into the formal regulation adoption process. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*
- 2:38 p.m. General Counsel Blue presented on the final Section 61 Findings pertaining to Plainridge Park Casino.
- 2:49 p.m. *Commissioner McHugh moved that the Commission find that the environmental impacts resulting from the proposed project are those described in the Final Environmental Impact Report on which the certificate issued and further that it find that with implementation of the mitigation measures described in our findings, all feasible means and measures will have been taken to avoid or minimize adverse impacts to the environment relating to the construction and operation of the slots parlor at Plainridge Racecourse. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*
- 2:50 p.m. General Counsel Blue presented an update on draft 205 CMR 129 – Transfer of Interests which included a public hearing held on March 12th and extension of comment period until March 26th.
- 2:51 p.m. The Commission took a short recess.
- 3:00 p.m. Meeting resumed.

Investigation and Enforcement Division

See transcript pages 187-319

- 3:01 p.m. Director Karen Wells presented a status update for the Region C applications. The Mass. Gaming and Entertainment's application has been deemed complete for purposes of moving forward with investigation. KG Urban's application is not complete and they are requesting an extension of the March 16th deadline. Crossroads' application is not complete and they are requesting an extension of the March 16th deadline.
- 3:04 p.m. Attorney Jack Yuntis, representing George Carney and Mass. Gaming and Entertainment, presented an update on activities which included: signing of Host Community Agreement with City of Brockton, election date set for May 12th, zoning bylaw filed, ENF will be filed, and public hearings and workforce development meetings have been scheduled. Mr. Yuntis also noted that they have followed the rules and they will be ready on May 26th.
- 3:13 p.m. Mayor John Mitchell, City of New Bedford, reported to the Commissioners that KG Urban and the City of New Bedford executed a Host Community Agreement earlier in the day. Mayor Mitchell outlined a number of factors that led to the agreement, some of which included KG Urban's commitment to: 2000 permanent jobs, usage of maritime industrial land, hotel redesign, access to downtown businesses, waterfront convention center, historical preservation and signage restraints. Mayor Mitchell expressed confidence that the partnership will enhance the City of New Bedford and grow needed jobs.
- 3:26 p.m. Barry Gosin, CEO and Managing Partner of KG Urban, presented on the mission of KG Urban which included thoughtful urban redevelopment to create economic opportunities, focus on brownfields not greenfields and architectural interests. Mr. Gosin noted their success in Bethlehem and New York. He also noted that extending the deadline would allow the State to look at several projects and allow KG Urban the opportunity to secure equity now that a Host Community Agreement has been signed.
- 3:38 p.m. Attorney Kevin Conroy, Foley Hoag, noted that the execution of a Host Community Agreement was a hurdle that has been removed and he expressed confidence that KG Urban can secure equity within 45 days.
- 3:50 p.m. Attorney Jonathan Silverstein, representing the City of New Bedford, raised matter of tribal casino in Region C and noted that KG Urban has the greatest chance to accomplish gaming legislation goals.
- 4:07 p.m. Attorney Robert Allen, representing Crossroads, reported on the following: merger, new qualifiers - James Karam, Dan Shriver and David Klinehandler, Operator Dave Hanlon, debt financing from Jeffries investment banking firm, continuing equity conversations, HCA framework and support from Board of Selectmen. Attorney Allen requested an extension to identify equity contributors and provide competition.

- 4:12 p.m. Chairman Donald Setters, Somerset Board of Selectmen, noted delay in Somerset application was due to City of Fall River's quest for a casino. He also presented an overview of benefits a casino would offer the Town of Somerset, some of which included: filling a revenue void due to loss of power plants, uniqueness of town-owned property offers close access to a major highway, close proximity to Rhode Island facilities to draw in business and creation of regional jobs.
- 4:26 p.m. Attorney Jennifer Dopazo Gilbert, Partner, Law Office of Robert Allen, presented on process to dispose of town-owned land.
- 4:33 p.m. Commissioners started deliberations pertaining to deadline extension requests from Region C applicants KG Urban (New Bedford) and Crossroads (Somerset).
- 4:35 p.m. Commissioner Cameron stated that there are two issues – requests for extension and the region as a whole. Commissioner Cameron stated she was not persuaded to provide an extension as applicants were given time to cure deficiencies. Commissioner Cameron also stated that a new market analysis may be needed due to changes in the market along with an update on the tribal status to help Commissioners make an informed decision regarding Region C.
- 4:38 p.m. Commissioner Zuniga expressed reluctance to extend deadline and concern for applicants' ability to obtain equity.
- 4:42 p.m. Commissioner McHugh noted that the statute is designed to create an economic engine for communities with economic stress. Commissioner McHugh stated that New Bedford should be granted an extension now that it has a united political backing and expressed reservations about the ability of Somerset to put their application together.
- 4:48 p.m. Commissioner Stebbins expressed his concern about the capacity of the IEB to conduct investigations on missing elements with a May RFA-2 deadline.
- 4:51 p.m. Chairman Crosby noted that granting an extension may require changing the schedule. Chairman Crosby also noted that Crossroads does not have a good track record with timely submissions, a major shift has occurred with New Bedford and there is a need for competition to get the best for the Commonwealth. Commissioner Crosby stated he would be in favor of granting the New Bedford request for an extension and there would be no harm in granting the Somerset request.
- 4:53 p.m. Commissioner Zuniga expressed an alternative view pertaining to competition and noted there should be concern about the market and sustainability of the three licenses already granted.

- 5:01 p.m. Commissioner Cameron, and subsequently repeated by Chairman Crosby and Commissioner Stebbins, noted that there should not be an assumption that a license will issue.
- 5:08 p.m. *Commissioner McHugh moved that the deadline for the New Bedford interest to file their completed RFA-1 application including the operator, equity and complete table of organization be extended until May 4, 2015. Motion Seconded by Chairmen Crosby. Roll Call Vote: Commissioner Cameron – Nay, Commissioner McHugh – Yes, Commissioner Stebbins – Yes, Commissioner Zuniga – No, and Chairman Crosby – Yes. Motion passes 3 to 2.*
- 5:09 p.m. *Commissioner McHugh moved that the deadline for the Somerset interest to file their completed RFA-1 application including the operator, equity and complete table of organization be extended until May 4, 2015. Motion seconded by Commissioner Stebbins. Roll Call Vote: Commissioner Cameron – Nay, Commissioner McHugh – Yes, Commissioner Stebbins – Yes, Commissioner Zuniga – No, and Chairman Crosby – Yes. Motion passes 3 to 2.*
- 5:10 p.m. Chairman Crosby exited the meeting.
- 5:11 p.m. Director Wells presented on Penn National’s request for temporary licenses from two primary vendors – KGM Gaming and Multimedia Games.
- 5:18 p.m. *Commissioner Stebbins moved that the Commission approve the temporary primary vendor license for KGM Gaming and Multimedia Games subject to ultimate finding of suitability by the IEB. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- 5:19 p.m. General Counsel Blue requested that the Commission grant to the Director of the IEB a delegation of authority to grant temporary licenses.
- 5:25 p.m. *Commissioner Cameron moved that the Commission authorize Director Wells and the IEB to grant temporary licenses and when they finish their initial review to bring it before the next Commission meeting for an update. The temporary licenses are good for six months only. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*
- 5:26 p.m. IEB Deputy Director Loretta Lillios presented on draft regulation 205 CMR 150 – Protection of Minors and Underage Youth and noted changes made to 150.03 – advertisement section.
- 5:29 p.m. Director Vander Linden suggested that when an advertisement comes before the Commission that the Framework for Responsible Gaming be used as a guide.

5:36 p.m. *Commissioner Stebbins moved that the Commission approve the draft 205 CMR 150 – Protection of Minors and Underage Youth and move it into the formal regulation adoption process. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

Other Business Not Reasonably Anticipated

See transcript page 319

5:36 p.m. *Having no further business, a motion to adjourn was made by Commissioner Cameron. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission March 19, 2015 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission March 5, 2015 Draft Meeting Minutes
3. Massachusetts Gaming Commission March 19, 2015 Memorandum Regarding FY15 Quarterly Update and Operations Plan for the Second Half FY' 15 with Appendices
4. 205 CMR 136.00: Sale and Distribution of Alcoholic Beverages at Gaming Establishments - DRAFT
5. Massachusetts Gaming Commission March 16, 2015 Memorandum Regarding Applications for MGC Certification as an Independent Testing Laboratories with attachments
6. Wynn Resorts Presentation March 2015
7. Massachusetts Gaming Commission Memorandum, Racing Division, March 13, 2015 Memorandum Regarding Plainridge Park Casino, Harness Racing Opening with attachment
8. Massachusetts Gaming Commission Memorandum, Racing Division, March 19, 2015 Memorandum Regarding Plainridge Racecourse Request for Promotional Trust Fund Monies with attachments
9. First Annual Report of the Massachusetts Gaming Commission Racing Division for year ending December 31, 2013
10. Massachusetts Gaming Commission March 19, 2015 Memorandum Regarding Process and Regulations – Commission Hearing Process
11. 205 CMR 101.00: MGL C.23K Adjudicatory Proceedings - DRAFT
12. Massachusetts Gaming Commission March 19, 2015 Memorandum Regarding Final Section 61 Findings – Plainridge, with attachment
13. Letter from Donald Setter, Somerset Board of Selectmen, to Chairman Crosby, dated March 18, 2015 regarding Crossroads Massachusetts LLC
14. Letter from Robert Allen to Director Karen Wells, dated March 17, 2015 regarding Crossroads Massachusetts, LLC
15. Letter from Jonathan Silverstein and Kevin Conroy to Chairman Crosby, dated March 13, 2015 regarding KG Urban
16. Letter from John Donnelly to John Ziemba, dated March 19, 2015 regarding Massachusetts Gaming & Entertainment, LLC
17. Letter from Representatives Brady and Cronin to MGC, dated March 18, 2015 regarding the Region C Licensing Process
18. 205 CMR 150.00: Protection of Minors & Underage Youth - DRAFT

/s/ Catherine Blue
Catherine Blue, Assistant Secretary

Date: April 1, 2015

To: Stephen Crosby, Chair

From: Rob Scarpelli

Subject: Market Assessment – Region C

HLT Advisory Inc (“HLT”) has been asked to review the market assessment model that it used to assess Region A, Region B and Category 2 applications and assess if that model is still applicable to the Region C casino opportunity (one Indian casino and one resort casino). That model provided an estimate of the likely market performance of casinos located in each of the defined casino regions in the State. The remainder of this memo summarizes the results of our review.

Market Assessment Model

The market assessment model developed has a number of fundamental components:

- A regional market area (including sub-market areas) that casinos located in each of the identified regions in the State would likely generate the majority of their business from was determined based on the performance of similar sized casino markets in North America.
- Potential revenue available in each of the sub-market areas was determined based on comparison markets (comparison market factors that were assessed included population size, number of facilities, size/scope of casino operations, etc). Three size of market benchmarks were used (expressed as revenue per adult): \$300 revenue per adult, \$350 revenue per adult and a blended revenue per adult that ranged from \$275 for sub-market areas located further away from a casino and \$375 for sub-market areas where casino were assumed to be located (average of ~\$325 for total market area).
- Market shares or individual facility performance (revenue) was estimated based on typical visitation patterns for casinos of the size and scope contemplated (in this case, all resort casinos were assumed to be of the same size and scope and Category 2 casinos were as proposed by the applicants).

In order to estimate the likely performance of individual facilities a number of assumptions had to be made. Key assumptions included:

- One resort casino (of the same size and scope) would be located in each of the identified casino regions in the State. The potential location of these casinos was assumed to be as follows: Boston urban core for Region A, Springfield for Region B and Taunton for Region C.

- Since the Category 2 license applications were assessed first, actual proposed facility locations were used to assess the likely performance of these applications.
- Since the defined market area included Rhode Island and Connecticut, the market performance of the four existing casinos located in these two states was also estimated (existing performance and after facilities were developed in Massachusetts).
- No additional casinos were assumed to be located in the defined market area or just beyond this area.
- No fundamental changes to existing casinos located within the defined market area were assumed.

Review of Market Assessment Model

The following summarize our review of the market assessment model as it relates to the Region C casino opportunity (one Indian casino and one resort casino):

- The defined market area is still applicable. Casino(s) located in Region C will generate the majority of revenue from the defined market area.
- The lower end of the size of market benchmark (\$300 revenue per adult) for sub-market areas in Region C is less likely applicable. The blended and higher revenue per adult benchmarks are likely more applicable (additional casinos will likely lead to increased spending by market area adults located closer to the casinos).
- While it was always assumed that additional casinos could be implemented in Connecticut, New Hampshire and Maine, and that this possibility is currently being discussed in these states, as of this date, additional casinos have not been approved. If these States do in fact approve facilities, the impact of this potential new competition will likely not be material to the Region C opportunity (i.e. they will likely impact the performance of the Region A and B casinos, as well as existing casinos in Connecticut and Rhode Island). If additional casinos are introduced in the market (during the time when the Region C casino is being assessed), the assessment model can be used to estimate their potential impact (i.e. market shares can be estimated for all facilities serving the defined market area) on the Region C opportunity.
- The most significant factor that will impact a Region C resort casino performance will be the size and scope (including market introduction timing) of the assumed Indian Casino in Region C as well as the size and scope of the resort casino that is being proposed relative to the size and scope of operations at existing/planned casinos in the market area. At this time limited information is available about both the Indian Casino as well as the proposed Region C resort casinos.

Conclusion

The market assessment model that was developed for the application process is still valid and can be used to assess the potential resort casino applications for Region C.

While there seems to be increased discussions related to the introduction of additional casinos in states bordering Massachusetts, no additional casinos have been approved as of this time and no concrete plans have been put forward related to location and size and scope of operations. HLT has to assume that each of the parties that have expressed interest in submitting a Region C application are aware of the uncertainties of the Region C Indian Casino as well as potential increased out-of-state competition and have factored this into their planning (i.e. total investment that they will commit to the project and size and scope of operations).

In conclusion, HLT does not see the benefit of undertaking additional market share scenarios for Region C resort casinos until further information on these casino proposals are known. Further information on the Indian Casino may not be known when the Region C resort casino applications are submitted. If this is the case, assumptions will have to be made at that time to complete the assessment of the Region C resort casino applications.



Brockton, Massachusetts
"City of Champions"
Bill Carpenter – Mayor

March 31, 2015

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

RE: Region C Casino License

Dear Mass Gaming Commissioners:

On behalf of the City of Brockton and its residents, I am writing today to express my serious concern with the Gaming Commission members' recent comments that a Region C casino license award may be delayed, or that a Region C license may not be awarded at all. As a Mayor whose City would be greatly impacted by such a decision, I would urge you to stick to your current timeline and award a Region C casino license if you receive a suitable application. As cities across southeastern Massachusetts consider their economic development plans, we cannot be stuck in limbo, waiting indefinitely while the Gaming Commission decides on a path forward.

As you are aware, I am strongly in favor of the proposed resort casino at the Brockton Fairgrounds. Rush Street Gaming along with Brockton resident George Carney (together Mass Gaming & Entertainment, LLC) have put together a world-class proposal that I believe will be a catalyst for Brockton and southeastern Massachusetts.

The Host Community Agreement between the City and Mass Gaming & Entertainment, LLC creates an opportunity for Brockton and its residents that is unmatched; \$10 million or more annually in new revenue gives us opportunities that no other development can possibly match. We could provide real property tax relief for both residents and businesses; we could increase spending on public safety to ensure we have enough well-equipped police officers and firefighters across all our neighborhoods; and we could alleviate the impact of several years of multi-million dollar cuts to the school budget and restore much-needed programs like middle school sports.

Furthermore, 1,500 new, well-compensated jobs at the proposed resort casino could transform the lives of Brockton families. The Host Community Agreement assures that first hiring preference is given to Brockton residents, and I have been happy to learn of the strong reputation that Rush Street Gaming has for job training and promotion from within. Our City continually exceeds the state's unemployment rate, something that is even more exaggerated in our large, varied minority communities. In February 2015, Brockton's unemployment rate was 7.1% while the state's was 5.1%. While we are excited about the new Administration's efforts to revitalize cities like Brockton, many of the state's past economic

development initiatives on life sciences, technology, and financial services have passed us by. The proposed resort casino would be a game-changer for Brockton.

Since I have been Mayor, we have made progress toward making Brockton a better city, and I'm proud of what has been accomplished in a little more than a year. Following my three point plan to restructure the operation of city government, to revitalize our city's economy, and to rebuild safe and clean neighborhoods, we have taken both large and small steps in our effort toward making Brockton a 21st century city. However, there is much still to be done and the casino proposal would jumpstart a lot of our revitalization efforts. As an example, the "buy local provision" found in the Host Community Agreement requires preference be given to Brockton and regional vendors expanding job growth and pumping millions of dollars into our regional economy.

I am confident that the casino will be a benefit to Brockton and to Southeastern Massachusetts and the data backs that up. First, Rush Street Gaming has assured me that the proposed southeastern casino in Brockton will be successful even if a tribal casino is also built in Taunton. Second, it is clear that the Commonwealth will collect more total gaming tax revenue with a Region C casino than without one, even though the tribal casino tax rate would go to zero. This is because a Region C casino would pay 25% in taxes to the state, while a tribal casino alone would only pay 17%. Third, having two casinos in the southeastern region would benefit everyone as it would create almost the double number of jobs, as opposed to having only a tribal casino.

We all understand that there is a high level of uncertainty that the tribe will ever get land in trust. Even if the Bureau of Indian Affairs takes land into trust, the only certainty is litigation for years to come. The City of Brockton and Region C should not be forced to wait indefinitely for this matter to be settled, if ever, in order to embark on what will be a major economic development opportunity.

While I understand that there is no guarantee that the proposed Brockton casino will be awarded a casino license, I want to do everything I can to ensure a license is awarded in Region C and Brockton has a chance to compete. The Gaming Commission has offered a timeline for review and issuance of a Region C license and I would respectfully urge you to stick to that plan. A delay in awarding the Region C license can only hurt the chances of a casino like the one being proposed by Mass Gaming & Entertainment, LLC from ever being built. It's imperative that the Gaming Commission make a quick decision on this issue in light of our May 12th special election.

I respectfully request the opportunity to appear before the Gaming Commission to discuss this important issue. Thank you for your attention to my letter. Please do not hesitate to contact me with any questions.

Sincerely,


Bill Carpenter
Mayor, City of Brockton

JOHN M. DONNELLY
jdonnelly@donnellyclark.com
609-347-1199

March 30, 2015

Mr. Rick Day, Executive Director
Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109

RE: Mass Gaming & Entertainment, LLC ("MG&E")

Dear Executive Director Day:

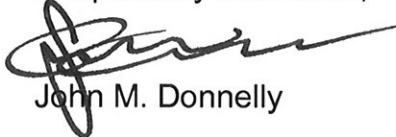
Attached please find the letter from Neil Bluhm on behalf of MG&E, an applicant for a Category 1 license in Region C.

In the letter Mr. Bluhm urges the Commission to promptly determine that it will issue the Region C license to the most qualified candidate. We believe that such a decision is the only way that the investment, jobs and other economic benefits promised in the Expanded Gaming Act can be promptly delivered to the citizens of Region C.

We also believe that the Commission has both the authority and responsibility to issue the license pursuant to Section 91(e) of the Act. We will brief this issue should you so request.

Further uncertainty on this issue is, we believe, a disservice to all and we urge a prompt decision on the issue.

Respectfully submitted,



John M. Donnelly

JMD/lat

Cc: Catherine Blue, Esq.
John Ziemba, Ombudsman

**MASS GAMING & ENTERTAINMENT, LLC
900 N. MICHIGAN AVENUE, SUITE 1600
CHICAGO, IL 60611**

March 30, 2015

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

RE: Issuance of a Category 1 License in Region C

Dear Honorable Commissioners:

As you are aware, Mass Gaming & Entertainment, LLC (“MG&E”) is extremely concerned about whether the Commission will issue a category 1 license in Region C (the “Region C License”) I respectfully submit this letter on behalf of MG&E to urge the Commission to promptly resolve this issue.

Initially, I want to make it clear that we are not writing to advocate that the Commission select MG&E for the Region C License. Instead, we write to request that the Commission reach the decision that, if there is a qualified and suitable applicant, it will issue that license.

MG&E strongly believes that it is in the Commonwealth’s best interest to issue the Region C License. Issuing the Region C License guarantees, among other things, a license fee of \$85 million for the Commonwealth, thousands of construction and permanent jobs and tax revenues that will start as soon as the selected applicant is able to open its doors. Even under a two casino scenario (i.e., the Region C License and the potential Native American casino in Taunton), the Commonwealth reaps more revenue and all stakeholders benefit. We believe that it would be both an economic mistake and bad public policy for the Gaming Commission to decline to issue the Region C License or adjust the schedule for issuing the license in any substantial way. The high level of uncertainty surrounding whether or not the Bureau of Indian Affairs (the “BIA”) will take land into trust and whether that decision will be upheld in court makes it clear that the Commission should issue the Region C License now.

First, it is not clear that the BIA is authorized to take land into trust for the Mashpee Tribe. The BIA has been evaluating the Tribe’s request for a determination that it is eligible for trust land for over two years and has yet to issue a decision. Even if the BIA were to acquire land in trust

for the Tribe, it is unclear when that will happen. In addition, such acquisitions are highly controversial and it is likely that some person or entity will challenge such a decision by the BIA or other aspects of the Mashpee's request. Based on current case law and our conversations with our attorneys who specialize in these issues, it is also clear that there are serious concerns about whether the Tribe would be successful in litigation. Even if successful, litigation will substantially delay the opening of any potential a casino in Taunton.

The notion that the Commission should wait to issue the Region C License because Region C cannot support a private commercial casino and gaming on tribal land is simply incorrect. Based on the studies of our outside experts as well as our own analysis, we believe that our project will be viable even with tribal gaming in Taunton. One of the reasons that we chose Brockton is the fact that our site is approximately 17 miles from the proposed casino in Taunton. In most of the markets in which we operate, we have major competitors that are less than 25 miles from our operations. Based on our analysis and real world experience, if we are selected, we are committed to investing a significant amount of our own capital because we believe that we will be able to operate a successful project even with tribal gaming in Taunton.

We also firmly believe that our site will be successful notwithstanding the other gaming venues both within the Commonwealth and in the Northeast, which competition has been factored into our analysis. This belief is demonstrated by our commitment of capital and time to the project and is supported by our track record of successfully developing major regional casinos near Chicago, in Philadelphia and Pittsburgh and our recent selection by the New York State Gaming Commission to develop a casino in New York State.

As with all of the Region C applicants, there are compelling local issues that warrant attention from the Commission. The host municipalities of the Region C applicants have faced a number of economic challenges such as a higher unemployment rate than the statewide average. Each of these municipalities would greatly benefit from the promise of thousands of new construction and permanent jobs as well as guaranteed annual host community payments and the other benefits that are included in the applicant community agreements. These factors are reasons why gaming was legalized in the Commonwealth and should not be overlooked by the Commission. We urge the Commission to talk to Mayor Carpenter, the Mayor of Brockton, and the other potential Region C host community mayors and take their views into account regarding the decision about issuing the Region C License.

At the last meeting, the Commission suggested that the potential expansion of gaming in the states surrounding the Commonwealth was a reason to hesitate in issuing the Region C License. With respect, the opposite is true: the Commonwealth should accelerate the process of awarding this license. It is time to stem the long trend of allowing dollars to flow out of Massachusetts and to create attractions that will bring out-of-state dollars into the Commonwealth. This also is a core reason that gaming was legalized in the Commonwealth.

Finally, one of the most compelling reasons that promptly issuing the Region C License is in the best interest of the Commonwealth is that in addition to the jobs and \$85 million license fee and substantial benefits a Region C host community will receive, the Commonwealth will receive more tax revenue over time with a commercial casino in Region C than without one. Measuring our project in Brockton versus tribal gaming in Taunton, we will generate more gaming revenue than the Taunton site. We would pay a tax of 25% of our gaming revenue regardless of whether there is a tribal casino. Therefore, if only we open, the Commonwealth receives 25% of our gaming revenue versus 17% of gaming revenue if only Taunton opens.

Based on our projections, we believe that the Commonwealth will receive approximately twice as much incremental tax revenue with just Brockton versus just Taunton. Further, even though a commercial casino will generate less revenue (than it otherwise would without competition from the tribal casino) and the tribal casino will not pay taxes if both the Taunton and a private casino open in Region C, our projections show that the Commonwealth still receives more tax revenue under the Taunton-plus-Brockton scenario than under the Taunton-only scenario.

From strictly a long-term tax revenue perspective, based on our projections, the scenarios that generate the most tax revenues are as follows (in order of highest to lowest): (i) only the Region C License, (ii) Region C License and tribal gaming, (iii) only tribal gaming and (iv) no casino in Region C. Under every scenario, it is in the best interest of the Commonwealth that the Region C License be issued. This does not even consider the fact that two casinos will produce close to double the jobs as well as all of other benefits of gaming in the Commonwealth or the very real possibility that the opening of a tribal casino (if there is one) is delayed by litigation. The worst case for the Commonwealth is that there is no casino at all in Region C because the current Region C License applicants withdraw their applications due to the uncertainty about whether the Commission will ever issue a license.

It is clear that issuing the Region C License is in the public interest of the Commonwealth. It guarantees immediate tax revenues and jobs. Even if the delay and uncertainty related to tribal gaming is overcome, the Commonwealth is still better off with the Region C License in operation than without it.

Regarding our particular situation, the City of Brockton has set May 12, 2015 as the date for the required referendum. Continued uncertainty as to whether the Commission will issue a license in Region C could confuse the voters and affect the outcome of that vote. Therefore, a prompt decision is most important.

We remain enthusiastic about our project and we are willing to entertain the risk that the Commission will not select us. That said, we cannot risk the millions of dollars and our team's time and effort to pursue the development of a casino if the Commission is unwilling to commit to issuing the Region C License. We are not advocating that MG&E be selected, but we are asking that the Commission commit to issuing the Region C License if all of the statutory prerequisites are met. We believe that the applicants and the citizens of municipalities such as Brockton

are owed that. I would be happy to appear before the Commission to further explain our position should you deem that appropriate and helpful in making a prompt decision on this matter.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil G. Blümm". The signature is written in a cursive style with a large initial "N".

Neil G. Blümm
Chairman

LAW OFFICES OF
BEAUREGARD, BURKE & FRANCO

THE ANDREW ROBESON HOUSE
P.O. BOX 952
32 WILLIAM STREET
NEW BEDFORD, MA 02740

PHILIP N. BEAUREGARD
RICHARD E. BURKE, JR.
MICHAEL FRANCO
ADRIENNE CATHERINE H. BEAUREGARD-RHEAUME

TEL.: (508) 993-0333
FAX: (508) 990-2045
FAX: (508) 990-2002

Website: www.bbflawoffices.com
E-Mail: partners@bbflawoffices.com

OF COUNSEL
HON. WILLIAM H. CAREY
JAMES HODGSON
GEORGE J. LEONTIRE
NICHOLAS D. BERNIER

March 27, 2015

Stephen Crosby, Chair
Gayle Cameron, Commissioner
James F. McHugh, Commissioner
Enrique Zuniga, Commissioner
Bruce Stebbins, Commissioner
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

Dear Mr. Chairman and Commissioners:

The purpose of this letter is to address the discussion by Commission members at the March 19, 2015 meeting regarding requests for extension of deadlines for two license applications now pending in Region C. The undersigned are former City Solicitors for the City of New Bedford, covering time periods in the early 1980's (Beauregard) and late 1990's (Leontire); also we are life-long residents of the City of New Bedford and we are keenly aware of circumstances and economic challenges that have faced this area (Southeastern Massachusetts) over the course of the last 30+ years. We maintain law offices in the downtown historic district of the City of New Bedford (Andrew Robeson House). Our respective law practices touch on a multitude of clients and issues directly involved with the economic environment in New Bedford. We do not represent any entity or individual seeking a license from the Commission.

Respectfully, our concern is that much of the discussion regarding whether or not to grant two applicants a 45-day extension reflects a significant misunderstanding of the Commission's statutory obligations in acting on current applications for a casino license in Region C. If the correct statutory criteria are not applied, this area of the state may well experience a "left behind" effect that has unfortunately negatively impacted this area of the state too many times in past years.

The emergency preamble to House Bill No. 3807 provides that the purpose of the Act is to create economic investment and job creation in the Commonwealth. The

Legislature clearly articulated 10 specific guiding principles that underlie the Gaming Legislation. Consistent with the Act's Preamble, Section 1 of the Act emphasizes the Act's purpose: creation of opportunities for the unemployed and encouragement of culturally and socially diverse communities in all sectors of the Commonwealth through a "robust licensing process". (See Attachment A-Excerpts of the Gaming Statute)

Section 18 of the Act lists 19 criteria on which the Commission must make written findings when evaluating a license. The extensive criteria set forth by the Legislature anticipate that a license will be granted to an applicant who qualifies. Attachment A.

We have prepared an abstract of the meeting discussion that indicates that the Commission may be on a course of straying from its statutory mandate. (See Attachment B-Selected sections from the official meeting transcript). Comments by the two members who voted no to the extension are disturbing. The sub-text of their comments is that a Region C license will inevitably be denied and that by voting yes, the Commission was simply prolonging the process. We urge those Commission members to reconsider their position and to keep an open mind on the Region's applications. We ask that the Commission render its decision in a fair and impartial manner without prejudging the merits of the pending applications before making an evaluation under the criteria outlined in the Act.

We believe that the intent of Chapter 194 of the Acts of 2011 (General Laws, Chapter 23K), read as a whole, is to place the three regions of the state (A, B, C) on equal footing with respect to the three casino opportunities created by the statute. Each region should be afforded equal treatment with respect to the criteria set forth in the statute for selection of an applicant. Each region is entitled to strive for the economic benefit envisioned by the statute.

The "competition" provided in the Casino statute is manifestly meant to be "intra-region," not "inter-region." However, some Commissioners' comments at the hearing suggested that the Commission should be looking to the potential effect that a Region C casino license might have on the already granted licenses in Regions A and B; and the impact of a future *potential* license that might or might not be operated by Native American Indian ownership.

We believe differently, that the Commissioners' obligation under the Act is to evaluate, *within each separate region*, which (if any) applicant is best suited to carry on the beneficial economic development within that region.

It would be a clear departure from the intent of the Massachusetts Casino legislation to have one or two of the three listed regions favored over another region, even if the Commissioners' intent is to protect existing granted licenses in Regions A and B (at the expense of Region C).

We believe that the Commission should not reexamine the Legislature's purpose in enacting Chapter 194, with its clearly stated intent that the Commission evaluate the merits and economic viability of the regional applicants' plans and agreements with the respective host cities. Section 18 states that the Commission will examine "how each

applicant proposes to advance the economic objectives” sought by the City (for each region) in negotiating and executing a host community agreement with the applicant.

In the case of KG Urban and the City of New Bedford, months of time consuming work and comprehensive discussions and negotiations have resulted in what the City of New Bedford believes will be an extremely favorable economic tool for the resurgence of the City’s economy and employment. A fair and objective evaluation by the Commission, looking at *intra-region* considerations in evaluating KG Urban’s application, is the proper and legal course that the Commission should follow. Our fear is that Commission members may (erroneously) proceed by considering economic factors outside of Region C (i.e. the continued viability of casino operations in Regions A and B) rather than afford Region C its own independent consideration.

Central to our view of the Gaming Legislation is that Section 19(a) of Chapter 194 could not be clearer as to the singular circumstance under which a Region may be denied a license. That circumstance is very specific. No license will issue:

“...if the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is to be located...”

It should be beyond question that Region C is entitled to a fair application of criteria set forth in the law, just as such criteria were applied earlier to Regions A and B. Each region’s casino proposal should be judged by the same criteria: whether the proposal “provides employment and support in all sectors of the economy, particularly where unemployment has been a traditional issue challenging *that region’s* economy.” The additional goals of promotion of small businesses and tourism, and cultural and social facilities, also need to be considered on an *intra-regional* basis. Accordingly, no one region should be denied an *intra-region* evaluation process. To fulfill the Legislative intent, the statutory criteria should be evaluated from a local regional context.

The HCA in this case, and any further information to be provided to the Commission, should be examined with respect to the proposed beneficial effects within Region C rather than consideration of the impact of a Region C casino on other regions of the state.

In addition, any present preoccupation or speculation by the Commission that equity partners may be shying away from the region overshadows and prejudices its obligation to fairly evaluate what the applicants are offering for Region C. This type of speculation could well create a self fulfilling prophecy.

We urge the Commission to make a clear and unambiguous statement that a Region C applicant who shows it has the wherewithal to build a casino in accordance with the criteria of the Act will be granted a license. This Commission must give Region C a fair shot at a license. Any damage already done needs to be addressed. No other Region has faced such bias suggesting that the Region cannot support a Casino. The Legislature made the determination that there was to be a Region C license if a qualified

applicant met the Act's criteria; the Commission does not have the right to disregard that mandate. The Commission exists to *administer* the law, not *change* it.

We do not address at length the Tribal Gaming Region C license issue. Its use as an argument against awarding a license is a red herring. The argument that the potential of a Tribal license should prevent the issuance of a commercial Region C license is simply a pretext to deny the region a license. The Tribe has made no headway with having the land taken by the Department of Interior. Given the state of the federal law as altered by the recent United States Supreme Court decision it is years away if at all. It is time that the Commission take the position that a qualified applicant willing to invest \$650 million in Region C will trump any concerns over the establishment of a Tribal facility that may or may not occur in the future.

We are well aware that the Commission has power to issue or not issue a license. We submit, however, that such power is set forth in Section 19(a) (as explained above), and is intended to insure that a license is not issued to an unqualified applicant, and not to deny a Region a license altogether.

We agree with Commissioner James McHugh's comments at the March 19, 2015 Commission meeting. We hope the Commission members will take to heart his comments.

I come at this from a little bit different starting point. This is really at tough problem. I think we all feel that it's a tough problem. But I come at it from a little different starting point.

And the starting point is the statute and the purpose of the statute. The statute is designed to create an economic engine or engines. It's designed to create jobs. It's designed to create both permanent and construction jobs. And it's designed to help reach into, at least as we have applied it, into communities that are having difficult economic times and boost the economics.

But I think we need to look at it carefully on the merits and not use a deadline as a proxy for avoiding looking at it. In fact, we can't avoid looking at it because we have an applicant who is qualified and whose application is going to go forward. So, we're going to look at it anyway. We're at the starting gate. Transcript pg. 271-274 see Attachment A

Region C deserves the same treatment afforded Regions A & B. This is the clear intent and language of the enabling statute.

Appropriate consideration of the above comments will benefit all citizens of the Commonwealth (including those working and residing in Region C who deserve equal treatment under the law).

Very truly yours,


GEORGE J. LEONTIRE


PHILIP N. BEAUREGARD

ATTACHMENT A

EXCERPTS OF THE GAMING STATUTE PREPARED BY ATTORNEYS' GEORGE J LEONTIRE AND PHILIP N. BEAUREGARD

Preamble to House Bill No. 3807. To provide for economic investments and job creation in the Commonwealth.

CHAPTER 23K. THE MASSACHUSETTS GAMING COMMISSION

Section 1. The General Court finds and declares that:

(1) ensuring public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme is the paramount policy objective of this chapter;

(2) establishing the financial stability and integrity of gaming licensees, as well as the integrity of their sources of financing, is an integral and essential element of the regulation and control of gaming under this chapter;

(3) gaming licensees shall be held to the highest standards of licensing and shall have a continuing duty to maintain their integrity and financial stability;

(4) enhancing and supporting the performance of the state lottery and continuing the commonwealth's dedication to local aid is imperative to the policy objectives of this chapter;

(5) the commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed, and shall preserve jobs in existing industries in the commonwealth; this chapter sets forth a robust licensing process whereby an applicant for a gaming license shall submit a comprehensive plan for operating a gaming establishment which includes how the applicant will foster and encourage new construction through capital investment and provide permanent employment opportunities to residents of the commonwealth;

(6) promoting local small businesses and the tourism industry, including the development of new and existing small business and tourism amenities such as lodging, dining, retail and cultural and social facilities, is fundamental to the policy objectives of this chapter;

(7) recognizing the importance of the commonwealth's unique cultural and social resources and integrating them into new development opportunities shall be a key component of a decision to the award of any gaming license under this chapter;

(8) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to efforts to combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a

responsibility to identify, address and minimize any potential negative consequences of their business operations;

(9) any license awarded by the commission shall be a revocable privilege and may be conditioned, suspended or revoked upon: (i) a breach of the conditions of licensure, including failure to complete any phase of construction of the gaming establishment or any promises made to the commonwealth in return for receiving a gaming license; (ii) any civil or criminal violations of the laws of the commonwealth or other jurisdictions; or (iii) a finding by the commission that a gaming licensee is unsuitable to operate a gaming establishment or perform the duties of their licensed position; and

(10) the power and authority granted to the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

Section 18. In evaluating application and issuing decision, MGC must evaluate and issue findings as to the following objectives:

(1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;

(2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;

(3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;

(4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;

(5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;

(6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;

(7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;

(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake

regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;

(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during

all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and
(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.

ATTACHMENT B
SELECTED SECTIONS FROM THE OFFICIAL
TRANSCRIPT OF

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #147
CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

19 March 19, 2015 10:30 a.m. - 5:37 p.m.
20 BOSTON CONVENTION AND EXHIBITION CENTER
21 415 Summer Street, Room 102B
22 Boston, Massachusetts

THIS DOCUMENT WAS PREPARED BY ATTORNEYS' :
GEORGE J. LEONTIRE & PHILIP N. BEAUREGARD
AS AN EXHIBIT TO THEIR LETTER TO THE GAMING
COMMISSIONER

THE DISCUSSION BEFORE THE COMMISSION WAS WHETHER TO GRANT NEW BEDFORD AND SOMERSET A 45 DAY EXTENSION FOR THEIR RAF-1 LICENSE. BROCTON'S RAF-1 WAS TIMELY FILED.

THE VOTE WAS 3 TO 2 IN FAVOR OF THE EXTENSION. COMMISSIONER CAMERON AND COMMISSIONER ZUNIGA OPPOSED. THE DISCUSSION, HOWEVER REVEALED SOME DISTURBING VIEWPOINTS BY THE COMMISSIONERS THAT WE BELIEVE ARE CONTRARY TO THE MA GAMING STATUTE. THE FOLLOWING ARE RELEVANT EXCERPTS FROM THE MEETING THAT EXEMPLIFY OUR CONCERNS.

GEORGE J. LEONTIRE AND PHILIP N. BEAUREGARD

THE FOLLOWING ARE EXCERPTS. THEY ARE NOT INTENDED TO CONVEY THE ENTIRE CONVERSATION BUT RATHER SNIPPETS OF SUCH CONVERSATIONS. TO READ THE ENTIRE MEETING TRANSCRIPT PLEASE GO TO MASSACHUSETTS OFFICIAL WEBSITE: MASSGAMING.COM

RELEVANT EXCERPTS

Beginning Tr. Pg. 265 **COMMISSIONER CAMERON:** Mr. Chair, I actually think we have two issues. We started to talk and Commissioner McHugh alluded to

thinking about the region as a whole as well these two particular requests. And I do think we should handle them separately. But I do think that there are two issues that we should at least talk about today.

CHAIRMAN CROSBY: Explain which -

COMMISSIONER CAMERON: The region as a whole, meaning the question was asked of one applicant and it's a question for us to talk about, not just the issue with the tribe, the issue with a market analysis, all of the changes that occurred in gaming which will effect our decision on what to do with Region C.

When we started this in April 2013, we had a lot of folks come before us and say, hey, don't let the region fall behind. And that was when we decided okay, the tribe has a path to move forward and continue on. At the same time, we would explore a commercial license.

Now we are here almost two years later and we're deciding and we're whether or not to give more extensions, which to me is a huge signal there's great risk in Region C. And I just think that's something we need to talk about. Commissioner McHugh's question, things that I have thought about as well, I think it's time for use to do a new market analysis, update the one we had done on Region C.

So much has changed, meaning Rhode Island the status has changed. Table games, combined ownership, Connecticut is talking about expansion. New Hampshire is through the House. Plainville, we did not have the decision in Plainville that the slots parlor would go in that location when we decided to open this up.

The compact was not renegotiated with a zero for another casino in that region at the time that we opened this up. So, lots has changed. And I think it's time (A) for a new market analysis, and (B) for an updated status on all tribal decisions, all legislation that have occurred in the last two years.

I know that there's even been a recommendation to make an appointment to go into the Bureau of Indian Affairs and ask what is the status.

So, I think there's a lot we can do as a Commission to update ourselves on changes in the environment that will help us make an informed decision with regard to Region C. So, I think that's the region as a whole.

Beginning Tr. Pg. 269 **COMMISSIONER ZUNIGA:** There is a significant piece that is missing from these two, the two applicants that are requesting in my view, which I do view connected to the market and the risk in that region.

I have this feeling that the reason it's taking them this long and continues to take them long and notwithstanding the recent momentum and the dramatic new HCA, for example, there is a major component with the equity. And I cannot help but think -- but wonder whether the equity will remain in the sidelines or it's very close to getting up from the sidelines because there's this added element of risk and this unique piece on this region.

I've made the case before you, my colleagues that this minimum capital investment may be a big hurdle in and of itself. We fine tuned that a little bit by including some of the costs that we have previously excluded but not all of them. And that's still a very high bar.

And I wonder if the market is reacting to that not just the capital investment but everything else, the prospect of the tribe, whatever additional development we've had. We've awarded three licenses, right? And that bears into the development, the

certainty, I guess, of those projects. The coming to fruition of those projects could be having a chilling effect on this other region.

So, I do see your point, Commissioner, about perhaps having to study, do a refresher. It's not a de novo market assessment because the framework would work. There could be a refresher that we could do with pinpointing the location. I still think that it's the most challenging region because it is less populated and has a less market potential.

Tr. Pg. 271 **COMMISSIONER ZUNIGA:** I am reluctant to extend it. I think the market is answering the way it's answered. We just need a little bit more time. We're almost there but we don't have the full piece. And I see the big important piece missing is that equity. The equity I think is important because they are ultimately the last ones to get paid. And therefore the ones who really think about the risk of the economics of this market.

And the dealmakers will continue to try to make a deal and that's what they get compensated to do. It's great that they're making great progress. But the equity, the group that gets paid at the end is the one that ultimately is looking at all of these risk factors. And I wonder if they are just a little too high.

Beginning Tr. Pg. 271 **COMMISSIONER MCHUGH:** I come at this from a little bit different starting point. This is really at tough problem. I think we all feel that it's a tough problem. But I come at it from a little different starting point.

And the starting point is the statute and the purpose of the statute. The statute is designed to create an economic engine or engines. It's designed to create jobs. It's designed to create both permanent and construction jobs. And it's designed to help reach into, at least as we have applied it, into communities that are having difficult economic times and boost the economics.

Tr. Pg. 274 But I think we need to look at it carefully on the merits and not use a deadline as a proxy for avoiding looking at it. In fact, we can't avoid looking at it because we have an applicant who is qualified and whose application is going to go forward. So, we're going to look at it anyway. We're at the starting gate.

Beginning Tr. Pg. 276 **COMMISSIONER STEBBINS** I take to heart Commissioner Cameron's thoughts. This is a different environment. We've always talked about the challenge for Region C. You see all the other activity happening. The location of one of our own facilities, the slots parlor in a nearby or adjacent vicinity in this region. Have some of the economic dynamics changed? Maybe that's something that we continue to look at on a parallel path if we decide to let one, two or three of these applicants or projects kind of move forward.

Beginning Tr.pg. 279 **COMMISSIONER ZUNIGA:** I view competition differently, especially with what has happened already. Yes, the first time when we did our first solicitation there was a big focus attracting as many operators as we could trying to get a robust response. But I think we've learned a lot throughout. And we have awarded licenses that make this a very competitive and saturated region.

Now we have three licenses to worry about their sustainability, their long-term profitability that we've awarded. The projects have begun. They are effectively, in my view, competing with a third commercial license,

notwithstanding the prospect of a fourth one. So, there's plenty of competition to go along here.

I think the view of competition only for the Phase-2 stage is a little misguided, in my opinion. There is still this significant hurdles that they have to meet, the minimum capital investment, the suitability, very high bars in and of themselves.

And they have to make money, the return on investment. So, it comes from the market that's available. I know that the market has grown since we have awarded the licenses in the rest of the state. The prospects have shrunk a little bit with some of the comments that Commissioner Cameron was making.

For example, Connecticut is now talking about expanding some of those hotels, the same case for Rhode Island. And New Hampshire continues to be a prospect. So, I think talking about competition by region in this case is a little bit -- I just view it differently. I know what you mean. And I know that was a big priority for us, but I think there are many other dynamics here that eventually affect our decision.

Tr. Pg. 281 **CHAIRMAN CROSBY:** That consideration is whether we would award a license at all and to whom. If we do award a license, is it better to be close to Plainville or far away from Plainville, or close to Rhode Island or far away from Rhode Island?

That issue of competition, is it the right thing to do, does it fit with the tribal situation whatever it is, that is one competitive environment that we make a decision on when we end up making a decision on whether there's one or two or three applicants.

But the competition I'm referring to is just making sure whatever we get to consider in Southeastern Mass., we clearly would be better off, I think, having competition in Southeastern Mass. for us to be picking among and on which to factor.

If we don't have any other bidders, we won't be able to think about whether it's a good idea to be closer to Plainville or closer to Boston or farther from Plainville or farther from Boston. I agree that there's various competitive situations, there's various competitive prisms, but this one I think is very much relevant.

Beginning Tr. Pg. 282 **COMMISSIONER ZUNIGA:** If you presuppose that once you get two competitors you're going to pick one, then your logic holds.

I think we are still in the prospect of do we award a commercial license here, which gets us back to the point that Commissioner Cameron was making. And we don't need two for that decision.

I think there's a unique challenge in this region from way back when because of the prospect of that fourth casino that changes the economics significantly. So, we may end up at the same place just with a half step in between. But I think there's a case to be made to the point that Commissioner Cameron was making. Maybe we can just refresh the market study and try to come back to this sooner rather than later. I view it as already challenging in and of itself.

The problem with our process is that that analysis only comes after Phase 2 when Phase 2 is submitted. That's our catch-22 of sorts.

Beginning Tr. Pg. 283 **COMMISSIONER MCHUGH:** Well, I'm not sure that it does. That's why I asked that question that I asked. We have a Phase 1 and Phase 2 process. And we used the Phase 1 and Phase 2 process now with three successive license proceedings. That doesn't mean we can't tailor it in this one to get at that question earlier rather than later before there are votes and expenditures of energy on a whole variety of things when we may conclude that the economics don't support it, support a license in this

I think that we're going to have one. And the idea that we may come to the end of the process and say no, it's not economically viable to put a casino there. But we also may come to the conclusion that it is. And if we come to that conclusion, it seems to me the Commonwealth's interest is much better served by having two to choose from rather than one. There is it seems to me the competition drives something better. Besides the idea that you say to a community that's got a 17 percent unemployment rate and a brownfield in the middle of the city that we are not going to do anything for your unemployment rate or consider doing anything for your unemployment rate, or cleaning up a brownfield that nobody else wants to clean up because you were 45 days late giving us something to think about. I have significant difficulty with that.

Beginning Tr. Pg. 285 **COMMISSIONER CAMERON:** I think we do communities as much of a disservice by just moving forward with this process and not addressing our concerns about the region sooner rather than later. So, I would just advocate that we no matter what the outcome of the extension is, we move forward sooner rather than later with an updated market analysis, an updated status on the tribal matters in the last couple of years, as well as pending litigation and any other factors that we deem would help us, inform us better at this time about the region.

I just think that's something that's really important. I think it's unfair to let people spend an awful lot of money with the understanding that we will in fact issue a license when I just don't want that to be the assumption.

Beginning Tr. Pg. 288 **COMMISSIONER ZUNIGA:** At the risk of repeating myself a little bit, it's not just the 45 days. There's been a lot of time. And I understand and I remember all of the steps in between the referendum and etc., etc. But there has been ample time for everybody, municipal officials and operators and dealmakers and equity investors. And it just feels that we've done this and we've had this discussion in some form or another a number of times. And I'm just picking up on the questions we were asking of our applicants. We could considerably be here 45 days from now having another similar request saying we just need a little bit more time. One of the objectives, the same objective actually economic development, jobs, revenues, works in the way of sooner rather than later. It doesn't just point us in the way of one day, which makes the decision that much more difficult.

Beginning Tr. Pg. 291 **COMMISSIONER STEBBINS:** It bears repeating but this body has always been clear that just because we have three licenses to award doesn't mean that we will award three licenses. I think that's well known by everybody in this room, but certainly a message that bears repeating to the people in the communities that will be affected by this.



March 25, 2015

The Honorable Kevin Washburn
Assistant Secretary - Bureau of Indian Affairs
U.S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Assistant Secretary Washburn:

On behalf of the members of the Massachusetts Gaming Commission, I am writing to request a meeting with you and your office to discuss the current status of expanded gaming in Massachusetts, and the pending Land-In-Trust application of the Mashpee Wampanoag tribe.

The Expanded Gaming Act was passed in 2011 in an effort to allow communities within the Commonwealth the opportunity to create jobs and generate state and local revenue if their residents decided to support casino gaming. The statute also provided an opportunity for the Mashpee Wampanoag Tribe to pursue a compact and establish a resort casino ultimately in Taunton, situated in our Southeastern Mass license region.

The original casino legislation provided a deadline for the Tribe to achieve the right to offer gaming. After that deadline, the Commission could open up the Southeastern Region for commercial gaming. In an effort to preserve Tribal rights, we initially refused to open up the Region even after the deadline passed. However, as time went on without a determination about the Tribe's status, we eventually decided to accept commercial applications, in hopes that as that process played out, the Mashpee status would be resolved. At this point, we have now had to extend the deadline for those applications in light of the continuing uncertainty of what that Region's market will look like.

This Commission is supportive of the Mashpee Wampanoag's opportunity to pursue gaming through a successful Land-In-Trust application; we are trying to balance that possibility with our responsibility to review credible applications from commercial interests within this region, in the event the tribal application is extended indefinitely or does not succeed.

We fully understand and respect your office's role in evaluating the Mashpee application as you see fit. A meeting with you would help us review the status of our work and discuss the process going forward for the Mashpee Wampanoag Tribe. We are simply interested in whatever information you can provide



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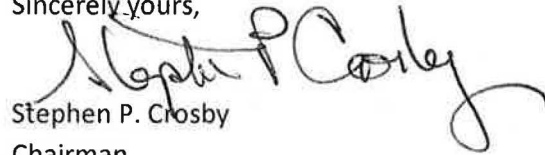
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to us so that we can utilize that information as a factor in our deliberations about the Southeastern Mass situation.

We will be discussing these issues at a public meeting on Thursday, April 2nd. If we could have our meeting (or perhaps even a phone call) before that date, that would be most helpful.

Please feel free to contact Ms. Jamie Ennis in my office, at 617-979-8400, so we may be able to coordinate our schedules and find a suitable time to meet. Thank you for your consideration.

Sincerely yours,


Stephen P. Crosby
Chairman

CC: Ms. Ana Unruh-Cohen, Office of Senator Ed Markey
Massachusetts Gaming Commissioners Gayle Cameron, James McHugh, Bruce Stebbins,
Enrique Zuniga

No Documents



TO: Chairman Crosby, Commissioners Cameron, McHugh, Stebbins and Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming

CC: Public Health Trust Fund Executive Committee, Stefano Keel, DPH Director of Problem Gambling Services

DATE: April 2, 2015

RE: Evaluation Services Procurement

Background

Embedded within the mission statement of the Massachusetts Gaming Commission (MGC) is a pledge to reduce to the maximum extent possible the potentially negative or unintended consequences of expanded gaming. True to this commitment, the MGC has adopted numerous initiatives aimed at promoting responsible gaming and mitigating problem gambling. To measure the impact and effectiveness of these initiatives, it is imperative that the MGC support the evaluation of these initiatives. The findings of such evaluations will help the MGC to decide whether to sustain, revise, or in some cases, suspend their responsible gambling efforts.

On December 18, 2014, Commission members approved the 2015 Gaming Research Agenda. Included in the agenda was a request for an evaluation study of the responsible gaming initiatives outlined in the MGC Responsible Gaming Framework. The specific initiatives under consideration include 1) a voluntary self-exclusion program, 2) GameSense Information Centers, and 3) play management tools on electronic gaming machines. This document refers to pilot protocols proposed for evaluation of these products at the Category 2 licensee.

Following a procurement process, on February 27, 2014 the MGC selected the Division on Addiction at the Cambridge Health Alliance (Division) to carry out this important project.

Division on Addiction at the Cambridge Health Alliance, a Harvard Medical School Teaching Hospital

The mission of the Division is to strengthen worldwide understanding of addiction through innovative research, education, and the global exchange of information. The ultimate goal of the Division is to alleviate the social, medical, and economic burdens caused by addictive behaviors. The Division's work has resulted in groundbreaking psychiatric epidemiological research concerning addictive behavior.

Division faculty members have made significant contributions to understanding gambling-related problems. Dr. Howard Shaffer, Co-Principal Investigator for this project and Division Director, is a field pioneer who has published some of the earliest studies on Pathological Gambling and related Disorders. This work helped ensure that the field is viewed as a legitimate line of inquiry, and gambling-related



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problems are treated seriously. Debi LaPlante Ph.D., Co-Principal Investigator for this project and Director of Research & Academic Affairs at the Division, has numerous contributions to the addictions research field including a comprehensive review of the Iowa Department of Public Health, Gambling Treatment Program and development of Your First Step to Change guide for problem gambling. The Massachusetts Council on Compulsive Gambling and others use this resource extensively. Other notable accomplishments by the Division include:

- Preparing the first ever meta-analysis of prevalence rates, a paper that has been cited nearly 1,000 times per Google Scholar;
- Involvement in gambling-related public outreach efforts, including the development and support of Gambling Disorder Screening Day each March, and almost 20 years of publishing the free research review, The Worldwide Addiction Gambling Education Report (WAGER);
- Publishing 100s of gambling related pieces including peer-reviewed papers, books chapters, reports, editorials, and books; and,
- Publishing the first ever research using actual online gambling records through a seminal 10-year Internet gambling project.

Evaluation Plan

During the initial project period, through June 2017, the Division will assist MGC design program strategy, establish evaluation protocols, and provide preliminary findings and recommendations to advance three key responsible gaming initiatives identified below. Pending consideration of the results from this initial period, and approval by the Commission, the Division may continue its research through 2020 in these areas with the goals of establishing new features that advance responsible gambling and the long-term efficacy of key responsible gambling programs in Massachusetts.

Play Management

Program questions addressed:

1. Is there any evidence from player records or self-reported information that Play Management could be harmful or beneficial?
2. Do Play Management tools have the potential to be effective mechanisms for supporting affordable gambling and managing excessive gambling?
3. Are there any characteristics (e.g., demographics, gambling patterns, or preferences) that – broadly speaking – differentiate those who do enroll in Play Management from those who do not enroll?
4. What is the prevalence of gamblers enrolled in Play Management who trigger the messaging in the Play Management tools and is triggering those mechanisms associated with behavior change?
5. Do enough people utilize the Play Management tools to justify its related costs?

Evaluation Plan:

Initially, the Division will work with the Massachusetts Gaming Commission, Plainridge Park Casino, Bally Technology, and other stakeholders to develop a standard Play Management enrollment protocol and strategy.



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To evaluate the play management tools during the initial project period, the Division is proposing a two-study approach.

Study 1 will consist of a basic epidemiology of Player Card and Play Management uptake and usage. This study will provide information about the distribution of Player Card gamblers who do and do not choose to engage with the Play Management product, and characteristics of their gambling. This study will utilize Player Card record data and survey data. Obtaining Player Card record information at 6 months, 9 months, and 1 year post-Plainridge opening will allow for examination of actual play patterns across time for Play Management users versus non-users. The Division will survey people who sign up for a Player Card (i.e., Player Card Survey; including those who also have signed up for Play Management). Survey data will focus upon providing a description of individuals' perceptions of Player Card use, Play Management, and barriers to enrollment in Play Management. Survey data collection also will attempt to identify individuating characteristics (e.g., wellness status, demographics, gambling-related beliefs) that are associated with particular Player Card record data patterns and Play Management status. Finally, during Study 1 the Division will attempt to identify potentially at-risk gambling patterns and their association with Play Management status. This is important because concerns have been raised about commitment tools having unintended, and even adverse, effects.

Study 2 will examine the issue of uptake for Play Management tools. To identify methods that might increase uptake, the Division plans to conduct a trial that tests tool and registration characteristics. Such characteristics could include minor changes to the tool or registration process, such as language and color changes to invitation protocols, or major changes, such as creating opt-out protocols and changing enrollment incentive structures.

Voluntary Self-exclusion

Program questions addressed:

- 1) Does an engaged approach to voluntary self-exclusion:
 - a. Improve the likelihood that participants will seek additional help for their gambling-related problems or more general mental health issues?
 - b. Decrease gambling behavior?
 - c. Decrease the likelihood of violating the voluntary self-exclusion agreement?
 - d. Increase satisfaction with the self-exclusion program, and more specifically, with the enrollment process?
- 2) Are there player behavior markers that can predict entry into the self-exclusion program?

Evaluation Plan:

Initially, the Division will work with the Massachusetts Gaming Commission, Massachusetts Council on Problem Gambling, Plainridge Park and other stakeholders to refine the standard and engaged voluntary self-exclusion system.

To evaluate the MGC voluntary self-exclusion program, the Division proposes a randomized clinical trial of the self-exclusion enrollment (and potentially, exit) processes with multiple follow-ups. The Division



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will enroll in the evaluation all consenting persons in the voluntary self-exclusion program for the first year, and will continue enrollment past one year, if the project is extended. The Division will collect data that will permit an assessment of a range of outcomes including, self-reported treatment seeking, gambling behavior, self-exclusion violations, satisfaction with the self-exclusion process, etc.. For those participants who have Player Cards, the Division will examine Player Card record data to assess their pre-exclusion actual gambling behavior and determine whether and how it diverges from those who do not go on to self-exclude. This data provides the opportunity to identify predictors of entry into the self-exclusion program in order to develop interventions that eventually can prevent the emergence of gambling-related problems.

GameSense Information Centers

Program questions addressed:

1. What are the characteristics of GameSense Information Centers?
 - a. How much traffic does the GameSense Information Center receive?
 - b. What are the reasons for the visits?
 - c. Who uses the GameSense Information Centers.
2. Do the GameSense Information Centers provide appropriate and satisfactory responsible gambling services?
 - a. Are visits associated with a self-reported increase in gambling-related knowledge?
 - b. Does the GameSense Information Center promote a sharing of gambling-related information?
 - c. Are the GameSense Advisors seen as caring, helpful and knowledgeable?
 - d. Do patrons feel the matter for which they visited the GameSense Information center was resolved?

Evaluation Plan:

Initially, the Division will complete a basic epidemiology of GameSense Information Center (GSIC) visits. This evaluation will document patterns of visits to the GSIC (e.g., peak hours), characteristics of center visitors (e.g., demographics, self-reported motivation for visiting), and characteristics of the interactions between center staff and visitors (e.g., whether gambling problems were discussed, what responsible gaming information visitors received and found useful). GameSense Advisors will complete a basic checklist, developed in advance of their center opening, with all GSIC visitors to accomplish the data collection. Due to the likelihood that GSIC will be a low-traffic resource, to gather sufficient samples, the data collection period necessarily will be lengthy. Though they will begin to gather data when Plainridge first opens, the Division anticipates that these analyses will not commence until the final year of the project period due to the long data collection period.

In addition, it is important to determine how properties implement the GSICs. Evaluations of the GSIC will allow the Division to verify that they meet the expectations and are consistent with the stated objectives defined by the MGC. Therefore, the Division recommends integrating a survey study into standard operations that will allow for the assessment of user satisfaction, additional treatment seeking, and more.



Budget

The total budget for the project period is estimated to be \$1,141,402. The following table provides fiscal year expense details.

Project Budget: FY15 - FY17				
	FY15 2/1/15 - 6/30/15	FY16 7/1/15 - 6/30/16	FY17 7/1/16 - 6/30/17	Total 2/1/15 - 6/30/17
I. PERSONNEL	101,727	347,716	358,148	807,591
II. OPERATIONS	392	12,931	11,032	24,355
III. TRAVEL	242	606	606	1,454
IV. CONSULTANT	2,083	5,000	5,000	12,083
SUBTOTAL	104,444	366,253	374,786	845,483
INDIRECT 35%	36,555	128,189	131,175	295,919
TOTAL	140,999	494,442	505,961	1,141,402

Recommendation

This proposed evaluation study will provide valuable information to advance the responsible gaming initiatives adopted by the MGC. I therefore recommend that the MGC enter contract negotiations with the Division on Addiction at the Cambridge Health Alliance to conduct an evaluation of select responsible gaming initiatives. A final contract is contingent on the approval of the Public Health Trust Fund Executive Committee.





TO: Chairman Crosby, Commissioners Cameron, McHugh, Stebbins and Zuniga

FROM: Elaine Driscoll, Director of Communications, Mark Vander Linden, Director of Research and Responsible Gaming

CC: Public Health Trust Fund Executive Committee, Stefano Keel, DPH Director of Problem Gambling Services

DATE: April 2, 2015

RE: Evaluation Services Procurement

Background

On December 18, 2014 the MGC voted to adopt the GameSense brand to promote responsible gaming education, tools and information centers in Massachusetts. In order to localize and maximize the potential of GameSense in the Massachusetts market, MGC sought to obtain the services of a marketing firm. The initial scope of services defined in the solicitation includes:

1. Modify the existing GameSense brochures and materials with the MGC logo.
2. Plan and negotiate the distribution of materials in the Plainville and surrounding areas and elsewhere as directed by MGC.
3. Design and develop a GameSense website.
4. Develop brand materials to support the GameSense Information Centers.
5. Plan and negotiate media buys.
6. Develop a GameSense social media campaign.

On February 12th, the solicitation was released to a limited number of qualified firms from a statewide master agreement (PRF50). Following a competitive procurement process, MORE Advertising was selected by a procurement management team to carry out the project.

MORE Advertising

Founded in 1997 by Donna Gittens, MORE is a minority woman-owned firm certified by the Massachusetts Supplier Diversity Office, Women's Business Enterprise National Council certified and is a member in good standing with the Greater Boston Minority Supplier Development Council.

MORE is a full-service advertising agency specializing in innovative marketing and targeted outreach to diverse audiences. MORE's services include branding, messaging, positioning, lead-generation, creative concepts and campaign measurement. The MORE team includes 9 full-time staff and one part-time employee, with an in-house professional group providing all account supervision and creative services.

A Focus on Health and Wellness

Campaigns promoting health and wellness have been a signature focus of MORE's work, including



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initiatives aimed at controlling compulsive gambling. Examples of work include:

- Working with the MA Department of Public Health (MA DPH), in association with the Massachusetts Council on Compulsive Gambling, MORE created a statewide media campaign targeting compulsive/problem gamblers. Over a four-year period, under the tagline, *Compassion. Understanding. Solutions.* The campaign became an integral part of a focused radio effort which crossed cultural, gender and age boundaries to connect emotionally with senior, minority and youth populations alike.
- MORE worked with Massachusetts General Hospital's Center for Addiction Medicine to create the Addiction Recovery Management Service (ARMS) website that offered up to date services and positioned ARMS as a cutting-edge treatment program.
- The MA DPH, Bureau of Substance Abuse Services enlisted MORE to produce a comprehensive social marketing campaign aimed at alleviating stigma surrounding substance abuse and promoting the benefits of treatment and recovery. The effort focused on public attitudes and opinions towards those with alcohol, gambling, prescription drugs or illicit drug problems. The campaign's main goal was to reposition substance abuse as a chronic disease, not a choice.
- MORE recently been working with the Mass in Motion initiative of the MA DPH to promote healthy eating and exercise for adults and children in targeted Commonwealth communities.

Media Plan and Budget

Based on the solicitation requirements, MORE proposes a two-phase, multi-channel branding and awareness initiative designed to introduce GameSense to the Commonwealth. Phase I will extend through the end of FY2015. Phase II will extend the project through June 30, 2017.

Phase I, will be timed with the June 2015 opening of the Plainridge Park and Casino and include the following components:

- Market/Audience research and concept testing
- Media planning and purchasing
- New website for GameSense in Massachusetts (adapted from British Columbia website assets)
- Local TV/Cable & radio spots (multi-lingual)
- Local billboards and transit advertising
- Newspaper Ad
- Literature/collateral
- Social media outreach
- Online advertising
- Promotional items

Total FY2015 budget = \$235,930. This funding is available in Research and Responsible Gaming FY15 approved budget.

Phase II of the GameSense Massachusetts campaign will include full statewide outreach with expanded media planning and purchasing, plus additional vehicles deemed important from the Phase 1 experience.

The total budget for FY2016 and FY2017 will be negotiated based on the approved annual budget.



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Recommendation:

I recommend that the MGC enter contract negotiations with the MORE Advertising to implement a two-phase, multi-channel branding and awareness initiative designed to introduce GameSense to the Commonwealth. A final contract is contingent on the approval of the Public Health Trust Fund Executive Committee.

DRAFT



Massachusetts Gaming Commission



Play Management Requirements on Electronic Gaming Machines

This document outlines the initial requirements that will apply to all electronic gaming machines at Plainridge Park Casino (PPC) operated by Penn National Gaming, Inc. There will likely be changes to these requirements during the test period based on recommendations and preliminary findings from the Cambridge Health Alliance, Division on Addiction and the Massachusetts Gaming Commission. The duration of the test period has not been determined but is anticipated to be a minimum of two years.

Bally Technologies will provide the Casino Management System (CMS) for Penn National Gaming at Plainridge Park Casino. Play Management Tools are positioned on the CMS. Cambridge Health Alliance, Division on Addiction has been selected to conduct the evaluation of Play Management Tools.

Play Management Positioning

- Play Management (PM) tools are integrated as a feature of the licensees' player reward (currently known as the Marquee Reward (MR)) system.
- PM tools are voluntary for players to use.
- PM tools are mandatory on all electronic gaming machines deployed by Penn during the test period.
- Information about GameSense (GS) in general and PM tools in specific will be included in the MR brochure.

Training on Functionality

- Bally will provide initial training to GS Advisors and Penn staff on system functionality and standard system usage.
- Bally will provide "train the trainer" training for GS Advisors to train Penn staff ongoing.

Player Enrollment

- A PM kiosk developed by Bally will allow players to enroll in PM tools. The kiosk will use the GS brand and have a link to other GS material.
- Locations for player enrollment will include 1) GS kiosks, 2) the GS Information Center, and 3) the electronic gaming machines (EGM).
- A web-based option for enrollment will be explored.

Player Options for Commitment Criteria

- Defaults when the player enrolls will be set at \$000.
- The player may configure to any dollar amount.
- Play Management tools will allow patrons to commit to an amount spent per gaming day, week, and/or month.



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Player Messaging

1) Notification intervals

- If the player has not already enrolled in PM at a kiosk or at the information center, a PM enrollment message will pop up the first time the player inserts his MR card into a gaming machine.
- If the player declines enrollment at that first insertion, the EGM display will include a PM icon that the player can use to enroll at a later time.
- If player declines enrollment, then after thirty calendar days, the next time the player inserts his or her MR card into an EGM at PPC, a reminder invitation will pop-up on the machine.

2) Messages when approaching limits

- A pop-up reminder will appear on the screen of the electronic gaming machine when the player reaches 25%, 50% and 75% of any limit set (daily, weekly or monthly).
- To continue play, the player may acknowledge the message by clicking an “OK” button on the machine. Alternatively, the message will automatically clear after a configurable amount of time.
- MGC will work with Cambridge Health Alliance, Division on Addiction (Division) to construct PM messaging content and time configurations. Bally will then develop the pop-up windows using prescribed GS themes.

3) Messaging when limits are reached

- A pop-up reminder on the screen of the electronic gaming machine will notify the player when they reach 100% of any of their limits. The player will have to actively acknowledge each message by clicking the “OK” button on the machine to continue gambling. There will NOT be an option to advance without acknowledging the message.
- If the player continues to play in excess of a limit, the session is interrupted with an informative message at limit intervals of 125%, 150%, 175%, 200%, etc. The player would have to actively acknowledge each message by clicking the “OK” button on the machine to continue gambling. There will NOT be an option to advance without acknowledging the message.
- MGC will work with the Division to construct PM messaging content. Bally will then develop the pop-up windows using prescribed GS themes.

4) Modifying the messaging

- MGC will work with the Division to construct PM messaging content. Bally will then develop the pop-up windows using prescribed GS theme.
- All message content must be approved by MGC, Director of Research and Responsible Gaming, prior to being enabled on the EGM.





Changing limits

- A player may change his limits at (1) the GS Information Center, (2) a self-service GS kiosk, or (3) a Penn Player Services Station.
- Changes to limits take effect immediately.
- A web-based option for changing limits will be explored.

Suspending PM participation

- The player has the option to un-enroll via Play Management Application at (1) the GS Information Center, (2) at a self-service GS kiosk, or (3) at a Penn Player Services Station.
- The player will still exist in PM database, with all history to support their active enrollment in PM, but after the patron un-enrolls, their play will no longer be tracked in the PM system.
- A web-based option for suspending PM participation will be explored.

Marketing to the player

- 1) Incentives at enrollment
 - The MGC will determine and provide financial support for incentive(s).
 - The incentive for enrollment will be credited to the player's MR card.
 - Players who enroll and receive the incentive are not eligible to receive the incentive a second time.
- 2) Targeting players who opt-out
 - Penn will include information about PM/GS in marketing materials they send out.
 - GS may also initiate marketing material to players.



Massachusetts Gaming Commission

MARKETING & HOSPITALITY PLAN



PLAINRIDGE PARK
CASINO

Marketing & Hospitality Plan Objective

The proposed marketing and hospitality plan is intended to accomplish the following:

- ✓ Develop relationships between Plainridge Park Casino and other area businesses within Massachusetts.
- ✓ Create joint marketing programs capitalizing on the addition of gaming to the exciting and thriving attractions that Massachusetts already has to offer.
- ✓ Provide opportunity to recapture lost business to Rhode Island and Connecticut, and bring new revenue from other state and international visitors.

More To Explore



MASSACHUSETTS
IT'S ALL HERE.



VISIT

Southeastern Massachusetts



Marketing & Hospitality Plan Strategy

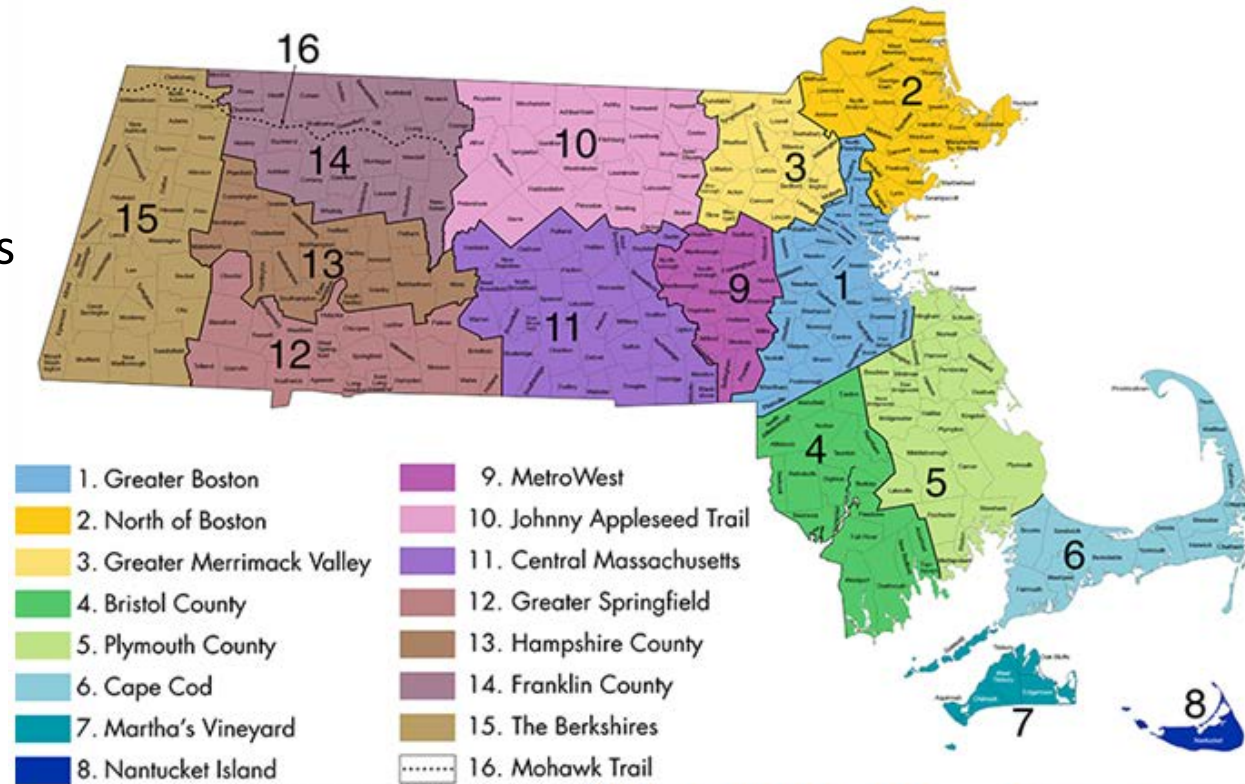
- ✓ Capitalize on the addition of gaming in Massachusetts and the beneficial impact it will have on travel and tourism driving incremental revenue locally and across the region.
- ✓ Leverage proximity of Plainridge Park Casino to the four major area attractions - Patriot Place, Wrentham Village Premium Outlets, TPC Boston and Xfinity Center - resulting in increased customer volume and revenue for new and existing businesses in the Metro West and Bristol County Regions.
- ✓ Develop a variety of partnerships with bus tour operators, hoteliers, retailers and other attractions across regions that will drive economic growth to Massachusetts as a whole.



Primary Regions

Membership with surrounding visitor bureaus and chambers:

- ✓ Greater Boston
- ✓ Metro West
- ✓ Bristol County
- ✓ Plymouth County
- ✓ Central Massachusetts



Cross Market Regional Tourism

➤ On Property/Community Involvement

- ✓ Tourism kiosk located in lobby area of Plainridge Park Casino
- ✓ Educate casino staff on promoting regional tourism amenities
- ✓ Participate in applicable events/tradeshows
- ✓ Promote to Penn National universal database (Marquee Rewards loyalty program)

➤ Online

- ✓ Add regional tourism website links to Plainridgeparkcasino.com
- ✓ Promotion/property information posted on massvacation.com, surrounding region tourism sites and monthly tourism newsletters.



➤ Social Media

- ✓ Utilize Plainridge Park Casino twitter and facebook pages for joint marketing
- ✓ Participate in marketing promotion opportunities offered by Mass Vacation (@VisitMA/#Massinsider)



STATE AND LOCAL REGIONAL TOURISM

➤ Collaborate with area attractions and bus groups to develop programs that will enhance their business and offerings.

✓ Partner with campgrounds/RV Parks offering shuttle service and dining specials during off peak season or inclement weather days to help maximize length of stay and business volume during slower periods.



✓ Partner with bus tour companies promoting weekly line runs to casino.

✓ Identify opportunity within Asian Market

✓ Identify opportunity with Seniors



INTEGRATED MARKETING PROGRAMS

- ✓ Utilize our universal loyalty card program, Marquee Rewards to collaborate with area attractions, hotels and retailers to increase their visitation:
 - ✓ Partner with local retailers on discount opportunities that will be offered as incentives for our loyalty card program
 - ✓ On property promotions for gift card giveaways for local retailers
 - ✓ Partner with local hotels for Stay, Play and Shop Packages offered to casino guests and used for monthly promotions.
 - ✓ Offer virtual hotel programs to Marquee Reward members with discounted rate, or potential to redeem points for hotel stays.
 - ✓ Utilize our Universal Card database to incentivize cross property visitation, resulting in importing business to the Boston region.





MGC Gaming Technology Laboratory – Update

April 2nd Commission Meeting

MGC GAMING TECHNOLOGY LABORATORY STATUS UPDATE

- Gaming Technology Laboratory Manager – Hiring Process Update
- Gaming Technology Lab – Operating Model
- June 24th Opening Plainridge Park Casino / Penn National Gaming
 - Licensed manufacturers obtain CITL certification of compliance with MGC Technical Standards
 - EGD manufacturers provide MGC notification of shipment

 - CITL engaged by MGC assists MGC Gaming Technology Laboratory with EGD permitting and asset registration

 - CITL engaged by MGC assists and supports MGC GTL staff and IEB to certify the casino gaming floor including EGD's on the floor as well as the Penn National Gaming ACSC Slot and Player Management System
- Permanent Business Processes and Procedures



MGC GAMING TECHNOLOGY LABORATORY STATUS UPDATE



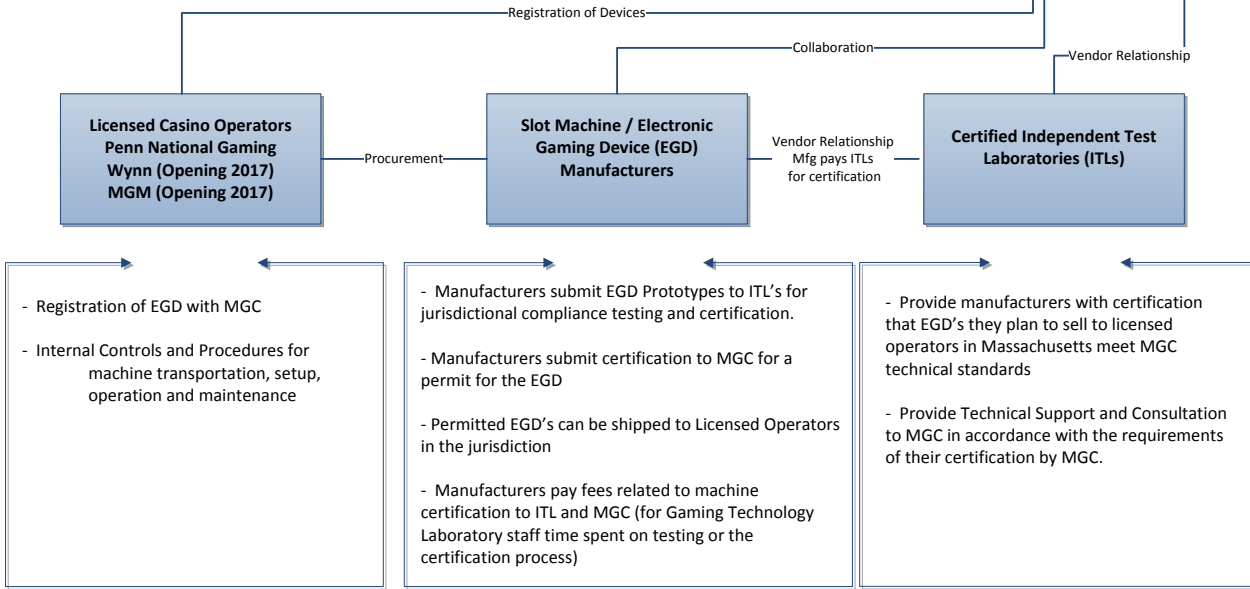
Gaming Lab Operating Model Roles
4/2/2015

Mass Gaming Commission
&
Executive Leadership Team

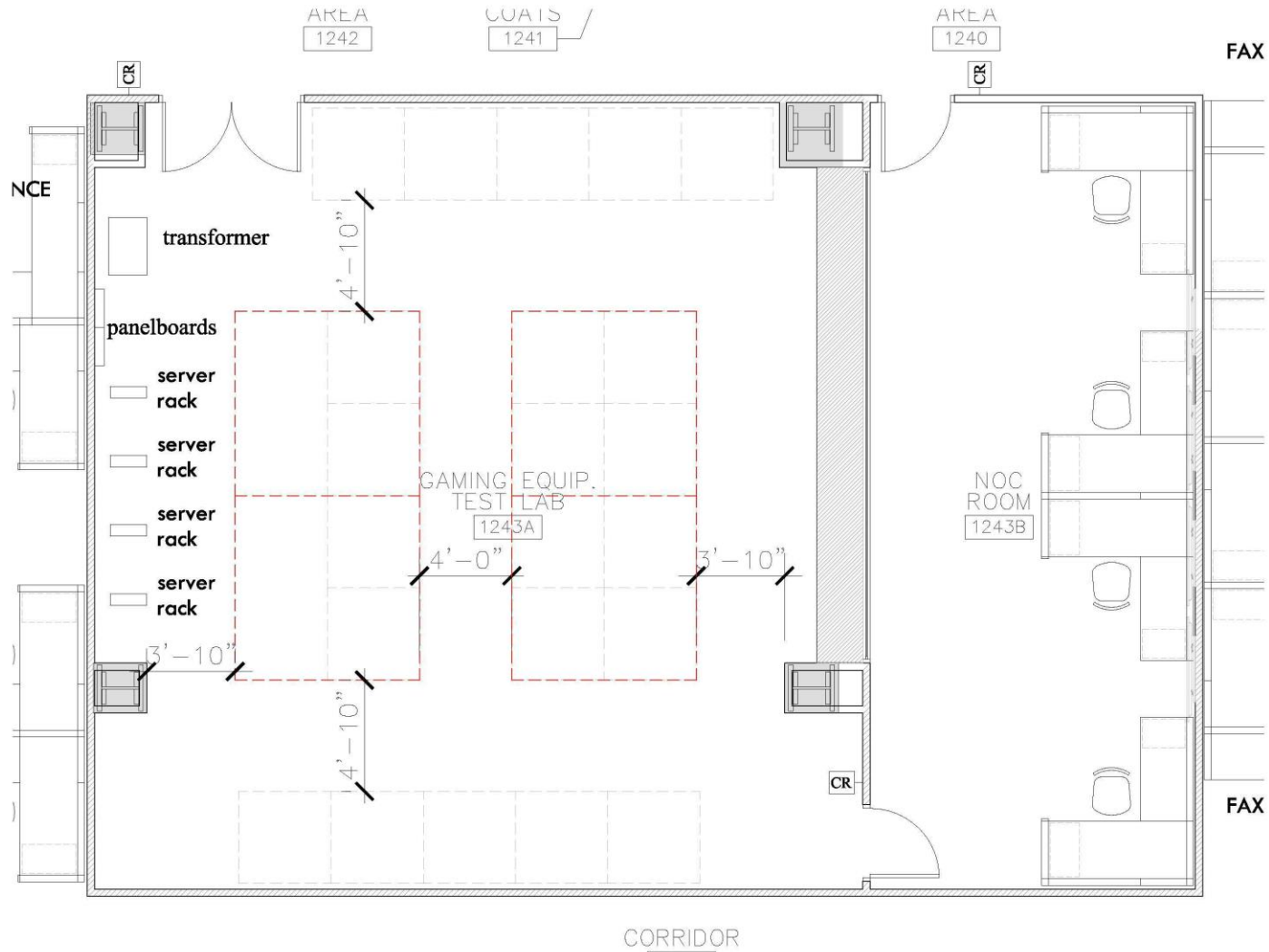
Gaming Technology Laboratory

Staff:
GTL Manager
2 Engineers

- Permitting of Electronic Gaming Device Prototypes
- Maintain MGC Technical Standards & Regulations
- Ensure compliance with regulations
- Risk Based Testing Model / Re-Testing
- Provide Training and Education to MGC staff
- Support IEB and Audit Field Operations
- Oversee Operation of Central Monitoring System
- EGD Interoperability Testing with GTECH Intelligen
- Vendor Management of ITLs – Certification and Audit
- Vendor Management for CMS Operator



MGC GAMING TECHNOLOGY LABORATORY STATUS UPDATE



Record Retention Policy

Policy Statement

This policy describes the Commission's adherence with the Records Retention policy of the Commonwealth and provides a guide to its implementation.

Applies to

Commissioners and all employees

Procedure

The Schedule

The Commonwealth's record retention schedule ("Schedule") is produced under the statutory provisions of M.G.L. c. 4 §7 cl 26; c. 30 §42 and c. 66 §§ 1, 8, and 9. The record retention schedule is maintained by the Secretary of the Commonwealth. It can be found on the Secretary of State's website at www.sec.state.ma.us/arc/arcmu/rmuidx.htm. The Schedule applies to all records of state government including executive departments, constitutional offices, authorities, independent agencies and state records managed by contracted service providers. The Schedule applies to records regardless of location and form, including but not limited to records in electronic, audio tape or hard copy. Duplicate copies of records need not be retained unless required by statute or regulation. Retention periods under the Schedule reflect the minimum period of time that records should be kept. Records may be kept for a longer period as needed or required.

The Commission has instituted a central file naming system for paper files. It is imperative that each department adhere to the central file system in order to ensure compliance with the Schedule.

Attached to this policy is the Commission's record retention schedule. If there is a record that is not described in the attached guide, please contact the legal department for guidance.

General Matters Regarding Record Retention

1. The Commission needs to maintain only 1 copy of each document. Documents can be stored in electronic or paper form.
2. Commission staff should go through all paper files and dispose duplicate copies, except for those duplicate copies that may be subject to a litigation hold. Electronic records should also be reviewed and duplicates removed.
3. Commissioners and staff should keep personal notes in notebooks. Personal notes placed in Commission files become Commission records.
4. Commissioners and staff must archive all business related emails on the H drive. If a commissioner or staff requires assistance with that please contact IT and IT staff will provide guidance on how to set up an email archive folder.
5. Materials may be scanned and kept electronically. If documents are kept electronically, all electronic files must be stored on the S or H drives; do not store files on the C drive or computer desktop. The S and H drives are backed up and stored; individual C drives and desktops are not. If materials are stored on a disc or a thumb drive those devices must be marked so that the records stored

on them are identifiable and the devices must be stored in a safe place and in a controlled environment to ensure that the information on those devices will not degrade.

Litigation Files

When the Commission is involved in litigation the Commission is required to keep all records related to matters at issue in the litigation. This is called a “litigation hold”. When a litigation hold is required, all Commissioners and staff will receive a litigation hold email from the legal department describing what records need to be kept. When Commissioners and staff receive the email, that means that notwithstanding the retention periods in the Schedule, all records described in the email must be kept until the legal department advises Commissioners and staff that the records are no longer subject to the litigation hold. In most cases, litigation holds remain in effect for a year or longer depending on the type of litigation. If there are any questions regarding a litigation hold, please contact the legal department for guidance.

Responsibility

The CFAO, in conjunction with the legal department, shall be responsible for this policy. Any questions regarding this policy may be directed to the CFAO or the General Counsel.

Each department shall appoint one member of the department as the record manager for the department. That person shall be responsible for the labelling, filing, indexing and storage of the records and for providing the General Counsel with a current index of stored records. That person shall further be responsible for reporting to the CFAO on compliance with the Schedule.

Approved by: _____

Date: _____

References to other Policies/laws/regulations: The Commonwealth Record Retention Schedule

Created: _____

Revised: _____

Reviewed: _____

Attachments: Retention Schedule Guide

RETENTION SCHEDULE GUIDE

This is a short guide to some of the definitions used in the Schedule.

Definitions

1. **Administrative Use:** Administrative use refers to a record's usefulness as determined by Commission staff. This designation includes duplicate copies of records maintained for the convenience of Commission staff. Records with a retention schedule of "retain until administrative use ceases" may be discarded after such use.
2. **Contract:** A contract is a legally binding agreement between two or more parties.
3. **Electronic Record Keeping System:** An electronic record keeping system is any information system where records are kept primarily in electronic form. For Commission purposes, this would include email, storage on the H or S drive, storage in a document management system, storage in the LMS system, storage in MMRS or CHMRS, or storage on a portable device such as a disc or thumb drive.
4. **Permanent Records:** means records that are to be maintained indefinitely and maintained in an accessible form either by the Commission or the State Archivist.
5. **Record:** A record is information that has been recorded or captured regardless of physical form or characteristics.
6. **Retention Period:** The Retention Period is the length of time required for the storage of records. This period is based upon among other factors, statutory or regulatory requirements, agency custom and retention schedules. Records must be maintained in accessible format for the duration of the retention period.
7. **State Archives:** The State Archives maintains valuable governmental records for the benefit of state agencies, the Commonwealth and its citizens. Records transferred to the State Archives are no longer in the control of the Commission.
8. **State Records Center:** The State Records Center provides temporary storage of records on behalf of state agencies. Such records remain the sole property of the Commission.

B12 Massachusetts Gaming Commission

1. Records pertaining to the creation and development of the Commission, examples of which include the original enabling legislation, appointment letters for commissioners, original mission statement and values, the strategic plan, ethics disclosures by employees and contractors, delegations of authority.

Retention Period

Permanent

2. Commission meeting agendas, commission packets, minutes, transcripts and video of commission meetings

Retention Period

Permanent – commission meeting agendas, commission packets, minutes and transcripts.
1 year – video of commission meetings

3. RFA 1 and RFA 2 applications-Category 2 and Category 1, Region A, B & C unsuccessful applicants

Retention Period

Includes investigatory material obtained or generated for applicant or qualifiers as part of the RFA 1 review process. Retain for 3 years after award of category 2 license; retain for 3 years after the date of the award for category 1 license in each region.

4. RFA 1 and RFA 2 applications Category 2 and Category 1, Region A, B & C successful applicants

Retention Period

Permanent- Includes investigatory material obtained or generated for applicant or qualifiers as part of the RFA 1 review process.

5. Evaluation reports Category 2 license and Category 1 licenses Region A, B & C

Retention Period

Permanent

6. Final versions of regulations promulgated by the Commission

Retention Period

Permanent

7. Employee, racing, and vendor licenses

Retention Period

Includes all information pertaining to licenses granted pursuant to M.G.L c. 23K, 205 CMR 134 and M.G.L. c. 128A and 128C, (other than Category 1 or Category 2 gaming licenses) including applications and background investigations

Files pertaining to licenses granted – permanent
Files pertaining to licenses denied – 3 years after final action

8. Gaming and Racing Annual Reports

Retention Period

Permanent: Retain 1 copy of each report for each year

9. Public records requests

Retention Period

3 years after last activity

10. Policy manuals

Retention Period

Permanent – includes Human Resource policies, employee handbooks and policies and procedures for Commission processes

11. Correspondence

Retention Period

Includes letters, memorandum and other forms of correspondence both created by and received by the commission - 6 years from date of correspondence

12. Calendars

Retention Period

Retain until administrative use ceases

13. Email

Retention Period

Including attachments – 6 years from the date of the email

14. Contracts

Retention Period

Contracts under seal – 20 years

All other contracts – 6 years after last date of payment under the contract

15. Administrative Hearings

Retention Period

Includes orders which are the subject of the hearing, all evidence submitted as part of the hearing, all briefs filed, the record provided on any appeal and decisions rendered. Applies to hearings before the hearing officer and review by the commission as described in 205 CMR 101 - 6 years after final action.

16. Litigation in State or Federal Court

Retention Period

Includes all materials associated with the litigation and any appeals including filings, briefs, all discovery documents, all attorney work product, and any decisions rendered – 20 years after final action.

17. Personnel Files

Retention Period

Includes all materials associated with an employee's tenure with the Commission, including background investigations. Also includes separate medical files for each employee – 50 years after separation from employment.

18. Background investigations – unsuccessful applicants for employment or contractors

Retention Period

Includes all materials created for the purpose of doing the background investigation required for employees and contractors under c. 23K for applicants and contractors who do not successfully complete the background check process – 1 year after decision regarding employment or contractor status.

19. Recruitment and Hiring records

Retention Period

Includes all records pertaining to the hiring process for a particular position, including job posting, job description, resumes, recommendations and applications submitted – 3 years after the hiring process is closed.

20. MMARS/HRCMS

Retention Period

Includes all records kept in the MMARS or HRCMS system – retain per schedule created by the custodians responsible for MMARS/ HRCMS

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

Sections

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

152.01: Scope and authority

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

152.02: Maintenance and distribution of list

- (1) The Commission shall maintain a list of persons to be excluded or ejected from a gaming establishment which shall be posted on the commission's website.
- (2) Each gaming licensee shall ensure that its accesses and reviews the list on a regular basis and that it is made available to all employees of the gaming establishment.

152.03: Criteria for exclusion

- (1) An individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
 - (a) the individual has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;
 - (b) the individual has violated or conspired to violate M.G.L. c.23K or any laws related to gaming;

- (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements;
 - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 1152.03(1)(a) through (c);
 - (e) there exists the potential of injurious threat to the interests of the commonwealth if the individual is permitted in a gaming establishment.
- (2) In determining whether a there exists the potential of injurious threat to the interests of the commonwealth if an individual is permitted in a gaming establishment in accordance with 205 CMR 152.03(1)(e), the commission may consider the following:
- (a) Whether the individual is a known cheat;
 - (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
 - (c) Whether the individual poses a threat to the safety of the patrons or employees of a gaming establishment;
 - (d) Whether the individual has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;
 - (e) Whether the individual is subject to a no trespass order at any casino or gaming establishment in any jurisdiction.
- (3) The commission shall not base a finding to place an individual on the excluded list on an individual's race, color, religion, national origin, ancestry, sexual orientation, disability or sex.

152.04: Duties of the IEB

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

152.05: Procedure for entry of names

- (1) The commission shall consider all reports received from the IEB in accordance with 205 CMR 152.04(2) at a public meeting. After review, the commission may place an individual on the exclusion list upon a finding of good cause shown that the individual meets one or more criterion contained in 205 CMR 152.03 and should be

excluded from gaming establishments. Prior to placing a name on the list, the commission may, in its discretion, schedule a hearing on the matter and provide the individual notice in accordance with 205 CMR 152.05(2).

- (2) Whenever the commission places an individual on the list of excluded persons in accordance with 205 CMR 152.05(1), the commission shall promptly serve written notice upon that individual by personal service, registered or certified mail return receipt requested to the last ascertainable address or by publication in a daily newspaper of general circulation for 1 week. The notice shall contain a description of the cause for the exclusion, notice that the individual is prohibited from being present at and gambling in a gaming establishment, and an explanation of the hearing process and manner in which the individual may request a hearing in accordance with 205 CMR 152.05(3).
- (3)
 - (a) Within 30 days of receipt of service of notice by mail or 60 days after the last publication under 205 CMR 152.05(2), an individual placed on the list of excluded persons may request an adjudicatory hearing before the commission under M.G.L. c.30A and show cause as to why the individual should be removed from the list of excluded persons. Such request shall be made by the individual in writing. Failure to demand a hearing within the time allotted in 205 CMR 152.05(3)(a) shall preclude the individual from having an administrative hearing, but shall not affect the individual's right to petition for judicial review.
 - (b) Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the individual demanding the hearing. The hearing shall be conducted in accordance with 205 CMR 101.00.
 - (c) If upon completion of the hearing the commission determines that the individual was wrongfully placed on the list of excluded persons, the commission shall remove the individual's name from the list of excluded persons and notify all gaming licensees.
 - (d) A person aggrieved by a final decision of the commission in an adjudicatory proceeding under 205 CMR 152.05 may petition for judicial review under M.G.L. c.30A, §14.
- (4) Upon receipt of notice from a district court that an individual has been prohibited from gaming in gaming establishments in accordance with M.G.L. c.23K, §45(i) the commission shall place the name of an individual on the excluded list.

152.06: Information contained on list

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

- (1) The full name and all aliases the individual is believed to have used;

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

152.07: Duty of gaming licensee

- (1) Upon identification, a gaming licensee shall exclude or eject from its gaming establishment any individual who has been placed on the list in accordance with 205 CMR 152.00.
- (2) If an excluded individual enters, attempts to enter, or is in a gaming establishment and is recognized by the gaming licensee, the gaming licensee shall immediately notify the IEB.
- (3) It shall be the continuing duty of a gaming licensee to inform the commission in writing of the names of individuals it believes are appropriate for placement on the exclusion list.
- (4) The commission may revoke, limit, condition, suspend or fine a gaming licensee if it knowingly or recklessly fails to exclude or eject from its gaming establishment any individual placed by the commission on the list of excluded persons.

152.08: Petition to remove name from exclusion list

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

152.09: Forfeiture of winnings

- (1) An individual who is on the excluded list shall not collect any winnings or recover losses arising as a result of prohibited gaming in a gaming establishment and such winnings shall be forfeited to the commission and deposited into the Gaming Revenue Fund pursuant to M.G.L. c.23K, §§45(j) and 59.
- (2) Upon verification that an individual who is present in its gaming establishment is on the excluded list, a gaming licensee shall take steps to:
 - (a) Remove the individual from the gaming establishment;
 - (b) Where possible, lawfully cause the individual to forfeit any winnings or things of value obtained from engaging in a gaming transaction including:
 - (1) gaming chips, gaming plaques, slot machine tokens and vouchers, and gaming vouchers;
 - (2) any electronic gaming device or slot machine jackpot won by the individual;
 - (3) any cashable credits remaining on an electronic gaming device or slot machine credit meter be played by the individual.
 - (c) Deliver any winnings or things of value obtained from the individual to the cashiers' cage, where they shall be converted into cash, and the cash value transmitted to the commission for deposit in the Gaming Revenue Fund.
 - (d) In conjunction with a forfeiture of winnings or things of value, a gaming licensee shall prepare a form known as a Notice of Forfeiture, which shall include, without limitation, the name of the individual on the list and the manner in which the individual's identity was established, the total value of the forfeited winnings or things of value, the date, time, and a description of the incident leading to the forfeiture. The Notice of Forfeiture shall be signed and attested to by the prohibited individual, unless the individual refuses to sign or is unknown, the employee delivering the winnings or things of value to the cashiers' cage, and the cashiers' cage employee who received the winnings or things of value.
- (3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. The commission shall schedule a hearing on such request and provide notice to the petitioner.

152.10: Elected officials of a host community

Elected officials of a host community in which a gaming establishment is located shall not place a wager in that gaming establishment. Provided, such an elected official shall not be prohibited from being present in said gaming establishment.

REGULATORY AUTHORITY

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

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION
UNIFORM STANDARDS OF ACCOUNTING PROCEDURES
AND INTERNAL CONTROLS

Section

- 138.01: Definitions
- 138.02: Licensee's system of internal controls
- 138.03: Records regarding company ownership
- 138.04: Gaming licensee's organization
- 138.05: System for Ensuring Employees are Properly Licensed or Registered
- 138.06: System for Business Dealings with Vendors
- 138.07: ~~Floor plans of the gaming area, gaming establishment simulcasting facility and restricted areas~~ **Reserved for future use**
- 138.08: Accounting records
- 138.09: Retention, storage and destruction records
- 138.10: Jobs compendium submission
- 138.11: Personnel assigned to the operation and conduct of gaming
~~Patron Identification/Patron Complimentaries~~
- 138.12: ~~RESERVED~~ **Alcoholic Beverage Control**
- 138.13: Complimentary services or items and promotional gaming credits
- 138.14 Internal control procedures for security department
- 138.15: Internal control procedures for access badge system and issuance of temporary license credentials, and restricted areas
- 138.16: Access to public and restricted areas
- 138.17: Searches of employees and the workplace by the gaming licensee
- 138.18: Vendor access badges
- 138.19: Count rooms; physical characteristics; count protocols
- 138.20: Possession of firearms
- 138.21: Protection of minors **& underage youth**

- 138.22: Critical incident preparedness plan
- 138.23: Drop boxes for table games and electronic table games; gaming table slot cash storage boxes
- 138.24: Cashiers' cage; satellite cages; master coin bank; coin vaults
- 138.25: Simulcast counter
- 138.26: Keys for dual locks; gaming licensee-controlled keys and locks; notice to the IEB and surveillance department upon malfunction and repair, maintenance or replacement
- 138.27: **Reserved for future use**
- 138.28: Gaming day
- 138.29: Accounting controls for the cashiers' cage, satellite cages, master coin bank and coin vaults
- 138.30: Accounting controls within the simulcast counter
- 138.31: Procedure for accepting cash and coupons at gaming tables
- 138.32: Table game drop boxes, transport to and from gaming tables; storage boxes
- 138.33: Removal of slot drop buckets, slot drop boxes and slot cash storage boxes **containers**; unsecured currency; recording of meter readings for slot machine drop
- 138.34: Procedures for acceptance of tips or gratuities from patrons
- 138.35: Table inventory; table inventory container; chip reserve compartment
- 138.36: Procedures for counting table inventory, opening tables for gaming, shift changes at gaming tables, and closing gaming tables
- 138.37: Procedure for distributing and removing gaming chips, coins and plaques to gaming tables
- 138.38: Procedures for acceptance, accounting for, withdrawal and refund of patron deposits
- 138.39: ~~Procedures for accepting, verifying and accounting for wire transfers and electronic fund transfers; wire transfer and electronic fund transfer fees; Procedures for sending funds by wire transfer or electronic fund transfer~~ **Reserved for future use**
- 138.40: Procedure for acceptance of checks, cash equivalents and credit/debit cards; issuance of

counter checks ~~or slot counter checks~~

138.41: **Replacement checks and the** ~~Redemption, substitution, and consolidation of counter checks or slot counter checks at the cashier's cage; redemption of counter checks at a gaming table~~ 138.42: Acceptance of payments toward outstanding patron checks

138.43: Procedures for establishing patron credit accounts, and recording checks exchanged, redeemed or consolidated

138.44: Patron request for suspension of credit privileges

138.45: Procedure for depositing checks received from gaming patrons

138.46: Procedure for collecting and recording checks returned to the gaming establishment **licensee** after deposit

138.47: Automatic Teller Machines (ATM)

138.48: Procedure for opening, counting and recording contents of table drop boxes and slot cash storage boxes

138.49: Procedure for opening, counting and recording the contents of bill validator boxes, gaming voucher redemption machines, determination of gross revenue deduction

138.50: ~~Temporary amendments for pit and slot zone configurations or reconstitutions~~ **Reserved for future use**

138.51: Accounting controls for gaming voucher redemption machines

138.52: Slot Machines and bill changers; coin and token containers; slot cash storage boxes; entry authorization logs

138.53: Progressive slot machines

138.54: Linked slot machines interconnected in more than one gaming establishment; slot system operator; computer monitor

138.55: Inspection of slot machine jackpots

138.56: Attendant paid jackpots and credit meter payouts

138.57: **Reserved for future use**

138.58: Alternate forms of jackpot payments

138.59: Procedure for filling payout reserve containers of slot machines and hopper storage areas

- 138.60: Procedure governing the removal of coin, slot tokens and slugs from a slot machine
hopper
- 138.61: Slot accounting requirements; electronic table games which accept gaming vouchers or
coupons redeemed by gaming voucher system
- 138.62: Payment of table game progressive payout wagers; supplemental wagers not paid from
the table inventory
- 138.63: Slot machines and bill changers; authorized locations; movements
- 138.64: Accounting controls for chip persons and chips
- 138.65: Cashless wagering systems
- 138.66: Master lists of approved table games, movements of gaming equipment; amendments of
operation certificates upon filing updated master list
- 138.67: Employee Signatures
- 138.68: Expiration of gaming-related obligations owed to patrons; payment to the Massachusetts
Gaming Control Fund
- 138.69: Entertainment, filming or photography within the gaming establishment
- 138.70: Technical standards for count room equipment

138.01: Definitions

As used in 205 CMR 138.00 the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

Annuity jackpot means any slot machine-jackpot **payout** offered by a gaming licensee, ~~wide area progressive or multi-state progressive slot system whereby a~~ **where a** patron wins the right **is entitled** to receive cash payments at specified intervals in the future.

Asset number means a unique number permanently assigned to a slot machine and a slot cash storage box for purposes of tracking that machine and storage box while owned by a gaming licensee.

~~Authorized instrument means a cash equivalent, a casino check, a casino affiliate check, an annuity jackpot trust check or a replacement check.~~

~~Automated coupon redemption machine means any mechanical, electrical or other device which operates independently of a slot machine and which, upon insertion of a valid casino coupon or currency, dispenses an amount of coin or slot tokens equivalent to the face value of the coupon or currency, and which immediately upon exchange cancels the coupon.~~

Bank is defined in M.G.L. c.167B, §1.

Cage supervisor means any person who supervises personnel and functions within the cashiers' cage.

Cash means currency or coin.

Cash equivalent means a certified check, cashier's check, treasurer's check, personal checks, travelers' check, ~~or money order,~~ **or other instrument deemed a cash equivalent by the commission.**

Check is defined in M.G.L. c.106, section 3-104.

Chief gaming executive means the individual employed by a gaming establishment who is responsible for the daily conduct of a gaming licensee's gaming business. Unless the chief gaming executive also serves as the chief executive officer of the gaming licensee, the chief gaming executive shall report directly to the chief executive officer of the gaming licensee.

Closer means the original of the Table Inventory Slip upon which each table inventory is recorded at the end of each shift.

~~Credit card cash transaction means a transaction in which a patron obtains cash, chips, plaques, or slot tokens from a cashier by presenting a recognized credit card.~~

Debit card cash transaction means a transaction in which a patron obtains cash, chips, plaques, or slot tokens from a cashier by presenting a recognized debit card.

Derogatory information means issues that have a negative bearing on one's casino credit including such things as a patron credit account being partially or completely uncollectible, checks returned unpaid by the patron's bank, settlements, liens, judgments, other credit problems of the patron, or any other information provided by a gaming licensee's security or surveillance department.

Electronic fund transfer is defined in M.G.L. c.167B, §1.

Handle means the total value of coins, slot tokens, including foreign slot tokens, currency, coupons, gaming vouchers, and electronic credits invested by a patron to activate the play of a slot machine or other electronic gaming device.

Identification Credential means government issued photo identification which contains the person's signature.

Imprest means the basis on which cashiers' cage and slot booth funds are replenished from time to time in exactly the value of the net of expenditures made from the funds and value received.

Incompatible function means a function that places any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of their duties. For example, anyone recording transactions and having access to assets ordinarily would be considered to be in a position to perpetrate errors or irregularities. Persons may have incompatible functions if such persons are members of departments which have supervisors not independent of each other.

Master Game Report means a record of the computation of the win or loss or, for the game of poker, the poker revenue, for each gaming table, each game, and each gaming day.

Multi-state jackpot means any progressive slot machine jackpot offered by one or more gaming licensees in conjunction with a licensee from another jurisdiction pursuant to a multi-state progressive slot system agreement.

Opener means the duplicate copy of the table inventory slip upon which each table inventory is recorded at the end of each shift and serves as the record of each table inventory at the beginning of the next succeeding shift.

Outstanding patron check means any Counter Check, ~~Slot Counter Check~~ or replacement check that is not due for deposit or presentation pursuant to 205 CMR 138.45 and has not in fact been deposited or presented for payment or redeemed by the drawer.

Patron deposit means the total value of cash, cash equivalents, complimentary cash gifts, slot tokens, prize tokens, gaming chips or plaques deposited with a gaming licensee by a patron for his or her subsequent use pursuant to 205 CMR 138.38.

Patron check means a Counter Check, ~~a Slot Counter Check~~ or a replacement check.

Poker revenue means the total value of rake charged to patrons at all poker tables pursuant to 205 CMR.

Registered electronic funds transfer company means an organization that:

- (1) Verifies, upon request from a merchant, the validity and account sufficiency of a recognized credit card in the normal course of its business;
- (2) Is authorized to perform the verification for purposes of Regulation E issued by the Board of Governors of the Federal Reserve System (12 C.F.R. Part 205); and
- (3) A gaming licensee has identified in its internal controls as a company that will be used to verify recognized credit cards that are presented in credit card cash or chip transactions.

Replacement check means a counter check which replaces one or more previously issued counter checks.

Scan means to attempt to verify a gaming voucher or coupon in a gaming voucher system or coupon acceptance system by utilizing a device that can read its bar code, or by manually inputting the serial number of the coupon or the validation number of the gaming voucher into the system.

Slot drop container shall include slot drop buckets, slot drop boxes and slot cash storage boxes.

Slot machine drop means the total value of coins, slot tokens, and foreign slot tokens in a slot drop bucket or a slot drop box, the total value of currency, gaming vouchers and coupons in a slot cash storage box, and the total value of electronic credits withdrawn from patron accounts, if applicable.

Slot machine win means the value of the drop less any jackpots paid less any change to the hopper inventory.

Supervisor means a key gaming employee or gaming employee employed in the operation of a gaming establishment in a supervisory capacity or empowered to make discretionary decisions which regulate gaming operations, including but not limited to, boxpersons, floorpersons, pit bosses, poker shift supervisors, table games shift managers, the gaming manager, and the assistant gaming manager.

Suspicious gaming voucher means any gaming voucher that appears to have been counterfeited, tampered with or altered in any way that would affect its integrity, suitability, validity or value.

Table game drop means the sum of the total value of currency, coin, or coupons deposited in the drop box at a gaming table.

Table game win or loss means the amount of table game drop minus the change in the tables chip inventory, including chips issued during fills and chips removed during credits for tables other than poker tables.

Third party check means a check endorsed by its payee to another party who becomes the holder in due course.

Unscanned gaming voucher means any gaming voucher that a gaming licensee elects to redeem when its gaming voucher system or any component thereof is inoperable and, as a result, the system is unable to determine the validity of the voucher.

Unsecured currency, unsecured gaming voucher, unsecured ticket, and unsecured coupon means currency, a voucher, ticket, or coupon found inside a bill changer but outside a bill validator box.

Unverified gaming voucher means any gaming voucher, other than a suspicious gaming voucher, that the gaming voucher system fails to verify and electronically cancel in the system when it is presented for redemption and scanned.

Wire transfer means a transfer of funds ~~by means of the Federal Reserve Bank wire system~~ **through Fedwire Funds Service in accordance with the requirements of as governed by 12 C.F.R. 240.25 et. Seq Part 210, Subpart B - Funds Transfers Through Fedwire.**

138.02: Licensee's system of internal controls

- (1) At least 60 days prior to commencing operations a gaming licensee shall submit to the commission its proposed minimum system of internal procedures and administrative and accounting controls (hereinafter, "internal controls") in accordance with 205 CMR 138.02(4). ~~Gaming operations may not be commenced~~ **An Operations Certificate shall not be issued to a gaming licensee for the commencement of gaming operations in accordance with 205 CMR** until the submission is approved in accordance with 205 CMR 138.02(2). The commission or its designee may perform any **inspection necessary in order to determine conformance with the approved internal controls.**
- (2) The commission shall refer the proposal submitted in accordance with 205 CMR 138.02(1) to the Executive Director who shall review the submission for compliance with M.G.L. c.23K, 205 CMR 138.00 and other applicable sections of 205 CMR referenced therein. Upon completion of review the Executive Director shall either approve the submission or advise the gaming licensee in writing of any deficiency, and may include any other recommendations and/or required changes intended to ensure that a robust system of internal controls is implemented. The gaming licensee may either accept a recommendation in writing or advise the Executive Director in writing as to the reason for its disagreement. The gaming licensee may dispute any determination or recommendation made by the Executive Director to the commission which shall resolve the issue. The commission or the Executive Director may revisit any provision of the internal controls at any time and direct adjustment if necessary, and provide for a reasonable implementation period, to ensure that a robust system of internal controls is in effect. Upon approval by the Executive Director and/or commission the gaming licensee shall be issued a writing evidencing the approval of its internal controls including any associated conditions.
- (3) At least 15 business days prior to changing any provision of the approved internal controls a gaming licensee shall submit the proposed change, including an explanation therefor, and new certifications from its chief legal and financial officers consistent with 205 CMR 138.02(4)(i) and (j), to the commission for approval. The commission shall refer the proposed change to the Executive Director who shall review the proposal to determine whether it complies with 205 CMR 138.00. Changes to the system of internal controls will generally be permitted if the proposed change does not lessen the applicable administrative, accounting, or physical control. Upon completion of review the Executive Director shall either approve the proposed change or advise the gaming licensee in writing as to why the

proposal does not comply with 205 CMR 138.00. The gaming licensee may appeal the Executive Director's determination to the commission which shall resolve the issue.

Approved changes shall be maintained as part of the approved internal controls.

Modifications to internal controls may not be implemented until approved by the Executive Director or the commission. Provided, however, if the Executive Director does not object or otherwise respond to the submission in writing within 15 business days of receipt of the submission, the gaming licensee may make the proposed change subject to further direction by the Executive Director in accordance with 205 CMR 138.02(3).

- (4) The internal controls shall include the following:
 - (a) Administrative controls which include, as their primary objective, policies and procedures designed to assure that all activities and transactions of the gaming licensee are instituted and completed in accordance with the applicable policy and/or procedure.
 - (b) Accounting controls, as detailed in 205 CMR, which include, as their primary objective, procedures to assure that all activities and transactions of the gaming licensee are accurately reported and recorded in accordance with generally accepted accounting principles.
 - (c) Reporting controls which shall include policies and procedures for the timely reporting of economic and social impact reports, and standard financial and statistical reports and information in accordance with 205 CMR.
 - (d) Surveillance controls as detailed in 205 CMR *141: Surveillance of the Gaming Establishment*.
 - (e) Physical controls which include, as their primary objective, the safeguarding of company assets to include safeguards in the form of organizational safeguards, such as segregation of duties between incompatible functions, and physical safeguards such as restricted access to assets and routine security devices such as cameras and locking doors.
 - (f) A network security plan as described in 205 CMR *143.12: Network Security*.
 - (g) A plan to ensure compliance with 205 CMR: *Gross Gaming Revenue and Tax Remittance and Reporting*.
 - (h) All applicable policies and procedures required pursuant to 205 CMR 138.04-138.70.
 - (i) A certification by the gaming licensee's chief legal officer that the submitted procedures conform to M.G.L. c.23K, 205 CMR 138.00, and any applicable regulations referenced therein; and
 - (j) A certification by the gaming licensee's chief financial officer that the submitted procedures provide adequate and effective controls, establish a consistent overall system of internal procedures and administrative and accounting controls, and conform to generally accepted accounting principles and 205 CMR.
- (5) Nothing in 205 CMR 138.00 shall be interpreted so as to limit a gaming licensee's use of technology, provided that, if the gaming licensee intends to utilize any new technology not identified in its initial proposal, it shall submit for commission approval the changes to its system of internal controls to incorporate the use of any such new technology in accordance with 205 CMR 138.02(3).
- (6) If a gaming licensee desires to incorporate a provision in its internal controls that is not in conformance with 205 CMR 138.00, or to exclude a provision required by 205 CMR 138.00,

it may petition to do so by including its proposal in its internal controls filing, **or petition to change a provision of the internal controls in accordance with 138.02(3)**, along with a citation to the applicable provision of 205 CMR 138.00 and a written explanation as to why the variance is being requested. The Executive Director may allow the variance upon a finding that the proposal is at least equivalent to the relevant provision contained in 205 CMR 138.00 and/or that the proposal is likely to achieve the same outcome as if the provision contained in 205 CMR 138.00 were incorporated. Such variance shall be identified in the written approval issued in accordance with 205 CMR 138.02(2) **and a report filed with the commission that identifies the provision of 205 CMR 138.00 that a variance was granted from and provides the general reason the variance was granted.** Provided, however, that a gaming licensee may not seek a variance from any of the provisions of 205 CMR 138.40-138.47.

- (7) Upon approval in accordance with 205 CMR 138.02(2) and (3), the gaming licensee shall implement and abide by its system of internal controls. The commission **and the IEB** may take any steps necessary to determine whether the internal controls are being following and to enforce compliance. The gaming licensee shall periodically compare its approved system of internal controls, as written, to the system actually in place and operating for the purpose of identifying areas of non-compliance, if any, so as to take immediate corrective action. The periodic comparison shall be performed by either independent auditors or internal auditors.
- (8) The gaming licensee shall maintain in its records and at all times a complete set of its system of internal controls in effect at that time.
- (9) When possible, all filings and records required to be submitted to the commission in accordance with 205 CMR 138.00 shall be done electronically unless otherwise directed by the commission.

138.03: Records regarding company ownership

All records regarding ownership, as described in 205 CMR, shall be maintained at a location as determined by the gaming licensee provided that the commission is notified of such location where the records are to be stored. The commission shall be granted prompt and unfettered access to all such records upon request.

138.04: Gaming licensee's organization

- (1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include tables of organization, which shall provide for:
 - (a) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility;
 - (b) The segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of his or her duties;
 - (c) Primary and secondary supervisory positions which permit the authorization or supervision of necessary transactions at all relevant times; and

- (d) Areas of responsibility which are not so extensive as to be impractical for one person to monitor.
- (2) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions detailing the structure, function, and area of responsibility for the following mandatory departments and supervisory positions, with each of the mandatory departments and supervisors cooperating with, yet performing independently of, all other mandatory departments and supervisors of the gaming licensee as follows:
- (a) A surveillance department supervised by an executive who shall be responsible for the management of the surveillance department. The chief surveillance executive shall be subject to the reporting requirements specified in 205 CMR 138.04(4). The surveillance department monitoring room shall be supervised by an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 who shall be present in the room at all times or, if not present, be within immediate contact and at a known location at the gaming establishment.
 - (b) An internal audit department supervised by an audit department executive. The audit department executive shall be subject to the reporting requirements specified in 205 CMR 138.04(4).
 - (c) An IT department supervised by an executive who shall be responsible for the management of the IT department.
 - (d) A casino games department supervised by an executive who shall be responsible for the management of the casino games department. The chief casino games executive shall be responsible for the operation and conduct of all authorized games and gaming devices in a gaming establishment.
 - (e) A security department supervised by an executive who shall be responsible for the management of the security department.
 - (f) A gaming accounting department supervised by an executive who shall be responsible for the management of the gaming accounting department. The chief gaming accounting executive shall be responsible for all gaming related accounting control functions.
 - (g) A compliance committee consisting of at least 3 members, one of whom shall be independent of the gaming licensee. The compliance committee may consist of less than 3 members on a temporary basis upon a showing of good cause by the gaming licensee, but, under all circumstances, a compliance committee must include at least 1 independent member. The compliance committee may be created at either the gaming licensee level or at the level of a **parent**, holding or intermediary company. The compliance committee shall provide its policies and procedures to the commission, which policies and procedures shall provide for, at a minimum, the following:
 - (1) The monitoring of policies, procedures, material transactions and proposed transactions for purposes of avoiding impropriety or the appearance thereof;
 - (2) The review of payments to individuals and entities with business associations and the provision of services, gifts or anything of value to or on behalf of any public official;
 - (3) The review of political contributions;

- (4) Ensuring compliance with all applicable Federal, State and local laws and regulatory requirements;
 - (5) Protecting against unethical or unlawful behavior by employees;
 - (6) The conduct of due diligence reviews and investigations of directors, officers, executive level employees and those entities and individuals having material associations with the gaming licensee; and
 - (7) Providing the commission with the minutes of its meetings within 45 days of the conduct of those meetings.
- (h) An independent audit committee consisting of at least 3 members provided, however, that the independent audit committee may be comprised of less than 3 members on a temporary basis upon a showing of good cause to the commission. The independent audit committee may be created at either the gaming licensee level or at the level of a parent, holding or intermediary company. The Committee shall provide the commission with the minutes of its meetings within 45 days of the conduct of those meetings.
- (3) Each mandatory department shall be supervised at all times by at least one individual who has been licensed as a key gaming employee in accordance with 205 CMR 134.00.
 - (4) The chief executives of the surveillance and internal audit departments required by 205 CMR 138.04(2) shall comply with the following reporting requirements:
 - (a) Each executive shall report directly to the chief gaming executive of the gaming licensee regarding administrative matters and daily operations provided, however, a gaming licensee may allow each of these executives to report directly to a management executive of the licensee other than the chief gaming executive if that management executive reports directly to the chief gaming executive.
 - (b) Each executive shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility, and authority. The hiring, termination, and salary of each executive shall also be controlled by one of the following persons or entities:
 - (1) The independent audit committee of the gaming licensee's board of directors;
 - (2) The independent audit committee of the board of directors of any holding company of the gaming licensee which has absolute authority to direct the operations of the gaming licensee;
 - (3) The senior surveillance or internal audit executive of any holding company included in 205 CMR 138.04(4)(b)(2) if such executive reports directly to the independent audit committee of the board of directors of the holding company; or
 - (4) For gaming licensees or holding companies which are not corporate entities, the non-corporate equivalent of any of the persons or entities listed in 205 CMR 138.04(4)(b)(1) through (3).
- (5) In the event of a vacancy in the chief executive officer position, the chief gaming executive, or in any executive position responsible for management of one of the mandatory departments set forth in 205 CMR 138.04(2)(a) through (f), the gaming licensee shall:

- (a) Provide written notice to the commission no later than five days from the date of the vacancy, advising of the following:
 - (1) The vacant position;
 - (2) The date on which the position became vacant; and
 - (3) The date on which it is anticipated that the vacancy will be filled on a permanent basis.

- (b) Within 30 days, the gaming license shall either fill the vacant position described in 205 CMR 138.04(5) on a permanent basis or designate an individual to assume the duties and responsibilities of the vacant position on a temporary basis, which appointment shall not exceed 120 days, subject to extension upon approval by the commission. An individual temporarily designated shall not simultaneously function as the department supervisor for any department identified in 205 CMR 138.04(2) and such individual's areas of responsibility shall not be so extensive as to be impractical for one individual to monitor.
- (c) Within five days of filling any vacancy, whether on a temporary or permanent basis, the gaming licensee shall provide written notice to the commission advising of the following:
 - (1) The position;
 - (2) The name of the person designated;
 - (3) The date that the vacancy was filled; and
 - (4) An indication of whether the position has been filled on a temporary or permanent basis.

- (6) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include, and a gaming licensee shall maintain on file, a current table of organization delineating the lines of authority for all personnel engaged in the operation of the gaming establishment, which shall, for each department and division, include direct and indirect lines of authority within the department or division.
- (7) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan for ensuring that all gaming employees employed in the gaming establishment are properly trained in their respective professions. Proper training of a gaming employee in the respective field for which the gaming employee is or shall be employed by the gaming licensee may be established as follows:
 - (a) Satisfactory completion by the employee of a course of instruction in the employee's respective field provided by a person recognized by the commission as a certified training school in accordance with 205 CMR 137.00;
 - (b) Satisfactory completion by the employee of a course of instruction or on the job training program provided by the gaming licensee in the employee's respective field;
 - (c) Relevant prior work experience of the employee in the employee's respective field; or
 - (d) Other relevant training or experience.

138.05: System for Ensuring Employees are Properly Licensed or Registered

(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan for ensuring that all individuals employed in the gaming establishment are properly licensed or registered in accordance with 205 CMR 134.01, 134.02, and 134.03. The system of internal controls shall include without limitation the following:

- (a) Procedures for assuring that only properly licensed and/or registered individuals are employed in each position for which a license or registration is required;
- (b) Procedures to prepare and submit petitions for temporary licenses to individuals for employment in the gaming establishment pursuant to 205 CMR 134.12;
- (c) Procedures to assure the timely renewal of licenses and registrations of individuals employed in the gaming establishment;
- (d) Procedures for terminating or suspending the employment of individuals licensed or registered pursuant to 205 CMR 134.01, 134.02, and 134.03 within 24 hours of notification from the commission that the license, registration, or application of such individual has been revoked, suspended, or denied; and
- (e) Procedures for compliance with the employee reporting information required to be submitted to the commission on a bi-monthly basis in accordance with 205 CMR 138.05(2).

(2) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan for reporting the following to the commission on a bi-monthly basis and in a format as directed by the commission. For each individual licensed or registered in accordance with 205 CMR 134.00:

- (a) License or registration number;
- (b) Last name, first name, middle initial;
- (c) Date of birth;
- (d) Position or job title, represented by a job code that corresponds with a position or job title in the gaming licensee's job compendium;
- (e) Initial hire date;
- (f) Effective date of any change in individual's position or job title;
- (g) Access code, if any, assigned to the individual, designating the restricted areas that the individual is permitted to enter;
- (h) For each individual who has been suspended or terminated since the most recent prior report was submitted to the commission:
 - (1) The information in 205 CMR 138.05(2)(a) through (g), and
 - (2) The effective date of suspension or termination.
- (i) A record of any and all designations to describe categories of employees, including without limitation, "full time," "part time" or "seasonal;" the number of individuals in each category; and the total number of individuals in all categories.
- (j) The date on which the information submitted in the report was compiled.

138.06: System for Business Dealings with Vendors

(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan for ensuring that all persons conducting business with a gaming licensee as a vendor to a gaming establishment are properly licensed or registered in accordance

with 205 CMR 134.04. The system of internal controls shall include without limitation the following:

- (a) Procedures for assuring that only properly licensed and/or registered vendors are conducting business with a gaming licensee;
- (b) Procedures to prepare and submit petitions for temporary licenses of vendors pursuant to 205 CMR 134.12;
- (c) Procedures to assure the timely renewal of licenses and registrations of vendors; and
- (d) Procedures for terminating or suspending the conduct of business with a vendor licensed or registered pursuant to 205 CMR 134.04 within 24 hours of notification from the Commission that the license, registration, or application of such vendor has been revoked, suspended, or denied.

(2) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a plan for providing a *Disbursement Report* to the Commission on a bi-monthly basis and in a format as directed by the Commission. The *Disbursement Report* shall reflect, for each vendor licensed or registered in accordance with 205 CMR 134.04, the following information:

- (a) Name of vendor;
- (b) Vendor license or registration number;
- (c) The amount of each individual disbursement drawn by the gaming licensee to the vendor, and the amount of each individual disbursement drawn by the vendor to the gaming licensee;
- (d) The date of each disbursement;
- (e) The total of all disbursements made during the reporting period by vendor; and
- (f) The date and amount of any payment to or from a vendor subsequently voided or corrected.

(3) Agreements with vendors. Each gaming licensee shall maintain a fully signed copy of every written agreement and records with respect to every unwritten agreement to which it is a party which provide, at a minimum, the terms of the agreement, the parties to the agreement, a description of the goods and/or services to be provided under the agreement, and details regarding the exchange of direct compensation under the agreement, including but not limited to dollar amounts, for any person doing business for the benefit of the gaming licensee and/or the gaming establishment, any person doing business relating to the construction, maintenance, renovation, and/or expansion of the gaming establishment, and any person doing business on the premises of the gaming establishment.

~~138.07: Floor plans of the gaming area, gaming establishment simulcasting facility and~~
~~restricted areas~~ **Reserved for future use**

~~(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include proposed floor plans of the gaming establishment's gaming area, simulcasting facility, if any, and any restricted areas.~~

(2) Each floor plan required by 205 CMR 138.07(1) shall accurately depict the entire layout, including equipment positioning, in the gaming area and support areas, shall be drawn to at least one-eighth inch scale (1/8 inch = one foot), shall have received any necessary approvals, and shall depict, at a minimum, the location of the following:

- (a) The gaming area, and any simulcasting facility, including, at a minimum, the proposed total square footage thereof and a clear delineation of the respective perimeter of each;
- (b) Each gaming pit, its pit location number, and any alternate configurations;
- (c) Each table game, noting its pit and table game location number;
- (d) Each CCTV camera, noting its type and camera number;
- (e) Each slot booth, noting its booth number;
- (f) Each cashier's cage and its component offices and areas;
- (g) Each separate master coin bank;
- (h) Each window at the cashiers' cage, noting its window number;
- (i) Each count room;
- (j) Each slot zone, its slot zone location letter or number and the total number of authorized slot machine locations within that slot zone, and at the gaming licensee's option, a maximum of four alternate configurations or locations for that slot zone and the alternate slot zone location number for each (for example, Slot Zone 2A);
- (k) Each authorized slot machine or other gaming device location, which location shall contain no more than one slot machine and bill changer at a time, noting its slot machine location number and any slot zone location letter or number;
- (l) Each slot stool authorized for use, if any;
- (m) Each automated coupon redemption machine, noting its location number;
- (n) Each automated jackpot payout machine, noting its location number;
- (o) Each gaming voucher redemption machine, noting its location number;
- (p) Each satellite cage and its component offices and areas;
- (q) Each coin vault;
- (r) Each area approved for the storage of gaming chips or plaques;
- (s) Each room or area approved for the storage of dice or playing cards;
- (t) Each other room or area that is accessible directly from the gaming area;
- (u) For those establishments with a simulcasting facility:
 - (1) Each simulcast counter and any ancillary simulcast counter, along with their component offices, areas and equipment;
 - (2) Each credit voucher machine, noting its location number;
 - (3) Each self-service pari-mutuel machine, noting its location number; and
 - (4) Each other area or room designated by the commission.

(3) A gaming licensee, after obtaining the commission's approval of its floor plans submitted as part of its internal controls, shall not commence gaming or simulcast wagering in the areas depicted on the floor plan until, subject to 205 CMR 138.50, a copy thereof that has been delivered to the commission's IEB office in the establishment, an electronic copy has been sent to the IEB's main office, and a printed copy thereof has been delivered to each of the following:

- (a) ~~The gaming licensee's security podium; and~~
- (b) ~~The gaming licensee's monitoring rooms~~

RESERVED

138.08: Accounting records

- (1) A gaming licensee shall maintain complete, accurate, and legible records of all transactions pertaining to the revenues and costs for the gaming establishment including those required in accordance with 205 CMR: *Continuing Disclosure and Reporting Obligations of Gaming Licensees and Qualifiers* and 205 CMR: *Gross Gaming Revenue Tax Remittance and Reporting*.
- (2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on the accrual basis. Detailed, supporting, subsidiary records sufficient to meet the requirements of 205 CMR shall also be maintained.

138.09: Retention, storage and destruction records

- (1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a records retention schedule, and provisions related to the storage and destruction of records that at a minimum incorporates the following provisions:
 - (a) The following records shall be retained indefinitely unless permission for destruction is requested by the gaming licensee and approved by the commission:
 - (1) Corporate records required by 205 CMR 138.02;
 - (2) Records of corporate and due diligence investigations and associated procedures;
 - (3) Current employee personnel files; and
 - (4) A record of any record destroyed, identifying the particular record, the period of retention and the date of destruction.
 - (b) All financial, accounting, contract, payroll, personnel, employee and budget documents shall be retained for the periods prescribed in sections D and E of the *Massachusetts Statewide Records Retention Schedule, 02-11*. (References in the *Schedule* to the state comptroller, state accounting system and other similar terms shall be read to refer to the Licensee and its accounting systems).
 - (c) All tax return filings and related records referenced in section *L3 Tax Filing #1* of the *Massachusetts Statewide Records Retention Schedule, 02-11* shall be retained for 6 years.
 - (d) All tax revenue accounting records referenced in section *L5 Tax Collection #12* of the *Massachusetts Statewide Records Retention Schedule, 02-11* shall be retained in accordance with the periods prescribed in the *Schedule*.
 - (e) In addition to those records referenced in 205 CMR 138.09(1)(a) through (d), the Licensee's records retention schedule shall include provisions by category relative to:
 - (1) All gaming related records
 - (2) Security related records
 - (3) Surveillance related records (subject to 205 CMR 141.05(7))
 - (4) Records relative to junkets

- (5) Records relative to vendors
- (2) (a) A gaming licensee may petition the commission at any time for approval of a facility off the site of the gaming establishment to be used to generate or store records. Such petition shall include:
- (1) A detailed description of the proposed off-site facility, including security and fire safety systems; and
 - (2) The procedures pursuant to which commission agents will be able to gain access to the records retained at the off-site facility.
- (b) A gaming license may store any records electronically or via other suitable medium.
- (3) A gaming licensee shall, except as otherwise provided, notify the commission **and the Gaming Enforcement Division of the Attorney General's Office** in writing at least ~~15~~ 60 days prior to the scheduled destruction of any record. Such notice shall list each type of record scheduled for destruction, including a description sufficient to identify the records included; the retention period; and the date of destruction.
- (4) The commission **or the Gaming Enforcement Division of the Attorney General's Office** may prohibit the destruction of any record by so notifying the gaming licensee in writing within 15 days of receipt of the notice of destruction pursuant to 205 CMR 138.09(3) or within the specified retention period. Such original record may thereafter be destroyed only upon notice from the commission, the IEB, **the Massachusetts Attorney General's Office**, or by order of the commission upon the petition of the gaming licensee or by the commission on its own initiative.
- (5) The gaming licensee may utilize the services of a disposal company for the destruction of any records except those related to credit. Any cash complimentary coupons to be destroyed by a disposal company shall be cancelled with a void stamp, hole punch or similar device, or must contain a clearly marked expiration date which has expired.
- (6) Nothing herein shall be construed as relieving a gaming licensee from meeting any obligation to prepare or maintain any book, record or document required by any other federal, state or local governmental body, authority or agency.

138.10: Jobs compendium submission

- (1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a jobs compendium detailing job descriptions, chains of command, and lines of authority for all personnel engaged in the operation of the gaming establishment. The licensee shall maintain and update the jobs compendium on a regular basis.
- (2) A jobs compendium shall include the following sections, in the order listed:
- (a) An alphabetical table of contents listing the position title and job code for each job description included in 205 CMR 138.10(1) and the page number on which the corresponding job description may be found;
 - (b) A table of organization for each department and division, including all positions, and illustrating by position title, direct and indirect lines of authority within the department or division. Each page of a table of organization shall specify the following:
 - (1) The date of its submission;
 - (2) The date of the previously submitted table of organization which it supersedes;

and

- (3) A unique title or other identifying designation for that table of organization.
- (c) A description of each employee position which accurately corresponds to the position title as listed in the table of organization and in the alphabetical table of contents. Each position description shall be contained on a separate page, organized by departments or divisions, and shall include, at a minimum, the following:
 - (1) Position title and corresponding department;
 - (2) Job duties and responsibilities;
 - (3) Detailed descriptions of experiential or educational requirements;
 - (4) Proposed registration or license rank consistent with 205 CMR 134.01 through 134.03;
 - (5) The date of submission of each employee position job description and the date of any prior job description it supersedes; and
 - (6) The date of submission and page number of each table of organization on which the employee position title is included.
- (3) A proposed amendment to a previously approved jobs compendium, including any amendment to a table of organization, may be implemented by the gaming licensee without the prior approval of the commission in accordance with 205 CMR 138.02(3), provided that:
 - (a) The amendment is immediately recorded in the jobs compendium maintained by the licensee on its premises; and
 - (b) The amendment is submitted to the commission by the end of the business day on the date of implementation, including at a minimum, the following:
 - (1) A detailed cover letter listing by department each position title to which modifications have been made, a brief summary of each change, instructions regarding any changes in page numbers and the date of implementation; and
 - (2) The proposed changes to the information required by 205 CMR 138.10(2), including the corresponding job descriptions and tables of organization, contained on pages which may be used to substitute for those sections of the jobs compendium previously approved by the commission.
- (4) A gaming licensee shall not be required to comply with the filing requirements of 205 CMR 138.10(3) for amendments to job descriptions for positions which require a gaming service employee registration, provided that the gaming licensee files with the commission a notice of any addition, deletion or amendment to any position that requires gaming service employee registration. Such notice shall include the title, department, job code, salary grade and table of organization on which that position is identified.
- (5) Notwithstanding any other requirement of 205 CMR, each gaming licensee shall submit a complete and up-to-date jobs compendium in accordance with 205 CMR 138.02 to the commission 18 months after approval of its system of internal controls in accordance with 205 CMR 138.02 and every two years thereafter, unless otherwise directed by the commission.
- (6) Each gaming licensee shall maintain on its premises a complete, updated copy, which may be maintained electronically, of its jobs compendium.
- (7) No provision of 205 CMR 138.00 shall be construed so as to limit a gaming licensee's discretion in utilizing a particular job title for any position in its jobs compendium.

138.11: Personnel assigned to the operation and conduct of gaming

Each gaming licensee shall be required to employ the following personnel in the operation of its gaming establishment regardless of the position titles assigned to such personnel by the gaming licensee in its approved jobs compendium:

- (1) Each gaming licensee shall at all times maintain a level of staffing that ensures the proper operation and effective supervision of all authorized games and simulcast wagering in the gaming establishment ~~and simulcasting facility.~~
- (2) Each gaming licensee shall be required to employ a gaming manager. The gaming manager shall be the executive assigned the responsibility and authority for the supervision and management of the overall operation of a gaming licensee's casino games department including, without limitation, the hiring and terminating of all gaming establishment employees ~~and the creation of high employee morale and good customer relations, all in accordance with the policies and practices established by the gaming licensee's board of directors or non-corporate equivalent.~~
 - (a) In the absence of the gaming manager and the assistant gaming manager, should the gaming establishment have an assistant gaming manager, a table games shift manager or slot shift manager, as applicable, who is employed within the casino games department shall be designated by the gaming licensee as the person responsible for the overall operation of the casino games department and such person shall have the authority of a gaming manager.
 - (b) ~~Notwithstanding 205 CMR 138.11(2), if a gaming licensee chooses to establish an independent slot department, the independent~~ **The slot department shall be supervised and managed by a slot department manager/shift manager at all times** in accordance with 205 CMR 138.11(4)(h)(5).
- (3) The following personnel shall be used to operate the table games in a gaming establishment:
 - (a) Gaming clerk shall be the employee located at a desk in the pit to prepare documentation required for the operation of table games including, without limitation, Requests for Fills, Requests for Credits, Counter Checks and documents that evidence the exchange of gaming chips or plaques ~~as part of credit or debit card chip transactions.~~
 - (b) Dealers shall be the employees assigned to each table game to directly operate and conduct the game.
 - (c) Stickperson shall be the dealer assigned to each craps table to control the dice and may be responsible for the proposition wagers made at the craps table. A stickperson may also be assigned to a mini-craps table, in addition to the required dealer, to control the dice and may be responsible for the proposition wagers made at the mini-craps table.
 - (d) Boxperson shall be the first level supervisor assigned the responsibility of directly participating in and supervising the operation and conduct of the craps game.
 - (e) Floorperson shall be the second level supervisor assigned the responsibility for directly supervising the operation and conduct of a craps game, and the first level supervisor assigned the responsibility for directly supervising the operation and conduct of all other table games.
 - (f) Pit boss shall be the third level supervisor assigned the responsibility for the overall supervision of the operation and conduct of a craps game and the second level supervisor assigned the responsibility for the overall supervision of the operation and conduct of all other table games other than poker.

- (g) Poker shift supervisor shall be the supervisor assigned with the responsibility for directly supervising all activities related to the operation and conduct of poker. A poker shift supervisor may also supervise table games other than poker in lieu of a pit boss.
- (h) Table games shift manager shall be the supervisor assigned to each shift with the responsibility for the supervision of table games conducted in the gaming establishment provided, however, that:
 - (1) If a gaming licensee chooses to establish an independent slot department a gaming manager may personally perform the required duties of a table games shift manager when the gaming manager is present in the gaming establishment; and
 - (2) A gaming licensee may, as part of its revised supervision plan as set forth in 205 CMR 138.11(6), permit its table games shift manager to provide a break, for a reasonable period of time, for a pit boss on duty during the hours of 12:00 a.m. to 12:00 p.m.
- (4) Each gaming licensee shall maintain the following minimum levels of staffing:
 - (a) One gaming clerk shall be assigned to the entire gaming establishment;
 - (b) One dealer shall be assigned to each table for any table game other than craps and baccarat;
 - (c) Three dealers shall be assigned to each craps and baccarat table;
 - (d) One boxperson shall be assigned to each craps table;
 - (e) One floorperson shall supervise not more than:
 - (1) Six tables comprised of any combination of table games excluding baccarat, minibaccarat (when using the dealing procedure in 205 CMR), craps, mini-craps, automated craps and pai gow; or
 - (2) One baccarat table; or
 - (3) As to the game of minibaccarat, when using the dealing procedure in 205 CMR:
 - (a) Two minibaccarat tables using the dealing procedure in 205 CMR; or
 - (b) One minibaccarat table using the dealing procedure in 205 CMR and one table of any other table game excluding baccarat, mini-craps and pai gow (unless the pai gow table has continuous, dedicated surveillance camera coverage); or
 - (4) As to the game of craps:
 - (a) Two craps tables; or
 - (b) One craps table and one table of any other table game excluding baccarat, mini-craps and pai gow; or
 - (c) One mini-craps table; or
 - (d) Two automated craps games; or
 - (e) One automated craps table and two other table games, excluding baccarat, minibaccarat (when using the dealing procedure in 205 CMR), craps, mini-craps and pai gow; or
 - (5) As to the game of pai gow:
 - (a) One pai gow table; or
 - (b) Two pai gow tables if the tables are in a side-by-side configuration and continuous, dedicated surveillance camera coverage is maintained for the pai gow tables; or
 - (c) One pai gow table with continuous, dedicated surveillance camera coverage and one table of any other table game excluding baccarat, craps and mini-craps; or

- (6) As to the game of poker:
 - (a) Six poker tables if the poker shift supervisor is supervising both poker tables and table games other than poker; or
 - (b) Ten poker tables if the poker shift supervisor is supervising only poker tables; or
 - (c) Twelve poker tables if the poker shift supervisor is supervising only poker tables and no floorperson assigned to poker by a gaming licensee has any responsibilities for seating players.
- (f) One pit boss shall supervise not more than 24 gaming tables, provided that all of the tables are within view of each other; and
- (g) One poker shift supervisor shall supervise all open poker tables; provided, however, that the poker shift supervisor may supervise a total of not more than 16 poker tables and table games other than poker (in lieu of a pit boss) if fewer than 16 poker tables are open.
 - (1) Notwithstanding the provisions of 205 CMR 138.11(4)(g):
 - (a) If a gaming licensee has six or fewer poker tables open for gaming activity, no poker floorperson shall be required and the poker tables may be supervised by the poker shift supervisor, provided that the poker shift supervisor is not supervising any other table games; and
 - (b) If a gaming licensee has at least one but fewer than four poker tables open for gaming activity, the poker shift supervisor may supervise any combination of not more than four poker tables and table games other than poker (in lieu of a pit boss) and no floorperson shall be required to supervise the poker tables provided that the floorperson supervision requirements for games other than poker are satisfied.
 - (2) Notwithstanding the provisions of 205 CMR 138.11(4)(g), a gaming licensee may implement a plan for revised supervision by floorpersons, poker shift supervisors, pit bosses or slot shift managers. A plan for revised supervision of table games shall not include any gaming tables at which the cards shall be used for more than 24 hours pursuant to 205 CMR. In any plan for revised supervision:
 - (a) One floorperson may supervise not more than 8 tables comprised of any combination of table games excluding baccarat, minibaccarat (when using the dealing procedure in 205 CMR, craps, mini-craps, automated craps, pai gow and blackjack when offering the streak wager permitted under 205 CMR);
 - (b) One pit boss may supervise not more than 36 gaming tables, provided that all of the tables are within view of each other;
 - (c) One poker shift supervisor may supervise a total of not more than 30 poker tables and gaming tables other than poker (in lieu of a pit boss), provided that:
 - (1) The poker shift supervisor is supervising all poker tables which are open to the public; and
 - (2) One floorperson may supervise not more than 8 poker tables;
 - (d) One floorperson may supervise two craps tables and one additional table of any other table game excluding baccarat, minibaccarat (when using the dealing procedure in 205 CMR, mini-craps, automated craps and pai gow);

- (e) One floorperson may supervise one craps table and two additional tables comprised of any combination of table games excluding baccarat, minibaccarat, mini-craps, automated craps and pai gow;
 - (f) One floorperson assigned to poker may supervise not more than 12 poker tables if the poker shift supervisor is supervising only poker tables; and
 - (g) One floorperson assigned to poker may supervise not more than 14 poker tables if the poker shift supervisor is supervising only poker tables and no floorperson assigned to poker has any responsibilities for seating players.
- (h) The following personnel shall be used to maintain and operate the slot machines, electronic gaming equipment, and bill changers in a gaming establishment:
- (1) Slot mechanics shall be the persons assigned the responsibility for repairing and maintaining slot machines, electronic gaming equipment, and bill changers in proper operating condition and participating in the filling of payout reserve containers.
 - (2) Slot attendants shall be the persons assigned the responsibility for the operation of slot machines and bill changers, including, but not limited to, participating in manual jackpot payouts and filling payout reserve containers.
 - (3) Slot supervisors shall be the first level supervisors assigned the responsibility for directly supervising the operation of slot machines and bill changers.
 - (4) Slot shift manager shall be the second level supervisor with the responsibility for the overall supervision of the slot machine and bill changer operation for each shift.
 - (5) ~~If a gaming licensee chooses to establish an independent slot department~~ The slot department manager shall be the executive assigned the responsibility and authority for the supervision and management of the overall operation of the gaming licensee's slot machines, electronic gaming equipment, and bill changers. In the absence of the slot department manager, the slot shift manager shall have the authority of the slot department manager.
- (5) Nothing in 205 CMR 138.11 shall be construed to limit a gaming licensee from utilizing personnel in addition to those described herein nor shall anything in 205 CMR 138.11 be construed to limit the discretion of the commission to order the utilization of additional personnel by the gaming licensee as necessary.
- (6) The gaming manager or table games shift manager shall notify the IEB no later than 24 hours in advance of implementing or changing any plan for revised supervision for table games, and the slot shift manager, provided, however, that notice may be provided less than 24 hours in advance in circumstances which are emergent or may otherwise not reasonably be anticipated.
- (a) Any notice of a plan for revised supervision of table games shall include, without limitation, the following information:
- (1) The pit number and configuration of any pit affected;
 - (2) The type, location and table number of any table affected;
 - (3) The standard staffing level required for the gaming table or tables and the proposed variance therefrom;

- (4) The start date and time, and the duration, of the revised supervision; and
- (5) The basis for the request to revise the number of supervisory personnel, which shall include any relevant factors which demonstrate that proper operation and effective supervision of the affected gaming tables will be maintained, such as, as applicable, a showing:
 - (a) That the revised supervision is justified by a reduced volume of play at the specified times and gaming tables in the gaming establishment;
 - (b) That the particular dealers or supervisors assigned to the affected tables possess a degree of skill and experience indicative of sufficient ability to operate the affected tables with revised supervision, in which case a record of the personnel assigned to such tables during the period of revised supervision shall be maintained;
 - (c) That a reduced number of gaming tables will be operating in the affected pits, which are in a configuration to ensure proper supervision and operation; or
 - (d) Any other facts or circumstances which establish that a revision in the number of supervisory personnel is appropriate.

(b) The commission may, at any time upon 12 hours notice, direct that the plan for revised supervision be terminated and that the licensee maintain standard staffing levels as defined in 205 CMR 138.11.

138.12: Alcoholic Beverage Control

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A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures designed to ensure compliance with 205 CMR: *Sale and Distribution of Alcoholic Beverages at Gaming Establishments* including, at a minimum, procedures designed to ensure proper training of employees involved in the service of alcoholic beverages, procedures designed to prevent serving alcoholic beverages to underage or visibly intoxicated individuals, procedures to ensure that visibly intoxicated or impaired patrons are not permitted to play slot machines or table games (as further detailed in 205 CMR 138.14), and procedures to ensure that alcohol is properly secured and stored.

138.13: Complimentary services or items and promotional gaming credits

(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a detailed complimentary distribution program consistent with M.G.L. c.23K, §28 and a description of its proposed use and distribution of promotional gaming credits. The program shall include provisions detailing the protocols and procedures for the distribution of complimentary alcoholic beverages to patrons in the gaming area. Further, if in accordance with 205 CMR 136.07(4), alcoholic beverages will be provided free of charge to patrons in a licensed area outside of the gaming area, and paid for by a third party other than the gaming beverage licensee or jointly responsible person or will be paid for using a form of monetary-like consideration other than money, the gaming licensee shall detail the

manner in which such payments will be made and/or accepted and records of the transaction maintained.

- (2) The gaming licensee's complimentary distribution program shall be such that reasonable assurance is provided that any complimentary services or items, as defined by M.G.L. c.23K, §2, whether provided directly to the patron and the patron's guests by the gaming licensee or indirectly to the patron and the patron's guests on behalf of a third party, are:
 - (a) Issued by employees authorized for such purposes in accordance with the program;
 - (b) In accordance with M.G.L. c.23K, §28(c), valued in an amount based upon the retail price normally charged by the gaming licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a gaming licensee or provided by a third party on behalf of a gaming licensee shall be the cost to the gaming licensee of providing the service or item, as determined under rules adopted by the commission; and
 - (c) Recorded, compiled and maintained in such a way so as to allow a system of reporting in accordance with M.G.L. c.23K, §28(b) that can report complimentary by date, issuer, recipient, type, and value.
- (3) A gaming licensee may include in its policy and procedure provisions for the discretionary discounting of the amount of an outstanding Counter Check or Slot Counter Check to be redeemed by a patron for any marketing related reason.

138.14 Internal control procedures for security department

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions describing the duties and operation of its security department.

Such provisions shall include details relative to the design, construction, and location of primary and secondary armored car routes to and from the armored car bay, including provisions for the security of such routes.

138.15: Internal control procedures for access badge system and issuance of temporary license credentials, and restricted areas

(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions related to credentials. All key gaming employees, gaming employees, and gaming service employees, while engaged in the performance of their duties on the premises of the gaming establishment, shall visibly display a credential issued by the commission on his or her person at all times.

The system of internal controls related to credentials shall at a minimum incorporate the following credentialing system:

- (a) A – Access shall apply to individuals in the following positions **with the gaming licensee**: Chief Executive Officer, Chief Operating Officer, President, Audit Committee, Vice Presidents, Directors, General Counsel, Associate General Counsel, Security

Employees, Surveillance Employees, **qualifiers deemed suitable in accordance with 205 CMR 115.05(3)**, and Internal Audit Employees. Only those Vice Presidents and Directors directly related to gaming operations, Finance or Administration shall be assigned an "A" access code. All non-gaming related Vice Presidents and Directors shall be required to have a security escort to gain access to restricted areas.

All employees **and others** designated with the "A" access code shall have access to all restricted areas, with limitations on access to the count rooms, surveillance room. Access may be permitted to count rooms while a count is not in progress with a valid reason and permission of the IEB Agent on duty. Access to the surveillance room and catwalks for non-surveillance employees must be with permission of the Director of Surveillance.

- (b) M – access shall apply to MIS Employees. All employees designated with the "M" access code shall have access to the MIS computer room. They have access to all other restricted areas with valid reason and prior approval of restricted area department manager. (Access to the count rooms requires permission of the IEB Agent on duty.)
- (c) C – access shall apply to Cashiers, Cage Employees, Slot Coin Cage Employees, Collection Employees, Credit Employees, Pit Clerks, Income Control, All Accounting /Finance Employees, Hard Count Room Employees, Soft Count Room Employees, Impressionment Employees, and Simulcast Employees.

All employees designated with the "C" access code shall have access to cashiers cage, satellite cashiers cage, master coin bank, slot booths, runways, simulcast counters, and pit areas with valid reason and prior approval of the restricted area department manager. Also, they shall have access to the count rooms to perform functions previously approved in their internal control submissions and with permission of the IEB Agent on duty.

- (d) CS – access shall apply to slot attendant supervisors who supervise slot coin cashiers, and slot coin cashiers who report to slot attendant supervisors. All employees designated with the "CS" access code shall have access to slot booths, runways, slot repair room, and to the cashiers cage only when necessary to pass through the cashiers cage to access a slot coin booth. A "CS" badged employee shall not have access to the master coin bank.
- (e) P – access shall apply to Casino Games Employees, Poker Games Employees, and Gaming Table Maintenance Employees. All employees designated with the "P" access code shall have access to the casino pit and poker pit areas.
- (f) S – access shall apply to Slot Department Employees. All employees designated with the "S" access code shall have access to the slot repair room.
- (g) V – access shall apply to all visitors to restricted areas. All visitors to restricted areas shall be designated with the "V" access code and shall have access to restricted areas

only when such entry is authorized by an employee designated with "A" access code and the restricted area supervisor. Further, if such entry is so authorized, a visitor may enter a restricted area only when accompanied by an "A" employee or by a security officer, and by notification of the IEB Agent on duty. Visitors may access the surveillance room/catwalks only with the permission of the Director of Surveillance and either an IEB agent or an agent of the Gaming Enforcement Division of the Massachusetts Attorney General's Office.

(2) The commission shall issue an official credential that shall bear the inscription "Massachusetts Gaming Commission," the official seal of the commission, the signature of the chair of the commission or his or her designee, as well as a photograph of the licensee or registrant and specific identification information for the person to whom the credential is issued. The information shall include:

- (a) License or registration number,
- (b) Name, and
- (c) Access code.

(3) The credential format shall be in a shape and legibility that will enhance surveillance capability and visual acuity.

(4) Notwithstanding 205 CMR 138.15(1), the Director of the IEB or his or her designee, may, upon written request by a gaming licensee, and upon a showing of good cause, exempt certain positions, titles, or persons from the requirements of 205 CMR 138.15(1).

(5) Commission employees, agents or contractors or employees of agencies authorized to conduct regulatory or regulatory related activities pursuant to M.G.L. c.23K at a gaming establishment shall carry their agency credentials on their person at all times while engaged in the performance of their duties. Credentials may not be utilized for unofficial, social, or non-employment related access, purpose, or presence within any gaming establishment.

(6) A temporary credential shall only be issued by the security department if the following criteria are verified:

- (a) The employee to whom the credential is to be issued is listed in the gaming licensee's current employee status report;
- (b) The employee holds a current license or registration issued in accordance with 205 CMR 134.00;
- (c) The employee is authorized by his or her supervisor to possess the specific credential to be working in the designated or restricted area authorized by such credential; and
- (d) The employee has not been issued more than 12 temporary credentials within the preceding 12 month period from the issuance of the first temporary credential.

(7) The temporary credentials may be issued to an employee only for a 24 hour period and shall contain the following information:

- (a) A prominent space to allow the insertion of the name of the specific employee to whom it is issued;
- (b) The date and time of issuance by the security department;
- (c) Name and credential number of issuing security officer;
- (d) The conspicuous notation that the credential is "VOID AFTER 24 HOURS"; and
- (e) A sequential number reflecting the number of temporary credentials issued at that gaming establishment that is to be recorded in both an onsite IEB and security department bound log book or database.

(8) The IEB shall approve the design of the temporary credentials. The gaming licensee's security department shall secure the temporary credentials until needed for issuance in compliance with 205 CMR 138.15(7). The security department shall provide a monthly report to the IEB identifying the number, names, departments and frequency of temporary credentials issued as well as any missing, stolen, destroyed, or replaced credentials. The IEB may require additional information regarding any credential issuance or utilization and the gaming licensee shall provide all such information in a timely fashion.

138.16: Access to public and restricted areas

(1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions relative to access to restricted areas. No gaming licensee shall permit any individual to have access to any restricted area in its gaming establishment unless such access is permitted in accordance with the gaming licensee's internal controls. Restricted areas shall, at a minimum, include the following areas:

- (a) Cashiers cage, satellite cashiers cage, master coin bank, slot booths, and runways. All employees designated with the "A" and "C" access codes, as provided by 205 CMR 138.15(1), may enter these restricted areas. Employees designated with the "M" access code have access with the limitations described under their access letter. Any licensed employee may enter this area with a valid reason and permission of the restricted area supervisor. The cage secretary and/or a cage area cleaner may enter the cashier's cage without a security escort to complete their job function; however these individuals must have the permission of the cage area supervisor and are the sole responsibility of that supervisor. Employees designated with the "CS" access code, as provided by 205 CMR 138.15(1), may enter the slot booths and runways. They may enter the cashier's cage only when access is needed to gain entrance to a slot coin booth. A "CS" access code shall not have access to the master coin bank.
- (b) Count rooms. All employees designated with the "C" access code, as provided by 205 CMR 138.15(1), whose duties require access may enter this restricted area. Employees designated with the "A" and "M" access codes, as provided by 205 CMR 138.15(1), may have access with limitations described under their access letter. Any employee may enter this area with a valid reason, permission of the restricted area supervisor, and permission of an IEB agent on duty.

- (c) Cashiers cage, satellite cashiers cage, master coin bank, slot booths, and runways. All employees designated with the "A" and "C" access codes, as provided by 205 CMR 138.15(1), may enter these restricted areas. Employees must be listed on the cage access list to gain access to the cage. Employees designated with the "M" access code, as provided by 205 CMR 138.15(1), may have access with the limitations described under their access letter. Any licensed employee may enter this area with a valid reason and permission of the restricted area supervisor. The cage secretary and/or a cage area cleaner may enter the cashier's cage without a security escort to complete their job function; however these individuals must have the permission of the cage area supervisor and are the sole responsibility of that supervisor. All employees designated with the "CS" access code, as provided by 205 CMR 138.15(1), may enter the slot booths, and runways. They may enter the cashier's cage only when access is needed to gain entrance to a slot coin booth. At no time shall a "CS" access code, as provided by 205 CMR 138.15(1), have access to the master coin bank.
- (d) Slot repair room. All employees designated with the "A", "CS", and "S" access code, as provided by 205 CMR 138.15(1), may enter this restricted area. Employees designated with the "M" access code, as provided by 205 CMR 138.15(1), may have access with limitations described under their access letter. Any employee may enter this area with a valid reason and permission of the restricted area supervisor.
- (e) Simulcast counters. All employees designated with the "A" and "C" access code, as provided by 205 CMR 138.15(1), may enter this restricted area. Employees designated with the "M" access code, as provided by 205 CMR 138.15(1), may have access with the limitations described under their access letter. Any employee may enter this area with a valid reason and permission of the restricted area supervisor.
- (d) Computer room. All employees designated with the "A" and "M" access code, as provided by 205 CMR 138.15(1), may enter this restricted area. Any licensed employee may enter this area with a valid reason and permission of the restricted area supervisor. A MIS secretary and/or computer room area cleaner may enter the computer room without a security escort to complete their job function, however these individuals must have the permission of the computer room supervisor and shall be the sole responsibility of that supervisor. Any employee may enter this area with a valid reason, permission of the restricted area supervisor, and permission of an IEB agent on duty.
- (f) Card and dice storage room. All employees designated with the "A" access code, as provided by 205 CMR 138.15(1), and those games/poker department employees who hold the position of casino/poker shift manager or above may enter this restricted area. Any employee may enter this area with a valid reason and permission of the restricted area supervisor.
- (g) Card and dice destruction room. All employees designated with "A" access code, as provided by 205 CMR 138.15(1), may enter this restricted area.

- (h) Pit areas. All employees designated with the "A" and "P" access code, as provided by 205 CMR 138.15(1), may enter this restricted area. Employees designated with the "M", and "C" access codes, as provided by 205 CMR 138.15(1), may have access with limitations described under their access letter. Any employee may enter this area with a "valid" reason and permission of the restricted area supervisor.
- (e) Surveillance room and catwalks. All employees designated with the "A" access code, as provided by 205 CMR 138.15(1), who are surveillance room employees may enter this restricted area. All other employees designated with the "A" access code may have access with the limitations described under their access letter. Employees designated with the "M" access code, as provided by 205 CMR 138.15(1), may have access with the limitations described under their access letter. Anyone who enters this restricted area, who is not a surveillance room employee or a member of the IEB, must sign the surveillance room entry log prior to entering the restricted area. The surveillance room secretary and/or surveillance room area cleaner may enter the surveillance room without a security escort to complete their job function, however these individuals must have the permission of the surveillance room area supervisor and are the sole responsibility of that supervisor. Any employee may enter this area with a valid reason, permission of the restricted area supervisor, and permission of an IEB agent on duty.
- (i) Access to restricted area for employees who do not hold a gaming employee license. All employees who would not otherwise be afforded access to a restricted area in accordance with 205 CMR 138.15(1) may be granted access to restricted areas with a valid reason, a security escort, and permission of the restricted area's department manager with limitations on the count rooms, surveillance room. Access may be granted to the count rooms while the counts are not in progress and with permission of the IEB Agent on duty **or the Gaming Enforcement Division of the Massachusetts Attorney General's Office**. Access to the surveillance room/catwalks may be granted only with a valid work related reason and permission of the Director of Surveillance.
- (2) A gaming licensee may deny or limit access to any public areas of the gaming establishment for any reason necessary to ensure public safety and/or the integrity of the gaming operations, including, but not limited to, the following reasons:
- (a) Persons excluded in accordance with 205 CMR 133.00: *Voluntary Self Exclusion* or M.G.L. c.23K, §45;
 - (b) Underage persons in a prohibited area;
 - (c) Players required by a gaming licensee to leave the game of poker in accordance with 205 CMR.
- (3) Nothing in 205 CMR 138.16 or a gaming licensee's system of internal controls shall limit the authority of commission employees or agents **or the Gaming Enforcement Division of the Massachusetts Attorney General's Office** from obtaining access to restricted areas in the performance of their respective duties and responsibilities.

138.17: Searches of employees and the workplace by the gaming licensee

- (1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include internal policies and procedures for the gaming licensee's security department to conduct searches of employees, including screening for drugs and alcohol, and employee workplaces, workspaces, and personal receptacles, specifically describing the policies and procedures with respect to searches conducted at random and based upon reasonable suspicion. Examples of "workspaces" include, but are not limited to, desks, closets, lockers, and drawers located within the gaming establishment.
- (2) If the policies and procedures referenced in 205 CMR 138.17(1) are approved by the commission, such policies and procedures shall be set forth in writing, prior to implementation, as a portion of the gaming licensee's employee personnel policy manual. The content of this manual shall include a requirement that the employee consents to searches conducted in the described workplace areas and subject to the described circumstances as a condition of employment with the gaming licensee. This manual shall be distributed to all employees. Each employee shall acknowledge in writing, by way of the employee's signature, receipt of the manual and an understanding of its contents, and specifically an understanding that the employee consents to the policy and understands it. The gaming licensee shall maintain the written acknowledgements in a central repository.

138.18: Vendor access badges

- (1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions related to vendor access badges. Access badges may be issued to personnel of a gaming vendor and non-gaming vendor licensed or registered in accordance with 205 CMR 134.00 who in the course of providing their goods or services require access to a restricted area of the gaming establishment. Access badges shall be issued by the security department of the gaming licensee upon a verification of the identification of the specific employee with at least two forms of identification, at least one of which must be a government issued photo identification, and the employee's work schedule. Each access badge shall be effective only for the term of the service to be provided, issued on a daily basis after confirmation of identity, and shall be surrendered to the security department at the end of each day.
- (2) The access badge shall contain the following information:
 - (a) A prominent space to allow the insertion of the name of the specific person to whom it is issued and identify the vendor employer;
 - (b) The date and time of issuance by the security department;
 - (c) Name and access badge number of issuing security officer; and
 - (d) A sequential number reflecting the number of total badges issued at that gaming establishment that is to be recorded in both an onsite IEB and security department access badge log book or database.

138.19: Count rooms; physical characteristics; count protocols

- (1) A gaming licensee shall have one or more rooms to be known as a "count room" specifically designated, designed, and used for counting the contents of table drop boxes, slot cash

~~storage boxes, slot drop buckets~~ and slot drop boxes **containers**. If a gaming licensee's system of internal controls provides for counts of the contents of slot drop buckets and slot drop boxes in a different room from the room where the table drop boxes and slot cash storage boxes are counted, that latter shall be known as the "soft count room," and the former shall be known as the "hard count room."

- (2) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of all equipment used in the counting and recording process and all other systems used for purposes related to the counting of gross revenue and shall otherwise comport with the requirements of 205 CMR 138.19.
- (3) A gaming licensee shall design and construct each count room to provide maximum security with, at a minimum, the following security measures:
 - (a) A metal door installed on each entrance and exit equipped with a lock which shall be maintained and controlled by the security department;
 - (b) An alarm device, which audibly signals the surveillance, security departments, and the on-site IEB office whenever a count room door is opened;
 - (c) A light system, which illuminates one or more lights in the surveillance department and at each count room door, for purposes of maintaining constant surveillance on the entrance and exits to the count room;
 - (d) Closed circuit television cameras wired to the surveillance department capable of, but not limited to, the following:
 - (1) Video monitoring of the entire count process; and
 - (2) Continuous video-monitoring of the interior of the count room, including storage cabinets or trolleys used to store drop boxes, ~~slot cash storage boxes~~, slot drop ~~buckets~~ **containers**, and emergency drop boxes; and
 - (e) For the soft count room only, microphones wired to the surveillance department for audio monitoring of the entire count process. **Any room that is wired for audio monitoring shall have, conspicuously posted on the entrance and the walls within, a notice indicating that the room is subject to such monitoring.**
- (4) In addition to the requirements of 205 CMR 138.19(3), a count room used to count coin slot drop boxes and buckets shall have:
 - (a) A fixed-door type or a hand-held metal detector used by a security department member to inspect all persons exiting the hard count room; and
 - (b) A separate light system or other device approved by the IEB which shall provide a continuous visual signal at the count room door, whenever any access door to the count room is opened while the system is activated. The light system or device shall:
 - (1) Maintain the visual signal until the system is reset or deactivated; and
 - (2) Be designed so as to permit its activation, deactivation or resetting only by a member of the security department.
- (5) In addition to 205 CMR 138.19(3), the soft count room shall have:
 - (a) A table constructed of clear glass or similar material for the emptying, counting, and recording of the contents of drop boxes and slot cash storage boxes which shall be known as the "count table;"
 - (b) A table constructed of clear glass or similar material for the stacking of the contents of table drop boxes and slot cash storage boxes which have been counted, prior to the

- recount and acceptance by the cage cashier or cashier supervisor. The table shall be known as the "banking table;" and
- (c) A locked accounting box, the key to which shall be maintained and controlled by a supervisor in the casino accounting department with no incompatible functions.
- (6) The count room doors shall be secured at all times except when opened for the following authorized purposes:
- (a) To allow one or more members of the count team to change shifts or take a work break;
 - (b) To permit access to equipment by authorized IT department employees;
 - (c) To permit table drop boxes or slot cash storage boxes to be secured in the count room;
 - (d) To permit empty table drop boxes, slot cash storage boxes, emergency table game drop boxes or emergency slot cash storage boxes that were not part of the current count to be removed from the count room;
 - (e) To allow a main bank cashier or cage supervisor to enter the count room to recount and accept the drop;
 - (f) To allow the count team to exit the room at the conclusion of the count; or
 - (g) In the event of an emergency.
- (7) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a workflow diagram that shall indicate, at a minimum, the location of all equipment in a count room, all equipment used in the counting process and the flow of all currency, coupons, gaming vouchers and paperwork from the start of the count to the conclusion of the count.
- (8) The count team may simultaneously count the contents of the table drop boxes and the slot cash storage boxes provided that the contents of the table drop boxes remain segregated from the contents of the slot cash storage boxes throughout the count and acceptance by the main bank cashier or cage supervisor.
- (9) Except during an emergency, with the exception of the count team and agents of the IEB, prior to anyone entering or leaving a count room during the soft count process, all contents that have been removed from either a drop bucket, drop box or slot cash storage box shall be counted at least once and secured. Any trolleys that contain uncounted drop boxes or slot cash storage boxes shall be secured.
- (10) The opening, counting, and recording of the contents of table drop boxes, ~~slot cash storage boxes, slot drop buckets, and slot drop boxes~~ **containers** shall be performed in the presence of a count room supervisor. The count shall be performed by at least three employees ("count team"), which shall include the count room supervisor. The counting and recording process shall be discontinued where the minimum number of count room personnel is not present or are not capable of performing their responsibilities.
- (11) All persons present in the count room during the counting process, except agents of the IEB, shall:
- (a) Wear as outer garments, only a full-length, one-piece, pocketless garment with openings only for the arms, feet, and neck;
 - (b) Not be permitted to wear a long sleeve garment under the outer garment; and
 - (c) Not be permitted to carry a bag, pocketbook or other container unless it is transparent.

- (12) Access to the count room during the counting process shall be limited to the count team, internal audit personnel, other persons authorized by the IEB, or agents of the IEB. No count room employee shall, during the soft count process, enter a storage area for table drop boxes or slot cash storage boxes adjacent to the count room to perform any function not directly related to the counting process.
- (13) No person shall remove his or her hands from or return them to a position on or above the count table, banking table or counting equipment unless the backs and palms of his or her hands are first held straight out and displayed to other members of the count team and surveillance cameras. In addition, whenever any person enters or leaves the count room during the counting process, any employee remaining in the count room shall be required to step away from the count table, banking table and counting equipment until the person has entered or left the countroom.
- (14) Immediately prior to the commencement of the count, doors to the count room shall be securely locked and remain locked at all times, except when opened for an authorized purpose in 205 CMR 138.19(6). A count team member shall notify surveillance that the count is about to begin, after which surveillance shall make a continuous video and, if applicable, audio recording, with the time and date inserted thereon, of the entire counting process. A count room member shall also notify surveillance whenever a count room door will be opened during the count.
- (15) Once all currency, gaming vouchers, coupons, coin and/or slot tokens have been counted and the final count totals have been obtained, no employee shall be permitted to leave the count room, except in an emergency, until the recount and acceptance of the drop is completed by a cage cashier or cashier supervisor.
- (16) The count room supervisor shall prepare a record of the names and credential or license numbers of each employee who was present in the count room during any part of the count process. Such record shall be forwarded to the accounting department at the conclusion of the count.

138.20: Possession of firearms

- (1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a policy prohibiting any person from possessing a firearm within or upon the premises of a gaming establishment. ~~Persons violating this policy shall be removed from the gaming establishment by the gaming licensee or law enforcement personnel.~~ **If the gaming licensee learns that an individual possesses a firearm within or upon the premises of a gaming establishment, the gaming licensee must immediately notify an official within the on-site office of the IEB and the individual violating the policy shall be removed from the premises of the gaming establishment by officers assigned to the Gaming Enforcement Unit. Thereafter, the gaming licensee shall promptly, and in any event no later than 48 hours of such removal, or violation of the policy, notify the Chief of the Gaming Enforcement Division of the Massachusetts Attorney General's Office.**
- (2) Notwithstanding 205 CMR 138.20(1), the following individuals may, in the course of their official duties, possess a firearm within or upon the premises of a gaming establishment:
 - (a) A member of the Massachusetts State Police assigned to the Gaming Enforcement Unit;

- (b) A law enforcement officer of the host community police department assigned to work at the gaming establishment pursuant to the memorandum of agreement required to be executed in accordance with M.G.L. c. 23K, §6(f);
 - (c) An official who is specifically authorized to do so by the commission or the IEB; and
 - (d) A federal law enforcement officer.
- (3) Any law enforcement officer in possession of a firearm, other than a member of the Massachusetts State Police assigned to the Gaming Enforcement Unit, shall provide notification to an official within the on-site office of the State Police Gaming Enforcement Unit at the gaming establishment prior to arrival or upon arrival at the gaming establishment. This notification shall be documented with the onsite office of the State Police Gaming Enforcement Unit.
- (4) The gaming licensee shall post in a conspicuous location at each entrance to the gaming establishment a legible sign that states:

“No firearms are allowed within or upon the premises of this gaming establishment. This prohibition extends to all areas of this facility: public, non-public, restricted, and non-restricted areas. Persons violating this restriction will be removed from the premises and subject to further investigation and, if appropriate, prosecution. If you have any questions about this prohibition, please request to see an official from the Massachusetts Gaming Commission Office before proceeding.

Certain law enforcement officers may be exempt from this prohibition; however they must notify the Massachusetts State Police of their presence by either visiting the Massachusetts State Police Gaming Enforcement Unit Office on site or by calling the State Police Gaming Enforcement Unit at [insert phone number].”

138.21: Protection of minors & underage youth

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include ~~the~~ internal policies and procedures ~~including, at minimum, the following:~~

- ~~(1) that the gaming licensee’s security and surveillance department, or equivalent personnel, perform regular checks of the parking areas of the gaming establishment for purposes of locating any minors left unattended in motor vehicles and for the immediate report of any such incidents to the local and state police in the municipality where the gaming establishment is located; and~~
- ~~(2) security procedures for ensuring the safety of minors on the premises of a gaming establishment.~~

as required in 205 CMR: Protection of Minors & Underage Youth.

138.22: Critical incident preparedness plan

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a detailed critical incident preparedness plan to enhance the prevention of, preparedness for, and response to critical incidents, including without limitation natural disasters, workplace violence, dangerous substance, and active shooter crisis incidents. This plan shall

include a training component which is designed to enhance awareness of pre-incident indicators and describe actions to take to prevent and prepare for potential crisis incidents. This plan also shall include an action plan that describes the gaming establishment's pre-planning and coordination for a series of activities and procedures involving the gaming licensee's management and security personnel; the commission on-site officials; the onsite responding Massachusetts State Police personnel; the responding local, county, state law enforcement personnel; EMS and other first responder personnel, all in response to potential or actual critical incidents. The gaming licensee shall review its crisis preparedness plan annually. The gaming licensee's submission shall be evaluated in terms of its adequacy to assure that reasonable preparation and steps have been taken to ensure public safety, inter-agency crisis communication, tactical coordination, site facility identification and pre-staging, which as a whole, shall serve to maximize the protections afforded to the public, patrons, employees, law enforcement officers, and first responders and maximize the efficacy of first responder actions in emergent critical incident situations.

138.23: Drop boxes for table games and electronic table games; gaming table slot cash storage boxes

RESERVED

138.24: Cashiers' cage; satellite cages; master coin bank; coin vaults

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures relative to the cashiers' cage, satellite, cages, master coin banks (if any), and coin vaults (if any) that incorporate, at a minimum, the following:

- (1) Each establishment shall have on or immediately adjacent to the gaming area a physical structure known as a cashiers' cage ("cage") to house the cashiers and to serve as the central location in the gaming area for the following:
 - (a) The custody of the cage inventory comprising currency including cash, patrons' deposits, coin, patron checks, gaming chips and plaques, and of forms, documents, and records normally associated with the operation of a cage;
 - (b) The approval, exchange, redemption, and consolidation of patron checks received for the purposes of gaming;
 - (c) The receipt, distribution, sale and redemption of gaming chips and plaques
 - (d) The issuance, receipt and reconciliation of imprest funds used by slot attendants in the acceptance of currency and coupons from patrons in exchange for currency;
 - (e) The issuance, receipt and reconciliation of imprest chip funds and currency used by chippersons in the acceptance of coin, currency, slot tokens and coupons from seated poker patrons in exchange for chips; and
 - (f) Such other functions normally associated with the operation of a cage.
- (2) If a gaming establishment will make use of coins or tokens in its gaming operation it shall

have within the cage or in such other area as approved by the commission a physical structure known as a master coin bank to house master coin bank cashiers. The master coin bank shall be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein and serve as the central location in the gaming establishment for the following:

- (a) The custody of currency, coin, prize tokens, slot tokens, forms, documents and records normally generated or utilized by master coin bank cashiers, slot cashiers, changepersons, and slot attendants;
 - (b) The exchange of currency, coin, coupons, prize tokens and slot tokens for supporting documentation;
 - (c) The responsibility for the overall reconciliation of all documentation generated by master coin bank cashiers, slot cashiers, changepersons, and slot attendants;
 - (d) The receipt of coin and slot tokens from the hard count room; and
 - (e) Such other functions normally associated with the operation of the master coin bank.
- (3) The cage shall be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein; such design and construction shall, at a minimum, include the following features and specifications:
- (a) It shall be fully enclosed except for openings through which materials such as gaming chips and plaques, slot tokens and prize tokens, patron checks, cash, records, and documents can be passed to service the public, gaming tables, and slot booths;
 - (b) It shall have a manually triggered silent alarm system for the cage, ancillary office space, and any related vault, which systems shall be connected directly to the monitoring rooms of the closed circuit television system, IEB office and the security department office;
 - (c) It shall have double door entry and exit system (MAN-TRAP) that will not permit an individual to pass through the second door until the first door is securely locked. In addition:
 - (1) The first door adjacent to the gaming floor of the double door entry and exit system shall be controlled by the security one department (**electronically and manually**). The second door of the double door entry and exit system shall be controlled by ~~the cashiers' cage~~ **a separate department from the first**;
 - (2) The system shall have closed circuit television coverage which shall be monitored by the security department or surveillance department; and
 - (3) Any entrance to the cage that is not a double door entry and exit system shall be an alarmed emergency exit door only.
 - (d) It shall have separate locks on each door of the double door entry and exit system, the keys to which shall be different from each other.
- (4) Each master coin bank located outside the cage shall meet all the requirements of 205 CMR 138.24(3).
- (5) Each gaming establishment may have separate areas for the storage of coin, prize tokens and slot tokens ("coin vaults") in locations outside the cage or master coin bank.
- (6) Each coin vault shall be designed, constructed and operated to provide maximum security for the materials housed and activities performed therein, and shall include at least the following:

- (a) A fully enclosed room, located in an area not open to the public;
- (b) A metal door with one key that shall be maintained and controlled by the main bank or master coin bank, which shall establish a sign-in and sign-out procedure for removal and replacement of that key;
- (c) An alarm device that signals the monitors of the gaming licensee's close circuit television system whenever the door to the coin vault is opened; and
- (d) Closed circuit television cameras capable of accurate visual monitoring and taping of any activities in the coin vault.

(7) Each gaming establishment may also have one or more "satellite cages" separate and apart from the cashiers' cage, but in or adjacent to a gaming area or simulcasting facility, established to maximize security, efficient operations, or patron convenience and comfort and designed and constructed in accordance with this regulation. Subject to commission approval, a satellite cage may perform any or all of the functions of the cashiers' cage. The functions which are conducted in a satellite cage shall be subject to the applicable accounting controls set forth in 205 CMR.

(8) Each gaming licensee shall file with the commission the names of all persons possessing the combination or keys to the locks securing the entrance to the cage, any satellite cages, master coin bank and coin vaults; as well as all persons possessing the ability to operate alarm systems for the cage, any satellite cages, master coin bank and coin vaults.

(9) Notwithstanding 205 CMR 138.24(2), each gaming licensee may, with prior commission approval, operate its cashiers' cage without the master coin bank, provided that the main bank serves as the central location in the gaming establishment for the transactions enumerated in 205 CMR 138.24(2)(a) through (e), and provided further, that the references therein and elsewhere in 205 CMR 138.00 to:

- (a) "Master coin bank cashiers" shall apply instead to the main bank cashiers assigned the duties and performing the functions that would otherwise be assigned to or performed by master coin bank cashiers; and
- (b) The "master coin bank" shall apply instead to the main bank, but only insofar as it is authorized to perform master coin bank functions.

(10) Whenever the approved internal controls of a gaming licensee require or authorize documents to be transported from the cashiers' cage to a satellite cage or from a satellite cage to the cashiers' cage or another satellite cage, the gaming licensee shall, unless specified otherwise, transport the documents through the use of a pneumatic tube system or a casino security department representative.

138.25: Simulcast counter

RESERVED

138.26: Keys for dual locks; gaming licensee-controlled keys and locks; notice to the IEB and surveillance department upon malfunction and repair, maintenance or replacement

- (1) Any key, locking mechanism or locking system that is required by 205 CMR 138.00 shall be ~~patented~~ **subject to review and approval by the IEB**. Such key shall be ~~legally duplicable only by the manufacturer or an agent or successor thereof,~~ and shall be capable of unlocking the locking device on no more than one type of secure box, compartment or location used or maintained within the gaming establishment.

- (2) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a process for **obtaining, reproducing,** inventorying and identifying each controlled key, locking mechanism, or locking system and setting forth the procedure by which the key, locking mechanism, or locking system shall be controlled. Such internal controls shall, at a minimum, include an enumeration of those incidents ~~or events which, if they occurred, would compromise the security of the gaming licensee's locking systems and require it to immediately comply with the provisions herein~~ **which would be considered to compromise the security of any part of the gaming establishment.**

- (3) The types of secure boxes, compartments or locations that require a unique key, locking mechanism, or locking system shall include, without limitation, the following:
 - (a) Drop boxes;
 - (b) Slot ~~cash storage boxes~~ **drop containers**;
 - (c) Trolleys to transport drop boxes from gaming tables to a secure location;
 - (d) Trolleys or cabinets used to transport or store, respectively, slot cash storage boxes;
 - (e) Count room entrance and exit doors;
 - (f) Compartments housing slot drop buckets **containers**;
 - ~~(g) Slot drop boxes;~~
 - ~~(h) Compartments housing slot drop boxes;~~
 - (i) Areas in which slot cash storage boxes are located;
 - (j) Compartments housing microprocessors or other control units controlling progressive meter(s) for progressive slot machines;
 - (k) Locations housing a computer that controls a progressive payout wager system for gaming tables offering a progressive payout wager; and
 - (l) Storage cabinets or trolleys for unattached slot drop boxes.

- (4) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include inventory procedures for any key required to be controlled and maintained by a gaming licensee and for any corresponding locking device including, without limitation, any key and locking device required by 205 CMR 138.00 for a dual control locking system. The key and locking device inventory controls of each gaming licensee shall include, at a minimum, procedures for:
 - (a) Maintenance of inventory ledgers by identified, authorized personnel for purposes of documenting:
 - (1) The requisitioning of keys and locking devices from vendors;
 - (2) The receipt of blank key stock;
 - (3) The storage and issuance of keys and locking devices;
 - (4) Any loss, removal from service, and subsequent replacement of keys and locking devices;

- (5) The destruction of keys and locking devices; and
 - (6) The results of physical inventories;
- (b) The storage of duplicate keys and locking devices, including a physical description of any storage location and the identification of authorized personnel in control of such location;
 - (c) The destruction of keys and locking devices, including documentation detailing in whose presence any destruction shall occur; and
 - (d) Physical inventories of all keys and locking devices at least once every 12 months.
- (5) A gaming licensee shall notify the IEB and its surveillance department immediately upon becoming aware of any malfunction of any alarm system or alarmed door, and upon any emergency service to restore their proper function. In addition, a gaming licensee shall provide the IEB and its surveillance department with at least 24 hours written notice prior to effecting any non-emergency repair, maintenance or replacement of any such alarm system or alarmed door including, without limitation:
- (a) Alarm systems for any emergency exit from the gaming floor or simulcasting facility;
 - (b) Alarm systems for the cage, its ancillary office space and any related vault;
 - (c) Alarm systems for any master coin bank located outside the cage;
 - (d) Alarmed emergency exit door(s) for the cage;
 - (e) Alarmed doors to vaults signaling the closed circuit television system;
 - (f) Alarmed doors to count rooms signaling the monitoring rooms and the security department;
 - (g) Alarm systems providing for a continuous visual signal whenever any access door to the count room is open; and
 - (h) Alarm systems for any slot cashier window in a slot booth.

138.27: Reserved for future use
RESERVED

138.28: Gaming day

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

138.29: Accounting controls for the cashiers' cage, satellite cages, master coin bank and coin vaults

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include detailed protocols and procedures for the function of the cashiers' cage, satellite cages, master coin bank, and coin vaults, if any.

138.30: Accounting controls within the simulcast counter

RESERVED

138.31: Procedure for accepting cash and coupons at gaming tables

RESERVED

138.32: Table game drop boxes, transport to and from gaming tables; storage boxes

RESERVED

138.33: ~~Removal of slot drop buckets, slot drop boxes and slot cash storage boxes~~ **containers**; ~~Unsecured currency; recording of meter readings for slot machine drop~~

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

- (1) A gaming licensee shall file with the IEB a **drop** schedule setting forth the specific times at which the ~~slot drop buckets, slot drop boxes and slot cash storage boxes~~ ("slot drop containers") will be brought to or removed from the slot machines **and the routes to be utilized**. The schedule shall include the number of slot drop containers to be removed each day by zone or other designation. **At a minimum, the schedule shall provide for removal at least once per week.**
- (2) All slot drop containers which are not actively in use shall be stored in the count room or other secure area outside the count room as approved by the IEB **to prevent unauthorized access**. In addition, slot drop ~~boxes and slot cash storage boxes~~ **containers in use** shall be stored in an enclosed storage cabinet or trolley, secured by a key. **The key must have restricted access and may be maintained and controlled by either the security department or by means of an electronic key control system which documents the date, time, and electronic signature of any person signing out/in the aforementioned keys. Such electronic key control system also must have the ability to restrict access and ensure keys are released only when the properly authorized individual(s) are present. An electronic signature shall include a unique employee PIN and key card swipe, or PIN and employee biometric identification.**
- (3) Slot drop containers shall be removed from a slot machine by at least three employees, two of whom shall be members of the ~~casino security department~~ **casino security department** and

one of whom shall be a member of the ~~accounting department~~ **accounting security department** ("the slot drop team"). **At least one member of the drop team shall be licensed as a key gaming employee in accordance with 205 CMR 134.00.** Other than the security department members, all employees participating in the removal of slot drop containers shall wear as outer garments only a full-length, one-piece pocketless garment with openings only for the hands, feet and neck.

- (4) ~~The slot A drop team supervisor~~ **member** shall notify the surveillance department at the commencement of the slot drop process. Surveillance shall make a continuous video recording, with the time and date inserted thereon, of the entire slot drop ~~container removal~~ process.
- (5) All slot drop containers removed from the slot machines shall be transported directly to, and secured in, the count room by a casino security department member and a member of the accounting department. **The process shall be documented in writing ensuring that the number of slot drop containers brought into the gaming area and the number of slot drop containers removed from the gaming area are reconciled.**
- (6) **Emergency drop procedures to remove a** ~~A full or inoperable slot drop box container or slot cash storage box that must be replaced~~ **or for removal for other legitimate reasons, as approved by the IEB, outside of the slot drop schedule shall require at least three employees (two of whom shall have no incompatible functions, and one of whom shall be licensed as a key gaming employee in accordance with 205 CMR 134.00), be replaced with an empty emergency slot drop box or slot cash storage box by a security department member and a slot or cage supervisor container of the same type if the slot machine is to remain available for play by patrons, and include at a minimum in the procedures** as follows:
 - (a) A security department member shall notify the surveillance department which shall monitor and record the transaction. If more than one slot drop ~~box or slot cash storage box~~ **container** is being removed, such notification shall include the sequence in which the ~~boxes~~ **containers** will be removed and replaced;
 - (b) The security department member shall complete an emergency box form documenting the replacement of the slot drop ~~box or slot cash storage box~~ **container**. The form shall include at a minimum:
 - (1) The date and time;
 - (2) The asset and location number;
 - (3) The reason for the removal; and
 - (4) The signatures of ~~the security department member and slot or cage supervisor~~ **all employees** participating in the process;
 - (c) The emergency box form shall be distributed by ~~the security department~~ **a member of the emergency drop team** as follows:
 - (1) The original affixed to the emergency slot drop ~~box or slot cash storage box~~ **container**;
 - (2) The duplicate placed in a locked accounting box; and
 - (3) The triplicate delivered **to the cage to be routed** within 24 hours of preparation to the IEB's onsite office;

- (d) A slot department member, in the presence of ~~a casino security department member and the slot or cage supervisor~~ **the other members of the emergency drop team**, shall remove the ~~full or inoperable slot drop box or slot cash storage box~~ **container** from the slot machine and replace it with the empty emergency slot drop ~~box or slot cash storage box~~ **container if the slot machine is to remain available for play by patrons;**
- (e) The slot drop ~~box or slot cash storage box~~ **container** removed from the slot machine shall be transported by ~~the casino security department member and slot or cage supervisor~~ **a minimum of two members of the emergency drop team** to the count room **where it must be and** secured in an emergency drop box cabinet or trolley; and
- (f) For each ~~full or inoperable slot drop box or slot cash storage box~~ **container exchanged-removed**, ~~the casino security department member or slot or cage supervisor~~ **an emergency drop team participant** shall record on an emergency box log, to be maintained with the emergency drop box cabinet or trolley, the following:
- (1) The date and time the slot drop ~~box or slot cash storage box~~ **container** was secured in the cabinet or trolley;
 - (2) The slot drop ~~box or slot cash storage box~~ **container** location and asset number; and
 - (3) The signatures of ~~the casino security department member and cage or slot supervisor~~ **at least two members of the emergency drop team** participating in the emergency slot drop ~~box or slot cash storage box~~ **container** process;
- (7) Whenever currency, a gaming voucher, or a coupon is found inside a bill changer but outside of the slot cash storage box ("unsecured drop") during the collection of slot cash storage boxes, a count team member and a member of the casino security department shall complete and sign a form which includes the asset number in which the unsecured drop was found, the date the unsecured drop was found, and the total value of the unsecured drop. The unsecured drop and the original form shall be transported to the count room and counted and recorded with the contents removed from the corresponding slot cash storage box. The duplicate of the form shall be placed in a locked accounting box. Upon completion of the count, the original form shall be placed in a locked accounting box located in the count room. The accounting department will retrieve the original form and reconcile it to the duplicate.
- (8) Whenever unsecured drop is found at times other than the collection of slot cash storage boxes, a slot department member shall notify the surveillance department and complete and sign the form referenced in 205 CMR 138.33(7). The unsecured drop and the original form shall be transported by the slot department member, escorted by a security department member, to the cashiers' cage where a cashier shall sign the form. The unsecured drop and original shall be retained by the cashier, and the slot department member shall place the duplicate form in a locked accounting box. The accounting department shall reconcile the original form to the duplicate.
- (9) Upon receipt of an unsecured gaming voucher or coupon, the cage cashier in the presence of the slot department member shall deface the gaming voucher or coupon, to the extent necessary, so as to prevent subsequent redemption.
- (10) At the end of the gaming day, at a minimum, the original unsecured drop forms and as applicable, gaming vouchers and coupons, shall be forwarded to the accounting department.

The accounting department shall reconcile the original and duplicate forms and record the appropriate amount on the Slot Win Report.

- (11) In conjunction with the removal of any slot drop container, a gaming licensee shall manually read, or cause an approved slot monitoring system to record, the in-meter, drop meter, out-meter, attendant paid jackpots meter, attendant paid cancelled credits meter, bill meters and handle pull meter. In addition, the following meters shall be read and recorded:
 - (a) If the slot machine accepts gaming vouchers, the numerical and value cashable gaming voucher meters, and the numerical and value non-cashable gaming voucher meters;
 - (b) If the slot machine accepts coupons enrolled in the gaming voucher system, the numerical and value cashable coupon meters and numerical and value non-cashable coupon meters;
 - (c) If the slot machine accepts promotional credits, the electronic cashable credit meter and the electronic non-cashable credit meter; and
 - (d) If the slot machine accepts funds from an account based wagering system, the wagering account transfer-in meter and the wagering account transfer out meter.
- (12) The slot monitoring system shall provide a report to the accounting department for a comparison of the meter readings to the count room reports and the calculation of each slot machine's payout percentage. Only members of the accounting department shall have the authority to adjust meter readings subsequent to the count.
- (13) Nothing in 205 CMR 138.00 or a gaming licensee's internal controls shall preclude the IEB from requiring a gaming licensee to read a slot machine meter manually as a remedial measure in the event of a malfunction or as it may otherwise deem necessary to ensure the integrity of gaming and the accurate reporting of gross revenue.

138.34: Procedures for acceptance of tips or gratuities from patrons

- (1) In accordance with M.G.L. c.23K, §25(g), no key gaming employee or any other gaming employee who serves in a supervisory position shall solicit or accept a tip or gratuity from a player or patron in the gaming establishment where the employee is employed.
- (2) In accordance with M.G.L. c.23K, §25(g), a dealer may accept tips or gratuities from a patron at the table game where such dealer is conducting play provided, however, that such tips or gratuities shall be placed in a pool for distribution among other dealers. A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures governing the manner in which tips and gratuities shall be set aside for the dealer pool as well as the manner of distribution among dealers, which shall, at a minimum, incorporate the following principles:
 - (a) At their election, the dealers shall be responsible for the collection, counting, and distribution of the tips and gratuities;
 - (b) The gaming licensee shall cooperate in the collection, counting, and distribution process undertaken by the dealers, and shall provide surveillance, cashier, payroll and other systems necessary for the administration and security of the process;
 - (c) Tips shall be calculated on a weekly basis unless the dealers specifically elect to calculate the tips on a daily basis, and shall be distributed based on time spent dealing;

- (d) The policies and procedures shall be subject to approval by the dealers in a manner provided by the dealers; and
 - (e) The policies and procedures shall be in accord with M.G.L. c.149, §152A and other applicable law of the commonwealth.
- (3) The policies and procedures required in accordance with 205 CMR 138.34(2) shall, at a minimum, include:
- (a) The method utilized by a dealer for acceptance of the tip or gratuity;
 - (b) The physical characteristics of the transparent locked box utilized for purposes of depositing such tips or gratuities;
 - (c) The method for ensuring that any non-value chips received as a tip at any table game authorized by the commission to utilize non-value chips for play, is expeditiously converted into value chips and deposited in a the locked box reserved for that purpose; and
 - (d) The method of collecting, accounting for and placing such tips and gratuities in a common pool for distribution pro-rata among all dealers in accordance with ~~standards established by the commission~~ **the policies and procedures established in accordance with 205 CMR 135.34.**
- (4) If a gaming licensee offers the game of poker the policies and procedures required in accordance with 205 CMR 138.34(2) may provide for a separate common pool for tips and gratuities received by poker dealers to be established. **Provided, however, at the dealers' option, if a separate common pool is established for poker dealers, the policies and procedures may provide for distribution from the pool in accordance with the precise amount contributed.** A gaming licensee, **with the dealers' assent,** may also designate a percentage of the prize pool or other such amounts as designated in a poker tournament submission, as approved by the commission, to be withheld for distribution to the tournament dealers on a pro-rata basis.
- (5) A tip or gratuity may be provided electronically to a dealer upon initiation and authorization by a patron. A gaming licensee shall include in its internal controls the method utilized for the distribution of electronic tips or gratuities and ensure that a report listing all electronic tips shall be available from the system where the transaction occurred.

138.35: Table inventory; table inventory container; chip reserve compartment

RESERVED

138.36: Procedures for counting table inventory, opening tables for gaming, shift changes at gaming tables, and closing gaming tables

RESERVED

138.37: Procedure for distributing and removing gaming chips, coins and plaques to gaming tables

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures relative to distributing and removing gaming chips, coins, and plaques to and from gaming tables that must include participation of personnel from at least three departments with incompatible functions.

138.38: Procedures for acceptance, accounting for, withdrawal and refund of patron deposits

RESERVED

~~138.39: Procedures for accepting, verifying and accounting for wire transfers and electronic fund transfers; wire transfer and electronic fund transfer fees; Procedures for sending funds by wire transfer or electric fund transfer~~ Reserved for future use

RESERVED

138.40: Procedure for acceptance of checks, cash equivalents, ~~or slot counter checks~~ wire transfers, and credit/debit cards; issuance of counter checks

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures relative to the acceptance of checks and cash equivalents presented by patrons, and the issuance of counter checks ~~or slot counter checks~~ to patrons for gaming purposes. These policies and procedures shall include, but not be limited to:

- (1) The specific locations in the gaming establishment where patron deposits may be received;
- (2) The specific form of deposits that will be accepted including cash, ~~chips, plaques, slot tokens, jackpots, tournament winnings, casino checks,~~ personal checks, certified checks, traveler's checks, wire transfers, ~~electronic fund transfers,~~ money orders, ~~and cash advances initiated at ATMs outside of the gaming area,~~ and other cash equivalents. Provided, procedures shall be included to ensure that the gaming licensee does not accept or cash government-issued checks, or third party checks, ~~other than bank issued cashier's checks or travelers checks;~~
- (3) Identification requirements at such time that a patron deposits funds, including controls in place to assure that any cash received on deposit is done so in accordance with required currency transaction reporting and anti-money laundering criteria;
- (4) The permitted uses of funds placed on deposit to include, but not be limited to, in exchange for chips, tokens or other forms of gaming value, to establish a deposit account against which future draws may be made, as payment towards outstanding counter checks;

- (5) Procedures to refund any balance in a patron's deposit account at such time that it is requested;
- (6) Specific procedures for the issuance of counter checks ~~against the patron's deposit account,~~ to include patron identification requirements, and documentation and accountability requirements to request a counter check, issue the counter check (whether at the main cage, gaming table or such other approved location), **including disclosures, consistent with disclosures provided at the time the extension of credit was approved, which include the date or time period within which the counter check will be deposited with the patron's bank,** and post the counter check transaction to the patron's account and the gaming licensee's books of account;
- ~~(7) Specific procedures for the issuance of slot counter checks, if said procedures differ in any material way from the procedures to issue counter checks for table game purposes, to include the same information set forth in 205 CMR 138.40(6).~~
- ~~(7) Documentation and accountability requirements up to and including the transfer of completed documents to the accounting department~~ **Specific procedures for the transfer and storage of documentation involved in all facets of the counter check process;**
- (8) Procedures to ensure that any credit card or automated teller machine operating in the gaming establishment **does** not allow a patron to obtain cash from a government-issued electronic benefits transfer card **or to process a cash advance transaction;** ~~and,~~
- (9) Procedures to ensure that ~~credit card cash transactions and~~ debit card cash transactions are not permitted to be initiated within 15 feet of the gaming area;
- (10) **Procedures to ensure that no gaming chips, plaques, tokens, and other forms of gaming value may be purchased with a credit card. Provided, patrons may be permitted to pay gaming tournament entry fees with a credit card; and**
- (11) **Procedures, including the maintenance of a log, for accepting, verifying and accounting for wire transfers and electronic fund transfers, including wire transfer and electronic fund transfer fees, and procedures for sending funds by wire transfer or electric fund transfer.**

138.41: ~~Replacement checks and the~~ Redemption, substitution, and consolidation of counter checks ~~or slot counter checks at the cashier's cage; redemption of counter checks at a gaming table~~

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures relative to **replacement checks** and the redemption, ~~substitution, and consolidation~~ of counter checks ~~and/or slot counter checks~~ that contain, at a minimum, provisions for the following:

- (1) A listing of the locations ~~in the gaming area at which~~ **where** redemptions may occur, and a listing of the types of cash and cash equivalents **and third party instruments (subject to the restrictions set forth in 205 CMR 138.40(2))** that may be accepted in redemption of a counter check;
- (2) A distinction between full redemptions and partial redemptions;
- (3) Detailed procedures to:
 - (a) **Process and complete redemptions, ~~substitutions, and consolidations~~ and issue replacement checks;**

- (b) Verify the patron's or agent's identification at the time of completing a redemption;
 - (c) Maintain a written record and complete the appropriate forms used to record the redemption, including the specific information contained on said form(s) and the form(s) signature requirements so as to assign responsibility and accountability over the redemption transaction; and
 - (d) Transfer the appropriate documents to the accounting department (or such other department) for accounting purposes; and
 - (e) Process payments received through the mail, wire transfer, or electronic fund transfer.
- (4) A description of permitted redemptions, in full or in part, when made by a third-party other than the gaming patron; and
- (5) A description of the type of checks that may be accepted in substitution of a counter check.

138.42 Acceptance of payments toward outstanding patron checks

- (1) A gaming licensee may, in its discretion, permit the drawer of an outstanding patron check or any person acting for the benefit of such drawer to deposit cash, cash equivalents, casino checks, slot tokens, gaming chips or gaming plaques with a general cashier for the purpose of having such payment applied to the total or partial redemption of the patron check by the drawer.
- (2) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures relative to the acceptance of payments pursuant to 205 CMR 138.42(1) which shall, at a minimum, provide for:
- (a) A method of documenting or recording the receipt of each such payment, which method shall include, without limitation, the following:
 - (1) The names of the drawer and the person making the payment;
 - (2) The signature of the employee accepting the payment; and
 - (3) The issuance of a receipt to the person making the payment;
 - (b) The maintenance of the general cashier's imprest inventory; and
 - (c) The notation in the drawer's credit account of the receipt of the payment.
- (3) If any payments received by a gaming licensee pursuant to the procedure referenced in 205 CMR 138.42(2) entitle the drawer of a patron check to redeem the original patron check in its entirety by virtue of complete payment of the outstanding total, or if any such payments received in conjunction with the submission of a new patron check by the drawer in a lesser amount entitle the drawer of a patron check to redeem the original patron check in part due to such partial payment, the gaming licensee shall return the original patron check to the drawer.
- (4) If the drawer of a patron check fails to redeem it prior to the date on which the patron check must be deposited in accordance with the policy or procedure implemented in accordance with 205 CMR 138.45, the gaming licensee shall deposit the patron check regardless whether any payment has been received. The gaming licensee, after timely depositing the patron check and allowing a commercially reasonable time for the patron check

to clear, shall apply any payments received in accordance with priorities established in the system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02.

(5) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall provide policies and procedures for cash deposit accounts if they will be utilized by the gaming licensee.

(6) If a patron check is dishonored by the drawer's bank upon presentation for payment and returned to the gaming licensee, any payments received, including payments that have been transferred to a patron cash deposit account pursuant to 205 CMR 138.42(5), that have not been returned to the drawer shall be used to reduce the amount to be collected from the drawer or to be deemed uncollectible pursuant to the provisions of these regulations.

138.43: Procedures for establishing patron credit accounts, and recording checks exchanged, redeemed or consolidated

(1) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the issuance of credit to a patron to take part in gaming activity at its gaming establishment. A gaming licensee's policies and procedures governing the issuance of credit shall ensure at a minimum that:

- (a) Prior to issuing credit to a patron the creditworthiness of the patron is established **in a commercially reasonable manner** in the context of their ability to repay the amount of credit requested or to be extended; ~~and~~
- (b) Credit is not extended to an individual in an amount beyond that which the information reviewed demonstrates that they have a reasonable ability to repay;
- (c) Credit will only be extended to patrons who **the gaming licensee determines** qualify for a minimum threshold of \$10,000.00 and will not exceed the amount requested by the patron;
- (d) Credit will not be offered to any individual who self-identifies as a problem gambler during the credit application process, places themselves on a voluntary credit suspension list in accordance with 205 CMR 138.44, or is on public assistance;
- (e) Credit requests, including increases, will not be accepted from or granted to patrons who are visibly intoxicated or exhibiting behaviors suggestive of impaired mental competency;
- (f) Credit applications require patrons to acknowledge that they have reviewed a problem gambling self-assessment and indicate a desire to proceed with the process; and
- (g) Credit officers will obtain **written or** verbal verification from credit applicants that they are comfortable losing up to the amount of credit requested and granted.

(2) In addition to the provisions required in accordance with 205 CMR 138.43(1), the policies and procedures governing the issuance of credit shall contain provisions including, but not limited to, the following:

- (a) The creation of a credit file for each patron shall be prepared by a general cage cashier or credit department representative with no incompatible functions prior to the gaming licensee's approval of a patron's credit limit. All patron credit limits and changes thereto shall be supported by the information contained in the credit file. Such file shall contain a

credit application form upon which the following minimum information provided by the patron shall be recorded:

- (1) The patron's name;
- (2) The address of the patron's residence;
- (3) Patron's identification credential, credential number, place of issuance, and expiration date;
- (4) The patron's telephone number;
- (5) Banking information including:
 - (a) The name and location of the patron's bank; and
 - (b) The account number of the patron's personal checking account upon which the patron is individually authorized to draw and upon which all Counter Checks, Slot Counter Checks and all checks used for substitution, redemption or consolidation and replacement checks will be drawn. Checking accounts of sole proprietorships shall be considered as personal checking accounts. Partnership or corporate checking accounts shall not be considered personal checking accounts even if a patron is individually authorized to draw on the account.
- (6) The credit limit requested by the patron;
- (7) The approximate amount of all other outstanding indebtedness including outstanding counter checks or slot counter checks- credit balances at other casinos or gaming establishments;
- (8) The amount and source of income and assets in support of the requested credit limit; and
- (9) The patron's signature indicating acknowledgement of the following statement, which shall be included at the bottom of every credit application form containing the information required to be submitted by the patron pursuant to 205 CMR 138.43(2)(a): *"I certify that I have reviewed all of the information provided above and that it is true and accurate. I authorize (name of the gaming licensee) to conduct such investigations pertaining to the above information in accordance with applicable federal and state laws and regulations as it deems necessary for the approval of my credit limit. Such investigation may include verification of the information ~~you~~ I have provided with a consumer credit bureau, a casino credit bureau, ~~your~~ my bank, and/or a bank verification service. I am aware that this application is required to be prepared in accordance with Massachusetts Gaming Commission regulations and I may be subject to civil or criminal liability if any material information provided by me is willfully false."*
- (10) Prior to processing a gaming patron's credit application, a gaming licensee shall clearly and conspicuously provide the patron with the following disclosures on a piece of paper separate and apart from the credit application and any related documents; provided that each statement shall be separately signed, dated, and acknowledged by said patron. Upon signing said disclosures, a copy shall be provided to the gaming patron.
 - (a) *"You are ~~receiving~~ applying for a credit extension from [name of gaming licensee], facilitated through a personal check or counter check (also known as a 'marker') on your bank account. If you fail to repay [name of gaming licensee] by [the date specified in this agreement], [name of gaming licensee]*

will attempt to recover the amount identified on the personal check or 'marker' from your bank account (by date marker will be deposited with the bank) or thereafter. If there are insufficient funds in your account, [name of gaming licensee] may initiate debt collection proceedings against you. Failure to timely repay your debt to [name of gaming licensee] may result in legal consequences, and will likely have a negative effect on your credit."

(b) *"If you are concerned that you may have difficulty managing your gambling, or wish for any reason to exclude yourself from receiving credit from a gaming establishment in Massachusetts, you may add yourself to the gaming credit suspension list. Massachusetts gaming establishments are prohibited from providing credit to individuals appearing on this list. To sign up for the list, please visit www.massgaming.com/selfexclusion or call [toll-free number]."*

- (b) Recording by a general cage cashier or credit department representative of the information required in accordance with 205 CMR 138.43 in the credit file prior to the gaming licensee's approval of a patron's credit limit.
- (c) Prior to the gaming licensee's approval of the patron's credit limit, a general cage cashier or credit department representative with no ability to grant credit or credit limit increases shall **perform the following in a commercially reasonable manner and document the patron's file accordingly:**
- (1) Verify the address of the patron's residence;
 - (2) Verify the patron's outstanding **casino credit** balances which shall include the following:
 - (a) The date the patron's **casino** credit account(s) was established; and
 - (b) The current balance and status of the patron's credit account at each casino and gaming establishment including checks deposited by a **casino or** gaming licensee that have not yet cleared the bank and derogatory information;
 - (3) Verify the patron's outstanding indebtedness;
 - (4) Verify the patron's personal checking account information which shall include, but not be limited to, the following (~~provided, that if any information is unavailable relative to international accounts this shall be noted in the credit file~~):
 - (a) Type of account (personal or sole proprietorship);
 - (b) Account number;
 - (c) Date the account was opened;
 - (d) Average balance of the account for the last ~~twelve~~ **six** months;
 - (e) Current balance in the account;
 - (f) Whether the patron can sign individually on the account; and
 - (g) Name and title of the person supplying the information; and
 - (5) Verify that the patron's name is not designated on the list of individuals who have voluntarily requested suspension of credit privileges pursuant to 205 CMR 138.44 or placed their name on the voluntary self-exclusion list pursuant to 205 CMR 133.00.
- (d) All verifications performed by a general cage cashier or the credit department in

accordance with 205 CMR 138.43(2)(c) shall be recorded in the credit file and accompanied by the signature of the general cage cashier or credit department representative who performed the required verifications or filed the relevant information. **If at any time the gaming license has reason to believe a patron's information has changed, it shall re-verify the information in accordance with the following.** The date and time of the signature of the general cage cashier or credit department representative shall be recorded either mechanically or manually contemporaneously with the transaction. **If the employee is unable to obtain certain information despite using commercially reasonable efforts, the credit file shall be documented accordingly.** The general cage cashier or gaming licensee's credit department shall fulfill the requirements of 205 CMR 138.43(2)(c) as follows:

- (1) Verification of the address of the patron's residence, as required by 205 CMR 138.43(2)(c)(1), shall be satisfied by confirming the patron's address with a credit bureau or bank. If neither of these sources has the patron's address on file or will not provide the information, the gaming licensee may use an alternative source which shall not include any identification credentials required in 205 CMR 138.43(2)(a) or other documentation presented by the patron at the gaming establishment. The gaming licensee shall record the source of verification and the method by which such verification was performed in the patron's credit file. Verification of the patron's address may be performed telephonically.
- (2) Verification of the patron's current casino credit limits and outstanding balances, as required by 205 CMR 138.43(2)(c)(2), shall be performed through a casino credit bureau and, if appropriate, through direct contact with other casinos at which the patron indicated on the credit application that they have a credit limit or outstanding balance. The gaming licensee shall record the source of verification and the method by which such verification was performed in the patron's credit file. If no casino credit information relating to the patron is available from these sources, this shall be noted in the patron's credit file and shall be deemed to satisfy the verification requirement. The verification may be performed telephonically, via email, or any medium prior to the credit approval provided the gaming licensee requests written documentation of all such information as soon as possible and includes such written documentation in the patron's credit file. All requests for written documentation shall be maintained in the patron's credit file until such documentation is obtained.
- (3) Verification of the patron's outstanding indebtedness, as required by 205 CMR 138.43(2)(c)(3), shall be performed by contacting a consumer credit bureau or other similar organizations which is reasonably likely to possess information concerning the patron, and a casino credit bureau to determine whether the applicant has any liabilities or if there is any derogatory information concerning the applicant's credit history. Such contact shall be considered a verification of the outstanding indebtedness provided by the patron. The gaming licensee shall record the source of verification and the method by which such verification was performed in the patron's credit file. If either one or both of these credit bureaus do not have information relating to a patron's outstanding indebtedness this shall be recorded in the patron's credit file **and the verification requirement shall be deemed satisfied.** The verification may be performed telephonically prior to the

credit approval provided the gaming licensee requests written documentation of all information obtained as soon as possible and includes such written documentation in the patron's credit file. All requests for written documentation shall be maintained in the patron's credit file until such documentation is obtained.

- (4) Verification of the patron's personal checking account information, as required by 205 CMR 138.43(2)(c)(4), shall be performed by the gaming licensee or a bank verification service directly with the patron's bank. A bank verification service utilized by a gaming licensee may make use of another bank verification service to make direct communication with the patron's bank. **If a patron's bank is unwilling to provide information relative to an account** ~~If such information is not available relative to an international account~~, the gaming licensee may use an alternative source or note the unavailability of the information in the file in which case the verification requirement shall be deemed satisfied. The gaming licensee shall record the source of verification and the method by which such verification was performed, **or attempted to be performed**, in the patron's credit file. The verification may be performed telephonically via email, or any medium prior to the credit approval provided the gaming licensee or bank verification service requests written documentation of all information obtained as soon as possible and such written documentation is included in the patron's credit file. All requests for written documentation shall be maintained in the patron's credit file until such documentation is obtained.
- (e) A gaming licensee may rely upon information compiled and verified by an affiliate in another jurisdiction relative to the credit application of a patron in satisfaction of a provision of 205 CMR 138.43(1) through (2)(d) if said verification was performed within 60 days of a ~~counter check or slot counter check~~ **credit** being issued **extended** to the same patron at a ~~gaming establishment~~ **casino**.
- ~~(f) Any Massachusetts gaming licensee requesting information from another Massachusetts gaming licensee concerning a credit patron shall represent to the requested gaming licensee that the patron has a credit line or has applied for credit and shall provide the patron's name, address of the patron's residence and the name and location of the patron's bank. Upon receipt of this information, the requested Massachusetts gaming licensee shall be required to furnish to the requesting Massachusetts gaming licensee any information in its possession concerning a patron as required by 205 CMR 138.43(2)(e).~~
- (g) The credit limit, and any changes thereto, must be approved by any one or more of the individuals holding the positions of credit manager, assistant credit manager, credit shift manager, credit executive, or a key gaming employee in a direct reporting line above the gaming manager or credit manager, or a credit committee composed of key gaming employees which may approve credit as a group, but whose members may not approve credit individually unless such person is included in the job positions referenced above. The approval shall be recorded in the credit file and shall include:
- (1) Any other information used to support the credit limit and any changes thereto, including the source of the information, if such information is not otherwise recorded pursuant to ~~this section~~ **205 CMR 138.43(2)**;
 - (2) A brief summary of the key factors relied upon in approving or reducing the requested credit limit and any changes thereto;
 - (3) The reason credit was approved if derogatory information was obtained during the

- verification process;
- (4) The signature, on the manual credit file, of the employee approving the credit limit together with the date and time of such authorization, which signature, date and time shall be recorded before any actual extension of credit; and
 - (5) If a computerized credit file is utilized, the authorization code of the employee approving the credit limit together with the date and time of the activation in the system, which authorization code, date and time shall be recorded by the system before any actual extension of credit.
- (h) Prior to approving a credit limit increase, a representative of the gaming licensee's credit department shall:
- (1) Obtain a written request from the patron which shall include:
 - (a) Date and time of the patron's request;
 - (b) Amount of credit limit increase requested by the patron; and
 - (c) Signature of the patron.
 - (2) Verify the patron's current casino credit limits and outstanding balances, as required by 205 CMR 138.43(2)(c)(2) and ~~205 CMR 138.43(2)(e)(3)~~, unless such verification has performed earlier that same gaming day;
 - (3) Verify the patron's outstanding indebtedness as required by 205 CMR 138.43(2)(c)(3), unless such procedure has been performed within the previous 60 days;
 - (4) Verify the patron's personal checking account information, as required by 205 CMR 138.43(2)(c)(4), unless such procedure has been performed within the previous 60 days;
- (i) Credit limit increases may be approved without performing the requirements of 205 CMR 138.43(2)(g)(2) through (4) if the increases are temporary and are noted as being for this trip only in the credit file. Temporary increases shall be limited to one during any thirty day period provided that the increase is approved during a single trip to the gaming establishment consisting of consecutive gaming days and the amount of the temporary increase does not exceed 25 percent of the currently approved credit limit.
- (j) The gaming licensee's credit department shall:
- (1) ~~Comply with the requirements of either 205 CMR 138.43(2)(h)(2) or (3) whenever any derogatory information is received by a gaming licensee's credit department relating to the patron's continued creditworthiness other than a returned check subject to the provisions of 205 CMR 138.43(2)(i).~~
 - (2) ~~Re-verify the patron's address, current casino credit limits, outstanding balances, outstanding indebtedness, and personal checking account information, as required by 205 CMR 138.43(2)(e)(1) through (4).~~
 - (3) ~~Follow the procedures required by 205 CMR 138.43(2)(e)(1) through (4), before a patron's credit privileges are reinstated if the patron's credit privileges have been suspended.~~
 - (4) ~~Verify the information required by 205 CMR 138.43(2)(a)(2) and (4), in accordance with the procedures in 205 CMR 138.43(2)(d) whenever the gaming licensee has reason to believe that this information has changed.~~
 - (5) ~~V~~verify the patron's address, current casino credit limits and outstanding balances, outstanding indebtedness, ~~personal check cashing~~ **checking account** information, confirm that the patron is not on the list of patrons who have requested suspension

of their credit privileges, and confirm that the patron is not on the list of patrons who have placed themselves on the voluntary self-exclusion list, as required by 205 CMR 138.43(2)(c)(1) through (5) prior to the issuance of ~~credit~~ **a counter check** to a patron whose credit file has been inactive for a 6 month period.

(k) All derogatory information **received by a gaming licensee** concerning a patron's credit account shall be reported by ~~each~~ **the** gaming licensee on a daily basis to a casino credit bureau used by all Massachusetts gaming licensees. Each ~~Massachusetts~~ gaming licensee shall request written documentation of any derogatory information pertaining to its patrons to be reported to that gaming licensee on a daily basis by a casino credit bureau used by all Massachusetts gaming licensees. All documentation obtained from the casino credit bureau relative to a patron account shall be maintained in the patron's credit file. Any gaming licensee desiring to continue the patron's credit privileges on the basis of a satisfactory explanation having been obtained for the ~~returned check~~ **derogatory information** may do so if the gaming licensee records the explanation for its decision in the credit file before ~~accepting~~ **issuing** any further **counter checks** ~~from~~ **to** the patron along with the signature of the credit department supervisor accepting the explanation.

Provided, the gaming licensee shall comply with the requirements of either 205 CMR 138.43(2)(h)(2) or (3) whenever any derogatory information is received by a gaming licensee's credit department relating to the patron's continued creditworthiness.

(l) All transactions affecting a patron's outstanding indebtedness to the gaming licensee shall be recorded in chronological order in the patron's credit file and credit transactions shall be segregated from the ~~safekeeping deposit~~ **patron deposit account** transactions. The following information shall be included:

- (1) The date, amount and check number of each Counter Check ~~or Slot Counter Check~~ initially accepted from the patron;
- (2) The date, amount and check number of each consolidation check and the check numbers of the checks returned to the patron;
- (3) The date, method, amount and check number of each redemption transaction and the check number of the check returned to the patron;
- (4) The date, amount and check number of each substitution transaction and the check number of the check returned to the patron;
- (5) The date, amount and check number of each check deposited;
- (6) The date, amount and check number of each check returned to the gaming licensee by the patron's bank and the reason for its return;
- (7) The outstanding balance after each transaction; and
- (8) The date, amount and check number of any checks which have been partially or completely written off by the gaming licensee and a brief explanation of the reason for such write off.

(m) A log of all Counter Checks ~~and Slot Counter Checks exchanged~~ **issued** and of all checks received for redemption, consolidation or substitution shall be prepared, manually or by computer, on a daily basis, by check cashiers and such log shall include, at a minimum, the following:

- (1) The balance of the checks on hand in the cashiers cage at the beginning of each shift;
- (2) For checks initially accepted and for checks received for consolidation, redemption, or substitution:

- (a) The date of the check;
 - (b) The name of the drawer of the check;
 - (c) The amount of the check;
 - (d) The Counter Check ~~and Slot Counter Check~~ serial number(s) for Counter Check(s) ~~and Slot Counter Check(s)~~ received; and
 - (e) An indication as to whether the check was initially accepted or received in a redemption, consolidation or substitution.
- (3) For checks deposited, redeemed by patrons for cash, cash equivalents, complimentary cash gifts, gaming chips and plaques, or any combination thereof, consolidated or replaced:
- (a) The date on which the check was deposited, redeemed, consolidated or replaced;
 - (b) The name of the drawer of the check;
 - (c) The amount of the check;
 - (d) The Counter Check ~~and Slot Counter Check~~ serial number(s) for Counter Check(s) and Slot Counter Check(s) deposited, redeemed, consolidated or replaced; and
 - (e) An indication as to whether the check was deposited, redeemed, consolidated or replaced.
- (4) The balance of the checks on hand in the cashiers' cage at the end of each shift.
- (n) A list of all Counter Checks ~~and Slot Counter Checks~~ on hand, and of all checks received for redemption, consolidation or substitution shall be prepared, manually or by computer, on a monthly basis, at a minimum, and shall include the following:
- (1) The date of the check;
 - (2) The name of the drawer of the check;
 - (3) The amount of the check; and
 - (4) The Counter Check ~~and Slot Counter Check~~ serial number(s) for Counter Check(s) ~~and Slot Counter Check(s)~~ received.
- (o) At the end of each gaming day, at a minimum, the following procedures shall be performed:
- (1) The daily total of the amounts of checks initially recorded as described in 205 CMR 138.43(2)(m) shall be agreed to the daily total of Counter Checks ~~and Slot Counter Checks~~ issued;
 - (2) The daily total of the checks indicated as deposited on a log required by 205 CMR 138.43(2)(m) shall be agreed by employees with no incompatible functions to the bank deposit slips corresponding to such check; and
 - (3) The balance required by 205 CMR 138.43(2)(m) shall be agreed to the total of the checks on hand in the cashiers' cage.
- (p) A patron may not be issued a Counter Check until the operator has established a signature file for the patron.
- (3) A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions for the maintenance of a patron identification file and the methodology the gaming licensee will utilize for verifying a patron's identity or signature for purposes of establishing a credit account which shall include, at a minimum, the following:

- (a) The patron's name;
 - (b) The patron's address;
 - (c) The patron's signature;
 - (d) The type of identification credentials examined;
 - (e) The date and time that the patron identification file was established; and
 - (f) The name and signature of the gaming establishment employee who examined the identification credentials of the patron and established the patron identification file.
- (4) The gaming licensee shall establish procedures for the organization and maintenance of data relative to the extension of credit, issuance of counter checks, and repayment of counter check for review upon request by the commission or its designee, and the Massachusetts Attorney General's Office. Such data shall include the following aggregated by month:
- (a) Total credit applications filed;
 - (b) Total credit applications approved;
 - (c) Total credit applications denied;
 - (d) The amount of credit extended for each approved credit application;
 - (e) The mean amount of credit extended;
 - (f) Total credit increases approved;
 - (g) Total temporary credit increases approved;
 - (h) Total number of counter checks presented to banks;
 - (i) The amount of each counter check presented to a bank;
 - (j) Total number of uncollectable counter checks including amounts in accordance with 205 CMR 138.46(11); and
 - (k) Number of debt collection proceedings commenced, the state and county where the proceedings were commenced, and the zip codes of the patron's residences.

138.44: Patron request for suspension of credit privileges

- (1) Any person may voluntarily suspend his or her credit privileges at all gaming establishments by submitting a written request to the commission in accordance with 205 CMR 138.44. Such requests shall be submitted to a designated agent as described in accordance with 205 CMR 138.44(3) or mailed to a designated address with a notarized signature in accordance with 205 CMR 138.44(2)(h). An individual requesting suspension of credit privileges shall present a valid government issued photo identification.
- (2) A request for suspension of credit privileges shall be submitted on a form prescribed by the commission, which shall include the following:
- (a) The name of the person requesting suspension of credit privileges;
 - (b) The address of the person's residence;
 - (c) The person's date of birth;
 - (d) The name of each gaming establishment where the person currently has an approved line of credit;
 - (e) The duration for which they wish to have their credit privileges suspended. An individual may select any of the following time periods as a minimum length of suspension:
 - (1) Six months;
 - (2) One year;
 - (3) Three years;

- (4) Five years; or
 - (5) Lifetime.
- (f) The signature of the person requesting suspension of credit privileges acknowledging the following statement: "I certify that the information which I have provided above is true and accurate. I am aware that my signature below authorizes the Massachusetts Gaming Commission to direct all Massachusetts gaming licensees to suspend my credit privileges for a minimum period of six months from the date of this request and indefinitely thereafter, until such time as I submit a written request to the Commission for the reinstatement of any such credit privileges."; ~~and~~
- (g) If the request for suspension of credit privileges is made in person:
- (1) The type of government issued photo identification examined; and
 - (2) The signature of ~~a commission employee authorized to accept such request,~~ **the designated agent** indicating that the signature of the person requesting suspension of credit privileges appears to agree with that contained on his or her government issued photo identification and that the photograph of the person appears to agree with his or her actual appearance; ~~and~~
 - (3) **If the request for suspension of credit privileges is made by mail, a certificate of acknowledgement executed by a notary public or other person empowered by law to take oaths attesting to the identity of the person who is making the request for suspension of credit privileges.**
- (3)
- (a) An application for suspension of credit privileges **made in person** may only be accepted by a designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, information relative to problem gambling and available resources, and an understanding of 205 CMR 138.40-46. A designated agent must be a licensed, certified, or registered health or mental health professional or employee thereof, or an employee of a gaming licensee, the commission, ~~a gaming licensee,~~ or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 138.40-46.
 - (b) Upon submission of an application, a designated agent shall review the application with the applicant. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.
 - (c) A designated agent may not sign an application if any required information is not provided.
 - (d) The designated agent shall forward the signed application for suspension of credit to the commission within ~~48~~ **24** hours of completion in a manner directed by the commission.
 - (e) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 138.40-46 the application shall be approved, and the individual's name shall be added to the credit suspension list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.
 - (f) ~~If the gaming licensee utilizes an internal management system to track individuals on the credit suspension list, they shall update that system at least every 72 hours with names of individuals being added or removed from the list.~~ **In addition to 205 CMR 138.44(3)(d), if**

an application is made in person at a gaming establishment, the designated agent shall promptly transmit a completed application to the gaming licensee's credit department such that any existing credit line for that individual may be immediately suspended and that no new credit may be extended.

- (4) The commission shall maintain an updated master list of all persons who have requested suspension of credit privileges pursuant to 205 CMR 138.44, and shall update the master list in the database.
 - (a) Each gaming licensee shall suspend the credit privileges of any listed individual, promptly upon receipt of notice that such individual's name has been added to the list.
 - (b) Each gaming licensee shall note any suspension or reinstatement of credit privileges pursuant to 205 CMR 138.44 in any existing credit file for the affected patron, including the following:
 - (1) A copy of any applicable commission notice of the suspension or reinstatement of credit privileges;
 - (2) The date, time and signature of the credit department representative making the suspension or reinstatement entry in the credit file.
- (5) Any person whose credit privileges have been suspended pursuant to 205 CMR 138.44 may, no sooner than six months after the request for suspension of credit privileges, request reinstatement of his or her credit privileges by submitting a written request to the commission in accordance with the procedures specified in 205 CMR 138.44(1).
 - (a) Such request shall be in a form prescribed by the commission, which shall include the following:
 - (1) The information specified in 205 CMR 138.44; and
 - (2) The signature of the person requesting reinstatement of credit privileges, indicating acknowledgement of the following statement: "I certify that the information which I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for suspension of credit privileges, and authorizes the Massachusetts Gaming Commission to permit any Massachusetts gaming licensee to reinstate my credit privileges."
 - (b) The commission shall remove such individual's name from the list established pursuant to 205 CMR 138.44, and update the master list in the **database within 7 days of receipt of the request.**
 - (c) Upon receipt of notice that such individual's name has been removed from the list, a gaming licensee may reinstate such person's credit upon re-verification of the information required by 205 CMR 138.43(2)(c)(1) **through (4)**, or may extend credit to such person in accordance with the procedures set forth in 205 CMR 138.43.
- (6) Information furnished to or obtained by the commission pursuant to 205 CMR 138.44 shall be securely maintained. No gaming licensee shall divulge any information relative to the placement of an individual's name on the master list other than to authorized credit department employees at the gaming establishment ~~or an affiliate or other Massachusetts gaming establishment personnel whose duties and functions require access to such information~~ **or to an authorized commission employee.**

138.45: Procedure for depositing checks received from gaming patrons

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the depositing of checks received from gaming patrons which incorporate, at a minimum, the following:

- (1) Unless redeemed or consolidated sooner, all checks received from gaming patrons shall be deposited in the gaming licensee's bank account or presented directly to the patron's bank no later than:
 - (a) The banking day after the date of the check for a non-gaming check; or
 - (b) A timeframe prescribed by the gaming licensee as part of its policy, submitted in accordance with 205 CMR 138.02, not to exceed 90 days from the date of the initial check.
- ~~(2) All checks received for purposes of consolidating outstanding counter checks or redeeming counter checks shall be deposited in the gaming licensee's bank account or presented directly to the patron's bank within a timeframe prescribed by the gaming licensee as part of its policy submitted in accordance with 205 CMR 138.02 not to exceed 90 days from the date of the initial check.~~
- (3) In computing a time period prescribed by 205 CMR 138.45, a gaming licensee shall reference 205 CMR 102.05.
- (4) In the event of a series of consolidation or redemption transactions with a patron, the initial check shall be the earliest dated check returned to the patron in the first of the series of consolidation or redemption transactions.
- (5) Any check deposited into a bank will not be considered clear until a **commercially** reasonable time, as identified by the gaming licensee in its written protocol, has been allowed for such check to clear the bank.
- ~~(6) A gaming licensee may present a patron check directly to the patron's bank for payment. A patron check presented in this manner shall be considered paid in full when honored and paid by the patron's bank. If a gaming licensee intends to do so, it shall include a procedure for:~~
 - ~~(a) Documenting the release of the patron check from the cashiers' cage to a key gaming employee of the gaming licensee or to an attorney, for the purpose of presentment to the patron's bank.~~
 - ~~(b) Prompt deposit of the proceeds of the check to the gaming licensee's bank account via a wire transfer or a check drawn by the patron's bank and made payable only to the gaming licensee, if the patron's check is honored and paid;~~
 - ~~(c) Notice to the gaming licensee that the check has been paid in full by the patron's bank.~~
- (7) If a gaming licensee determines, prior to the deposit or presentment of a Counter Check or Slot Counter Check that the bank name, the bank routing number, the patron's bank account number or the micro-encoding number contained on the check are incorrect due to a data entry error (e.g., a misspelling, a wrong number or a transposition of numbers), a check bank cashier may correct the erroneous entry. Such procedure shall include:
 - (a) A description of the manner in which the error will be corrected by the check bank cashier;
 - (b) The creation of documentation that will permit both the check bank cashier and the casino accounting department to identify and compare a copy of the uncorrected check that was originally issued and the corresponding corrected check that was deposited or redeemed;

- (c) The written approval of a cage supervisor prior to the alteration of any check by a check bank cashier; and
 - (d) A prohibition against using 205 CMR 138.45(8) to change the verified bank account on which the Counter Check or Slot Counter Check was originally drawn.
- (8) A gaming licensee may include in its policy and procedure provisions in accordance with 205 CMR 138.13 for the discretionary discounting of the amount of an outstanding Counter Check ~~or Slot Counter Check~~ to be redeemed by a patron for any marketing related reasons.

138.46 Procedure for collecting and recording checks returned to the gaming establishment licensee after deposit

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include a description of its policies and procedures governing the collection and recording of checks returned to the gaming establishment after deposit which incorporate, at a minimum, the following:

- (1) All dishonored checks returned by a bank after deposit shall be returned directly to, ~~and controlled by,~~ the accounting department employees ~~and shall be maintained by check bank cashiers~~ which shall notify the collections department and provide copies of the returned item(s). The original check will be given the check bank cashier who will control the item. Such employees shall have no incompatible functions.
- (2) All debt collection practices must be conducted in accordance with all applicable state and federal laws including 940 CMR 7.00: *Debt Collection Regulations*, M.G.L. c.93A, §2, and M.G.L. c.93, §49. Provided, further, that a gaming licensee's debt collection policy shall:
 - (1) not allow for placement of a lien on a patron's primary residence and
 - (2) shall also prohibit the commencement of criminal proceedings or other use of criminal process unless the gaming licensee can show that there were insufficient funds in the patron's account at the time the patron issued signed the counter check to the licensee. Gaming licensees are prohibited from selling or pledging as collateral any debt owed to the gaming licensee as a result of a gaming loss, including the failure to pay off a counter check issued under an extension of credit, provided however, a gaming licensee may pledge such gaming debt as collateral for a commercial loan to finance the licensee's gaming operations or may sell such gaming debt in connection with the sale of all of its assets in connection with a change of ownership and/or control of the gaming establishment.
- (3) Debt collection shall be limited to key gaming employees or an attorney acting directly on behalf of a gaming licensee; provided, however, that a key gaming employee shall not make any such collections if that employee serves as a junket representative for the gaming licensee. Such procedure shall ensure that any key gaming employee engaged in debt collections does not have any incompatible functions. Any verbal or written communication with patrons regarding collection efforts shall be made with the full knowledge of the collection employees and shall be documented. Provided, 205 CMR 138.46(3) shall not be construed to prohibit marketing personnel licensed to the level of a key gaming employee from discussing with a patron the status of the patron's outstanding counter checks provided that any such communication is with full knowledge of the collection employees and is documented.
- (4) Continuous records of all returned checks shall be maintained by accounting department employees with no incompatible functions. Such records shall include, at a minimum, the

following:

- (a) The date of the check;
 - (b) The name and address of the drawer of the check;
 - (c) The amount of the check;
 - (d) The date(s) the check was dishonored;
 - (e) The Counter Check ~~or Slot Counter Check~~ serial number for Counter Checks ~~or Slot Counter Checks~~; and
 - (f) The date(s) and amount(s) of any collections received on the check after being returned by a bank, including the date(s) and amount(s) of any complimentary cash gifts applied as payment on the check after being returned by a bank.
- (5) If a gaming licensee determines that a Counter Check ~~or Slot Counter Check~~ was returned by a bank because the bank name, the bank routing number, the patron's bank account number or the micro-encoding number contained on the check was incorrect due to a data entry error (e.g., a misspelling, a wrong number or a transposition of numbers), a check bank cashier may correct the erroneous entry and cause the check to be re-deposited. Any such procedure shall, at a minimum, include:
- (a) A description of the manner in which the error will be corrected by the check bank cashier;
 - (b) The creation of documentation and control procedures that will permit both the check bank cashier and the casino accounting department to identify and compare a copy of the uncorrected check that was originally deposited and the corresponding corrected check that was re-deposited;
 - (c) The written approval of a cage supervisor prior to the alteration of any check by a check bank cashier; and
 - (d) A prohibition against using 205 CMR 138.46(5) as a basis to change the verified bank account on which the Counter Check ~~or Slot Counter Check~~ was originally drawn.
- (6) Statements shall be sent to patrons and the collections department at the gaming establishment, by accounting department employees with no incompatible functions, in a reasonably prompt manner upon initial receipt of a returned check or immediately upon receipt of a check returned for a second time if the check was immediately re-deposited pursuant to 205 CMR 138.46(5), and such statements shall include, but not be limited to, the following:
- (1) The name and address of the drawer;
 - (2) The date of the check;
 - (3) The amount of the check; and
 - (4) The date(s) and amount(s) of any collections received on the check after being returned by the bank.
- (7) Patrons to whom statements are sent shall be advised of a **contact telephone number**, a return address and **the** department to which replies shall be sent.
- (8) Employees with no incompatible functions shall receive directly and shall initially record all collections.
- (9) Copies of statements and other documents supporting collection efforts shall be maintained and controlled by accounting department employees.
- (10) A record of all collection efforts shall be recorded and maintained by the collection area

within the accounting department.

- (11) Listings of uncollectible checks shall be approved in writing by, at a minimum, the chief executive officer or the chief gaming executive, a key gaming employee identified and approved by the commission as part of the gaming licensee's system of internal controls, and the controller or the person to whom the controller directly reports; provided that, with the exception of the chief executive officer and chief gaming executive, none of the foregoing persons shall also have the authority to approve credit. All such uncollectible checks and listings shall be maintained and controlled by accounting department employees. A continuous trial balance of all uncollectible checks shall be maintained by employees of the accounting department. The continuous trial balance shall be adjusted for any subsequent collections.

138.47 Automated Teller Machines (ATM)

- (1) Use and operation of an Automated Teller Machine ("ATM") or electronic branch, as defined by G.L. c.167B, §1, **within a gaming establishment** is governed by M.G.L. c.167B and 209 CMR.
- (2) No ATM or electronic branch, as defined by G.L. c.167B, §1, shall be located closer than 15 feet from the gaming area in a gaming establishment.
- (3) **No ATM or electronic branch shall initiate or process a cash advance transaction on a credit card.**
- (4) **No data relative to an individual patron that is collected by an ATM or electronic branch may be sold, transmitted, or otherwise used for marketing purposes by a gaming licensee or provider of such device.**

138.48: Procedure for opening, counting and recording contents of table drop boxes and slot cash storage boxes

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures relative to opening, counting, and recording contents of table drop boxes and slot cash storage boxes that include, at a minimum, the following provisions:

- (1) Immediately prior to the commencement of the count process, a count room supervisor shall:
 - (a) Obtain a preliminary master game report which shall list forms and documents related to the table drop box count that were entered into the computer system at the time of preparation;
 - (b) Reconcile the number of boxes recorded on the drop box verification form to the number of boxes secured in the trolley;
 - (c) Remove the emergency drop box log and reconcile the log to the boxes removed from the emergency drop box cabinet or trolley; and
 - (d) Document any unresolved discrepancies on a two-part Drop Variance Report, the original of which shall be delivered to the Division and the duplicate placed in the locked accounting box.

- (2) A gaming licensee shall open, count and record the contents of each drop box in the soft count room except that an emergency slot cash storage box may be held and counted on the regularly scheduled count for the slot machine from which it originated. For currency, gaming vouchers, and coupons, a gaming licensee shall perform a second count to obtain the aggregate total of each denomination of currency and coupon, and the total number of gaming vouchers counted. The counts shall be independent of each other and access to the result of the first count shall not be available to the employee performing the second count until completion of the second count. At the completion of the second count, a comparison of the two counts shall be made and any discrepancies resolved by the count team supervisor.
- (3) A gaming licensee shall use a counting machine, to be identified in the internal controls, to count currency, gaming vouchers, and coupons. An alternative procedure shall be provided in the event that a counting machine cannot be used due to mechanical failure or other emergent situation.
 - (a) A gaming licensee may use one counting machine that automatically provides the counts required in 205 CMR 138.48(2) of the items at different stages of the counting process. If the counts are not in agreement, the machine shall document the discrepancy and cease operation until the discrepancy is resolved by a count team member.
 - (b) If a gaming licensee does not use a counting machine described in 205 CMR 138.48(3)(a), two different counting machines shall be used. Upon completion of the count using the first machine, the cash storage bins or cassettes shall be emptied and displayed to the full view of a closed circuit television camera to assure that the contents have been emptied. The second machine count shall be performed to verify the totals of the first machine. If the counts are not in agreement, the count team shall resolve the discrepancy before continuing the second count.
 - (c) Each machine shall generate a report at the completion of its count documenting the following:
 - (1) The total of each denomination of currency;
 - (2) The total of all currency;
 - (3) The total number of gaming vouchers;
 - (4) The total number and amount of coupons for which the count machine can determine the value of the coupon ("machine count coupons"); and
 - (5) The total number of coupons for which the count machine cannot determine the value of the coupon ("manual count coupons").
- (4) A test count shall be conducted prior to the start of the first use of each counting machine, each gaming day, and prior to each count. The count room supervisor shall:
 - (a) Verify that the counting machine has a zero balance on its display and cause a receipt to be printed which denotes 0 cash, gaming vouchers or coupons on hand, and 0 notes, gaming vouchers or coupons in the machine, or other approved means to indicate that the machine has been cleared of all currency, gaming vouchers and coupons;
 - (b) Visually check the counting machine to be sure there are no bills, gaming vouchers or coupons remaining in the various compartments of the machine;
 - (c) Supervise a count team member who shall select a drop box or slot cash storage box. If slot storage boxes are being counted that day, a slot cash storage box must be selected and it must contain currency, and if issued by the gaming licensee, gaming vouchers and coupons. The count team member shall place the entire contents of the table drop box or

slot cash storage box into the first counting machine, which shall count the currency by denomination as well as any gaming vouchers and coupons. Any soiled or off-sorted bills, gaming vouchers or coupons shall be re-fed into the machine. Any items which the counting machine is not able to count automatically, such as coins, tokens, gaming chips or mutilated or torn currency, gaming vouchers, and coupons shall be manually counted, recorded either manually or entered into the counting machine, and segregated from items which the counting machine was able to count automatically. The count team member shall cause the counting machine, in conjunction with the gaming voucher system, to produce one or more test receipts of the count, and the count shall not be shown to anyone until completion of the final verification process;

- (d) Supervise a second count team member, independent of the team member performing the initial count, who shall manually count or use a second counting machine to count and summarize the items on test receipts;
 - (e) Compare the totals on the test receipts for agreement. If the totals are in agreement, the count room supervisor shall sign and date the test receipts and place them in the locked accounting box to be forwarded to the casino accounting department at the end of the count process. If the totals do not agree, the test count procedures shall be repeated. The test count procedures shall be repeated until the totals are in agreement or a determination is made that the count machine cannot be used. The count room supervisor shall not permit a counting machine to be used until these totals are in agreement;
 - (f) Supervise a count team member who, at the conclusion of the test procedure shall display the cash bin or storage cassettes to the full view of a closed circuit television camera to assure that the contents have been emptied prior to replacing cassettes into the counting machine; and
 - (g) Verify that the counting machine has a zero balance in accordance with 205 CMR 138.48(4)(a).
- (5) Procedures for the count of boxes shall be as follows:
- (a) The contents shall be segregated and counted so as to permit the contents to be recorded for the box from which it was removed. Each box shall be individually:
 - (1) placed on the count table at which time one count team member shall verbalize, in a tone of voice to be heard by all persons present and to be recorded by the surveillance audio recording device, the game and table number marked thereon for table drop boxes, or the asset or unique identification number marked thereon for slot cash storage boxes; and
 - (2) unlocked and the contents emptied on the count table. The inside of the box shall be held up to the full view of a closed circuit television camera to assure all contents of the drop box or slot cash storage box have been removed, after which the drop box or slot cash storage box shall be locked and placed in the storage area for drop boxes and slot cash storage boxes;
 - (b) A count team member shall segregate:
 - (1) Currency, machine count coupons, and gaming vouchers;
 - (2) Coin, tokens, gaming chips, manual count coupons and any mutilated or torn items; and

(3) Forms and documents;

(c) A count team member shall attempt to match pieces of mutilated or torn items which shall be processed as follows:

- (1) Mutilated or torn currency shall be recorded as revenue if the bill includes one entire serial number and one letter and number of the serial number from the other half of the bill;
- (2) Mutilated or torn currency that is not recorded as revenue shall be placed in a sealed transparent envelope or container and transferred to the main bank by the main bank cashier or cage supervisor at the end of the count; and
- (3) All mutilated or torn coupons and gaming vouchers shall be recorded as revenue regardless of condition;

(d) The value and number of coin, tokens, gaming chips, manual count coupons (by denomination) and any mutilated or torn items shall be manually entered into the counting machine for each drop box or slot cash storage box;

(e) Currency, machine count coupons and gaming vouchers shall be placed in a counting machine. The counting machine shall count and calculate the value of the currency. The value of each gaming voucher or coupon shall be obtained from the counting machine or an approved gaming voucher system, as applicable;

(f) Upon completion of the machine count:

- (1) For each drop box, the counting machine shall generate the report required by 205 CMR138.48(3)(c);
- (2) The currency, table game coupons, coin, tokens, and gaming chips counted shall be placed on the banking table; and
- (3) Any drop box coupon which has not already been cancelled upon acceptance or during the count shall be cancelled prior to the conclusion of the count;

(g) The forms and documents shall be compared to the preliminary master game report for accuracy by a count team member who shall not simultaneously have access to currency. Any discrepancies shall be recorded on the preliminary master game report to be resolved by the casino accounting department. The forms and documents and preliminary master game report shall be placed in the locked accounting box to be forwarded to the accounting department at the end of the count process; and

(h) The count team supervisor shall prepare a detailed written report describing all count room incidents that may have negatively impacted the opening, counting and recording of the drop boxes (for example, a computer interface problem, dropped basket). The report shall include a description of any corrective action taken and shall be electronically filed with the IEB at the conclusion of the count.

(6) As the contents of each table drop box are counted, if not already recorded in the computer system used to create the Master Game Report and supporting documentation, a count team member shall manually record or cause a computer system to record, the following information by game and table number:

- (a) The value of each denomination of currency counted;
- (b) The value of coin, tokens and/or gaming chips counted;
- (c) The total value of currency, coin, tokens and gaming chips counted;
- (d) The value of each denomination and total value of coupons other than match play coupons;
- (e) The value of each denomination and total value of match play coupons and table game wager coupons;
- (f) Fifty percent of the total value of match play coupons and table game wager coupons;
- (g) ~~The amount recorded on each document and the total of all documents evidencing a credit card chip transaction;~~
- (h) The amount recorded on each document and the total of all documents evidencing a debit card chip transaction;
- (i) The amount of the Opener;
- (j) The amount of the Closer;
- (k) The serial number and amount of each Counter Check and the total amount of all Counter Checks;
- (l) The serial number and amount of each Pit Redemption Form and the total of all Pit Redemption Forms;
- (m) The serial number and amount of each Fill and the total amount of all Fills;
- (n) The serial number and amount of each Credit and the total amount of all Credits;
- (o) The amount recorded on each Complimentary Vigorish Form and the total amount of all Complimentary Vigorish Forms;
- (p) The table game win or loss or, for poker, the poker revenue; and
- (q) The table game win or loss percentage.

(a) In addition to the requirements of 205 CMR 138.48(6), the Master Game Report shall include:

- (a) The gaming date of the items recorded;
- (b) The grand total for items in 205 CMR 138.46(6)(c) through (q);
- (c) The total number of drop boxes opened and counted; and
- (d) The date and time prepared.

(8) If the gaming licensee offers the game of poker, the count room supervisor shall review the Master Game Report to ensure that negative poker revenue has not been reported for any poker table. If negative poker revenue has been reported for a poker table, the count room supervisor shall initial the Master Game Report for each such poker table and immediately notify the surveillance department of the poker table(s) and corresponding negative poker revenue reported thereon.

(9) As the contents of each slot cash storage box are counted, if not already recorded in the computer system used to create the Slot Cash Storage Box Report and supporting documentation, a count team member shall manually record or cause a computer system to record, the following information by asset number:

- (a) The asset number of the bill changer to which the slot cash storage box contents correspond;
 - (b) The value of each denomination and total value of currency counted;
 - (c) The number and value of each cashable coupon counted, and if a gaming voucher system is used to redeem coupons, the validation number and value of each coupon counted, and total number and value of all cashable coupons;
 - (d) The number and value of each non-cashable coupon counted, and if a gaming voucher system is used to redeem such coupons, the validation number and value of each coupon counted, and total number and value of all non-cashable coupons;
 - (e) A listing of the validation number and value of each gaming voucher counted, and total number and value of all gaming vouchers; and
 - (f) Any additional information on the Slot Cash Storage Box Report as may be required by the IEB.
- (10) In addition to the requirements of 205 CMR 138.46(9), the Slot Cash Storage Box Report shall include:
- (a) The gaming date of the items recorded;
 - (b) The grand total for items in 205 CMR 138.46(9)(b) through (e);
 - (c) The total number of drop boxes opened and counted;
 - (d) The date and time prepared.
- (11) After preparation of the Master Game Report or the Slot Cash Storage Box Report, the count room supervisor shall compare the total number of boxes counted to the number of boxes, including any emergency boxes, collected and recorded on the box reconciliation form. Any unresolved discrepancy shall be documented on the Drop Variance Report which shall be filed with the Division.
- (12) All suspected counterfeit currency shall be counted and recorded as drop on the Master Game Report or Slot Cash Storage Box Report. The counterfeit currency shall be segregated from all other currency and placed in a transparent container. A count room supervisor shall complete a Department of Treasury Counterfeit Note Report and place the container and report on the banking table.
- (13) A count team member designated as the banker shall count each denomination of currency, table game coupons, tokens, and gaming chips, and verbalize the amounts. The count room supervisor shall verify the amount verbalized to the amount recorded on the Master Game Report or Slot Cash Storage Box Report. The banker and count team supervisor shall sign the report(s) attesting to the accuracy of the information recorded thereon. The information recorded thereon shall not be accessible to any person outside the count room until after the main bank cashier or cage supervisor ("cashier") has verified and accepted the drop unless otherwise authorized by the IEB.
- (14) All other count team members shall sign the Master Game Report and/or the Slot Cash Storage Box Report as evidence of their participation in the counting of the drop boxes and/or slot cash storage boxes.

- (15) After the contents of the boxes have been counted and recorded on the Master Game Report and/or Slot Cash Storage Box Report, the count room supervisor shall notify the main cage. A cashier shall enter the count room and not have any access to the information recorded on the Master Game Report or the Slot Cash Storage Box Report. The cashier, in the presence of the banker, shall count the currency, table game coupons, coins, tokens, gaming chips, and mutilated or torn items.
- (a) Currency, table game coupons, coin, tokens, and gaming chips shall be presented in the count room by the banker to a main bank cashier or cage supervisor (cashier). Prior to having access to the information recorded on the Master Game Report or the Slot Cash Storage Box Report, the cashier, in the presence of the banker, shall count the items in accordance with the following requirements:
- (1) The cashier shall have physical access to all items presented for counting and no currency or table game coupons presented for counting shall be wrapped or placed in any sealed bag or container until the entire count has been completed and the Master Game Report or the Slot Cash Storage Box Report has been signed by the cashier;
 - (2) The cashier shall bulk count all strapped currency and table game coupons. The cashier shall count all partial straps, loose currency and table game coupons, mutilated or torn currency and coupons, coin, tokens, and gaming chips either by hand or with an approved counting machine. If a discrepancy in an individual denomination is discovered during the initial count, the cashier shall recount the currency of that denomination either by hand or with an approved counting machine;
 - (3) The cashier shall randomly count the currency within at least 10 percent of the total number of straps. The count shall be by hand or with an approved counting device; and
 - (4) The cashier shall randomly sample the table game coupons for intermixed denominations and proper cancellation.
- (b) If the total currency or total coupons counted by the cashier do not agree with a total on the Master Game Report or Slot Cash Storage Box Report and the discrepancy cannot be resolved, a Drop Variance Report shall be completed by the count room supervisor. The original shall be delivered to the IEB and the duplicate placed in the locked accounting box in the count room. The report shall include, at a minimum, the following:
- (1) The date of preparation;
 - (2) The source of the variance (currency and/or coupon);
 - (3) The denomination(s) of the source of the variance;
 - (4) The amount of the variance;
 - (5) The measures taken to detect the source of the variance;
 - (6) The name and signature of the count room supervisor; and
 - (7) The name and signature of the cashier.
- (c) Upon completion of the cashier's count, the cashier shall attest by signature on the Master Game Report and/or Slot Cash Storage Box Report, that the amount of cash from drop boxes counted, and the amount of coupons from table drop boxes counted as recorded on these documents, and if applicable, the Drop Variance Report, agree with the total amounts of cash and coupons counted by the count team. Upon attestation, all

items other than coupons and vouchers shall be under the exclusive control of the cashier and shall not be handled by a count team member.

- (16) Once all required signatures have been obtained, a copy of the totals page of the original Master Game Report, Slot Cash Storage Box Report and disc(s) detailing all gaming vouchers and coupons counted, shall be delivered to the IEB. In addition, an electronic copy of the Master Game Report and/or Slot Cash Storage Box Report shall be filed with the IEB within 48 hours of the completion of the drop.
- (17) Each copy of an original Master Game Report or Slot Cash Storage Box Report which is not part of a multi-part form shall be stamped with the word "copy" by the count room supervisor prior to its distribution.
- (18) Any coupons and gaming vouchers for which the value could not be determined by the count machine or the gaming voucher system shall be segregated and placed in the locked accounting box for review.
- (19) The original Master Game Report and Slot Cash Storage Box Report, after signing, and any other supporting documentation shall be placed in the locked accounting box located in the count room. A member of the casino accounting department with no incompatible functions shall retrieve the contents of the locked accounting box and the gaming vouchers and coupons which were processed during the count immediately after the cashier verifies, accepts, and removes the drop from the count room.
- (20) For each trolley scheduled for the next drop, the count team supervisor shall determine that the number of empty boxes on the trolley is correct. The count team supervisor shall prepare and sign a drop box verification form as required by these regulations, with the following:
 - (a) The trolley number;
 - (b) The pit number and number of empty boxes by pit, if applicable;
 - (c) The slot zone and number of empty boxes by zone, if applicable; and
 - (d) The total boxes in the trolley.
- (21) A count room employee shall conduct a thorough inspection of the entire count room and all counting equipment located therein to verify that no cash, tokens, gaming chips, gaming vouchers, or coupons remain in the room and shall certify the foregoing in a writing which shall be filed with the IEB.

138.49: Procedure for opening, counting and recording the contents of bill validator boxes, gaming voucher redemption machines, determination of gross revenue deduction

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures relative to opening, counting, and recording contents of bill validator boxes, gaming voucher redemption machines, and determination of gross revenue deduction that include, at a minimum, the following provisions:

- (1) At least once every seven days, a gaming licensee shall coordinate the removal of the bill validator boxes from all gaming voucher redemption machines and the insertion of empty, replacement bill validator boxes into the machines (the "bill validator drop").
- (2) Prior to the bill validator drop, a gaming accounting supervisor shall count the number of

empty bill validator boxes to be exchanged as part of the bill validator drop and confirm, in writing on a bill validator drop form, that the count equals the number of boxes scheduled to be collected. Prior to the drop, the form shall include at a minimum:

- (a) The date;
- (b) The gaming voucher redemption machine number(s) or location(s);
- (c) The number of boxes to be dropped; and
- (d) The signature of the accounting supervisor.

(3) A casino security department member and an accounting department member shall obtain the keys necessary to perform the bill validator drop from their respective departments.

(4) In the presence of the casino security department member, the accounting department member shall:

- (a) Place the appropriate number of empty bill validator boxes required for the bill validator drop into a secure cart;
- (b) Transport the cart and the boxes to the gaming area;
- (c) Unlock the cabinet(s) housing the bill validator boxes;
- (d) Exchange the bill validator boxes; and
- (e) Place the boxes removed in the secure cart.

(5) Immediately upon removal of each bill validator box, the gaming voucher redemption machine shall generate a receipt (Bill Validator Receipt) that documents the total value of each item (gaming vouchers, coupons and/or currency) in the bill validator box. Such receipt shall be placed into a locked accounting box by the accounting department member.

(6) Prior to the movement of the collected boxes, the accounting department member shall verify and confirm in writing by signing the bill validator drop form, that the number of boxes being transported from the gaming area equals the number of boxes in 205 CMR 138.49(2)(c). Any discrepancies shall be immediately reported to the surveillance department and in writing to the IEB in-house office.

(7) Accompanied by an accounting department member and a casino security department member, the locked cart containing the bill validator boxes shall be transported to:

- (a) The cashiers' cage for counting or a secure area approved by the IEB under the control of the main bank or master coin bank and stored there until counted; or
- (b) The count room for counting only when the count of table game drop boxes or slot machine drop containers is not in progress.

(8) The contents of the bill validator boxes shall be counted as follows:

(a) If the boxes are counted in the cashiers' cage, a main bank or master coin bank cashier shall document their contents, by item and amount, on a two-part Balance Receipt.

- (1) The cashier who documents the contents of boxes shall retain the original Balance Receipt as an inventory document until forwarded directly to the casino accounting department with the main bank or master coin bank end-of-day paperwork.

- (2) The cashier shall place the duplicate Balance Receipt in a locked accounting box.
- (b) If the boxes are counted in the count room, the casino accounting department member(s) performing the count shall document the count for each individual bill validator box on a Balance Receipt. If the counting equipment documents the count of each individual bill validator box, the gaming vouchers, coupons and currency need only be documented for the entire bill validator drop and not for each individual bill validator box. At the completion of the count, a main bank or master coin bank cashier shall verify the contents on the Balance Receipt.
- (1) The accounting department member(s) shall transport the gaming vouchers and coupons directly to the accounting department together with the original Balance Receipt and the supporting documentation for each bill validator box.
- (2) The main bank or master coin bank cashier shall transport the currency directly to the main bank or master coin bank together with the duplicate Balance Receipt.
- (9) A gaming licensee shall generate reports necessary to reconcile the funds placed into and dispensed by the gaming voucher redemption machines.

~~138.50: Temporary amendments for pit and slot zone configurations or reconstitutions~~ **Reserved**
for future use

~~A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures relative to the temporary configurations, reconfigurations, or reconstitutions for pit and slot zones that include, at a minimum, the provisions contained in 205 CMR 138.07, and the following:~~

- ~~(1) A gaming licensee may temporarily reconfigure one or more pits or slot zones by filing a notice with the commission at the IEB office in the gaming establishment to temporarily reconfigure for each pit or slot zone specified in the notice, which shall be filed at least 24 hours prior to implementing such alternate configuration. If the gaming licensee does not receive a response to the petition within that 24 hour period, the gaming licensee may proceed with the reconfiguration or reconstitution.~~
- ~~(2) Each such reconfigured pit shall not:~~
- ~~(a) Exceed the dimensions approved for the pit that existed immediately prior to the reconfiguration; nor~~
 - ~~(b) Include any change requiring the approval of a building official without having first obtained that approval and the approval of the commission.~~
- ~~(3) Each pit operating under an approved configuration shall have an alarm system, approved by the commission, which enables a pit clerk or a pit supervisor to transmit a signal that is audibly and visually reproduced in each of the following locations whenever there is an emergency in the pit:~~

- (a) ~~The surveillance monitoring rooms; and~~
- (b) ~~The casino security department.~~

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138.51: Accounting controls for gaming voucher redemption machines

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing a computerized gaming voucher system for the redemption of gaming vouchers that comports with 205 CMR 143.00 and for the reconciliation of the contents of the redemption machines.

138.52: Slot Machines and bill changers; coin and token containers; slot cash storage boxes; entry authorization logs

A system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures relative to slot machines and bill changers that include, at a minimum, ~~the following provisions:~~ **provisions to ensure that all gaming devices and electronic gaming equipment in the gaming establishment comport with 205 CMR 143.00.**

- (1) ~~Each slot machine which accepts coin or tokens shall have:~~
 - (a) ~~A container, to be known as a payout reserve container ("hopper"), in which coins or slot tokens are retained by the slot machine to automatically dispense coins or slot tokens to pay jackpots or credits remaining on a slot machine, or to automatically replenish another hopper in the slot machine with coins or slot tokens. The slot machine shall be designed to divert accepted coins or slot tokens that exceed the amount of the initial hopper fill from the hopper to the slot drop bucket or, if applicable, the slot drop box;~~
 - (b) ~~A container, known as a slot drop bucket or slot drop box, to collect coins or slot tokens that are retained by the slot machine and are not used to make change or automatic jackpot payouts. Each slot drop bucket or slot drop box shall be identified by a number which corresponds to the asset number of the slot machine, and which is permanently imprinted on or affixed to the outside of the slot drop bucket or slot drop box in numerals. The number shall be conspicuous and clearly visible to persons involved in removing or replacing the slot drop bucket or slot drop box in the slot machine and through the gaming licensee's CCTV system. In addition to bearing an asset number, each slot drop bucket or slot drop box may also be identified by a bar code label that is securely affixed thereto. Each bar code label affixed to a slot drop bucket or slot drop box shall:
 - (1) ~~Be encoded, at a minimum, with the asset number of the slot machine in which the slot drop bucket or slot drop box is housed; and~~
 - (2) ~~Require the completion of a Bar Code Label Request Form that is signed by the requester and the preparer; provided, however, that a bar code label prepared by a member of the count team shall be tested and verified by a count room supervisor or~~~~

representative of the accounting department other than a member of the count team, prior to the label being attached to the slot drop bucket or slot drop box; and

- (e) ~~On those slot machines which include a bill changer, a secure, tamper resistant container known as a slot cash storage box, in which shall be deposited all currency, gaming vouchers and coupons inserted into the bill changer. If the slot machine does not contain a hopper, the slot cash storage box shall be accessible only by a dedicated bill changer drop door that can be opened without opening the slot machine's main door or any other compartment of the slot machine.~~
- (2) ~~A slot drop bucket shall be housed in a secure compartment separate from any other compartment of the slot machine. Access to the compartment shall be by two keys, both of which are different from each other and different from the keys utilized to secure all other compartments of the slot machine. One key shall be maintained and controlled by the casino security department and the other key shall be maintained by the accounting department in a secure area within that department. Access to the key may be gained only by a supervisor of the department and shall require the use of a sign in and sign out procedure.~~
- (3) ~~Any slot machine equipped to accept slot tokens in denominations of \$25.00 or more shall utilize a slot drop box, rather than a slot drop bucket.~~
- (4) ~~A slot drop box shall have:~~
 - (a) ~~A slotted opening through which coins and slot tokens can be deposited;~~
 - (b) ~~A device that will automatically close and lock the slotted opening upon removal of the slot drop box from the slot machine; and~~
 - (c) ~~A key securing the contents of the slot drop box which is different from the keys utilized to secure all other compartments of the slot machine. The key shall be maintained and controlled by the accounting department in a secure area within that department. Access to the key may be gained only by a supervisor in that department and shall require the use of a sign in and sign out procedure.~~
- (5) ~~A slot drop box shall be housed in a locked compartment separate from any other compartment of the slot machine. The compartment in which the slot drop box is located shall be secured by a key, which shall be different from the key securing the contents of the slot drop box and any other compartment of the slot machine. The compartment key shall be maintained and controlled by the casino security department in a secure area within that department. Access to the key may be gained only by a supervisor in that department and shall require the use of a sign in and sign out procedure.~~
- (6) ~~Each slot cash storage box shall:~~
 - (a) ~~Have a key securing the contents of the slot cash storage box which is different from the keys utilized to secure all other compartments of the slot machine. The key shall be maintained and controlled by the accounting department in a secure area within that department. Access to the key may be gained only by a supervisor in that department and shall require the use of a sign in and sign out procedure;~~
 - (b) ~~Have a slot opening through which currency, gaming vouchers and coupons can be inserted into the slot cash storage box;~~
 - (c) ~~Have a mechanical arrangement or device that prohibits removal of currency, gaming vouchers and coupons from the slot opening whenever the slot cash storage box is removed from the bill changer;~~

- (d) Be fully enclosed, except for such openings as may be required for the operation of the bill changer or the slot cash storage box; provided, however, that the location and size of such openings shall not affect the security of the slot cash storage box, its contents or the bill changer; and
 - (e) Have an asset number that is permanently imprinted, affixed or impressed on the outside of the slot cash storage box which corresponds to the asset number of the slot machine to which the bill changer has been attached. In lieu of the asset number, a gaming licensee may develop and maintain a system for assigning a unique identification number to its slot cash storage boxes. The asset number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the slot cash storage box in the bill changer and through the gaming licensee's CCTV system. In addition to bearing an asset number or unique identification number, each slot cash storage box may also be identified by a bar code label that is securely affixed thereto. Each bar code label affixed to a slot cash storage box shall be:
 - (1) Encoded, at a minimum, with the asset number of the slot machine in which the slot cash storage box is housed; and
 - (2) Prepared in accordance with a gaming licensee's internal controls, which controls shall require, without limitation, the completion of a Bar Code Label Request Form that is signed by the requester and the preparer; provided, however, that a bar code label prepared by a member of the count team shall be tested and verified by a count room supervisor or representative of the accounting department other than a member of the count team, prior to the label being attached to the slot cash storage box.
- (7) The area in which the slot cash storage box is located shall be secured by a key and separate from and accessible independently of any other compartment of the slot machine, the slot drop bucket or the slot drop box. The key to the lock securing the area where the slot cash storage box is located shall be different from the key securing the contents of the slot cash storage box. The compartment key shall be maintained and controlled by the casino security department or the slot department in a secure area within that department. Access to the key may be gained only by a supervisor in that department; provided, however, if the slot department controls the key, the slot department supervisor may issue the key to a casino security department supervisor, who may give it to appropriate casino security department personnel only for the purpose of participating in the transportation of slot cash storage boxes. Access to the key shall require the use of a sign in and sign out procedure.
- (8) Except as otherwise provided, keys to each slot machine, or any device connected thereto which may affect the operation of the slot machine, including, without limitation, keys that activate a jackpot to credit meter switch, shall be maintained in a secure place and controlled by the slot department. Access to the keys shall require the use of a sign in and sign out procedure.
- (9) Any key removed from a department's secure area pursuant to 205 CMR 138.52(2), (4), (5), (6), or (7), shall be returned no later than the end of the shift of the department member to whom the key was issued, and the department shall establish a sign out and sign in procedure for all such keys removed.
- (10) The following entry authorization logs shall be maintained by the gaming licensee unless the information is recorded electronically:

- (a) ~~Whenever a slot machine, or any device connected thereto which may affect the operation of the slot machine, is opened, with the exception of a bill changer, certain information shall be recorded on a "Machine Entry Authorization Log." The information shall include, at a minimum, the date, time, purpose of opening the machine or device, and the signature of the authorized employee opening the machine or device. The Machine Entry Authorization Log shall be maintained in the slot machine and shall have recorded thereon a sequential number and a manufacturer's serial number or the asset number of that slot machine;~~
- (b) ~~Whenever a progressive controller not housed within the cabinet of a slot machine is opened, the information specified in 205 CMR 138.52(10)(a) shall be recorded on a "Progressive Entry Authorization Log." The Progressive Entry Authorization Log shall be maintained in the progressive unit and shall have recorded thereon a sequential number and serial number of the progressive controller;~~
- (c) ~~With the exception of the transportation of slot cash storage boxes, whenever a bill changer, other than a separate slot cash storage box compartment, is opened, certain information shall be recorded on a "Bill Changer Log." The information shall include, at a minimum, the date, time, purpose of opening the bill changer, and the signature of the authorized employee opening the bill changer. The Bill Changer Log shall be maintained in the bill changer and shall have recorded thereon a sequential number and the serial number or asset number of the bill changer. If the bill changer is contained completely within the cabinet of a slot machine and there is no separate access to the bill changer unit, the information may be recorded on the Machine Entry Authorization Log required by 205 CMR 138.52(10)(a), provided that any information that concerns the opening of the bill changer may be distinguished from any information that concerns the opening of the slot machine or any other device connected thereto; and~~
- (d) ~~Whenever a printer for an approved gaming voucher system is accessed, the date, time, purpose of such access, and the signature of the authorized employee shall be recorded in the log required by either 205 CMR 138.52(10)(a) or (c), or a separate log.~~

138.53: Progressive slot machines

If a gaming licensee offers one or more progressive jackpots that increase in value as the machine is played based upon a set rate of progression and awarded when a player achieves a specific game outcome, the system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and protocols as provided by 205 CMR 143.02.

138.54: Linked slot machines interconnected in more than one gaming establishment; slot system operator; computer monitor

Prior to participation by a gaming licensee in a multi-casino progressive slot system the gaming license shall submit a system of internal controls in accordance with 205 CMR 138.02 specifying the manner in which the participating gaming licensees and slot system operators will satisfy the provisions of 205 CMR 143.02.

138.55: Inspection of slot machine jackpots

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures governing the inspection of slot machines and electronic gaming devices including, at a minimum, the following provisions:

- (1) For all slot machine and other electronic gaming device jackpots over \$75,000 in cash, merchandise, or cash equivalent value, or any jackpot where there is evidence of a malfunction, the gaming licensee shall notify the IEB that a jackpot has been registered and permit the IEB to inspect any slot machine, progressive equipment or related equipment; and
- (2) Policies with respect to the payment of jackpots if an inspection is pending, but not yet completed, or an inspection is performed and the results are such that the jackpot may have been the result of an impropriety.

138.56: Attendant paid jackpots and credit meter payouts

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and procedures governing the payment of jackpots and credit meter ~~redemptions~~ **payouts** if and when the payment is not automatically disbursed from a slot machine or electronic gaming device in the form of a gaming voucher ~~if these practices will be utilized at the gaming establishment.~~

138.57: Reserved for future use

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138.58: Alternate forms of jackpot payments

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the offer and payment of alternate forms of jackpots to include, but not be limited to:

- (1) If the jackpot is in the form of an annuity or other non-cash instrument, the terms and conditions on which that jackpot will be authorized, awarded and accounted for, **including for any annuity jackpot a provision ensuring that, except as otherwise directed by the recipient, any remaining payments will be paid to the recipient's estate after the recipient's death;**
- (2) If the jackpot is in the form of merchandise, the terms and conditions on which that jackpot will be authorized, awarded and accounted for; and
- (3) That appropriate tax forms are completed.

138.59: Procedure for filling payout reserve containers of slot machines and hopper storage areas

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures for filling payout reserve containers of slot machines and hopper storage areas, if utilized.

138.60: Procedure governing the removal of coin, slot tokens and slugs from a slot machine

hopper

If a gaming licensee uses slot machines at the gaming establishment that accept coins, the system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include procedures governing the removal of coin, slot tokens, and slugs from a slot machine hopper.

138.61: Slot accounting requirements; electronic table games which accept gaming vouchers or coupons redeemed by gaming voucher system

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include slot accounting procedures designed to ensure that the gaming licensee's slot activities are accurately and timely recorded and reported. Specifically, the policies and procedures, **which shall comport with 205 CMR 143.03**, shall include, but not be limited to:

- (1) Identification of the specific types of gaming devices from which the revenue is considered slot revenue for reporting purposes.
- (2) The specific reports, by content and frequency, generated by the licensee's automated slot monitoring system, including the distribution thereof and the controls in place to maintain the integrity of the information contained therein.
- (3) The specific procedures utilized by the accounting department to review reports generated by the slot monitoring system and compare the information contained therein to supporting documents to include, but not be limited to:
 - (a) Records of currency, coupons and gaming vouchers inserted for credit.
 - (b) Records of wagering activities from account based wagering reports.
 - (c) Records of wagering activities from electronic fund sources.
 - (d) Records of fills.
 - (e) Records of jackpot and credit meter payouts.
 - (f) Records of voucher payouts.
 - (g) The contents, as counted, of slot cash storage boxes.
 - (h) Variances reported in the slot cash storage box count process.
 - (i) Such other documents that support the reported activity of a slot machine or other electronic gaming device.

- (4) Its detailed procedures to investigate and resolve differences, identified by the accounting department, resulting from the comparisons identified in 205 CMR 138.61(3), including supervisory approval thereof.
- (5) Its detailed procedures to audit and account for the activities of its slot machines on a manual basis, in the event that the automated slot monitoring system is not functional.
- (6) The form and frequency of its completed slot revenue reports to include the specific information contained therein (for example, revenue by machine, revenue by denomination, etc.), in a manner that is consistent with other reporting requirements.

138.62: Payment of table game progressive payout wagers; supplemental wagers not paid from the table inventory

RESERVED

138.63: Slot machines and bill changers; authorized locations; movements

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the movement and placement of slot machines and bill changers that, at a minimum, comport with 205 CMR 145.00.

138.64: Accounting controls for chip persons and chips

RESERVED

138.65: Cashless wagering systems

RESERVED

138.66: Master lists of approved table games, movements of gaming equipment; amendments of operation certificates upon filing updated master list

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions relative to the movements of gaming equipment that incorporate, at a minimum, the following provisions:

- (1) Prior to the issuance of an operation certificate and the commencement of gaming or simulcast wagering, each gaming licensee shall file with the IEB office in the gaming establishment comprehensive lists of the table games in its gaming establishment (the Table Games Master List), if any.
- (2) At a minimum, each Table Game Master List shall contain the following information:
 - (a) The date on which the list was prepared;

- (b) A description of each table by:
 - (1) Type of authorized game;
 - (2) Location number; and
 - (3) Serial and table number;
 and
 - (c) Such other information as the commission may require.
- (3) Whenever a gaming licensee proposes that gaming tables be brought into, removed from or moved within a gaming establishment, as applicable, the gaming licensee shall first:
- (a) Obtain any amendment to its operation certificate; and
 - (b) Provide an authorized agent of the IEB with written notice at least 72 hours prior to the actual movement of each gaming table, slot machine and bill changer.
- (4) The gaming manager or his or her designee shall notify in writing the accounting department, the security department and the IEB, 72 hours in advance of all movements and removals of gaming tables. The notification shall include at a minimum:
- (a) The date and time of movement or removal;
 - (b) The gaming table(s) or asset number(s) of slot machines, as applicable;
 - (c) Whether a movement or removal;
 - (d) The location from which gaming table or slot machine will be moved;
 - (e) The location to which the gaming table or slot machine will be moved; and
 - (f) The signature of a gaming manager or designee.
- (5) Prior to moving or removing a gaming table:
- (a) The table inventory shall be credited from the table; and
 - (b) The table drop box shall be removed during a scheduled drop box pick-up and a replacement box not placed on the table.
- (6) Immediately after each gaming table is brought into, removed from or moved within a gaming establishment, the gaming licensee completing the move shall file and serve, in accordance with 205 CMR 138.66(1), updated master lists of its table games to the extent that the move causes a change in the information contained on the most recent version of the applicable list on file with the IEB.
- (7) The number of each type of authorized game included in the gaming licensee's operation certificate or any approved amendments thereto shall be amended, upon the filing of an updated Table Games Master List to conform to the correct number of each type of authorized game that is specified in the applicable list.

138.67: Employee Signatures

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions relative to signatures required in accordance with the internal controls and 205 CMR in general that incorporate the following provisions:

- (1) Signatures shall, at a minimum, comply with either of the following requirements:

- (a) If written, they shall be, at a minimum, the signer's first initial, last name, and legible credential number, written by the signer, and be immediately adjacent to or above the title of the signer; or
 - (b) If electronic, they shall be the employee's name and identification number or other computer identification code issued to the employee by the gaming licensee, if the document to be signed is authorized to be generated by computer; and
 - (c) They shall signify that the signer has personally prepared forms, records, and documents, and/or authorized, observed, and/or participated in a transaction to a sufficient extent to attest to the accuracy of the information recorded thereon, in conformity with the internal controls.
- (2) Written signature records shall be prepared for each employee required to sign records and documents and shall include specimens of signatures, titles of signers and the date the signature was obtained. Such signature records shall be maintained alphabetically by last name either on a company-wide or departmental basis. The signature records shall be adjusted on a timely basis to reflect changes of personnel.
- (3) Signature records shall either be:
- (a) Securely stored in the accounting department; or
 - (b) Stored in electronic form and maintained by the IT Department in a secure format so that such signature records can be promptly retrieved in the event of a computer failure.

138.68: Expiration of gaming-related obligations owed to patrons; payment to the Massachusetts Gaming Control Fund

- (1) The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include provisions governing the expiration of gaming-related obligations that provide, at a minimum, that:
- (a) Any money that is owed to a patron by a gaming licensee as a result of a gaming transaction must be claimed within one year of the date of the gaming transaction or the obligation of the gaming licensee to pay the patron will expire. Upon expiration of the obligation, the involved funds must be transferred to ~~Massachusetts Gaming Control~~ **Gaming Revenue** Fund in accordance with M.G.L. c.23K, §§~~57~~**53 and 59**.
 - (b) A gaming licensee shall maintain a record of all gaming-related obligations that have expired.
- (2) Before the end of each calendar month the gaming licensee shall report the total value of gaming debts owed to its patrons that expired during the preceding calendar month in a format prescribed by the commission.
- (3) Each gaming licensee shall submit a check with its monthly report payable to the ~~Massachusetts Gaming Control~~ **Gaming Revenue** Fund in accordance with M.G.L. c.23K, §~~57~~**59** in the amount of the gaming debts owed to its patrons that expired during the preceding month as stated in the report.
- (4) Upon the payment of the expired debt, the gaming licensee shall post the payment and remove the amount from its records as an outstanding debt.

- (5) Failure to make the payment to the ~~Massachusetts Gaming Control~~ **Gaming Revenue** Fund by the due date shall result in the imposition of penalties and interest as prescribed by 205 CMR.
- (6) Nothing in 205 CMR 138.68 shall preclude the gaming licensee from, in its discretion, issuing cash or other form of complimentary to a patron to compensate the patron for a gaming debt that has expired.

138.69: Entertainment, filming or photography within the gaming establishment area

- (1) No entertainment, filming or photography shall be offered or conducted within the gaming establishment area, or shall be significantly visible or audible from or in the gaming establishment, unless the gaming licensee files a written notice with the IEB, at least 24 hours prior to the commencement of such entertainment, filming or photography, which notice shall include, at a minimum, the following information:
 - (a) The date and time of the scheduled entertainment, filming or photography;
 - (b) A detailed description of the type of entertainment, filming or photography to be offered;
 - (c) The number of persons involved in the entertainment, filming or photography;
 - (d) The exact location of the entertainment, filming or photography in the gaming establishment;
 - (e) A description of any additional security measures that will be implemented as a result of the entertainment, filming or photography; and
 - (f) A certification from the supervisors of the gaming licensee's security, gaming operations, and surveillance departments that the proposed entertainment, filming or photography will not adversely affect the security and integrity of gaming operations.
- (2) The IEB may at any time require the gaming licensee to immediately cease any entertainment, filming or photography offered within the gaming establishment, if the entertainment, filming or photography provided is in any material manner different from the description contained in the submission filed pursuant to 205 CMR 138.69(1) or in any way compromises the security or integrity of gaming operations.
- (3) In reviewing the initial or continued suitability of an entertainment, filming or photography proposal, the IEB shall consider the extent to which the entertainment, filming or photography proposal may unduly disrupt or interfere with:
 - (a) Efficient gaming operations;
 - (b) The security of the gaming establishment or any portion thereof;
 - (c) Surveillance operations; or
 - (d) The security or integrity of gaming operations or any authorized game.

138.70: Technical standards for count room equipment

The system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall identify all equipment used in the counting process of the contents of drop boxes, slot cash storage boxes, slot drop buckets, and slot drop boxes that include, at a minimum, the following provisions:

- (1) A detailed description of the design and use of the computer equipment and any communication interfaces related to the counting process;
- (2) Names of all revenue files and who has access and what type of access they have to these files; and
- (3) Procedures for controlling changes to computer equipment, communication interfaces, configuration, and software which provide for, at a minimum, written or electronic notification in accordance with 205 CMR.

205 CMR 138: M.G.L. c. 23K, §§4(28), 4(28), 5, and 25(d), 27, and 28.

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 146.00: GAMING EQUIPMENT

Section

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146.01: Gaming Chips and Plaques (General Rules)

- (1) No gaming chip shall be utilized by a gaming licensee in a gaming establishment until:
 - (a) The design specifications of the proposed gaming chip, prior to the manufacture of the gaming chip, are submitted to and approved by the IEB, which submission shall include a detailed schematic depicting the actual size and, as appropriate, location of the following:
 - 1. Each "face" of the gaming chip, which is the flat surface across which the diameter of the chip can be measured including any indentations or impressions;

2. The “edge” of the gaming chip, which is the surface of the chip across which its thickness can be measured in a perpendicular line from one face to the other; and
 3. Any colors, words, designs, graphics or security measures contained on or within the gaming chip;
 - (b) A sample stack of 20 gaming chips, manufactured in accordance with its approved design specifications, is submitted to and approved by the IEB; and
 - (c) The IEB has confirmed that the identification requirements of 205 CMR 146.01 are visible using the gaming licensee’s closed circuit television system.
- (2) Each gaming chip issued by a gaming licensee shall be designed and manufactured with sufficient graphics or other security measures including, at a minimum, those features specifically required to appear on the face or edge of a gaming chip pursuant to this section so as to prevent, to the greatest extent possible, the counterfeiting of the gaming chip.
- (3) No gaming licensee shall use or redeem in its gaming establishment any gaming chip that it knows, or reasonably should know, is materially different from the approved sample or no longer conforms to the requirements of 205 CMR 146.01.
- (4) No gaming licensee or other person licensed by the Commission shall manufacture for, sell to, distribute to, or use in any facility outside of Massachusetts any gaming chips having the same edge spot and design specifications as those approved for use in Massachusetts gaming establishments.
- (5) A gaming licensee may issue promotional non-gaming chips that are prohibited from use for gaming in any gaming establishment. The physical characteristics of such chips shall be sufficiently distinguishable from approved design specifications of any gaming chip issued by any gaming licensee so as to reasonably ensure that they will not be confused with authorized gaming chips. At a minimum, such promotional non-gaming chips shall:
- (a) Be unique in terms of size or color;
 - (b) Have no edge designs unique to gaming chips; and
 - (c) Bear the name of the gaming licensee issuing them and language on both faces stating that they have no redeemable value.
- (6) A gaming licensee shall remove a set of gaming chips in use from active play whenever it has reason to believe the gaming establishment has accepted counterfeit chips or whenever any other impropriety or defect in the utilization of that set of chips makes removal of the chips in active use necessary or whenever the IEB so directs. An approved back-up set of value chips or non-value chips shall be placed into active play whenever an active set is removed.
- (7) Whenever chips in active use are removed from play, the gaming licensee shall

immediately notify the IEB of the removal and the reason for removal.

(8) Each set of gaming chips approved by the IEB for use by a gaming licensee shall receive a unique and permanent alphabetical designation. This designation shall be assigned by the gaming licensee during the design schematic approval process and shall be used for all inventory procedures required by 205 CMR 146.02. If a gaming licensee elects to commingle gaming chips pursuant to 205 CMR 146.02, in addition to the assigned alphabetical designation for that set of chips, each different sample within the set shall also be assigned an accompanying unique numeric designation.

146.02: Receipt of gaming chips or plaques from manufacturer or distributor;
inventory, security, storage and destruction of chips and plaques

(1) When gaming chips or plaques are received from the manufacturer or distributor, they shall be opened and inspected by at least three employees, one of whom shall be from the accounting or auditing department of the gaming licensee, one of whom shall be from the games department, and one from any mandatory department other than the surveillance department of the gaming licensee. Any deviation between the invoice accompanying the chips and plaques and the actual chips or plaques received or any defects found in such chips or plaques shall be reported promptly to the IEB.

(2) Each gaming licensee shall report to the IEB promptly after an inspection performed pursuant to 205 CMR 146.02(1) if the inspection discloses any discrepancy between the invoice and the actual chips or plaques.

(3) After inspecting the gaming chips or plaques received, the gaming licensee shall cause to be recorded in a chip inventory ledger (manual or electronic) the assigned alphabetical designation, the denomination of the value chips and gaming plaques received, the number of each denomination of value chip and gaming plaque received, the number and description of all non-value chips received, the date of such receipt, and the signatures of the employees who inspected such chips and plaques. If the chips or plaques are required by 205 CMR 146 to have a unique serial number, the numeric number shall also be recorded. If the gaming chips or plaques are not put into active use, the ledger shall also identify the storage location.

(4) Any gaming chips or plaques not in active use shall be stored in:

- (a) An approved vault;
- (b) The cashiers' cage; or
- (c) A comparable secure area, approved by the IEB, which is adjacent to and accessible exclusively from the gaming floor.

(5) Whenever any gaming chips or plaques are removed from or returned to an approved storage area, at least two employees shall be present, one of whom shall be a supervisor from the games or security department, and the following information shall be recorded

in the chip inventory ledger together with the date and signatures of the employees involved:

- (a) The alphabetical designation and, if applicable, any numeric designation;
- (b) The number and dollar amount for each denomination of value chip or gaming plaque removed or returned;
- (c) The number and description of the non-value chips removed or returned;
- (d) The specific storage area being entered; and
- (e) The reason for the entry into the storage area.

(6) At the end of each gaming day, a gaming licensee shall compute and record the unredeemed liability for each denomination of value chips and gaming plaques. At least once every 30 days, at a minimum, each gaming licensee shall inventory all sets of value chips and gaming plaques in its possession and shall record the result of such inventory in the chip inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory value chips and gaming plaques shall be submitted to the IEB. A physical inventory of value chips and gaming plaques not in active use shall only be required annually if the inventory procedures incorporate the sealing of the locked compartment. If a gaming licensee elects to commingle gaming chips, a member of the gaming establishment's accounting department shall, at least once every six months, inventory all gaming chips of a particular sample and readjust the starting inventory for those gaming chips which are no longer in the possession of the gaming licensee. The adjusted inventory figure shall be recorded in the chip inventory ledger and shall be the new beginning inventory figure for the next six-month period for purposes of computing the daily outstanding chip liability required by this section.

(7) The IEB shall approve the process for the destruction of chips and plaques. Prior to the destruction of gaming chips and plaques, the gaming licensee shall notify the IEB, in writing, of the date and the location at which the destruction will be performed, the denomination, number and amount of value chips and plaques to be destroyed, and the description and number of non-value chips to be destroyed. Unless otherwise authorized by the IEB, the destruction of gaming chips and plaques shall be carried out in the presence of at least two employees of the gaming licensee, one of whom shall be from the accounting department and one of whom shall be from any other mandatory department other than the surveillance department. The denomination, number and amount of value chips and plaques or, in the case of non-value chips, the description and number so destroyed shall be recorded in the chip inventory ledger together with the signatures of the individuals carrying out such destruction, and the date on which the destruction occurred. The gaming licensee shall also maintain a written log of the names and credential numbers of all individuals involved in each such destruction.

(8) A gaming licensee shall ensure that at all times there is adequate security, as approved by the IEB, for all gaming chips and plaques in its possession.

146.03: Value Gaming Chips

(1) Each gaming chip which contains a denomination on its face shall be known as a "value chip." Value chips shall only be utilized on the gaming floor, unless otherwise authorized by the IEB.

(a) Each gaming licensee shall be authorized to issue and use value chips in denominations of \$1.00, \$2.50, \$5.00, \$10.00, \$20.00, \$25.00, \$100.00, \$500.00, \$1,000, \$5,000, \$20,000, and \$25,000 and in such quantities as the gaming licensee may deem appropriate to conduct gaming in its gaming establishment.

(b) Each value chip issued by a gaming licensee shall be in the form of a disk. Value chips with a denomination of \$1.00, \$2.50, \$5.00, \$10.00, \$20.00, \$25.00, and \$100.00, shall have a uniform diameter of one and 9/16ths inches. Any value chip issued by a gaming licensee in the denomination of \$500.00 shall have a uniform diameter of one and 9/16ths inches or one and 11/16ths inches. Any value chip issued in the denomination of \$1,000, \$5,000, \$20,000, or \$25,000 shall have a uniform diameter of one and 11/16ths inches.

(c) Each value chip issued in a denomination of \$20,000 or \$25,000, in addition to satisfying the requirements set forth in this section, shall be impressed with a unique serial number.

(d) A gaming licensee may file a petition for Commission approval requesting a different denomination value chip than listed in 205 CMR 146.03(1)(a-c).

(2) Each denomination of value chip issued by a gaming licensee shall contain a predominant color unique to that denomination to be known as the "primary color." A "secondary color" on a value chip is any color, other than that chip's primary color, that the IEB authorizes a gaming licensee to include on the face or edge of the chip as a contrast to the chip's primary color, except that no primary color shall be used as a secondary color on a value chip of another denomination where such use on the edge is reasonably likely to cause confusion as to the chip's denomination when the edge alone is visible.

(3) Each licensed gaming chip manufacturer shall submit sample color disks to the IEB that identify all primary and secondary colors to be used for the manufacture of gaming chips for gaming licensees in Massachusetts. Once a gaming chip manufacturer has received approval from the IEB for a primary or secondary color, those colors shall be consistently manufactured in accordance with the approved samples. In order for a primary color to be approved for use, it must visually appear, when viewed either in daylight or under incandescent light, to comply with the following colors.

- (a) \$1.00 - "White;"
- (b) \$2.50 - "Pink;"
- (c) \$5.00 - "Red;"
- (d) \$10.00 - "Blue;"
- (e) \$20.00 - "Yellow;"

- (f) \$25.00 - "Green;"
- (g) \$100.00 - "Black;"
- (h) \$500.00 - "Purple;"
- (i) \$1,000 - "Fire Orange;"
- (j) \$5,000 - "Gray;"
- (k) \$20,000 - "Mustard Yellow;" and
- (l) \$25,000 - "Gold."

(4) Each value chip issued by a gaming licensee shall contain certain identifying characteristics that may appear in any location at least once on each face of the gaming chip and are applied in a manner which ensures that each such characteristic shall be clearly visible and remain a permanent part of the gaming chip. These characteristics shall, at a minimum, include:

- (a) The denomination of the value chip, expressed in numbers;
- (b) The name, trade name, or other approved identification of the gaming licensee issuing the value chip, which shall be applied in such a manner so as to be visible to surveillance employees using the closed circuit television system;
- (c) For each value chip with a denomination below \$25.00 at least one anti-counterfeiting measure and for each value chip with a denomination of \$25.00 or more at least two anti-counterfeiting measures in addition to those items specifically required to appear on the face or edge of a value chip by 205 CMR 146.01 and 146.03(1);
- (d) The word " Massachusetts" if the gaming licensee has gaming properties in other gaming jurisdictions; and
- (e) The primary color of the value chip.

(5) In addition to the characteristics specified in 205 CMR 146.02(4), each value chip in a denomination of \$25.00 or more shall contain a third anti-counterfeiting measure and a design or other identifying characteristic that is unique to the gaming chip manufacturer that makes the chip. Upon approval of a particular design or characteristic by the IEB, the gaming chip manufacturer shall thereafter be precluded from using that same design or characteristic on any other denomination of value chip that it manufactures. The approved unique design or characteristic may only be changed upon a showing by the gaming chip manufacturer that, despite the change, each value chip in a denomination of \$25.00 or more shall nonetheless be readily identifiable to the manufacturer.

(6) Each value chip issued by a gaming licensee shall contain an identifying characteristic, to be known as an "edge spot," which shall:

- (a) Be applied in a manner which ensures that the edge spot shall:
 - 1. Be clearly visible on the edge and, to the extent required by the IEB, on each face of the value chip; and
 - 2. Remain a permanent part of the value chip.
- (b) Be created by using:
 - 1. The primary color of the chip; and

2. One or more secondary colors.

(c) Include a design, pattern or other feature that a person with adequate training could readily use to identify, when viewed through the closed circuit television system of the gaming licensee, the denomination of the particular value chip when placed in a stack of gaming chips, in the table inventory or in any other location where only the edge of the value chip is visible; provided, however, that the design, pattern or feature created by the primary and secondary colors required by 205 CMR 146.03 shall be sufficient by themselves to satisfy the requirements of this paragraph if approved for that purpose by the IEB.

(7) When determining the secondary colors to be used to make the edge spot on a particular denomination of value chip, a gaming licensee shall, unless otherwise approved by the IEB, use only those secondary colors that are reasonably likely to differentiate its value chip from the same denomination of value chip issued by any other gaming licensee.

(8) In addition to any other requirement of by 205 CMR 146, the edge spots on a value chip that has non-identical faces and a denomination of \$25.00 or more shall appear uniform in design, pattern, or other feature when viewed from the perspective of the same face on any other value chip in the set. The edge spots on a value chip that has non-identical faces and a denomination below \$25.00 may appear uniform in design, pattern or other feature or as an inverted mirror image thereof when viewed from the perspective of either face on any other value chip in the set.

(9) Unless otherwise authorized by the IEB, for each value gaming chip that a gaming licensee elects to issue pursuant to this section whose denomination is greater than \$10.00, or equal to \$1,000 or \$5,000, it shall also have at least one approved set of gaming chips that may be used as a back-up for the gaming chips in active use. Each set of value chips maintained for use by a gaming licensee shall have different secondary colors. All sets of value gaming chips shall conform to the color and design requirements set forth in 205 CMR 146.

(10) A gaming licensee may obtain IEB approval of two or more different samples within a single set of value chips for a particular denomination with a value of \$100.00 or less ("commingling"), provided that each sample of a particular denomination shall have the same secondary color and edge design. Any approved sample of a particular denomination of value chip within a single set of chips may be placed in or removed from active use by the gaming licensee at any time.

146.04: Non-value Gaming Chips

(1) Each gaming chip which does not contain a denomination on either face thereof shall be known as a "non-value" chip.

(2) Each non-value chip utilized in a gaming establishment shall be issued solely for the purpose of gaming at roulette.

(3) Each non-value chip issued by a gaming licensee shall contain certain identifying characteristics that may appear in any location at least once on each face of the gaming chip and shall be applied in a manner which ensures that each such characteristic shall be clearly visible and remain a permanent part of the gaming chip. The characteristics required by 205 CMR 146.04 shall be applied in such a manner so as to be visible to surveillance employees using the closed circuit television system. The identifying characteristics of a non-value chip, at a minimum, shall include:

- (a) The name, trade name, or other identification of the gaming licensee issuing the non-value chip;
- (b) A design, insert, or symbol that will permit a set of non-value chips being used at a particular gaming table to be distinguished from the non-value chips being used at every other gaming table in the gaming establishment;
- (c) The word "Roulette;" and
- (d) Such color and/or design combinations as the IEB may approve so as to readily distinguish the non-value chips of each player at a particular gaming table from the non-value chips of every other player at the same gaming table and the value chips issued by any gaming licensee.

(4) Each non-value chip issued by a gaming licensee shall contain an identifying characteristic, to be known as an "edge spot," which shall:

- (a) Be applied in a manner which ensures that the edge spot shall:
 1. Be clearly visible on the edge and, to the extent required by the IEB on each face of the non-value chip; and
 2. Remain a permanent part of the non-value chip;
- (b) Be created by using the colors approved for the face of the particular non-value chip pursuant to 205 CMR 146.04 in combination with one or more other colors that provide a contrast with the color on the face of the chip and that enable it to be distinguished from the non-value chips issued by any other gaming licensee; and
- (c) Include a design, pattern or other feature approved by the IEB that a person with adequate training could readily use to identify, when viewing the non-value chip through the closed circuit television system of the gaming licensee, the player to whom the non-value chip has been assigned when the non-value chip is placed in a stack of gaming chips or in any other location where only the edge of the non-value chip is visible; provided, however, that the design, pattern or feature created by the colors required by 205 CMR 146.04 shall be sufficient by itself to satisfy the requirements of this paragraph if approved for that purpose by the IEB.

(5) Each gaming licensee shall have a reserve non-value chip for each color utilized in the gaming establishment with a design insert or symbol different from those non-value

chips comprising the primary set.

146.05: Non-value Chips; Permitted Uses; Inventory and Impressment

(1) Each non-value chip shall be assigned to a particular gaming table and shall be issued and used for gaming at that table only. All non-value chips utilized at a particular gaming table shall have the same design, insert or symbol as required by 205 CMR 146.04. No gaming licensee or any employee thereof shall allow any patron to remove a non-value chip from the gaming table at which it was issued. If a patron removes a non-value chip from the gaming table at which it was issued, the gaming licensee may redeem such chip at the lowest denomination in use at the table.

(2) No patron at a gaming table shall be issued or permitted to game with non-value chips that are identical in color and design to any non-value chip issued to any other patron at the same table. When a patron purchases non-value chips, a non-value chip of the same color and design shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel or in such other device as approved by the IEB. At that time, a marker button denoting the value of a stack of 20 non-value chips of the same color and design shall be placed in the slot, receptacle or other device.

(3) An impressment of the non-value chips assigned to each gaming table shall be completed at least once every 90 days. The gaming licensee shall record the results of the impressment in the chip inventory ledger required pursuant to 205 CMR 146.02 and shall perform the impressment as follows:

- (a) A gaming department supervisor shall complete a "Non-Value Chip Impressment" ledger (electronic or manual) to record missing or excess chips and shall deliver the ledger and any excess chips to the main bank or chip bank;
- (b) Upon receipt of the "Non-Value Chip Impressment" ledger, a main bank cashier or chip bank cashier shall, if appropriate, immediately prepare any chips needed to impress the table; and
- (c) The gaming department supervisor shall then, if applicable, deliver the non-value chips needed to restore the impress to the appropriate gaming table.

(4) The completed "Non-Value Chip Impressment" form shall be maintained by the accounting department and shall contain, at a minimum, the following:

- (a) The date and time of preparation;
- (b) The design schematic of the chip including its primary color and the applicable table number;
- (c) The signature of the gaming department supervisor who completes the "Non-Value Chip Impressment" form and the impressment for such table; and
- (d) The signature of the main bank cashier or chip bank cashier who reviewed the form and, if necessary, prepared the chips to restore the impressment.

(5) Each gaming licensee shall record in the chip inventory ledger required by 205 CMR

146.02, a monthly summary of the non-value chip inventory for each gaming table. This monthly summary shall include, at a minimum, the following information for each non-value chip color and design:

- (a) The balance on hand at the beginning of the month;
- (b) The number of non-value chips distributed to the gaming table during the month;
- (c) The number of non-value chips returned to inventory during the month; and
- (d) The balance on hand at the end of the month.

146.06: Gaming Plaques; Issuance and Use; Denominations; Physical Characteristics

(1) Each gaming plaque issued by a gaming licensee shall be a solid, one-piece object constructed entirely of plastic or other substance approved by the IEB and shall have no more than six, and at least two, smooth, plane surfaces. At least two of the plane surfaces, each to be known as a "face," shall be opposite and parallel to each other and identical in shape, which shall be a square, rectangle or ellipse. All other surfaces of a gaming plaque shall be known collectively as the "edge."

(2) No gaming plaque shall be issued by a gaming licensee or utilized in a gaming establishment unless and until:

- (a) The design specifications of the proposed gaming plaque are, prior to the manufacture of the gaming plaque, submitted to and approved by the IEB, which submission shall include a detailed schematic depicting the actual size and, as appropriate, location of the following:
 1. Each face;
 2. The edge; and
 3. Any colors, words, designs, graphics or security measures contained on the gaming plaque;
- (b) A sample gaming plaque, manufactured in accordance with its approved design specifications, is submitted to and approved by the IEB; and
- (c) The gaming licensee has submitted to the IEB internal control procedures which document the distribution, redemption, receipt and inventory of gaming plaques, by serial number, as required by 205 CMR 146.02.

(3) Each face of a square gaming plaque shall measure no smaller than nine square inches. Each face of a rectangular or elliptical gaming plaque shall measure no smaller than three inches in length by two inches in width. In the case of an elliptical gaming plaque, the length and width of the plaque shall be measured at its axes.

(4) Each gaming plaque issued by a gaming licensee shall be designed and manufactured with sufficient graphics or other security measures so as to prevent, to the greatest extent possible, the counterfeiting of such gaming plaque.

(5) Each gaming licensee shall be authorized to issue and use gaming plaques in

denominations of \$5,000, \$10,000, \$25,000, \$50,000 and \$100,000, and in such quantities as the gaming licensee may deem proper to conduct gaming in its gaming establishment. Each gaming plaque of a specific denomination utilized by a gaming licensee shall be in a shape and of a size, as approved by the IEB, which is identical to the shape and size of all other gaming plaques of that denomination issued by that gaming licensee. The size and shape of each denomination of gaming plaque issued by a gaming licensee shall be readily distinguishable from the size and shape of every other denomination of gaming plaque issued by that gaming licensee.

(6) Each gaming plaque issued by a gaming licensee shall contain certain identifying characteristics which shall appear at least once on each face of the gaming plaque and shall be applied in a manner which ensures that each such characteristic shall be clearly visible and remain a permanent part of the gaming plaque. These characteristics shall, at a minimum, include:

- (a) The denomination of the gaming plaque, expressed in numbers of no less than three-eighths inch in height;
- (b) The name, trade name, or other approved identification of the gaming licensee issuing the gaming plaque, which shall be applied in such a manner so as to be visible to surveillance employees using the closed circuit television system; and
- (c) A unique serial number.

146.07: Exchange and Redemption of Gaming Chips, Plaques and Coupons

(1) All wagering on authorized games, other than slot machines, in a gaming establishment shall be conducted with gaming chips or plaques; provided, however, that coupons shall be permitted for use in wagering at authorized games in accordance with 205 CMR. A gaming licensee shall submit to the IEB a sample of its coupons. Value chips previously issued by a gaming licensee which are not in active use by that gaming licensee shall not be used for wagering at authorized table games and shall not be accepted or exchanged for any purpose. Such chips shall only be redeemed at the cashiers' cage pursuant to 205 CMR 146.

(2) Gaming chips or plaques shall be issued to a patron only at the request of such patron and shall not be given as change in any other but a gaming transaction. Unless otherwise authorized by 205 CMR, gaming chips and plaques shall be issued only by dealers to gaming patrons at gaming tables. Gaming chips may be issued by chippersons to patrons seated at a poker table at which a game is in progress or by general cashiers. Gaming plaques and value chips shall be redeemed by gaming patrons only at the cashiers' cage; provided, however, that value chips may be:

- (a) Issued to a patron in payment of a manual slot machine jackpot;
- (b) Exchanged by a patron at the slot booths or with change persons for currency, coin or slot tokens to play the slot machines;
- (c) Exchanged for a gaming check upon a patron request to redeem value chips

by mail in any amount. The chips shall be redeemed only by a cage supervisor, in accordance with internal controls which, at a minimum, shall detail procedures for the issuance of the gaming check and the transfer of the surrendered value chips to the chip bank in a transaction fully supported by proper documentation; and
(d) Exchanged by a patron for a pit counter check redemption as permitted by the regulations of the Commission.

(3) Non-value chips shall be presented for redemption only at the gaming table from which they were issued and shall not be redeemed or exchanged at any other location within the gaming establishment. When non-value chips are presented for redemption, the dealer shall accept them in exchange for an equivalent amount of value chips which may then be used by the patron for gaming in the gaming establishment or redeemed in the same manner as any other value chip.

(4) Each gaming licensee may permit, limit or prohibit the use of value chips in gaming at roulette, provided, however, that:

- (a) No person shall be permitted to wager a value chip with a match play coupon at any roulette table at which match play coupons are permitted to be used; and
- (b) When value chips are in use, it shall be the responsibility of the gaming licensee and its employees to keep an accurate account of the wagers being made at roulette with value chips so that the wagers made by one player are not confused with those made by another player at the table.

(5) Each gaming chip and plaque is solely evidence of a debt that the issuing gaming licensee owes to the person legally in possession of the gaming chip or plaque, and shall remain the property of the issuing gaming licensee. Each gaming licensee shall have the right at any time to demand that the person in possession of the gaming chip or plaque surrender the item for redemption.

(6) Each gaming licensee shall redeem promptly its own genuine gaming chips and gaming plaques presented by a patron in person, except when the gaming chips or plaques were obtained or being used unlawfully. A gaming licensee shall redeem its value chips or gaming plaques by accepting them in exchange for an equivalent amount of cash, except that:

- (a) Upon request by a patron who surrenders value chips or gaming plaques in any amount over \$100.00, a gaming licensee shall exchange them for a gaming check of that gaming licensee in the amount of the value chips or gaming plaques surrendered and dated the day of such redemption; and
- (b) A gaming licensee may apply all or any part of the value chips or gaming plaques presented by a patron to the redemption of any Counter Check or Slot Counter Check drawn by the patron, or to the payment of any returned check, provided that the gaming licensee has given that patron prior written notice of such right of setoff and has obtained the patron's written acknowledgment thereof.

(7) Each gaming licensee shall accept, exchange, use or redeem only gaming chips or plaques that it has issued and shall not knowingly accept, exchange, use or redeem gaming chips or plaques, or objects purporting to be gaming chips or plaques, that have been issued by any other person, except that a gaming licensee may accept and redeem:

(a) Gaming chips or plaques issued by another legally operated gaming licensee from a patron upon the patron's representation that such chips or plaques had been purchased or received as payment in a gaming transaction from an employee of such licensee working on the premises; or

(b) Gaming chips issued by any other legally operated gaming licensee from one of its employees who is authorized to receive gratuities, upon the employee's representation that such chips were received as gratuities in the normal course of his or her duties while on the premises of the gaming licensee.

(8) Employees of a gaming licensee who are authorized to receive gaming chips as personal gratuities may redeem the gaming chips at the cashier's cage or at another secure location in the gaming establishment as approved by the IEB. Gaming chips redeemed by employees at a non-cage employee redemption site shall be exchanged on a daily basis with the cashier's cage in accordance with the gaming licensee's internal control procedures.

(9) Each gaming licensee shall redeem promptly its own genuine value chips and gaming plaques presented to it by any other legally operated gaming licensee upon the representation that such chips and plaques were received or accepted unknowingly, inadvertently or in error or were redeemed in accordance with the provisions of 205 CMR 146. Each gaming licensee shall submit to the IEB a system for the exchange, with other legally operated gaming licensees, of value chips and gaming plaques that are in its possession and that have been issued by any other legally operated gaming licensee, or that it has issued and that are presented to it for redemption by any other legally operated gaming licensee.

(10) Each gaming licensee shall cause to be posted and remain posted in a prominent place on the front of the cashiers' cage and any satellite cage a sign that reads as follows: "By law, gaming chips or plaques issued by another gaming licensee may not be exchanged or redeemed in this gaming establishment."

146.08: Roulette Wheel and Table; Physical Characteristics; Double Zero Roulette Wheel Used as a Single Roulette Wheel

(1) Roulette shall be played on a table having a roulette wheel of not less than 30 inches in diameter at one end of the table and a roulette layout imprinted on the opposite end of the table. A true-to-scale rendering and a color photograph of the layout(s) shall be submitted to the IEB's principal office prior to utilizing the layout design.

(2) Each roulette wheel shall be of a single zero variety or a double zero variety as described and depicted below:

(a) Each single zero roulette wheel shall have 37 equally spaced compartments around the wheel where the roulette ball shall come to rest. The roulette wheel shall also have a ring of 37 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green and the others marked 1 to 36 and colored alternately red and black. Unless otherwise approved by the IEB, the numbers shall be arranged clockwise around the wheel in the following order: 0, 32, 15, 19, 4, 21, 2, 25, 17, 34, 6, 27, 13, 36, 11, 30, 8, 23, 10, 5, 24, 16, 33, 1, 20, 14, 31, 9, 22, 18, 29, 7, 28, 12, 35, 3, and 26. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color.

(b) Each double zero roulette wheel shall have 38 equally spaced compartments around the wheel where the roulette ball shall come to rest. The roulette wheel shall also have a ring of 38 equally spaced areas to correspond to the position of the compartments with one marked zero and colored green, one marked double-zero (00) and colored green, and the others marked 1 to 36 and colored alternately red and black. Unless otherwise approved by the IEB, the numbers shall be arranged clockwise around the wheel in the following order: 0, 28, 9, 26, 30, 11, 7, 20, 32, 17, 5, 22, 34, 15, 3, 24, 36, 13, 1, 00, 27, 10, 25, 29, 12, 8, 19, 31, 18, 6, 21, 33, 16, 4, 23, 35, 14, and 2. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color.

(c) If a gaming licensee offers the optional six numbers color wager authorized by 205 CMR:

1. The areas on the ring of a single zero roulette wheel shall have one marked zero (0) and colored green, and the others marked in the order specified in 205 CMR 146.07(2)(b), but colored as follows: purple - 4, 21, 2, 25, 17, 34; green - 6, 27, 13, 36, 11, 30; black - 8, 23, 10, 5, 24, 16; blue - 33, 1, 20, 14, 31, 9; gold - 22, 18, 29, 7, 28, 12; and red - 35, 3, 26, 32, 15, 19. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color as approved by the IEB.

2. The areas on the ring of a double zero roulette wheel shall have one marked zero (0) and colored green, one marked double-zero (00) and colored green, and the others marked in the order specified in (b)1 and 2 above, but colored as follows: blue - 30, 11, 7, 20, 32, 17; gold - 5, 22, 34, 15, 3, 24; red - 36, 13, 1, 27, 10, 25; purple - 29, 12, 8, 19, 31, 18; green - 6, 21, 33, 16, 4, 23; and black - 35, 14, 2, 28, 9, 26. The color of each compartment shall either be a corresponding color to those depicted on the ring or a neutral color.

(3) A double zero roulette wheel may be used as a single zero roulette wheel, provided that:

- (a) The "00" wager area on the layout is obscured with a cover or other approved device which clearly indicates that such a wager is not available; and
 - (b) Appropriate signage is posted at the roulette table to notify players that:
 - 1. A double zero roulette wheel is being used as a single zero roulette wheel, and that double zero (00) is not an available wager;
 - 2. If the roulette ball comes to rest in a compartment marked double zero (00), the spin will be declared void and the wheel will be spun again; and
 - 3. Wagers on red, black, odd, even, 1 to 18 and 19 to 36 shall be lost if the roulette ball comes to rest in a compartment marked zero (0).
- (4) The layout for a roulette table shall contain, at a minimum:
- (a) The name or trade name of the gaming licensee offering the game; and
 - (b) Specific areas for the placement of the wagers authorized by 205 CMR.
- (5) If a gaming licensee offers an optional wager authorized by 205 CMR, the layout for that roulette table shall also include, designated areas for the placement of such wagers.
- (6) Each roulette table shall have a drop box and tip box attached to it. Any modification to the location of the drop box and tip box shall require notice to the IEB, submitted 72 hours in advance of the modification. The notice shall include a detailed description of the modification being made.

146.09: Roulette Balls

Balls used in gaming at roulette shall be made completely of a non-metallic material and not be less than 12/16 of an inch nor more than 14/16 of an inch in diameter unless otherwise approved by the IEB.

146.10: Roulette; Inspection Procedures; Security Procedures

- (1) Prior to opening a roulette table for gaming activity, a gaming establishment supervisor or member of the security department shall:
- (a) Inspect the roulette table and roulette wheel for any magnet or contrivance that would affect the fair operation of such wheel;
 - (b) Inspect the roulette wheel to assure that it is level and rotating freely and evenly;
 - (c) Inspect the roulette wheel to assure that all parts are secure and free from movement;
 - (d) Inspect the roulette ball by passing it over a magnet or compass to assure its non-magnetic quality; and
 - (e) Confirm that the layout and signage comply with 205 CMR 146.07(3), if a double zero roulette wheel is being used as a single zero roulette wheel.
- (2) If a gaming licensee uses a roulette wheel which has external movable parts, any

adjustments to the movable parts shall be made by a gaming establishment supervisor or a member of the gaming establishment maintenance department, in the presence of a security department member. Adjustments to the movable parts of a roulette wheel that is located on the gaming floor shall only be made when the roulette table is not open to the public or if the roulette wheel is moved to a secure location outside the gaming establishment as approved by the IEB.

(3) All adjustments shall be completed prior to the inspections required pursuant to 205 CMR 146.09(a).

(4) The gaming licensee may replace any of the movable parts at any time, provided, however, if any one or more of the movable parts are external then an inspection must be completed in accordance with 205 CMR 146.09(1) and notification of what was replaced provided to the IEB, prior to reopening the roulette wheel and table for gaming activity.

(5) A log of adjustments shall be maintained which shall include, at a minimum, the date, the roulette table number, whether an adjustment or replacement was completed and the signature of the person making the adjustment or replacement.

(6) When a roulette table is not open for gaming activity, the roulette wheel shall be secured by placing a cover over the entire wheel and securely locking such cover to the roulette table.

146.11: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections

(1) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

(2) The layout for a blackjack table shall contain, at a minimum:

(a) The name or trade name of the gaming licensee offering the game; and

(b) Specific areas designated for the placement of wagers, which betting areas shall not exceed seven in number, with the exception of the 6 to 5 blackjack variation, which shall contain no more than six betting areas.

(3) The following inscriptions shall appear on the blackjack layout:

(a) Blackjack pays 3 to 2;

(b) Dealer must draw to 16 and stand on all 17s; and

(c) Insurance pays 2 to 1.

(4) If a gaming licensee offers blackjack rule variations, the blackjack layout shall have imprinted on it, at a minimum, the following inscriptions instead of the inscriptions set forth in 205 CMR 146.10(3):

- (a) Blackjack pays 1 to 1;
- (b) Dealer must draw to 16 and stand on all 17s; and
- (c) Dealer's hole card dealt face up.

(5) Each blackjack table shall have a drop box and a tip box attached to it with the location of said boxes on the same side of the gaming table, but on opposite sides of the dealer, as previously approved by the IEB.

(6) If a gaming licensee offers one of the additional wagers authorized by 205 CMR, the blackjack layout shall have designated areas for the placement of the additional wager. If a gaming licensee offers the additional wager authorized by 205 CMR, the layout shall also have the payout odds for the additional wager imprinted thereon. If a gaming licensee offers the additional wager authorized by 205 CMR, the layout or a separate sign located at the table shall contain the payout odds for the additional wager.

(7) A blackjack table may have attached to it an approved card reader device which permits the dealer to read his or her hole card in order to determine if the dealer has a blackjack in accordance with 205 CMR. If a blackjack table has an approved card reader device attached to it, the floorperson assigned to the table shall inspect the card reader device at the beginning of each gaming day to insure that there has been no tampering with the device and that it is in proper working order. A card reader device may not be used on a blackjack table offering a progressive blackjack wager pursuant to 205 CMR.

(8) Notwithstanding the requirements of 205 CMR 146.10(2), if a gaming licensee offers multiple action blackjack in accordance with the requirements of 205 CMR, the blackjack layout shall contain, at a minimum:

- (a) Three separate designated betting areas for each player position at the table with each separate betting area being numbered one through three, provided, however, that the number of player positions at each table shall not exceed six;
- (b) A separate designated area on the layout for each player position for the placement of insurance wagers;
- (c) A separate designated area on the layout for each player position for the placement of double down wagers;
- (d) A separate designated area on the layout for each player position for the placement of split pair wagers; and
- (e) Three separate areas designated for the placement of the dealer's original face up card with each separate area being numbered one through three.

(9) In order to collect the cards at the conclusion of a round of play as required by 205 CMR and at such other times as provided in the regulations of the Commission, each blackjack table shall have a discard rack securely attached to the top of the dealer's side

of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used to play the game at that table; provided, however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used to play the game at that table. Whenever a double shoe is used at a blackjack table, the same number of decks shall be used in each side of the double shoe, and the height and marking requirements as set forth above for that table's discard rack shall be determined from the number of decks used in one side of the shoe.

(10) If a gaming licensee offers a progressive blackjack wager pursuant to 205 CMR, the blackjack layout shall be approved by the IEB. In addition, the blackjack layout shall have designated areas for the placement of the progressive blackjack wager and shall contain the following equipment:

- (a) A separate acceptor device for the placement of a progressive wager. Each acceptor device shall have a light which shall illuminate upon placement and acceptance of a gaming chip;
- (b) A method to ensure that only one progressive blackjack wager is made per person, per round of play;
- (c) A device or method to indicate that a progressive blackjack wager has been won;
- (d) A sign describing the winning wagers and the payouts to be awarded on winning progressive blackjack wagers at a location near the table;
- (e) A table controller panel which shall be equipped with a "lock-out" button which, once activated by the dealer, will prevent any player's gaming chip from being recognized in the acceptor device; and
- (f) A mechanical, electrical or electronic table inventory return device which shall permit all gaming chips deposited into the acceptor devices to be collected and immediately returned to a designated area within the table inventory container prior to the dealing of a hand. The table inventory return device shall be designed and constructed to contain any feature the IEB may require to maintain the security and integrity of the game. The procedures for the operation of all functions of the table inventory return device shall be submitted to the IEB.

(11) If a gaming licensee offers a blackjack bonus wager pursuant to 205 CMR, the blackjack layout shall have designated areas for the placement of the blackjack bonus wager, and shall contain the following equipment:

- (a) A table controller located in an area of the table or the pit which area shall be secured by dual locking mechanisms, which are unique from one another. One locking mechanism shall be maintained and controlled by a gaming establishment security supervisor, and the second locking mechanism shall be maintained and controlled by a gaming establishment supervisor;

1. One table controller shall control no more than four blackjack tables. Procedures for the operation, security and control of the table controller shall be submitted to the IEB prior to implementation;
 2. Whenever it is required that a table controller or any device connected thereto which may affect the operation of the blackjack bonus system be accessed or opened, certain information shall be recorded on a form entitled "Controller Access Authorization Log," which shall include, at a minimum, the date, time, purpose of accessing or opening the controller or device, and the signature of the authorized employee accessing or opening the machine or device. The Controller Access Authorization Log shall be maintained in the same secured location as the table controller, and shall have recorded thereon a sequential number and the manufacturer's serial number or the asset number of the controller;
 - (b) A blackjack bonus button, which shall be located at the table by the dealer, and used by each player with a winning blackjack bonus wager to generate a bonus amount to be won by that player. The blackjack bonus button shall be attached to the table in a manner that will enable the dealer to place the blackjack bonus button directly in front of each winning player;
 - (c) A blackjack bonus display, which shall be located at the table and shall display the amount of the winning blackjack bonus on both sides of the device, so that the amount is visible to all players, the dealer and supervisory personnel; and
 - (d) A sign containing the amount of the blackjack bonus wager, as well as the minimum and maximum possible blackjack bonus amounts to be awarded, pursuant to 205 CMR.
- (12) If a gaming licensee offers a streak wager pursuant to 205 CMR, the blackjack table shall also contain:
- (a) A layout which shall include, at a minimum:
 1. Four additional separate designated betting areas for each of the player positions at the table, which areas shall be numbered "2" through "5"; and
 2. The inscriptions "Two consecutive wins pays 3 to 1," "Three consecutive wins pays 7 to 1," "Four consecutive wins pays 17 to 1," and "Five consecutive wins pays 37 to 1"; and
 - (b) The following equipment:
 1. Marker buttons ("lammers") with the gaming licensee's name or logo, to indicate how many consecutive blackjack hands a patron has won. A gaming licensee may use another device or method approved by the IEB; and
 2. A sign containing the permissible amount of the streak wager, posted pursuant to 205 CMR.
- (13) If a gaming licensee offers a match-the-dealer wager pursuant to 205 CMR, the blackjack table shall contain:

- (a) A layout which shall include, at a minimum, an additional designated betting area bearing the inscription “Match-the-Dealer” at each of the player positions at the table; and
- (b) A sign approved by the IEB setting forth the payout odds for the match-the-dealer wager.

(14) If a gaming licensee offers the 6 to 5 blackjack variation:

(a) The layout shall have imprinted on it, at a minimum, the following inscriptions:

1. Blackjack pays 6 to 5;
2. Dealer must draw to 16 and soft 17; and
3. Insurance pays 2 to 1; and

(b) A notice shall be posted in accordance with 205 CMR indicating that all wagers shall be made in increments of \$5.00 as required by 205 CMR.

(15) If a gaming licensee offers the twenty point bonus wager pursuant to 205 CMR, the layout otherwise required by this section shall also include, at a minimum, an additional designated betting area for the twenty point bonus wager at each of the player positions at the table. The blackjack table shall also contain a sign setting forth the payout odds for the twenty point bonus wager.

(16) If a gaming licensee offers the option set forth in 205 CMR that requires the dealer to draw additional cards on a soft 17, the blackjack layout shall have imprinted on it, at a minimum, the following inscription instead of the inscription set forth in 205 CMR 136.10(3):

“Dealer must draw to 16 and soft 17 and stand on hard 17’s and all 18’s.”

(17) If a gaming licensee offers the optional bonus wager pursuant to 205 CMR, the layout otherwise required by this section shall include, at a minimum, an additional designated betting area for such wager at each of the player positions at the table. In addition, payout odds for the optional bonus wager shall be inscribed on the layout or posted on a sign at each such blackjack table.

(18) If a gaming licensee requires a hand fee, the approved layout otherwise required by this section shall include, at a minimum, an additional designated area at each player position for the placement of the hand fee.

(19) If a gaming licensee offers the in-between wager pursuant to 205 CMR, the layout otherwise required by this section shall also include, at a minimum, an additional designated betting area for the in-between wager at each of the player positions at the table. If not inscribed on the layout, the blackjack table shall also contain a sign setting forth the payout odds and the card rankings for the in-between wager.

146.12: Three-card Poker Table; Physical Characteristics

(1) Three-card poker shall be played at a table having betting positions for the players on one side of the table and a place for the dealer on the opposite side. Such betting positions shall not exceed nine in number depending on the size of the table.

(2) A true-to-scale rendering and color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a three-card poker table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee offering the game;
- (b) A separate designated betting area at each betting position for the placement of "ante" wagers;
- (c) A separate designated betting area located immediately in front of each ante wager betting area for the placement of "play" wagers;
- (d) A separate designated betting area located immediately behind each ante wager betting area for the placement of "pair plus" wagers;
- (e) If the gaming licensee offers the six card bonus wager authorized by 205 CMR, a separate designated betting area at each betting position for the placement of a six card bonus wager; and
- (f) Inscriptions that advise patrons, in accordance with 205 CMR, of the payout odds for ante and play wagers, pair plus wagers, six card bonus wagers and ante bonuses and that "Dealer Plays with Queen High or Better."

(3) Each three-card poker table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

146.13: Spanish 21 Table; Physical Characteristics

(1) Spanish 21 shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side.

(2) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a Spanish 21 table shall have imprinted thereon, at a minimum, the following:

- (a) The name or trade name of the gaming licensee offering the game;
- (b) A separate designated betting area at each betting position for the placement of the following wagers:
 1. The required Spanish 21 wager; and
 2. An optional match-the-dealer wager;
- (c) The following inscriptions:
 1. "Blackjack Pays 3 to 2";
 2. "Dealer Must Draw to 16 and Stand on All 17's";
 3. "Insurance Pays 2 to 1";
- (d) The payout odds for each of the wagers listed in 205 CMR; and
- (e) The payout odds for the match-the-dealer wager, unless the odds are included

in the sign required by 205 CMR 146.13(3).

- (3) A gaming licensee shall post a sign at each Spanish 21 table, which explains:
 - (a) That doubled down hands are not eligible for the additional payouts in 205 CMR;
 - (b) That doubled down hands and split hands are not eligible for the additional payouts in 205 CMR; and
 - (c) The payout odds for the match-the-dealer wager, if those payout odds are not imprinted on the layout.
- (4) Each Spanish 21 table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.
- (5) In order to collect the cards at the conclusion of a round of play as required by 205 CMR and at such other times as provided in the Commission regulations, each Spanish 21 table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table; provided, however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.
- (6) A Spanish 21 table may have attached to it, as approved, a card reader device which permits the dealer to read his or her hole card in order to determine if the dealer has a blackjack in accordance 205 CMR. If a Spanish 21 table has an approved card reader device attached to it, the floorperson assigned to the table shall inspect the card reader device at the beginning of each gaming day. The purpose of this inspection shall be to insure that there has been no tampering with the device and that it is in proper working order.

146.14: Blackjack Switch Table; Physical Characteristics

- (1) Blackjack switch shall be played at a table having betting positions for no more than five players on one side of the table and a place for the dealer on the opposite side.
- (2) The layout for a blackjack switch table shall have imprinted thereon, at a minimum, the following:
 - (a) The name or trade name of the gaming licensee offering the game;
 - (b) Two adjacent designated betting areas at each betting position for the placement of the required two initial blackjack switch wagers;
 - (c) A separate designated area on the layout at each betting position for the placement of the optional match wager;

(d) The following inscriptions, unless they are included on the sign required by 205 CMR 146.14(3):

1. "Blackjack pays 1 to 1";
2. "Insurance pays 2 to 1";
3. "Dealer must hit a soft 17"; and
4. "Dealer pushes on 22"; and

(e) The payout odds for the optional match wager, unless they are included on the sign required by 205 CMR 146.14(3).

(3) A gaming licensee shall post a sign at each blackjack switch table, which shall include:

(a) A statement that, if more than one match occurs in a player's initial four cards, the match wager will only be paid once, using the highest payoff that occurs within those cards; and

(b) The payout odds for the optional match wager, if they are not imprinted on the layout.

(4) Each blackjack switch table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

(5) In order to collect the cards at the conclusion of a round of play as required by the Commission regulations, each blackjack switch table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used in the dealing shoe at that table; provided however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used in the dealing shoe at that table.

(6) A blackjack switch table may have attached to it a card reader device which permits the dealer to read his or her hole card in order to determine if the dealer has a blackjack. If a blackjack switch table has an approved card reader device attached to it, such device shall be inspected at the beginning of each gaming day, to insure that there has been no tampering with the device and that it is in proper working order.

146.15: Craps and Mini-craps Tables; Physical Characteristics

(1) Craps and mini-craps shall be played on an oblong table with rounded corners and high walled sides. A craps table shall not be larger than 14 feet in length. A mini-craps table shall be no longer than 9 1/2 feet in length, and shall have seating locations for a maximum of nine players.

(2) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a craps or mini-craps table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee offering the game;
- (b) Specific areas designated for the placement of wagers as authorized by 205 CMR; and

(c) The words “No call bets.”

(3) Each craps and mini-craps table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

(4) In addition to the requirements of 205 CMR 146.11(2) above, if the fire bet in the game of craps is offered by a gaming licensee, the craps table shall include, at a minimum:

- (a) No more than 16 designated areas for the placement of fire bets, which areas shall be located around the perimeter of the layout, correspond to player positions at the table, and be sequentially numbered in a clockwise direction, with the area numbered “1” being located immediately to the left of the game personnel;
- (b) A designated area of the layout for the relocation and identification of all fire bets placed by players prior to the come out roll of a shooter, which area shall be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in 205 CMR 146.11(4)(a); and
- (c) The following information on the inside wall of the table, which information shall be visible to all player positions:
 - 1. The payout odds for four, five and six different (unique) points made;
 - 2. That fire bets shall only be accepted prior to a shooter’s initial come out roll; and
 - 3. The wager limitations applicable to the fire bet.

146.16: Baccarat and Mini-baccarat Tables; Physical Characteristics

(1) Baccarat-punto banco shall be played on a table having numbered places for 10 to 14 seated players.

(2) Baccarat-chemin de fer shall be played on a table having numbered places for nine to 14 seated players.

(3) Mini-baccarat shall be played at a table having on one side places for a maximum of nine seated players, and on the opposite side a place for the dealer; provided however, that unless the cards are changed after each shoe, a mini-baccarat table using the dealing procedure in 205 CMR shall have places for a maximum of six seated players. The dimensions of a mini-baccarat table shall be submitted to the IEB.

(4) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design. The layout for a baccarat or mini-baccarat table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee offering the game;
- (b) For baccarat-punto banco and mini-baccarat layouts, specific areas designated for the placement of wagers on the "Banker's Hand," "Players Hand," and "Tie Hand;"
- (c) For baccarat-chemin de fer layouts, specific areas for the placement of the wagers authorized by 205 CMR;
- (d) For baccarat-punto banco and mini-baccarat layouts, the phrase "Tie Bets pay 8 to 1;"
- (e) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish; provided, however, that the numbered areas are not required if:
 1. For baccarat, the gaming licensee offers a no vigorish variation of the game in accordance with 205 CMR;
 2. For mini-baccarat, the gaming licensee only charges vigorish in accordance with the provisions of 205 CMR or offers a no vigorish variation of the game in accordance with the provisions of 205 CMR;
- (f) An area designated for the placement of cards for the "Player's" and "Banker's" hands;
- (g) If a gaming licensee offers the optional total card wagers in the games of baccarat-punto banco and mini-baccarat;
 1. Three specific areas at each player position designated for the placement of total card wagers on a total of four cards, five cards and six cards, and identified with the numerals "4," "5," and "6," respectively, which areas shall be located between the areas designated for the placement of wagers on a "Tie Hand" and the "Banker's Hand"; and
 2. An inscription on the layout indicating the payout odds for all total card wagers;
- (h) If a gaming licensee offers the optional bonus wager authorized by 205 CMR:
 1. Two separate areas at each betting position designated for the placement of the optional bonus wager which shall be located, from the player's perspective, immediately to the right of the areas designated for the placement of wagers on the "Banker's Hand" and "Player's Hand"; and
 2. An inscription identifying the payout odds for the optional bonus wager unless the gaming licensee chooses to comply with (g) below; and
- (i) If a gaming licensee offers the no vigorish variation of baccarat-punto banco or mini-baccarat pursuant to 205 CMR, respectively:
 1. An area at each player position designated for placement of the "dragon 7" wager and inscribed with "dragon 7," which area shall be located on the right side of the area designated for the placement of a "Tie Hand" wager when viewed by the player; and

2. An inscription identifying the payout odds for the dragon 7 wager unless the gaming licensee chooses to comply with 205 CMR 146.12(8).
- (5) If marker buttons are used for the purpose of marking vigorish, these marker buttons shall be placed in the table inventory float container or in a separate rack designed for the purpose of storing marker buttons and such rack shall be placed in front of the table inventory float container during gaming activity.
- (6) Each baccarat and mini-baccarat table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.
- (7) If the payout odds are not inscribed on the layout as provided by 205 CMR 146.12(4)(h)2, a sign shall be posted at each baccarat-punto banco and mini-baccarat table offering the optional bonus wager authorized by 205 CMR listing the payout odds for the optional bonus wager.
- (8) If the payout odds are not inscribed on the layout as provided by 205 CMR 146.12(4)(h)2, a sign shall be posted at each baccarat-punto banco and mini-baccarat table offering the dragon 7 wager authorized by 205 CMR, respectively, indicating the payout odds for the dragon 7 wager.

146.17: Big Six Wheel and Layout; Physical Characteristics

- (1) Gaming at Big Six shall be conducted at a wheel circular in shape and no less than five feet in diameter. The rim of the wheel shall be divided into 54 equally spaced sections with 23 sections containing a \$1.00 bill, 15 sections containing a \$2.00 bill, eight sections containing a \$5.00 bill, four sections containing a \$10.00 bill, two sections containing a \$20.00 bill, one section containing a picture of a flag or the name or logo of the gaming licensee, and one section containing a picture of a joker, each of which sections shall be covered with transparent protective cover.
- (2) The sections required by (a) above shall be arranged clockwise around the rim of the wheel in the following order: joker, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2, \$1, flag, \$2, \$5, \$2, \$1, \$2, \$1, \$10, \$1, \$5, \$1, \$2, \$1, \$20, \$1, \$2, \$1, \$5, \$2, \$1, \$10, \$1, \$2, \$5, \$1, \$2, and \$1.
- (3) Each section of the Big Six Wheel shall also display the payout odds for the wager contained therein, pursuant to 205 CMR.
- (4) Each Big Six Wheel table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer.
- (5) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for

- a Big Six Wheel table shall have imprinted thereon, at a minimum, the following:
- (a) The name or trade name of the Gaming licensee offering the game;
 - (b) Spaces which shall be used by patrons to place their wagers, and which shall contain:
 1. Depictions of a \$1.00 bill, \$2.00 bill, \$5.00 bill, \$10.00 bill, and \$20.00 bill, or numbers representing those monetary denominations;
 2. A flag or the name or logo of the gaming licensee, as it appears on the Big Six Wheel; and
 3. A joker; and
 - (c) The payout odds for each of the permitted wagers.

146.18: Sic Bo Table; Sic Bo Shaker; Physical Characteristics

- (1) Each sic bo table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.
- (2) Each sic bo table shall have an electrical device which, when the numeric value of each die has been entered, shall cause the winning combinations to be illuminated. The sic bo table shall have an area, which depicts all permissible wagers pursuant to 205 CMR. Each combination shall have the capability to be illuminated, if it is a winning combination, after the numeric value of each die has been entered into the electrical device by the dealer.
- (3) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a sic bo table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee; and
 - (b) Specific areas designated for the placement of the wagers authorized by 205 CMR; and
 - (c) The payout odds currently being offered in accordance with 205 CMR.
- (4) Sic bo shall be played with a sealed container, to be known as a "sic bo shaker," which shall be used to shake the dice in order to arrive at the winning combinations.
 - (a) A manual sic bo shaker shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game and shall, at a minimum, adhere to the following specifications:
 1. The sic bo shaker shall have a compartment to secure the three dice required by 205 CMR and a separate cover which conceals the dice while the dealer is shaking the sic bo shaker. The compartment to secure the three dice shall be transparent and the cover which conceals the dice shall be opaque;
 2. The sic bo shaker shall have the capability of being sealed or locked in order to ensure the integrity of the dice contained therein;
 3. The sic bo shaker shall have the name or trade name of the gaming

licensee or identifying logo imprinted or impressed thereon; and

4. The sic bo shaker shall be secured to the sic bo table when the table is open for gaming activity.

- (b) An automated sic bo shaker may be used in the game of sic bo, provided that:
1. The shaker meets the requirements of 205 CMR 146.13A(4)(a), except that a separate opaque cover shall not be used; and
 2. The shaker, its location on the sic bo table and the procedures for shaking the dice are submitted to IEB.

146.19: Pai Gow Poker Table; Pai Gow Poker Shaker; Physical Characteristics; Computerized Random Number Generator

(1) Pai gow poker shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.

(2) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a pai gow poker table shall contain, at a minimum, the following:

- (a) Six separate designated betting areas for the players at the table with each area being numbered one through six;
- (b) Two separate areas located below each betting area which shall be designated for the placement of the high and second highest or low hands of that player;
- (c) If a gaming licensee offers the optional bonus wager and/or insurance wager authorized by 205 CMR:
 1. A separate area for each player, located to the right of the numbered betting areas, designated for the placement of a bonus wager by each player;
 2. A separate area for each player, located to the left of the numbered betting areas, designated for the placement of an insurance wager by each player;
 3. Notice of signage for payout odds for the bonus wager and insurance wager and payout amounts for the "envy bonus" as defined at 205 CMR; and
 4. The inscription indicating the payout limit per round of play for the bonus wager and the insurance wager established by the gaming licensee pursuant to 205 CMR or a generic inscription indicating the wagers are subject to the posted payout limit;
- (d) If the gaming licensee offers the additional wager authorized by 205 CMR, a separate area for each player, designated for the placement of that additional wager by each player, as well as the payout odds for the additional wager;
- (e) Two separate areas designated for the placement of the high and second highest or low hands of the dealer;
- (f) The name or trade name of the gaming licensee offering the game;

(g) If the gaming licensee offers the optional bonus wagers authorized by 205 CMR, separate areas for each player, designated for the placement of the three-card bonus wager and seven-card bonus wager; and

(h) If the gaming licensee offers the imperial pai gow bonus wager authorized by 205 CMR:

1. A separate area for each player, located to the right of the area for the placement of a player's pai gow wager, designated for the placement of the imperial pai gow bonus wager; and
2. An inscription or notice of signage, as approved by the Commission, for payout odds for both the "player hand bonus" and "banker hand bonus" as defined in 205 CMR.

(3) If a gaming licensee offers the optional bonus wager and/or the insurance wager authorized by 205 CMR or the optional bonus wager authorized by 205 CMR, a sign shall be posted at each pai gow poker table offering any of these wagers that explains the following:

- (a) For the optional bonus wager and the insurance wager authorized by 205 CMR, the details of the payout limit established pursuant to 205 CMR and, if a generic inscription is used pursuant to 205 CMR 146, established payout limit; or
- (b) For the optional wagers authorized by 205 CMR, the payout odds for each bonus wager.

(4) Each pai gow poker table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

(5) Pursuant to 205 CMR, pai gow poker may be played with a container, to be known as a "pai gow shaker," which shall be used to shake three dice before each hand of pai gow poker is dealt in order to determine the starting position for the dealing or delivery of the cards. The pai gow shaker shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game and shall, at a minimum, adhere to the following specifications:

- (a) The pai gow poker shaker shall be capable of housing three dice and shall be designed so as to prevent the dice from being seen while the dealer is shaking it; and
- (b) The pai gow poker shaker shall have the name or identifying logo of the gaming licensee imprinted or impressed thereon.

(6) As an alternative to using the shaker and dice described in 205 CMR 146 a gaming licensee may, unless the gaming licensee offers the optional bonus wagers authorized by 205 CMR, determine the starting position for the dealing or delivery of the cards in pai gow poker by utilizing a computerized random number generator that automatically selects and displays a number from 1 through 7 inclusive. Any computerized random number generator proposed for use by a gaming licensee shall be approved by the Commission.

(7) If a gaming licensee offers a progressive payout wager pursuant to 205 CMR, the pai gow poker table shall include the following features:

- (a) A separate acceptor device mounted for the placement of the progressive wager, which acceptor device shall have a light that illuminates upon the insertion and acceptance of a gaming chip;
- (b) A sign describing each winning progressive payout wager and the payout to be awarded therefore;
- (c) A table controller panel located in an area of the table as approved by the IEB and which shall be equipped with a "lock-out" button that, once activated by the dealer as set forth in 205 CMR, shall prevent any player from depositing a gaming chip in the acceptor device; and
- (d) A mechanical, electrical or electronic table inventory return device which shall permit all gaming chips deposited into the acceptor device referenced in 205 CMR 146.13(7)(a) to be collected and immediately returned to a designated area within the table inventory container prior to the dealing of a hand. The table inventory return device shall be designed and constructed to contain any feature the may require to maintain the security and integrity of the game. The procedures for the operation of all functions of the table inventory return device shall be submitted to Commission.

(8) If a gaming licensee offers the dragon's eye variation of pai gow poker pursuant to 205 CMR, in addition to the requirements set forth in 205 CMR 146, the layout shall include six separate betting areas at each player position for the placement of the following six optional wagers:

- (a) An even wager;
- (b) An odd wager;
- (c) A match wager;
- (d) A double wager;
- (e) A triple wager; and
- (f) A dice bonus wager.

(9) If a gaming licensee offers the "dealer queen's dragon" wager, "dynasty bonus" wager, "protection" wager, and the "red/black" wager authorized by 205 CMR then the following shall apply:

- (a) A separate area for each player, located above the numbered betting areas, designated "queen's dragon" for the placement of the "dealer queen's dragon" wager.
- (b) A separate area for each player, located to the right of the numbered betting areas, designated "dynasty bonus" for the placement of the "dynasty bonus" wager.
- (c) A separate area for each player, located to the left of the numbered betting areas, designated "P" for the placement of the "protection" wager.

- (d) Two separate areas for each player, one located to the right of the "queen's dragon" betting area and colored red and the other located to the left of the "queen's dragon" betting area and colored black, for the placement of the "red/black" wager.
- (e) Notice of signage, as approved by the IEB, providing the payout odds for the "dealer queen's dragon" wager, "dynasty bonus" wager, "protection" wager, "red/black" wager, and payout amounts for the "envy bonus" as defined in 205 CMR .
- (f) Inscriptions indicating the aggregate payout limit per round of play for the "dealer queen's dragon" wager, the "dynasty bonus" wager, the "protection" wager, and the "red/black" wager established by the gaming licensee pursuant to 205 CMR or a generic inscription indicating the wagers are subject to the posted payout limit.

146.20: Pai Gow Table; Pai Gow Shaker; Physical Characteristics

- (1) Pai gow shall be played at a table having on one side places for the players and on the opposite side a place for the dealer.
- (2) A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design. The layout for a pai gow table shall contain, at a minimum, the following:
 - (a) Six separate designated betting areas for the players at the table with each area being numbered one through six;
 - (b) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the "dead hand"; and
 - (c) The name or trade name of the gaming licensee offering the game.
- (3) Each pai gow table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.
- (4) Pai gow shall be played with a container, to be known as a "pai gow shaker," which shall be used to shake three dice before each hand of pai gow is dealt in order to determine the starting position for the dealing of the pai gow tiles. The pai gow shaker shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game and shall, at a minimum, adhere to the following specifications:
 - (a) The pai gow shaker shall be capable of housing three dice and shall be designed so as to prevent the dice from being seen while the dealer is shaking it; and
 - (b) The pai gow shaker shall have the name or identifying logo of the gaming licensee imprinted or impressed thereon.
- (5) If a gaming licensee offers the dragon's eye variation of pai gow pursuant to 205 CMR, in addition to the requirements set forth in 205 CMR 146 the layout shall include:

- (a) Five separate betting areas at each player position for the placement of the following five optional wagers:
 - 1. An even wager;
 - 2. An odd wager;
 - 3. A match wager;
 - 4. A double wager; and
 - 5. A triple wager; and
- (b) A separate location to the left of dealer's table inventory container with six areas for the dealer's placement of player dice bonus wagers, which areas are designated with the numeric player position at the table.

146.21 RESERVED

146.22: Poker Table; Physical Characteristics

- (1) Poker shall be played on a table which is oval in shape and which has places for up to 11 players and a dealer. Each poker table shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee offering the game; and
 - (b) A designated holding area located to the right of the dealer for the collection of the rake prior to final placement of the rake in the table inventory container.
- (3) Each poker table shall have a designated area for the placement of at least one deck of cards. This area may be part of the table inventory container.
- (4) Each poker table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the IEB.
- (5) If a gaming licensee offers a bad beat payout at a designated poker table, a transparent locked box or container shall be attached to the table on the same side as the drop box and shall be used to hold the pot contributions that fund the bad beat payout.

146.23: Double Down Stud Table; Physical Characteristics

- (1) Double down stud shall be played on a table having seven places on one side for the players, and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

- (2) The layout for a double down stud table contain, at a minimum:
 - (a) The name or trade name of the gaming licensee offering the game;
 - (b) Seven separate designated betting areas for the placement of wagers by the players;
 - (c) A separate designated area located below each betting area for the placement of double down wagers; and
 - (d) A separate designated area located directly in front of the table inventory container for the placement of the dealer's common cards.
- (3) The following inscription shall be conspicuously printed on each double down stud layout: "Payout Limit of \$100,000 Per Hand." A gaming licensee shall post a sign at each double down stud table explaining the details and the ramifications of this payout limit.
- (4) Each double down stud table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.24: Caribbean Stud Poker Table; Physical Characteristics

- (1) Caribbean stud poker shall be played on a table having betting positions for six or seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.
- (2) The layout for a Caribbean stud poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) A separate designated betting area at each betting position for the placement of "ante" wagers;
 - (c) A separate designated betting area located immediately behind each ante betting area for the placement of "bet" wagers; and
 - (d) The inscriptions "Payout Limit of \$5,000 per Hand on Bet Wagers" and "Bet Wager Void Unless Dealer has Ace/King or Better."
- (3) A sign shall be posted at each Caribbean stud poker table that explains, the details of the \$5,000 payout limit authorized by 205 CMR.
- (4) Each Caribbean stud poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.
- (5) Each Caribbean stud poker table shall also have an approved table game progressive payout wager system for the placement of progressive wagers. A table game progressive payout wager system shall include, without limitation:

- (a) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager;
- (b) A control device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a “lock-out” button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “No more bets”;
- (c) One or more devices that meet the requirements of the Commission regulations for progressive wagers and payouts at table games;
- (d) Any other equipment or device that contributes to the efficient operation or integrity of the game; and
- (e) Written procedures for the operation and use of the system and its components.

146.25: Let It Ride Poker Table; Physical Characteristics

- (1) Let it ride poker shall be played on a table having betting positions for seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a let it ride poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) Three separate designated betting areas at each betting position for the placement of wagers in accordance with 205 CMR;
 - (c) A separate designated area at each betting position for the placement of the cards of each player;
 - (d) A separate designated area located directly in front of the table inventory container for the placement of the community cards;
 - (e) The payout odds for all authorized wagers, including the let it ride bonus wager authorized by 205 CMR and the three-card bonus wager authorized by 205 CMR, if the gaming licensee offers either optional wager;
 - (f) The inscription indicating the payout limit per hand established by the gaming licensee pursuant to 205 CMR or a generic inscription indicating the game is subject to the posted payout limit; and
 - (g) If a gaming licensee offers the optional three-card bonus wager authorized by 205 CMR, a separate designated area at each betting position for the placement of the three-card bonus wager.
- (3) A sign shall be posted at each let it ride poker table that explains the details of the payout limit established pursuant to 205 CMR and if a generic inscription is used pursuant to (b) above, the sign shall also contain the established payout limit.
- (4) Each let it ride poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

(5) If a gaming licensee offers the let it ride bonus wager authorized by 205 CMR, the let it ride poker table shall also include the following equipment or devices, which shall be submitted to and approved by the IEB, together with the procedures for their operation and use:

- (a) A wagering device at each betting position that acknowledges or accepts the placement of the let it ride bonus wager;
- (b) A control device that controls or monitors the placement of let it ride bonus wagers at the gaming table, including a mechanism that prevents the recognition of any let it ride bonus wager that a player attempts to place after the dealer has announced "No more bets"; and
- (c) Any other equipment or device that contributes to the efficient operation or integrity of the game.

146.26: Mini-dice Table; Mini-dice Dice Shaker; Physical Characteristics

(1) Mini-dice shall be played on a table having betting positions for six or seven players on one side and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.

(2) The layout for a mini-dice table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee offering the game;
- (b) A separate designated betting area at each betting position for the placement of the following wagers:
 - 1. Any 7;
 - 2. Over 7;
 - 3. Under 7; and
 - 4. Individual "place" wagers of 4, 5, 6, 8, 9, and 10;
- (c) A separate betting area, known as "the field," located directly in front of the dealer for the placement of field wagers of 2, 3, 4, 9, 10, 11, and 12; and
- (d) The payout odds for all authorized wagers.

(3) Each mini-dice table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

(4) Mini-dice shall be played with a sealed container, known as a "mini-dice shaker," which shall be used to shake the dice in order to arrive at the winning combinations. The shaker shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game, and, at a minimum, shall:

- (a) Have a transparent compartment to secure the two dice required by 205 CMR, and a separate opaque cover that conceals the dice while the dealer or player is shaking the shaker;
- (b) Have the capability of being sealed or locked to ensure the integrity of the

dice contained therein; and

(c) Have the name or trade name of the gaming licensee or its identifying logo imprinted or impressed thereon.

146.27: Fast Action Hold 'em Table; Physical Characteristics

(1) Fast action hold 'em shall be played at a table having betting positions for the players on one side of the table and a place for the dealer on the opposite side. Such betting positions shall not exceed nine in number depending on the size of the table. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.

(2) The cloth covering the fast action hold 'em table (the layout) shall have imprinted thereon, at a minimum, the following:

- (a) The name or trade name of the gaming licensee;
- (b) A separate designated betting area at each betting position;
- (c) A separate area located immediately to the right of each betting area designated for the placement of cards to be discarded by a player pursuant to 205 CMR;
- (d) Five separate areas aligned in a row in the center of the layout for placement of the five community cards; and
- (e) An inscription indicating that a "natural" pays five to one.

(3) Each fast action hold 'em table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

146.28: Casino War Table; Physical Characteristics

(1) Casino war shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.

(2) The layout for a Casino war table shall have imprinted thereon, at a minimum, the following:

- (a) The name or trade name of the gaming licensee;
- (b) A separate designated betting area at each betting position for the placement of initial and war wagers;
- (c) A separate designated betting area for the placement of tie wagers; and
- (d) The payout odds for a tie wager and war wager.

(3) Each Casino war table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

146.29: Colorado Hold 'em Poker Table; Physical Characteristics

- (1) Colorado hold 'em poker shall be played at a table having betting positions for six or seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.
- (2) The cloth covering the Colorado hold 'em poker table (the layout) shall have imprinted thereon, at a minimum, the following:
 - (a) The name or trade name of the gaming licensee;
 - (b) A separate designated betting area at each betting position for ante and bet wagers, and if a gaming licensee offers a bonus wager pursuant to 205 CMR, a separate designated betting area for the bonus wager;
 - (c) A separate area located immediately to the left of each betting area designated for the placement of the card to be discarded by a player pursuant to 205 CMR or;
 - (d) Three separate areas aligned in a row in the center of the layout for placement of the three community cards; and
 - (e) The payout odds for all winning authorized wagers, including an "immediate winner" as defined at 205 CMR.
- (3) Each Colorado hold 'em poker table shall have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

146.30: Boston 5 Stud Poker Table; Physical Characteristics

- (1) Boston 5 stud poker shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.
- (2) The layout for a Boston 5 stud poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) A separate designated betting area at each betting position for the placement of ante wagers;
 - (c) A separate designated area shall be located immediately to the right of each ante betting area for the placement of first wagers;
 - (d) A separate designated area shall be located immediately to the right of each first wager betting area for the placement of second wagers;
 - (e) A separate designated area shall be located immediately above each ante betting area for the placement of optional bonus wagers; and
 - (f) Notice of signage for payout odds for all authorized wagers.
- (3) A sign shall be posted at each Boston 5 stud poker table that lists the payout odds for all authorized wagers.

(4) Each Boston 5 stud poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.31: Double Cross Poker Table; Physical Characteristics

(1) Double cross poker shall be played on a table having positions for seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

(2) The layout for a double cross poker table shall contain at a minimum:

- (a) The name or trade name of the gaming licensee;
- (b) A separate designated betting area at each betting position for the placement of the ante wager;
- (c) Four separate designated betting areas at each betting position for the placement of raise wagers, with one raise wager area located to the left of the ante betting area, one raise wager area located to the right of the ante betting area, one raise wager area located above the ante betting area and one raise wager area located below the ante betting area, so that the ante betting area and the four raise wager areas, when viewed from above, form the shape of a cross;
- (d) A separate designated area at each betting position for the placement of a three-card wager, located to the right of the designated areas for the placement of ante and raise wagers;
- (e) A separate designated area, located between the table inventory container and the player betting areas on the right hand side of the dealer, for the placement of the five community cards in the same type of cross formation created by the five wager areas described in (b)2 and 3 above;
- (f) A separate designated area, located between the table inventory container and the player betting areas on the left hand side of the dealer, for the placement of the dealer's two cards; and
- (g) An inscription identifying the payout odds for all authorized wagers or the sign required in (c) below.

(3) If the payout odds are not inscribed on the layout as provided in (b)7 above, a sign identifying the payout odds for all authorized wagers shall be posted at each double cross poker table.

(4) Each double cross poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.32: Double Attack Blackjack Table; Physical Characteristics

(1) Double attack blackjack shall be played on a table having positions for six or seven

players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB office, prior to utilizing the layout design.

- (2) The layout for a double attack blackjack table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee; and
 - (b) Separate designated betting areas at each betting position for the placement of the initial wager, the double attack wager, and the optional bonus wager.
- (3) The following inscriptions shall appear on the double attack blackjack layout:
 - (a) Blackjack pays 1 to 1;
 - (b) Dealer must draw to 16, and stand on all 17's; and
 - (c) Insurance pays 5 to 2.
- (4) Payout odds for the optional bonus wager authorized by 205 CMR shall be inscribed on the layout or posted on a sign at each double attack blackjack table.
- (5) Each double attack blackjack table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.33: Four-Card Poker Table; Physical Characteristics

- (1) Four-card poker shall be played on a table having positions for no more than seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a four-card poker table shall contain at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) Separate designated betting areas at each betting position for the placement of the ante wager and the play wager;
 - (c) Separate designated betting areas at each betting position for the placement of the aces up wager; and
 - (d) An inscription identifying the payout odds for all authorized wagers or the sign required in 205 CMR 146.
- (3) If payout odds are not inscribed on the layout as provided in 205 CMR 146 a sign identifying the payout odds for all authorized wagers shall be posted at each four-card poker table.
- (4) Each four-card poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.34: Texas Hold 'em Bonus Poker Table; Physical Characteristics

- (1) Texas hold 'em bonus poker shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a Texas hold 'em bonus poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) A separate designated betting area at each player position for the placement of ante wagers;
 - (c) Three separate designated areas at each player position for the placement of flop, turn and river wagers, which areas shall be located immediately above the ante betting area as viewed by a player;
 - (d) A separate designated area at each player position for the placement of an optional bonus wager, which area shall be located immediately above and to the right of the flop wager betting area as viewed by a player;
 - (e) A separate designated area for the placement of the five community cards, which area shall be located in the center of the table between the table inventory container and the player betting areas;
 - (f) A separate designated area for the placement of the dealer's two cards, which area shall be located between the table inventory container and the designated area for the community cards described in 205 CMR 146.34(2)(e); and
 - (g) An inscription indicating that an ante wager shall receive a payout if a winning hand has a qualifying rank, as elected by the gaming licensee, of straight or higher or flush or higher.
- (3) A sign that lists the payout odds for all authorized wagers shall be posted at each Texas hold 'em bonus poker table.
- (4) Each Texas hold 'em bonus poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.35: Flop Poker Table; Physical Characteristics

- (1) Flop poker shall be played on a table having positions for nine players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a flop poker table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) Three separate designated betting areas at each player position for the placement of ante, pot and flop wagers, with the pot wager area closer to the dealer than the ante and flop wager areas;

- (c) An arc extending across all player positions with the areas designated for players' pot wagers on the side of the arc closer to the dealer and with the areas designated for players' ante and flop wagers on the side of the arc farther from the dealer;
 - (d) A designated area at each player position for the placement of player cards located between the designated areas for the placement of the ante wager and the flop wager;
 - (e) A designated area at the center of the gaming table for the placement of the three community cards;
 - (f) A designated area at the center of the gaming table for the placement of collected pot wagers, which area shall be located farther from the dealer than the designated area described in (b)5 above; and
 - (g) Unless the gaming licensee complies with 205 CMR 146.13R(3), an inscription listing the payout odds for ante and flop wagers and indicating that the highest ranking hand wins all pot wagers.
- (3) If the information required by 205 CMR 146 is not inscribed on the layout, a sign shall be posted at each flop poker table that lists the payout odds for ante and flop wagers and indicating that the highest ranking hand wins all pot wagers.
- (4) Each flop poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer.
- (5) In addition to the requirements of 205 CMR 13R(2), if a gaming licensee offers the three-card bonus wager, the flop poker table shall include a designated betting area at each player position for the placement of the three-card bonus wager. The flop poker table shall also contain a sign setting forth the payout odds for the three-card bonus wager.

146.36: Two-Card Joker Poker Table; Physical Characteristics

- (1) Two-card joker poker shall be played on a table having positions for no more than seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a two-card joker poker table shall contain, at a minimum:
- (a) The name or trade name of the gaming licensee;
 - (b) Four separate designated betting areas at each player position for the placement of the ante wager, call wager, pair up wager and super flush bonus wager;
 - (c) An inscription identifying the payout odds for all authorized wagers unless the gaming licensee chooses to comply with 205 CMR 146 and

- (d) An inscription indicating that a joker may only be used to complete a pair unless the gaming licensee chooses to comply with 205 CMR 146.
- (3) If the payout odds are not inscribed on the layout as provided in 205 CMR 146 a sign identifying the payout odds for all authorized wagers shall be posted at each two-card joker poker table.
- (4) If the layout is not inscribed with the information described in 205 CMR 146 a sign shall be posted at each two-card joker poker table indicating that a joker may only be used to complete a pair.
- (5) Each two-card joker poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.37: Asia Poker Table; Asia Poker Shaker; Physical Characteristics; Computerized Random Number Generator

- (1) Asia poker shall be played at a table having places for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for an Asia poker table shall contain, at a minimum, the following:
 - (a) The name or trade name of the gaming licensee;
 - (b) Six separate designated betting areas for the players at the table with each area being numbered one through six;
 - (c) Three separate areas located below each betting area, which shall be designated for the placement of the high, medium and low hands of that player and configured with the high hand area farthest from the betting area, the low hand area closest to the betting area, and the medium hand area arrayed between the high hand area and the low hand area; and
 - (d) Three separate areas located in front of the table inventory container designated for the placement of the high, medium and low hands of the dealer and configured with the dealer's high hand area closest to the dealer, the dealer's low hand area farthest from the dealer, and the dealer's medium hand area arrayed between the dealer's high hand area and the dealer's low hand area.
- (3) Each Asia poker table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of the dealer.
- (4) Pursuant to 205 CMR, Asia poker may be played with a container, to be known as an "Asia poker shaker," which shall be used to shake three dice before each hand of Asia poker is dealt in order to determine the starting position for the dealing or delivery of the cards. The Asia poker shaker shall be designed and constructed to contain any feature the

IEB may require to maintain the integrity of the game and shall, at a minimum, adhere to the following specifications:

- (a) The Asia poker shaker shall be capable of housing three dice and shall be designed so as to prevent the dice from being seen while the dealer is shaking it; and
- (b) The Asia poker shaker shall have the name or identifying logo of the gaming licensee imprinted or impressed thereon.

(5) As an alternative to using the shaker and dice described 205 CMR 146, a gaming licensee may determine the starting position for the dealing or delivery of the cards in Asia poker by utilizing a computerized random number generator that automatically selects and displays a number from 1 through 7 inclusive. Any computerized random number generator proposed for use by a gaming licensee shall be approved by the IEB.

146.38: Ultimate Texas Hold ‘em Table; Physical Characteristics

(1) Ultimate Texas hold ‘em shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

(2) The layout for a ultimate Texas hold ‘em table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee;
- (b) Four separate designated betting areas at each player position for the placement of ante, blind, play and trips wagers, configured with the trips wager area closest to the dealer, the play wager area farthest from the dealer, the ante wager area arrayed between the trips wager area and the play wager area, and the blind wager area to the right of and separated from the ante wager area by an “=” symbol;
- (c) A separate designated area for the placement of the five community cards, which area shall be located in the center of the table between the table inventory container and the player betting areas;
- (d) A separate designated area for the placement of the dealer’s two cards, which area shall be located between the table inventory container and the designated area for the community cards described in 205 CMR 146;
- (e) An inscription indicating that an ante wager shall push if the dealer has less than a pair; and
- (f) Unless the gaming licensee complies 205 CMR 146 an inscription at each player position describing the following:
 - 1. The payout odds for blind and trips wagers;
 - 2. That a blind wager shall not be paid unless the player’s hand ranks higher than the dealer’s hand; and
 - 3. The rules governing the required amount of a play wager as a multiple of the player’s ante wager (three or four times the ante if made prior to any

community cards being dealt; two times the ante if made after the flop is dealt but prior to the final two community cards being dealt; or equal to the ante if made after all community cards are dealt but prior to the dealer's cards being revealed).

(3) If the information required by 205 CMR 146 is not inscribed on the layout, a sign shall be posted at each ultimate Texas hold 'em table that sets forth such information.

(4) Each ultimate Texas hold 'em table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.39: Winner's Pot Poker Table; Physical Characteristics

(1) Winner's pot poker shall be played on a table having positions for no more than seven players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

(2) The layout for a winner's pot poker table shall contain, at a minimum:

- (a) The name or trade name of the gaming licensee;
- (b) Four separate designated betting areas at each player position for the placement of ante, bet, double and jacks plus bonus wagers, configured in an array so that the jacks plus bonus wager area is closest to the dealer, the double wager area is second closest to the dealer, the bet wager area is third closest to the dealer, and the ante wager area is farthest from the dealer;
- (c) Three separate designated betting areas for the placement of the ante, bet and double wagers of the dealer, configured in an array in front of the dealer so that the double wager area is closest to the dealer, the bet wager area is the second closest to the dealer, and the ante wager area is farthest from the dealer;
- (d) A designated area at each player position for the placement of the face up cards of the player, which area shall be located to the left of and adjacent to the wagering areas of the player;
- (e) A designated area at the center of the gaming table for the placement of the face up cards of the dealer;
- (f) A designated area at the center of the gaming table for the placement of the collected wagers comprising the winner's pot; and
- (g) Unless the gaming licensee complies with 205 CMR 146, inscriptions:
 - 1. Listing the payout odds for the jacks plus bonus wager; and
 - 2. Indicating that the winner's pot shall be awarded to the highest ranking hand of a player or the dealer.

(3) If the information required by 205 CMR 146 is not inscribed on the layout, a sign shall be posted at each winner's pot poker table that lists the payout odds for the jacks plus bonus wager and indicates that the winner's pot shall be awarded to the highest

ranking hand of a player or the dealer. In addition, a sign shall be posted at each winner's pot poker table indicating that:

- (a) The ante wager of a player who folds after the first three cards are dealt does not increment the winner's pot and is placed in the table inventory container;
- (b) The percentage or, if applicable, the dollar amount of the commission that shall be deducted from the winner's pot and placed in the table inventory container; and
- (c) The outcome of a jacks plus bonus wager of a player who has folded his or her hand shall be determined on the cards dealt to the player prior to folding.

(4) Each winner's pot poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.

146.40: Supreme Pai Gow Table; Pai Gow Poker Shaker; Physical Characteristics; Computerized Random Number Generator

(1) Supreme pai gow shall be played at a table having places for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.

(2) The layout for a supreme pai gow table shall contain, at a minimum, the following:

- (a) The name or trade name of the gaming licensee;
- (b) Six separate designated betting areas for the players at the table for placement of the supreme pai gow wager with each area being numbered one through six;
- (c) Two separate areas located below each betting area which shall be designated for the placement of the high and low hands of that player and configured with the high hand area farther from the betting area;
- (d) Two separate areas located in front of the table inventory container designated for the placement of the high and low hands of the dealer and configured with the dealer's high hand closer to the dealer; and
- (e) A separate designated area at each player position for placement of the bonus wager, which area shall be located immediately above and to the right of the supreme pai gow wagering area as viewed by the player.

(3) Each supreme pai gow table shall have a drop box and tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer.

(4) Pursuant to 205 CMR, supreme pai gow may be played with a container, to be known as a "pai gow shaker," which shall be used to shake three dice before each hand of supreme pai gow is dealt in order to determine the starting position for the dealing or delivery of the cards. The pai gow shaker shall be designed and constructed to contain any feature the IEB may require to maintain the integrity of the game and shall, at a minimum, adhere to the following specifications:

- (a) The pai gow shaker shall be capable of housing three dice and shall be designed so as to prevent the dice from being seen while the dealer is shaking it; and
- (b) The pai gow shaker shall have the name or identifying logo of the gaming licensee imprinted or impressed thereon.

(5) As an alternative to using the shaker and dice described in 205 CMR 146, a gaming licensee may determine the starting position for the dealing or delivery of the cards in supreme pai gow by utilizing a computerized random number generator that automatically selects and displays a number from 1 through 7 inclusive. Any computerized random number generator proposed for use by a gaming licensee shall be approved by the Commission.

146.41: Mississippi Stud; Physical Characteristics

- (1) Mississippi stud shall be played on a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB, prior to utilizing the layout design.
- (2) The layout for a Mississippi stud table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee;
 - (b) A separate designated betting area at each betting position for the placement of the ante wager;
 - (c) Three separate designated betting areas at each betting position for the placement of the 3rd street, 4th street and 5th street wagers, which areas shall be located closer to the player than the ante wager betting area and, when viewed by the player, arrayed from left to right;
 - (d) Inscriptions at each betting position providing that:
 - 1. All bet wagers shall be in an amount equal to one, two or three times the amount of the player's ante; and
 - 2. The payout odds for all authorized wagers; and
 - 3. Three separate designated areas in front of the dealer for the placement of the community cards, with one area inscribed "3rd street," a second area inscribed "4th street," and a third area inscribed "5th street."
- (3) Each Mississippi stud table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer.

146.42: Red Dog Table; Physical Characteristics

- (1) Red dog shall be played at a table having on one side places for no more than seven players and on the opposite side a place for the dealer. A true-to-scale rendering and a color photograph of the layout(s) referenced in this section shall be submitted to the IEB,

prior to utilizing the layout design.

- (2) The layout for a red dog table shall contain, at a minimum:
 - (a) The name or trade name of the gaming licensee offering the game;
 - (b) Two separate designated betting areas for each player, clearly marked to distinguish between the original wager and the raise wager, and situated so that the betting area for the raise wager is closer to the player than the betting area for the original wager;
 - (c) An area designated for the placement of the first, second and third card; and
 - (d) The payout odds currently being offered in accordance with 205 CMR.
- (3) Each red dog table shall have a drop box and a tip box attached to it with the location of said boxes on the same side of the gaming table but on opposite sides of the dealer.

146.43: Dice: Physical Characteristics

- (1) Except as otherwise provided in 205 CMR 146.15(2), each die used in gaming shall:
 - (a) Be formed in the shape of a perfect cube and of a size no smaller than 0.750 of an inch on each side nor any larger than 0.775 of an inch on each side;
 - (b) Be transparent and made exclusively of cellulose except for the spots, name or trade name of the gaming licensee and serial number or letters contained thereon;
 - (c) Have the surface of each of its sides perfectly flat and the spots contained in each side perfectly flush with the area surrounding them;
 - (d) Have all edges and corners perfectly square and forming perfect 90 degree angles;
 - (e) Have the texture and finish of each side exactly identical to the texture and finish of all other sides;
 - (f) Have its weight equally distributed throughout the cube and no side of the cube heavier or lighter than any other side of the cube;
 - (g) Have its six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die;
 - (h) Have spots arranged so that the side containing one spot is directly opposite the side containing six spots, the side containing two spots is directly opposite the side containing five spots and the side containing three spots is directly opposite the side containing four spots; each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube, and shall extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of .0004 of an inch; and
 - (i) Have imprinted or impressed thereon the name or trade name of the gaming licensee in which the die is being used.

(2) Each die used in gaming at pai gow, pai gow poker, supreme pai gow or Asia poker shall comply with the requirements 205 CMR 146.15(1) except as follows:

- (a) Each die shall be formed in the shape of a perfect cube and of a size no smaller than .637 of an inch on each side nor any larger than .643 of an inch on each side;
- (b) Instead of the name of the gaming licensee, a gaming licensee may, with the approval of the IEB, have an identifying mark or logo imprinted or impressed on each die; and
- (c) The spots on each die do not have to be equal in diameter.

(3) Each die used in gaming at mini-dice shall comply with the requirements of 205 CMR 146.15(1) or (2).

146.44: Dice: Receipt, Storage, Inspections, and Removal From Use

(1) When boxes of dice are received for use by the gaming licensee from the manufacturer or distributor thereof, at least two individuals, one of whom shall be from the games department and the other from the security department or accounting department, shall record on an inventory log as required in 205 CMR 146.44(2), the number of dice received. The individuals shall place boxes of dice in a locked cabinet in the cashiers' cage or within a primary or other secure storage area approved by the IEB. Secure storage areas shall be used for the storage of surplus dice. Dice maintained in secure storage areas shall not be distributed to gaming pits or tables for use in gaming until the dice have been moved to a primary storage area.

(2) The gaming licensee shall maintain a log for each approved storage area, to separately account for dice in accordance with an inventory system. The inventory system shall include the following:

- (a) A dice inventory system, which shall include, at a minimum, the recordation of the following:
 - 1. Balance of dice on hand and their location;
 - 2. Dice received from the vendor;
 - 3. Dice removed from storage;
 - 4. Dice returned to storage;
 - 5. Date of:
 - a. Receipt from vendor;
 - b. Removal from storage;
 - c. Return to storage; and
 - d. Physical inventory of dice.
 - 6. Signatures of the games department and security and/or accounting department representatives participating in the procedure;
 - 7. A reconciliation, on a daily basis, of the dice distributed, destroyed, and cancelled; returned to the storage area; in use on an open gaming table for more than 24 hours; and in dice reserve, if any; and

8. A physical inventory of the dice at least once every three months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of dice on hand as required in accordance with 205 CMR 146.44(2). Any discrepancies shall immediately be reported to the IEB.

(3) All approved storage areas and pit stands used to store dice for more than one gaming day, other than the cashiers' cage, shall have two separate locks. The security department shall maintain one key and the games department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the games department below the table games shift manager in the organization hierarchy shall have access to the games department key. Dice stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by a table games shift manager or games supervisor thereof.

(4) When removing dice from the primary storage area, a representative of the games department, in the presence of a security officer, shall remove the appropriate number of dice. The representative of the games department may be the table games shift manager or a games supervisor thereof, or an employee of the games department who reports directly to the shift manager, but shall in any event be licensed as a key gaming employee and shall have no direct supervisory responsibilities over the operation and conduct of the table games in a pit during that gaming day. This individual shall distribute sufficient dice to the table games supervisor. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the table games supervisor or supervisor thereof. If dice are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department. The security lock on the pit stand shall be used whenever the pit is closed.

(5) All envelopes and containers used in this section for dice pre-inspected at the pit stand or in a primary storage area and for those collected by security shall be transparent. The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(6) All dice shall be inspected and distributed to the gaming tables in accordance with one of the following applicable alternatives:

(a) Alternative No. 1: Distribution to and inspection at craps, mini-craps, mini-dice, or sic bo tables shall be as follows:

1. The table games shift manager or games supervisor thereof and the security officer who removed the dice from the primary storage area shall distribute sufficient dice directly to the games supervisor in each pit, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of the games supervisor or a supervisor thereof;

2. Immediately upon opening a table for gaming, the games supervisor shall distribute a set of dice to the table. At the time of receipt, a boxperson at each craps table and the floorperson at each sic bo, mini-dice, mini-craps table, in order to ensure that the dice are in a condition to assure fair play and otherwise conform to M.G.L. c. 23K and 205 CMR 146.15, shall, in the presence of the dealer, inspect the dice given to him or her with a micrometer or any other approved instrument that performs the same function, a balancing caliper, a steel set square, and a magnet, which instruments shall be kept in a compartment at each craps table or pit stand and shall be at all times readily available for inspection and use by the IEB;

3. Following the inspection in 205 CMR 146.44(2):

- a. For craps, the boxperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming, and while the dice are at the table, they shall never be left unattended;
- b. For mini-craps, the floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming, and while the dice are at the table, they shall never be left unattended; and
- c. For sic bo and mini-dice, the floorperson shall, in the presence of the dealer, place the required number of dice into the shaker and seal or lock the shaker. For sic bo, the floorperson shall then secure the sic bo shaker to the table in the presence of the dealer who observed the inspection. For mini-dice, the floorperson shall then give the sealed mini-dice shaker to the dealer, who shall be primarily responsible for the security of the shaker at all times while the shaker is available for use at the table; and
- d. The games supervisor shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the key to which shall be in the possession of the games supervisor or a supervisor thereof. No dice taken from this reserve shall be used for actual gaming until and unless inspected in accordance with 205 CMR 146.44(2).

(b) Alternative No. 2: Distribution to and inspection at the pit stand shall be as follows:

1. The table games shift manager or supervisor thereof and the security officer who removed the dice from the primary storage area shall distribute the dice directly to the games supervisor identified, who will perform the inspection in each pit.
2. The inspection of the dice at the pit stand shall be performed by:
 - a. For craps and mini-craps, a boxperson or floorperson in the presence of another boxperson or floorperson, both of whom are

assigned the responsibility of supervising the operation and conduct of a craps game; and

b. For sic bo, mini-dice, pai gow, pai gow poker, supreme pai gow, or asia poker, a floorperson, in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of such games.

3. To ensure that the dice are in a condition to assure fair play and otherwise conform to M.G.L. c. 23K and 205 CMR, the dice shall be inspected with a micrometer or any other approved instrument that performs the same function, a balancing caliper, a steel set square, and a magnet, which instruments shall be kept at the pit stand and shall be at all times readily available for inspection and use by the IEB. The inspection shall be performed on a flat surface, which allows the dice inspection to be observed through closed circuit television cameras and by any persons in the immediate vicinity of the pit stand.

4. After completion of the inspection, the dice shall be distributed as follows:

a. For craps and mini-craps, the boxperson or floorperson who inspected the dice shall, in the presence of the other boxperson or floorperson who observed the inspection, distribute such dice to the boxperson assigned at each craps table or to the floorperson assigned at each mini-craps table. The craps boxperson or the mini-craps floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming, and while the dice are at the table they shall never be left unattended;

b. For sic bo and mini-dice, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, place the required number of dice into the shaker and seal or lock the shaker. For sic bo, the floorperson shall then secure the sic bo shaker to the table in the presence of the other floorperson who observed the inspection. For mini-dice, the floorperson shall then give the sealed mini-dice shaker to the dealer, who shall be primarily responsible for the security of the shaker at all times while the shaker is available for use at the table; and

c. For pai gow, pai gow poker, supreme pai gow, or asia poker, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute such dice directly to the dealer at each pai gow, pai gow poker, supreme pai gow, or asia poker table. The dealer shall immediately place the dice in the pai gow, pai gow poker, supreme pai gow, or asia poker shaker.

5. The games supervisor shall place extra sets of dice for dice reserve in the pit stand, as follows:
 - a. Dice in the pit stand shall be placed in a locked compartment, the key to which shall be in the possession of the games supervisor or a supervisor thereof.
 - b. Except as otherwise provided in 205 CMR 146 and vii below, all dice taken from the reserve shall be re-inspected by a games supervisor in the presence of another games supervisor in accordance with the inspection procedures set forth in 205 CMR 146 and iii above, prior to their use for actual gaming.
 - c. In accordance with 205 CMR 146 above, previously inspected reserve dice may be used for gaming without being reinspected, if they are maintained in a locked compartment in the pit stand, the key for which shall be in the possession of the games supervisor or games supervisor thereof.
 - d. In accordance with 205 CMR 146 above and as an additional alternative to 205 CMR 146 above, previously inspected reserve dice may be used for gaming without being reinspected, if they are maintained in a locked compartment in the pit stand in accordance with the following procedures:
 - (i) For craps and mini-craps, a set of at least five dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.
 - (ii) For sic bo and mini-dice, the required number of dice, after being inspected, shall be placed in a sealed envelope or container or sealed or locked in a sic bo or mini-dice shaker. A label or seal that identifies the date of inspection and contains the signatures of those responsible for the inspection shall, respectively, be attached to each envelope or container or placed over the area that allows access to open the sic bo or mini-dice shaker.
 - (iii) For pai gow, pai gow poker, supreme pai gow, and asia poker, a set of three dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

(c) Alternative No. 3: Inspection in primary storage area and distribution to tables shall be as follows:

1. Inspection of dice for all table games in an approved primary storage area shall be performed by a games supervisor and a table games shift manager, in the presence of a security officer.

2. The dice shall be inspected with a micrometer or any other approved instrument that performs the same function, a balancing caliper, a steel set square, and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to M.G.L. c. 23K and 205 CMR. These instruments shall be maintained in the storage area and shall be at all times readily available for inspection and use by the IEB.
3. After completion of the inspection, the person performing the inspection shall seal the dice as follows:
 - a. For craps and mini-craps, after each set of at least five dice are inspected, they shall be placed in a sealed envelope or container; provided, however, that reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container;
 - b. For sic bo and mini-dice, after each set of dice are inspected, they shall be sealed or locked in a manual shaker. A seal that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall then be placed over the area that allows access to open the shaker;
 - c. For pai gow, pai gow poker, supreme pai gow, or asia poker, after each set of three dice are inspected, they shall be placed in a sealed envelope or container. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container; and
4. At the beginning of each gaming day and at such other times as may be necessary, a table games shift manager or games supervisor thereof and a security officer shall distribute the dice as follows:
 - a. For craps and mini-craps, the sealed envelopes or containers of dice shall be distributed to a games supervisor in each craps or mini-craps pit or placed in a locked compartment in the pit stand by the games supervisor. When the sealed dice are distributed to the craps or mini-craps table, a boxperson at each craps table or a floorperson at each mini-craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in a cup on the table for use in gaming. While dice are on the table, they shall never be left unattended.
 - b. For sic bo and mini-dice, the sealed manual shakers shall be distributed to the games supervisor supervising the game. For sic bo, the games supervisor shall then secure the manual sic bo shaker to the table. For mini-dice, the games supervisor shall give the sealed mini-dice shaker to the dealer who shall be primarily responsible for the security of the shaker at all times while the shaker is available for use at the table.

- c. For pai gow, pai gow poker, supreme pai gow, or asia poker, the sealed envelope or container shall be distributed to a games supervisor in each pai gow, pai gow poker, supreme pai gow, or asia poker pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to the pai gow, pai gow poker, supreme pai gow, or asia poker table by the games supervisor, a floorperson, after assuring the seal and envelopes or containers are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in the pai gow, pai gow poker, supreme pai gow, or asia poker shaker.
 - d. When the envelope or container or the seal is damaged, broken, or shows indication of tampering, the dice shall not be used for gaming activity unless the dice are re-inspected as follows:
 - (i) For craps, mini-craps, mini-dice, and sic bo, in accordance with the procedures in 205 CMR 146; and
 - (ii) For pai gow, pai gow poker, supreme pai gow, or asia poker, in accordance with the procedures in 205 CMR 146.
 - e. The games supervisor shall place extra dice for dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the key to which shall be in the possession of the games supervisor or supervisor thereof.
 - f. A micrometer or any other approved instrument that performs the same function, a balancing caliper, a steel set square, and a magnet shall also be maintained in a locked compartment in each pit stand, and each such instrument shall be at all times readily available for inspection and use by the IEB.
 - g. Any primary storage area in which dice are inspected in accordance with this section, shall be equipped with closed circuit television camera coverage capable of observing the entire inspection procedure.
5. The gaming licensee shall remove any dice at any time of the gaming day if there is any indication of tampering, flaws, or other defects that might affect the integrity or fairness of the game or at the request of the IEB.
6. At the end of each gaming day or at such other times as may be necessary, the games supervisor identified in 205 CMR 146 shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the security department and the IEB. A security department member shall complete a two-part Discrepancy Report (Report) comprised of an original and duplicate, which along with the evidence, shall be retrieved by an agent of IEB. The original and duplicate shall contain at a minimum:
- a. Date and shift of inspection;

- b. Name of games supervisor conducting the inspection. The inspection required by this subsection shall be performed by a games supervisor other than the one who originally inspected the dice;
- c. Pit number, table number, and type of game;
- d. Description (for example, shaved corners);
- e. Signature of games supervisor conducting the inspection;
- f. Signature of security representative taking custody of the die; and
- g. The signature of the agent of the IEB inspecting or accepting the die. The IEB agent shall retain the original and return the duplicate to the security department. A receipt shall be issued to the agent of the IEB for any die retained by the IEB. The receipt shall be signed by the security representative releasing the die to the IEB and the agent of the IEB accepting the die. The receipt shall be retained with the security department copy of the Report. Any die not retained by the IEB shall be destroyed in accordance with the licensee's destruction procedures.

7. Any dice showing evidence of tampering shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container, which shall identify the table number, date, and time and shall be signed by a person assigned to directly operate and conduct the game at that table and a games supervisor assigned the responsibility for supervising the operation and conduct of such game. The security officer taking custody of the dice and delivering the dice to the IEB shall also sign the label.

8. All other dice not showing evidence of tampering shall be put into envelopes or containers at this time. A label shall be attached to each envelope or container which shall identify the table number, date, and time and shall be signed by the appropriate persons identified in 205 CMR 146 above. The envelope or container shall be appropriately sealed and maintained within the pit until collection by a security officer.

9. All extra dice in dice reserve that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container that identifies the date and time and is signed by the games supervisor.

10. At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a security officer shall collect and sign all envelopes or containers of used dice and any dice in dice reserve that are to be destroyed or cancelled and shall transport them to the security department for cancellation or destruction. No dice

that have been placed in a cup or shaker for use in gaming shall remain on a table for more than 24 hours.

11. At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee and, and at such other times as may be necessary, a table games shift manager or games supervisor thereof may collect all extra dice in dice reserve. If collected, dice shall be returned to the primary storage area; provided, however, that any dice that have not been inspected and sealed pursuant to the requirements in 205 CMR 146 (Alternative No. 3) shall, prior to use for actual gaming, be inspected as follows:

- a. For craps, mini-craps, mini-dice, or sic bo, in accordance with the requirements in (f)1 or 2 above; and
- b. For pai gow, pai gow poker, supreme pai gow, or asia poker, in accordance with the requirements in 205 CMR 146. If not collected, all dice in dice reserve must be reinspected in accordance with 205 CMR 146, prior to their use for gaming, except for those dice maintained in a locked compartment pursuant to 205 CMR 146.

12. Other than dice retained for IEB inspection, dice shall be cancelled or destroyed within 72 hours of collection by the security department. In addition, once dice retained as evidence by the IEB are released to the security department, the dice shall immediately be destroyed or cancelled. Destruction and cancellation of dice shall take place in a secure place, the location and physical characteristics of which shall be approved by the IEB. The adequacy of the destruction and cancellation process shall be approved by the IEB. Destruction of dice shall be by shredding by the security department or a vendor approved by the IEB. Cancellation of dice by the security department shall be by drilling a circular hole of at least one fourth of an inch in diameter through the center of each die.

146.45: Manual and Automated Dice Shakers: Security Procedures

(1) Manual sic bo shakers and mini-dice shakers which have been filled with dice in accordance with 205 CMR 146.18 may only be stored in a locked compartment in the primary storage area. Manual sic bo shakers and mini-dice shakers which have not been filled with dice may be stored in a locked compartment in the pit stand. An automated dice shaker which has been filled with dice must be secured to the gaming table at all times. An automated dice shaker which has not been filled with dice may be stored in a locked compartment in the pit stand.

(2) At the end of each gaming day a pit boss shall inspect all sic bo shakers, mini-dice shakers and automated dice shakers that have been placed in use for gaming for evidence of tampering. Such evidence discovered at this time shall be immediately reported to the IEB. At a minimum, such reports shall include:

- (a) The date and time when the tampering was discovered;
- (b) The table number where the shaker was used; and
- (c) The name and license number of the individual discovering the tampering.

146.46: Cards: Physical Characteristics

- (1) Cards used to play authorized table games shall be in decks of 52 cards, except as otherwise authorized by 205 CMR, with each card identical in size and shape to every other card in such deck.
- (2) Each deck shall be composed of four suits: diamonds, spades, clubs and hearts, or as otherwise authorized by 205 CMR.
- (3) Each suit shall be composed of 13 cards: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three, and two. The face of the ace, king, queen, jack, and 10 value cards may contain an additional marking, which will permit a dealer, prior to exposing his or her hole card at the game of blackjack, to determine the value of that hole card.
- (4) The backs of each card in the deck shall be identical and no card shall contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of that card from any other card in the deck.
- (5) The backs of all cards in the deck shall be designed so as to diminish as far as possible the ability of any person to place concealed markings thereon.
- (6) The design to be placed on the backs of cards used by gaming licensees shall contain the name or trade name of the gaming licensee and shall be submitted to the IEB prior to use of such cards in gaming activity.
- (7) Each deck of cards shall be packaged separately or in a set containing the number of decks authorized by 205 CMR and selected by a gaming licensee for use in a particular table game. Each package of cards shall be sealed in a manner so as to provide evidence of any tampering with the package. If multiple decks of cards are packaged and sealed in a set:
 - (a) The package shall have a label affixed thereto that indicates or contain a window that reveals an adequate description of the contents of the package, including without limitation, the name of the gaming licensee for which the cards were manufactured, the type of cards, the color(s) of the backs of the cards, the date and time that the cards were manufactured, and the total number of cards in the set; and
 - (b) No deck of cards shall be separated from the set for independent use at a table game.

(8) Nothing in this section shall prohibit a manufacturer from manufacturing decks of cards with one or more jokers contained therein; provided, however, such jokers shall not be used by the gaming licensee in the play of any game other than pai gow poker, two-card joker poker, Asia poker or supreme pai gow in accordance with the provisions of 205 CMR.

(9) In addition to satisfying the requirements of this section, the cards used by a gaming licensee at poker must:

- a. Be visually distinguishable from the cards used by that gaming licensee to play any other table game; and
- b. Be made of plastic.

10. Each gaming licensee which elects to offer the game of poker shall be required to have and use on a daily basis at least four visually distinguishable card backings for the cards to be used at the game of poker. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns.

146.47: Cards: Receipt, Storage, Inspections, and Removal From Use

(1) When decks of cards are received for use in the gaming establishment from the manufacturer or distributor thereof, at least two individuals, one of whom shall be from the casino games department and the other from the security department or accounting department, shall record on an inventory log required in 205 CMR 18(2), the number of decks received. The individuals shall place the decks of cards in a locked cabinet in the cashiers' cage or within a primary or secondary storage area located in the cashiers' cage or in another secure place approved by the IEB. Secondary storage areas shall be used for the storage of surplus decks of cards. Decks of cards maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the decks have been moved to a primary storage area. A gaming licensee may have a separate storage area approved by the IEB for decks of cards to be used at the game of poker.

(2) The gaming licensee shall maintain an inventory log (manual or electronic) for each approved storage area, to separately account for decks of cards packaged individually and in sets of multiple decks in accordance with the gaming licensee's card inventory system, which shall include the recordation of the following:

- (a) The decks of cards received from the vendor;
- (b) The decks of cards removed from storage;
- (c) The decks of cards returned to storage;
- (d) The date of receipt of, removal from, return to, or physical inventory;
- (e) The signatures of the games, security and/or accounting department personnel participating in the procedure;
- (f) A reconciliation on a daily basis of the decks of cards distributed, destroyed and cancelled, returned to the storage area, in use on an open gaming table for more than 24 hours and, if any, in card reserve; and

- (g) A physical inventory of the decks of cards at least once every three months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand as required in accordance with 205 CMR 146 above.
- (h) Any discrepancies shall immediately be reported to the IEB.

(3) All primary, secondary, poker storage areas, and pit stands used to store cards for more than one gaming day, other than the cashiers' cage, shall have two separate locks. The security department shall maintain one key and the games department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the games department below the table games shift manager in the organizational hierarchy shall have access to the games department key for the primary and secondary storage areas and no person below the poker shift supervisor in the organizational hierarchy shall have access to the games department key to the poker storage area. Decks of cards stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by a table games shift manager or supervisor thereof.

(4) When removing cards from the primary storage area, a representative of the games department, in the presence of a security officer, shall remove the appropriate number of decks of cards. The representative of the games department may be the table games shift manager or a supervisor thereof, or an employee of the games department who reports directly to the shift manager, and shall be licensed as a gaming key employee and shall have no direct supervisory responsibilities over the operation and conduct of the table games in a pit during that gaming day. This individual shall distribute sufficient decks to the table games supervisor and, if applicable, to the poker shift supervisor. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the table games supervisor or the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

If the decks are to be inspected at open gaming tables pursuant to 205 CMR 146, the table games supervisor shall distribute the decks to the dealer at each table or the poker shift supervisor shall transport the decks to the poker pit stand for subsequent distribution to the dealer at each poker table either directly or through the floorperson assigned to supervise the dealer.

Prior to distributing decks to each poker table, the poker shift supervisor or floorperson shall examine each deck to determine if any replacement cards are necessary pursuant to (n) below. If needed, the poker shift supervisor or floorperson shall place the appropriate replacement cards into the deck from the cards held in reserve at the pit stand. Upon insertion of the replacement cards into the deck, the poker shift supervisor or floorperson shall re-examine the front of each card and the back of each card to ensure a consistent shading pattern and to ensure that the condition of the deck with the inclusion of the

replacement cards has sufficient quality in order to maintain the integrity of gaming at poker. If the integrity of gaming at poker would in any way be compromised by the use of the deck with the replacement cards, the entire deck of cards shall be placed in a sealed envelope or container, identified with the date and time and shall be signed by the poker shift supervisor. The poker shift supervisor shall maintain the envelope or container in a secure place within the pit stand until collection by a security officer.

(5) When removing cards from the poker storage area, the poker shift supervisor or supervisor thereof and a casino security officer shall, prior to the commencement of each gaming day and at such other times as may be necessary, remove the appropriate number of decks from the poker storage area and distribute the decks in accordance with the provisions of (d)1 above. The number of decks distributed shall include extra decks that shall be placed in the pit stand for card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

(6) With the exception cards which are pre-inspected and pre-shuffled, each deck of cards shall be inspected by a dealer and the inspection verified by a table games supervisor prior to the use of the cards on a gaming table. Card inspection at an open gaming table shall require each deck of cards to be sorted into sequence and into suit and a visual inspection of the back of each card. If, after inspecting the cards, the dealer finds that a card is unsuitable for use or an extra card is found, the following procedures shall be observed:

(a) If a card is unsuitable for use:

1. A poker shift supervisor or games supervisor shall bring a substitute card from the card reserve in the pit stand;
2. The unsuitable card shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and floorperson assigned to that table; and
3. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer; or

(b) If an extra card is found:

1. The poker shift supervisor or games supervisor shall place the extra card in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson assigned to that table; and
2. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(c) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(7) Any cards which have been opened and placed on a gaming table shall be changed at least every 24 hours. Notwithstanding the foregoing:

- (a) Except as otherwise provided in (g)5 below for baccarat and in 146.12(c) for mini-baccarat, cards opened for use on a baccarat, mini-baccarat, or fast action hold 'em table shall be changed at least once during the gaming day;
- (b) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado hold 'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, two-card joker poker, flop poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from a dealing shoe and cards opened for use on a double down stud table and dealt from the hand shall be changed at least every eight hours;
- (c) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado hold 'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from the dealer's hand shall be changed at least every four hours;
- (d) Cards opened for use on a blackjack table offering the 6 to 5 blackjack variation shall be changed at least every four hours;
- (e) Cards opened for use on a baccarat table using the alternative dealing procedure shall be changed after each shoe;
- (f) Cards opened for use on a poker table shall be changed at least every six hours; and
- (g) Cards opened for use on a blackjack, Spanish 21 or double attack blackjack table, or on a mini-baccarat table using the alternative dealing procedures set forth in 205 CMR, may be used for no more than 48 hours if the following requirements are satisfied:
 1. The gaming table shall remain open for gaming during the entire period of card usage;
 2. At least six decks of cards shall be used to play the game; and
 3. A table games shift manager shall identify for the surveillance department those gaming tables at which cards are in use for the extended period.

(8) Cards damaged during course of play shall be replaced by the dealer who shall request a floorperson or supervisor thereof for the game of poker or casino supervisor for all other games to bring cards in substitution from the pit stand. The damaged cards shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the individual who brought the replacement card to the table. The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, or at the end of the extended period pursuant to (g)7 above, and at such other times as may be necessary, the floorperson or supervisor thereof for the game of poker or casino supervisor for all other games shall collect all used cards required to be removed from play. These cards shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and floorperson assigned to the table. The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(10) The gaming licensee shall remove any cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the IEB.

(11) Except for decks that have been pre-shuffled and pre-inspected in accordance with 205 CMR, all extra decks or packaged sets of multiple decks in card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that contains the number of decks or packaged sets of multiple decks, as applicable, included therein, the date and time and the signature of the floorperson or supervisor thereof for poker and the pit boss for all other games.

(12) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a security officer shall collect and sign all envelopes or containers with damaged cards, cards required to be removed that gaming day, and all extra decks in card reserve with broken seals, except those that have been pre-shuffled and pre-inspected in accordance with 205 CMR, and shall return the envelopes or containers to the security department.

(13) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a table games shift manager or games supervisor thereof may collect all extra decks in card reserve. If the gaming licensee maintains a separate storage area for poker cards, a poker shift supervisor or supervisor thereof may collect all extra decks in card reserve for the game of poker. If collected, all sealed decks shall either be cancelled or destroyed or returned to the storage area.

(14) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

For cards used in blackjack, Spanish 21, double attack blackjack, double cross poker, red dog, casino war, fast action hold 'em, or mini-baccarat using the dealing procedures in

205 CMR 147, the gaming licensee shall cause to be inspected either all decks used during the day; or a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the IEB. This sample shall be collected, stored and inspected separately from the sample required by (n)2 below, and shall not be commingled with any cards from that sample.

For cards used in baccarat, or cards used in mini-baccarat using the dealing procedures in 205 CMR, the gaming licensee shall cause to be inspected all decks used during the day. Notwithstanding the foregoing, for any decks that are opened for a single use in a shoe (the cards are not reshuffled for a subsequent use and are removed from the table), a gaming licensee may cause to be inspected a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the IEB.

(15) The gaming licensee shall also inspect any cards which the IEB requests the gaming licensee to remove for the purpose of inspection; any cards the gaming licensee removed for indication of tampering; all cards used for pai gow poker, Caribbean stud poker, let it ride poker, Colorado hold 'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker; and all cards used for poker.

The procedures for inspecting all decks required to be inspected under this subsection, shall, at a minimum, include:

- (a) The sorting of cards sequentially by suit or utilizing a machine approved by the IEB capable of reading the cards to determine whether any deck contains missing or additional cards;
- (b) The inspection of the backs with an ultra- violet light;
- (c) The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
- (d) The inspection of the front and back of all plastic cards for consistent shading and coloring.

(16) If, during the inspection procedures required in 205 CMR 146 one or more plastic cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with (n)9 below.

(17) Upon completion of the inspection procedures required in (n)3 above, each deck of plastic cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker storage area for subsequent use. If a deck has any missing cards pursuant to (n)4 above, the individual who repackages the

cards shall indicate the need for the appropriate replacement card(s) in a manner documented in the gaming licensee's internal control procedures.

(18) The gaming licensee shall develop internal control procedures for returning the repackaged cards to the storage area. The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures. The gaming licensee shall submit the training procedures for those employees performing the inspection to the IEB.

(19) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the IEB by the completion and delivery of a two-part Card Discrepancy Report.

(20) At the end of each gaming day or at such other times as may be necessary, the gaming supervisor identified in (m) above shall visually inspect each die for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the security department and the IEB. A security department member shall complete a two-part Discrepancy Report, which Report along with the evidence shall be retrieved by an agent of the IEB. The original and duplicate Report shall contain, at a minimum:

- (a) The date and shift of inspection;
- (b) The name of the supervisor conducting the inspection. The inspection required by this subsection shall be performed by a games supervisor other than the one who originally inspected the cards;
- (c) The pit number, table number, and type of game;
- (d) A description (for example, cut corners);
- (e) The signature of the supervisor conducting the inspection;
- (f) The signature of the security representative taking custody of the card; and
- (g) The signature of the agent of the IEB inspecting or accepting the card, who shall retain the original and return the duplicate to security. A receipt shall be issued to the agent of the IEB for any card retained by the IEB. The receipt shall be signed the by the security representative releasing the card to the IEB and the agent of the IEB accepting the card. The receipt shall be retained with the Security copy of the Discrepancy Report. Any card not retained by the IEB shall be destroyed in accordance with the licensee's destruction procedures. The report shall accompany the cards.

(21) Notwithstanding any provision in this subsection to the contrary, for cards used:

- (a) In any authorized game or variation thereof which permits a player to touch them, the gaming licensee shall cause to be inspected all decks used during the day; and

(b) At any gaming table for more than 24 hours pursuant to (g)7 above, the gaming licensee shall cause to be inspected a sample of decks that is separate from the sample of decks selected pursuant to (n)1ii above, provided that the procedures for selecting the sample size and for assuring a proper stratification of the sample shall be submitted to and approved by the IEB.

(22) If a deck of plastic cards has been reused 12 or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required by (n)3 above, before that deck may be reused at a poker table, the deck must be inspected by a poker shift supervisor or floorperson. A satisfactory inspection shall be documented by the poker shift supervisor or floorperson. If the poker shift supervisor or floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall be signed by the poker shift supervisor or floorperson. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to (p) below.

(23) Where cards in an envelope or container are inspected and found to be without any indication of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards with the exception of plastic cards used at poker that are of sufficient quality for reuse, shall within 72 hours of collection be destroyed or cancelled. In addition, once cards retained as evidence by the IEB are released to the security department, the cards shall immediately be destroyed or cancelled.

(24) Destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the IEB. The adequacy of the destruction and cancellation process shall be approved by the IEB. Destruction of cards shall be by shredding by the security department or a vendor approved by the IEB. Cancellation of cards shall be by drilling a circular hole of at least one-fourth of an inch in diameter through the center of each card in the deck.

146.48: Pre-shuffled and Pre-inspected Cards

(1) In lieu of the card shuffling and inspection procedures to be followed at an open gaming table set forth in 205 CMR 146, a gaming licensee may elect to:

- (a) Pre-inspect and pre-shuffle cards prior to the delivery of the cards to an open gaming table; or
- (b) Use a licensed vendor to supply pre-shuffled and pre-inspected cards.

(2) If a gaming licensee elects to pre-inspect and pre-shuffle cards, the process shall occur at a closed gaming table or another location approved by the IEB and shall be performed by a dealer and verified by a gaming establishment supervisor with no concurrent supervisory responsibility for open gaming tables. The procedures required

by 205 CMR 146 shall be recorded by the surveillance department and each such recording shall be retained by the gaming licensee for not less than seven days.

(a) Upon receipt of the decks of cards pursuant to 205 CMR 146, the dealer shall perform the procedures in 205 CMR 146 independently for each batch of cards that will be sealed in a container, with the number of decks of cards in each batch being equal to the number of decks of cards required for the table game in which they are intended to be used.

(b) The dealer shall visually inspect the back of each card to assure that it is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game.

(c) The dealer shall then shuffle the cards, manually or using an approved automated shuffling device, in a manner permitted by the applicable regulations governing the table game at which the cards will be utilized.

(d) To ensure that there are no missing or extra cards, the dealer shall inspect the cards utilizing a machine approved by the IEB. The machine shall issue a receipt that shall, at a minimum, include:

1. The manufacturer, model and serial number of the card inspection machine;
2. The name or identification number of the dealer who operates the machine;
3. The location at which the inspection is performed;
4. The date and time of the inspection;
5. The manufacturer and type of cards, the number of decks, and the table game for which the cards are inspected;
6. The result of the inspection and, if failed, the identification of any missing or extra card(s); and
7. The number of the seal to be used on the clear container in which the cards will be placed pursuant to 205 CMR 146.

(e) If the inspection fails, the gaming licensee shall follow the procedures set forth in 205 CMR 146.

(f) Upon completion of the pre-inspection and pre-shuffling of the cards in the batch, the dealer and supervisor shall sign the receipt certifying that the cards were pre-inspected and pre-shuffled in accordance with this subsection.

(g) For each batch of pre-inspected and pre-shuffled cards the dealer shall place the cards together with the receipt required 205 CMR 146 in a clear container that conforms to the requirements of 205 CMR 146. The container shall be sealed with a pre-numbered label unique to such container. Procedures for the maintenance and security of unused seals, and the distribution, return and reconciliation of seals used on containers holding pre-inspected and pre-shuffled cards shall be detailed in the gaming licensee's internal controls.

(h) The sealed containers of cards shall be transported by a:

1. Table games supervisor to the gaming pit of the gaming tables where they will be utilized and either locked in the pit stand in accordance with

205 CMR 146, or placed in a locked cabinet in the gaming pit, the keys to which shall be available only to table games supervisors and subject to sign-out and sign-in procedures; or

2. Table games supervisor or a gaming key employee designated in accordance with the provisions of 205 CMR 146 and a casino security officer to an approved primary card storage area or poker card storage area where they shall be placed back into card inventory and segregated from cards that have not been pre-inspected and pre-shuffled. A record of the transport of the sealed containers of cards to the card storage area shall be maintained by the casino security department.

(i) When cards are needed for play, each container of cards shall be delivered by a table games supervisor to an open gaming table. Upon delivery, the table games supervisor shall unseal the container, place the decks of cards on the gaming table in front of the dealer. The supervisor shall record on the receipt contained within the container, the date, time and shift that the container was opened, and the pit and table number where cards are to be used. Once the information has been recorded, the supervisor shall sign the receipt, and retain the receipt and container at the gaming table.

(3) If a gaming licensee elects to use a licensed vendor to supply pre-inspected and pre-shuffled cards, the manufacturer shall:

(a) Obtain approval from the IEB for the automated shuffling device used to pre-shuffle cards; and

(b) Implement a process for shuffling and packaging cards which shall, at a minimum, include:

1. Visual inspection of the back of each card to assure that it is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game;
2. Verification that each package of cards contains the correct number and is constituted in accordance with the specific rules of the game the cards are intended for use;
3. Inserting the cards in a package with a tamper-proof seal(s) that bears a conspicuous indication if the package has been opened. The exterior of the package shall indicate:

a. The total number of decks contained within the package; and

b. The game(s) the cards are intended for use; and

c. Generation by the automated shuffling device in use, of a receipt to be inserted in the sealed package which shall include the following information:

(i) The total number of cards and decks contained within the package;

- (ii) The date and time the cards were shuffled and verified;
- (iii) Identification of the manufacturer's employee who performed the process in 205 CMR 146; and
- (iv) The manufacturer, model and serial number of the device used to shuffle the cards.

(4) Cards inspected and shuffled in accordance with 205 CMR 146 shall be delivered in accordance with 205 CMR 146 to an open gaming table in the manufacturer's sealed packaging. Prior to using the cards at a gaming table, a games supervisor shall inspect the package for evidence of tampering. If there is evidence of tampering, all cards in the package shall not be used and the gaming licensee shall follow the procedures set forth in 205 CMR 146. Upon opening the package, the table games supervisor shall record on the receipt contained within the package, the date and time that the package was opened, and the pit and table number where cards are to be used. Once the information has been recorded, the table games supervisor shall sign the receipt, place the cards on the table in front of the dealer, and retain the receipt and original package at the gaming table.

(5) For all pre-inspected and pre-shuffled cards, upon the initial use and patron request the dealer shall perform a strip or riffle shuffle of the cards and then cut the cards in the manner prescribed by the regulations governing the particular table game.

(6) Upon removal from a gaming table, pre-inspected and pre-shuffled cards shall be placed in the original container or package in which they were delivered to the table together with the receipt, and returned to the security department for inspection as required by 205 CMR 146.

(7) The IEB may, at any time, require a gaming licensee to provide any container or package of pre-inspected and pre-shuffled cards.

146.49: Dealing Shoes; Automated Shuffling Devices

(1) The following words and terms, when used in this section, shall have the following meanings:

"Base plate" means the interior shelf of the dealing shoe on which the cards rest.

"Face plate" means the front wall of the dealing shoe against which the next card to be dealt rests and which typically contains a cutout.

(2) Cards used for blackjack, Spanish 21, double attack blackjack, pai gow poker, mini-baccarat, red dog, Caribbean stud poker, let it ride poker, three-card poker, fast action hold 'em, Colorado hold 'em poker, casino war, Boston 5 stud poker, double cross poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud and double down stud shall be dealt from a manual or automated dealing shoe which shall be secured to the gaming table when the table is open for gaming activity and

secured in a locked compartment when the table is not open for gaming activity. Cards used to game at baccarat shall be dealt from a dealing shoe which shall be secured in a locked compartment when the table is not open for gaming activity. Notwithstanding the foregoing, cards used to game at:

- (a) Pai gow poker, double down stud, Caribbean stud poker, three-card poker, Colorado hold 'em poker, Boston 5 stud poker, double cross poker, flop poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud and two-card joker poker may be dealt from the dealer's hand in accordance with the rules for each game in 205 CMR;
- (b) The 6 to 5 blackjack variation shall be dealt from the dealer's hand in accordance with 205 CMR; and
- (c) Blackjack may be dealt from the dealer's hand in accordance with 205 CMR and.

(3) A device which automatically shuffles cards may be utilized at the game of blackjack, Spanish 21, double attack blackjack, pai gow poker, mini-baccarat, red dog, poker, Caribbean stud poker, let it ride poker, three-card poker, fast action hold'em, Colorado hold 'em poker, casino war, Boston 5 stud poker, double cross poker, four-card poker, Texas hold 'em bonus poker, ultimate Texas hold 'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud and double down stud in addition to a manual or automated dealing shoe, provided that:

- (a) The automated card shuffling device approved by the IEB and the procedures for shuffling and dealing the cards through the use of the device are documented in the internal controls; and
- (b) The security of an automated card shuffling device conforms to the security of any dealing shoe used at the gaming table pursuant 205 CMR 146.

(4) Each manual or automated dealing shoe shall be designed and constructed with such features as the IEB may require to maintain the integrity of the game at which such shoe is used. Such features shall include, at a minimum, the following:

- (a) At least the first four inches of the base plate shall be white;
- (b) The sides of the shoe below the base plate shall be transparent or have a transparent sealed cutout unless the dealing shoe is otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate and to permit the inspection of this portion of the shoe; and
- (c) A stop underneath the top of the face plate shall preclude the next card to be dealt from being moved upwards for more than one-eighth inch distance.

(5) A baccarat dealing shoe, in addition to meeting the requirements of 205 CMR 146, shall also adhere to the following specifications:

- (a) A removable lid shall be opaque from the point where it meets the face plate to a point at least four inches from the face plate;

- (b) The sides and back above the base plate shall be opaque; and
- (c) A device within the shoe shall, when engaged, prevent the cards from moving backward in the shoe.

(6) A pai gow poker dealing shoe, in addition to meeting the requirements of 205 CMR 146, may, in the discretion of the gaming licensee, also contain a device on the front of the face plate so as to preclude the players from viewing the next card to be dealt.

(7) All dealing shoes and shuffling devices in the casino shall be inspected at the beginning of each gaming day by a floorperson assigned to the table prior to cards being placed in them. The purpose of this inspection shall be to assure that there has been no tampering with the shoe or shuffling device.

(8) For gaming tables at which a manual dealing shoe is utilized, the shoe shall be located on the side of the gaming table to the left of the dealer, and the discard rack shall be located on the side of the gaming table to the right of the dealer. For gaming tables at which either an automated card shuffling device or an automated dealing shoe is utilized, the discard rack shall be on the side of the gaming table opposite such device or shoe.

146.50: Pai Gow Tiles; Physical Characteristics

(1) Pai gow shall be played with a set of 32 rectangular blocks to be known as tiles. Each tile in a set shall be identical in size and shading to every other tile in the set.

(2) Each tile used in gaming at pai gow shall:

- (a) Be made of a non-transparent black material, formed in the shape of a rectangle, and be of a size no smaller than 2.500 inches in length, 1.000 inch in width and .375 of an inch in thickness;
- (b) Have the surface of each of its sides perfectly flat, except that the front side of each tile shall contain spots which shall extend into the tile exactly the same distance as every other spot;
- (c) Have on the back of each tile an identifying feature unique to each casino;
- (d) Have the texture and finish of each side, with the exception of the front side, exactly identical to the texture and finish of all the other sides;
- (e) Have the back and sides of each tile within a set be identical and no tile within a set shall contain any marking, symbol or design that will enable a person to know the identity of any element on the front side of the tile or that will distinguish any tile from any other tile within a set; and
- (f) Have identifying spots on the front of the tiles which are either red or white or both.

(3) Each set of tiles shall be composed of 32 tiles as set forth in 205 CMR 147.

(4) Each set of tiles shall be packaged separately and completely sealed in such a manner

so that any tampering shall be evident.

146.51: Pai Gow Tiles: Receipt; Storage; Inspections, and Removal From Use

(1) When sets of tiles to be used at pai gow are received from the manufacturer or distributor thereof, they shall immediately following receipt be inspected by a member of the security department and a supervisor to assure that the seals on each package are intact, unbroken and free from tampering. Packages that do not satisfy these criteria shall be inspected at this time to assure that the tiles conform to IEB standards and there is no evidence of tampering. Packages satisfying these criteria, together with packages having unbroken, intact, and untampered seals shall then be placed for storage in a locked cabinet within a primary or secondary storage area. Sets of tiles which are to be distributed to gaming pits or tables for use in gaming shall be distributed from a locked cabinet in the cashiers' cage or from another secure primary storage area, the location and physical characteristics of which shall be approved by the IEB. Secondary storage areas shall be used for the storage of surplus tiles. Tiles maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the tiles have been moved to a primary storage area. All secondary storage areas shall be located in secure areas, the location and physical characteristics of which shall be approved by the IEB.

(2) All primary and secondary storage areas, other than the cashiers' cage, shall have two separate locks. The security department shall maintain one key and the casino department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the casino department below the table games shift manager in the organization hierarchy shall have access to the casino department key. Tiles stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by a table games shift manager or casino supervisor thereof.

(3) Immediately prior to the commencement of each gaming day and at such other times as may be necessary, the table games shift manager or supervisor thereof, in the presence of a security officer, shall remove the appropriate number of sets of tiles for that gaming day from a primary storage area.

(4) All envelopes and containers used to hold or transport tiles shall be transparent. The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(5) The table games shift manager or casino supervisor thereof shall distribute sufficient sets of tiles to the pit boss in each pai gow pit. The pit boss shall then distribute the sets to the dealer at each table, and shall place extra sets in reserve at the pit stand. Sets of tiles in reserve shall be placed in a locked compartment, keys to which shall be in the possession of the pit boss or casino supervisor thereof.

(6) If during the course of play any damaged tile is detected, the entire set of tiles shall

be immediately replaced. The dealer or floormperson shall request that the pit boss bring a substitute set of tiles to the table from the reserve in the pit stand. The set of damaged tiles shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and casino supervisor. The pit boss shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(7) Tiles used at pai gow shall be changed at least every 12 hours. The supervisor shall collect used tiles which shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and casino supervisor. The pit boss shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(8) The gaming licensee shall remove any tiles at any time of the gaming day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the Commission or the IEB.

(9) All extra sets of tiles in reserve which have been opened shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the pit boss.

(10) At the end of each gaming day or at such other times as may be necessary, a security officer shall collect and sign all envelopes or containers with damaged tiles, tiles used during the gaming day, and all extra tiles in reserve which have been opened, and shall return the envelopes or containers to the security department.

(11) At the end of each gaming day or at such other times as may be necessary, a table games shift manager or supervisor thereof may collect all extra sets of tiles in reserve which have not been opened. If collected, all unopened sets of tiles shall either be cancelled or destroyed or returned to the storage area.

(12) When the envelopes or containers of used tiles and reserve sets of tiles which have been opened are returned to the security department, they shall be inspected for tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play.

(a) The gaming licensee shall cause to be inspected all sets of tiles used during the gaming day.

(b) The procedures for inspecting all sets of tiles shall at least include the following:

1. The sorting of tiles by pairs;
2. The visual inspection of the sides and back of each tile for tampering, markings or alterations; and
3. The inspection of the sides and back of each tile with an ultra-violet

light.

(c) The individual performing the inspection required by 205 CMR 146 shall complete a work order form which shall detail the procedures performed and list the tables from which the tiles were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(d) Evidence of tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the security department and the IEB. A security department member shall complete a two-part Discrepancy Report, which Report along with the evidence shall be retrieved by an agent of the IEB.

The original and duplicate Report shall contain at a minimum:

1. The date and shift of inspection;
2. The name of the supervisor conducting the inspection. The inspection required by this subsection shall be performed by a supervisor other than the one who originally inspected the tiles;
3. The pit number, table number, and type of game;
4. A description (for example, shaved corners);
5. The signature of the supervisor conducting the inspection;
6. The signature of the security representative taking custody of the tile; and
7. The signature of the agent of the IEB inspecting or accepting the tile, who shall retain the original and return the duplicate to security. A receipt shall be issued to the agent of the IEB for any tile retained by the IEB. The receipt shall be signed by the security representative releasing the tile to the IEB and the agent of the IEB accepting the tile. The receipt shall be retained with the Security copy of the Discrepancy Report. Any tile not retained by the IEB shall be destroyed in accordance with the licensee's destruction procedures.

(e) If after completing the inspection procedures required in 205 CMR 146, it is determined that a complete set of 32 tiles removed from a gaming table is free from tampering, markings, or alterations, that set may be returned to the pai gow storage area for subsequent gaming use in accordance with the gaming licensee's internal control procedures. In no event may individual tiles from different sets be used to make a complete set for subsequent gaming use.

(13) The gaming licensee shall include in their internal control, procedures for:

(a) An inventory system which shall include the recordation of at least the following:

1. The balance of sets of tiles on hand;
2. The sets of tiles removed from storage;
3. The sets of tiles returned to storage or received from the manufacturer;
4. The date of the transaction; and

5. The signatures of the individuals involved;

(b) A reconciliation on a daily basis of the sets of tiles distributed and the sets of tiles destroyed and cancelled, the sets of tiles returned to the storage area and, if any, the sets of tiles in tile reserve; and

(c) A physical inventory of the sets of tiles at least once every three months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of the sets of tiles on hand as required in (n)1i above. Any discrepancies shall immediately be reported to the IEB.

(14) Other than tiles retained for IEB inspection, tiles shall be cancelled or destroyed within 72 hours of collection by the security department. In addition, once tiles retained as evidence by the IEB are released to the security department, the tiles shall immediately be destroyed or cancelled.

(15) Destruction and cancellation of tiles shall take place in a secure place, the location and physical characteristics of which shall be approved by the IEB. The adequacy of the destruction and cancellation process shall be approved by the IEB. Destruction of tiles shall be by shredding by the security department or a vendor approved by the IEB. Cancellation of tiles shall be by drilling a circular hole of at least one fourth of an inch in diameter through the center of each card in the deck.

146.52 Inspection and Approval of Gaming Equipment and Related Devices and Software

(1) No gaming equipment or any related device or software shall be used in a gaming establishment unless it is identical in all mechanical, electrical, electronic or other aspects to a prototype thereof that has been reviewed and approved for use by the independent testing lab certified by the commission.

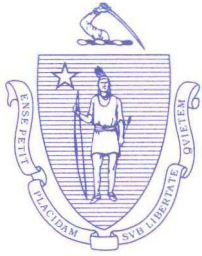
(2) The following equipment shall be certified by an approved internal or independent testing lab followed by an on-site inspection by the IEB prior to initial use or following any modification:

1. Slot machines;
2. Multiplayer systems;
3. Electronic table games;
4. Server supported slot systems;
5. Slot machine bonus systems;
6. Progressive equipment;
7. Kiosks;
8. Account based wagering systems;
9. Wireless wagering devices;
10. Slot monitoring systems;
11. Gaming voucher systems; and
12. Devices used in conjunction with a slot monitoring system.

(3) Any evidence that an item of gaming equipment or a related device or software used in a gaming facility has been tampered with or altered in any way which would affect the integrity, fairness, or suitability of the item for use in a casino shall be immediately reported to the IEB. A member of the gaming licensee's casino security department shall be required to ensure that the item is maintained in a secure manner as directed by the IEB.

146.53 Approval of New Gaming Equipment

A gaming licensee in conjunction with other interested parties may petition the commission in writing for the approval of new gaming equipment in accordance with the process set forth in 205 CMR 147.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

March 27, 2015

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

**Re: Internal Controls, Consumer Protection Regulations, &
Additional Gaming Issues**

Dear Chairman Crosby:

Over the last several months, the Attorney General's Office has advocated with the Massachusetts Gaming Commission to advance robust and meaningful regulations that minimize the negative impacts of casinos and maximize protections for consumers. With the first gaming establishment due to open in Plainville in less than three months, we again write to urge you to make further critical improvements to your draft regulations. The recommendations outlined below highlight issues previously raised in communications from our office, my testimony several weeks ago before the Commission, and discussions with several casinos.

Variances. The draft currently being considered by the Commission would allow licensees to seek variances from the substantive provisions of the regulations. In previous correspondence, our office expressed concern that overly-broad variance language would provide an opening for casinos to avoid important consumer protection regulations. Since that time, we have been informed by both regulators and licensees that in other jurisdictions casinos have sought variances almost exclusively from facilities- and operations-related regulations. Accordingly, we strongly urge the Commission to include language categorically prohibiting licensees from seeking variances from any consumer protection regulations. Additionally, we recommend that the Commission adopt language, similar to that in other jurisdictions (such as New York), requiring regulators, before granting a variance, to make a finding of "good cause" and no adverse impact on the health, safety, and welfare of the public.

Credit Extension. Our office has provided the Commission with significant comments on casino credit extension regulations. As we emphasized previously, it is imperative that any credit extension regulations address the casino industry's unique lending model. While we appreciate the Commission's proposed regulations requiring casinos to conduct a "reasonable ability to repay" analysis before extending credit lines, we believe the credit extension regulations should

clarify that the ability to repay analysis includes a determination of a patron's ability to repay the credit according to the terms of the credit extension agreement and any disclosures. This important change will help ensure that patrons are not only able to repay their debts when the credit is extended, but also when the counter checks or markers may be deposited with a bank according to those credit terms and disclosures.

ATMs. In earlier communications, we expressed serious reservations about the Commission promulgating regulations allowing ATMs in casinos absent a more robust public process, including consultation with the Division of Banks (DOB). Given that DOB has now concluded that G.L. c. 167B, § 3, allows ATMs to be placed in casinos (but outside rooms where gaming occurs), we urge the Commission to include provisions that will protect patrons from harmful practices. Specifically, given the high fees and interest rates charged for credit card cash advances from ATMs, we urge the Commission to prohibit these types of transactions on all casino ATMs. Additionally, if ultimately allowed in casinos, ATMs should be provided for the convenience of patrons, not marketing. For this reason, we encourage the Commission to prohibit the sale or use of ATM data for marketing purposes.

Additional Issues. We also raise for your consideration several issues that are not currently the subject of the Commission's formal regulatory process. Because these issues are critical to the integrity of the gaming industry, we respectfully request that once the Commission formally finalizes its internal control and consumer protection regulations, it promptly turn its attention to these important matters.

- *Anti-Trafficking Provisions.* We also urge you to give strong consideration to promulgating regulations aimed at minimizing opportunities for and occurrences of human trafficking (including labor and sex trafficking) and drug trafficking at casinos. Casino operators have told us that they take seriously their obligations to eliminate human and drug trafficking at their facilities, and that such activities do not attach themselves exclusively to this industry. Nonetheless, the reality is that human and drug traffickers will see casinos in Massachusetts as a new market in which to operate. Therefore, it is our collective obligation to take all necessary steps to ensure that human and drug traffickers do not gain a foothold at or around casinos.

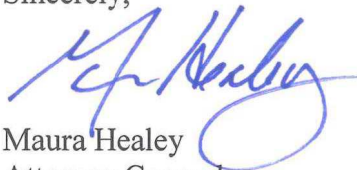
In furtherance of that end, we urge the Commission to require casinos to provide education and training to all casino employees, including line employees and independent contractors, on how to identify and report human and drug trafficking activities. In addition, casino operators should be required to incorporate zero tolerance language in their contracts with employees, contractors, subcontractors, vendors, and their suppliers, with respect to activities that encourage human and drug trafficking at their facilities. Finally, casino operators should utilize their exclusive surveillance systems to help identify and report suspected prostitution and human or drug trafficking activity.

- *Anti-Money Laundering Provision.* Finally, the Commission should begin developing strong anti-money laundering regulations to prevent and identify money laundering. Some criminal enterprises will surely see casinos as a way to clean their ill-gotten gains. Consequently, strong internal controls, record retention, employee training and reporting

relative to money laundering should be mandated through regulations. Such regulations should deter would-be money launderers, and identify those engaged in other criminal enterprises, such as drug traffickers, human traffickers, loan sharks, and organized crime. In addition to the mandated reporting by the Bank Secrecy Act, casinos should be required to make timely reports to the Commission and the Attorney General's Office of suspicious activity and large cash and electronic transactions, as well as retain relevant records and surveillance footage of such activities and transactions.

Thank you for your attention to these matters. We look forward to continuing working with you to ensure that the Commission's regulations respond to the various challenges posed by expanded gaming.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maura Healey", with a large, stylized flourish at the end.

Maura Healey
Attorney General

JED M. NOSAL
Counsel

Direct Dial: 617.856.8272
Direct Fax: 617.289.0708

E-Mail: jnosal@brownrudnick.com
<http://www.brownrudnick.com>

One
Financial
Center
Boston
Massachusetts
02111
tel 617.856.8200
fax 617.856.8201

November 17, 2014

VIA EMAIL

Massachusetts Gaming Commission
84 State Street
Boston, MA 02109

RE: Blue Tarp reDevelopment Comments on Proposed Gaming Equipment Regulations

To Whom It May Concern:

In response to the Massachusetts Gaming Commission's posting of draft Gaming Equipment regulations, 205 CMR 146, and request for informal comment Blue Tarp reDevelopment, LCC ("MGM Springfield") submits the following initial comment to the Commission.¹

As we noted in our October 23, 2014 comment letter to the Commission, prior to the formal promulgation process for these regulations, the Commission may wish to discuss and consider its overall approach to the supervision of licensee operations in the Commonwealth and look to different types of regulatory oversight models in various jurisdictions across the United States. We note that, like other sections of the Commission's draft regulations, the Commission's current draft of the gaming equipment regulations are extremely detailed and prescriptive in certain sections. MGM Springfield therefore again suggests that the Commission consider worthy regulatory models utilized in other jurisdictions, e.g., the general standards approach, that provide more flexibility for the casino operator to innovate and operate efficiently without any negative impact on the integrity of casino operations, including the accurate reporting of gaming revenue.

The Gaming Equipment regulations in 205 CMR 146 set forth highly detailed and prescribed requirements for a gaming licensee's equipment, including its gaming chips and plaques, games, dice, cards and tile, and the inspection and approval of gaming equipment and devices. MGM Springfield is concerned that the degree of detail specified in these regulations will result in negative consequences for MGM Springfield specifically, and the industry as a whole. Licensees will be required to devote extensive diligence, time, effort, and personnel, not to improving or enhancing the gaming experience for customers or for efficiently managing its operations, but solely to monitoring and ensuring compliance with these intricately detailed regulations.

Furthermore, we note that many of these regulations are so specific and exhaustive that licensees may be required to establish a full-time position within table games, specifically and exclusively dedicated to

¹ By submitting initial comments, MGM Springfield is not waiving any right to provide further comments on the regulations once finalized and published for formal public comment pursuant to G.L c. 30A. Silence at this juncture in the process should not be viewed as endorsement of the specific provisions of the draft Internal Control Regulations.

ensuring compliance with this multitude of detailed equipment regulations. However, even with the creation of such a focused full-time position, monitoring and ensuring compliance with the minute level of detail set forth in the Gaming Equipment regulations will be a difficult and onerous undertaking, and unintentional deviation from the regulations may still be unavoidable. Moreover, MGM Springfield is concerned with how this level of regulation can or will be enforced by the Commission on a practical day to day level, and questions whether the Commission or gaming licensees will derive any comparable benefit in exchange for the effort and burden required to comply with these regulations, as opposed to ensuring the integrity of gaming through more general standards that would balance the regulatory needs of the Commission with efficient and effective operation by the licensee. Finally, the ability to adjust protocols for gaming equipment without necessitating the formal amendment of regulations is paramount to address rapidly changing technology in the gaming sector. As technology advances, the regulatory paradigm must be dynamic to encourage and address innovation and enhancements to gaming equipment.² Overly prescriptive regulations discourage this innovation and the need to formally amend regulations can delay the introduction of new technologies and practices.

In light of these concerns, and acknowledging the Commission's important objectives in regulating gaming equipment, MGM Springfield suggests looking to the more generalized and flexible regulations set forth for regulating gaming equipment in other states.

The differing approaches can be illustrated by comparing components of Massachusetts draft Gaming Equipment regulations with regulations from other states. For example, the Massachusetts draft regulations set forth forty pages of detailed requirements for a gaming licensee's operation of roulette, blackjack, three-card poker, Spanish 21, craps and mini-craps, baccarat and mini-baccarat, Big Six Wheel, Sic bo, Pai gow poker, and a multitude of other poker and blackjack varieties, including individual specifications for the layout of tables and betting areas, signage and posting of rules, and individual requirements for drop boxes and tip boxes, among other requirements for each type of game. See 205 CMR 146.07 through 146.14. An example of these requirements in 205 CMR 146.07(6) states that any modification of the location of a roulette table drop box and tip box requires detailed notice to the IEB, submitted 72 hours in advance of any such modification. This level of particularized and specific regulation over every individual game offered by a gaming establishment risks overburdening licensees by creating massive additional oversight, monitoring, and compliance responsibilities, with little added benefit to either the licensee or the Commission, particularly where much of the high-level substance of these regulations is already standard practice in the gaming industry.

In contrast, under the Nevada Gaming Control Board Regulations (NGCB), Regulation 23, Card Games, provides a general set of rules, governing card game drop box procedures, rake-off and time buy-in, and posting of rules, that are applicable to all card games and that leave room for adjustment as necessary. For example, Regulation 23.080 requires that the rules of each game be posted and be clearly legible from each table and designate rake-off percentage, time buy-in, the number of raises allowed, the monetary limits of raises, the amount of ante, and "other rules as may be necessary." NGCB Regulation 23.080. The Nevada regulations thereby provide high-level requirements and guidance to gaming licensees, but permit some flexibility regarding the specific details and intricacies of implementation and operation of individual games to both gaming licensees and the Commission.

As another example, the draft Massachusetts regulations also set forth detailed requirements for the design, manufacture, and values of game chips and plaques. 205 CMR 146.01 to 146.06A. For example, 205 CMR

² While the Gaming Equipment Regulations appear to contemplate electronic table games under the regulation's Inspection and Approval process under 205 CMR 146.20, it is unclear how the Gaming Devices and Electronic Gaming Equipment Regulations, 205 CMR 143, interrelate or how the Gaming Equipment Regulations would or would not apply to electronic table game systems.

146.03 governs the value of gaming chips, authorizing a licensee to issue and use chips of particular denominations, sizes, and colors, even prescribing the particular shade under the Munsell System of Color Coding and specifying the numerical upper and lower limits of color tolerances for chips of different values. In contrast, NGCB Regulation 12.030, Chips and Tokens, provides for general guidelines, including that chips must be designed, manufactured and constructed in compliance with United States and Nevada laws and policies, but also sets forth basic specifications, such as requiring the name of the issuing establishment, the value of the chip, and the manufacturer's name or logo on the chip, "in addition to such other specifications as the chairman may approve." In this way, the Nevada regulations set forth important guidelines and requirements to govern the design of gaming chips, but again, permit an appropriate degree of flexibility as needed to both the Commission Chairman and licensee.

There are additional provisions in the draft gaming equipment regulations that may be conducive to a general standards approach to provide the ability to tailor equipment requirements to specific games, properties and other needs, and still provide desired flexibility for the licensee and Commission to adjust these requirements as necessary without needing to continually revise and update the Commission's regulations. MGM Springfield respectfully requests that the Commission consider this approach in its deliberations regarding the promulgation of the Gaming Equipment and other regulations.

Thank you for your attention to this matter. We are happy to provide additional input and information to the Commission as well as MGM's experience in other jurisdictions with these issues.

Sincerely,

BLUE TARP REDEVELOPMENT

by its attorney,

BROWN RUDNICK LLP



Jed M. Nosal

cc: Catherine Blue, General Counsel
Todd Grossman, Deputy General Counsel
John Ziembra, Ombudsman



November 13, 2014

Massachusetts Gaming Commission
84 State Street, 10th Floor
Boston, MA 02109
Attn: Bruce Band
Assistant Director, Gaming Agents Division Chief
Investigations and Enforcement Bureau

Dear Commissioners:

Please see below for our comments on the following draft regulations: 205 CMR 138.00, 205 CMR 138.40, and 205 CMR 146.

1. Section 146.05(3) provides that an impressment of the non-value chips assigned to each gaming table shall be completed at least once every 30 days. Please explain why this is required on a monthly basis.
2. Please confirm whether patrons are allowed to purchase chips at the cage. The current draft appears to preclude that. On occasion, guests buy small amounts of chips to give as gifts or corporate groups give them to attendees at meetings. It is easier to handle these types of transactions at the cage.
3. Section 146 provides that every layout must have the "name or trade name of the gaming licensee offering the game." Our layouts in Las Vegas do not all have the company name. Our preference would be to make this a licensee decision.
4. Bonus craps and, more importantly, the Pair Bet in Baccarat are important side bets for our customers. Please consider amending accordingly.
5. Section 146 contains multiple references to a security guard bringing cards or dice to and from the pit when a card inventory controller would suffice. Please consider amending to permit card inventory controller to provide these functions.
6. Section 146.19(4) sets forth the requirements for dealing shoes including the color, design and penetration of the cut card. These are typically operational decisions. Please consider amending accordingly.
7. Section 146 provides that all pit stands shall have two separate locks – one for the games department or cashiers' cage and one for the security department. This would create a burden on the security department and result in wasted time. One lock for table games is sufficient.



8. Section 138.11(4)(e) provides that one floorperson shall not supervise more than four games. This is very restrictive in lower limit pits. In Pennsylvania, they permitted up to six games.
9. Section 138.11(4)(f) provides that one pit boss shall not supervise more than 24 gaming tables. Again, this is very restrictive for certain areas of the gaming floor. Please consider increasing this to 48 games.
10. For Casino Credit, we propose up to a 45 day hold for domestic customers and 90 days for foreign customers.
11. With respect to the credit application, given that the proposed credit limit is \$10,000, which we support, we do not believe it is appropriate to include the proposed "Problem Gaming Self Assessment" within this application. Customers playing at this level would find this very insulting.
12. With respect to complimentary services, please include a definition for "Cash Complimentaries."

Sincerely,

A handwritten signature in black ink that reads "Jacqui Krum". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jacqui Krum
Senior Vice President and General Counsel

**BEFORE THE
MASSACHUSETTS GAMING COMMISSION**

IN RE: JCM American Corporation, D/b/a JCM Global:

**PETITION FOR EXCEPTION OF LICENSING AS A
GAMING VENDOR-PRIMARY**

NOW COMES, JCM American Corporation, D/b/a JCM Global (hereinafter "Petitioner"), with its principal place of business located at 925 Pilot Road, Las Vegas, Nevada 89119.

By petition to the Massachusetts Gaming Commission ("the Commission"), Petitioner respectfully requests an exception from licensing as a Gaming Vendor-Primary on the grounds that Petitioner is not providing services on a regular or continuing basis pursuant to 205 CMR 134.04(1(a)).

Petitioner has a Conversion Project Plan with the Plainridge Park Casino ("Plainridge") to remove bill validators from approximately 180 slot machines and replace with Petitioner's iVIZION prior to the casino opening. The slot machines are currently in a warehouse. The Petitioner will supply two (2) technicians to perform the conversions and the technicians will obtain the necessary licensure in advance. Plainridge staff will provide two (2) technicians/slot attendants or other casino staff that can open and close machine doors, lock slot machines, etc. during the scheduled conversion hours. The project should take about 5 days to complete. This project is a bit unusual because Petitioner's bill validators are usually in the slot manufacturer's machines but Plainridge already has the machines that need to be converted.

This is a one-time project and Petitioner has no other projects scheduled in any Massachusetts casinos. If Petitioner secures projects in the future, Petitioner will complete all necessary applications for licensing with the Massachusetts Gaming Commission.

WHEREFORE, Petitioner respectfully requests that the Commission enter an order granting Petition.

Respectfully submitted,
JCM American Corporation, D/b/a JCM Global

By: 

John M. Garner
CFO/Secretary/Treasurer/Director

Dated: March 20, 2015

VERIFICATION

I hereby certify that I, John M. Garner, CFO/Secretary/Treasurer/Director of JCM American Corporation, D/b/a JCM Global is authorized to make this verification, and further, that the facts set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief.

Dated: March 20, 2015



John M. Garner
CFO/Secretary/Treasurer/Director



2015 MAR 23 AM 9:53

MASSACHUSETTS GAMING
COMMISSION

March 20, 2015

Via Federal Express

William Curtis
Licensing Supervisor
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

Re: JCM American Corporation, d/b/a JCM Global

Dear Mr. Curtis:

Enclosed please find JCM American Corporation's Petition for Exception of Licensing as a Gaming Vendor Primary for submission to the Massachusetts Gaming Commission.

If you have any questions or require additional information, please don't hesitate to contact me at (702) 651-3442 or via email at Wanda.Jacobson@jcmglobal.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wanda M. Jacobson", is written over a light blue horizontal line.

Wanda M. Jacobson
Senior Compliance Analyst

/wmj
Enclosures

134.02: continued

- (r) Surveillance personnel, including surveillance equipment maintenance and repair technicians (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (s) Any employee who conducts or participates in the conduct of gaming, who participates in the transfer or handling of chips, tokens or money, or who participates in audit or accounting functions;
- (t) Any employee whose has access to a restricted area of a gaming establishment;
- (u) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02;
- (v) An employee of a gaming establishment whom the Bureau deems necessary to be licensed to ensure compliance with the M.G.L. c. 23K and 205 CMR and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

134.03: Gaming Service Employees

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

134.04: Vendors

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

A subcontractor to a vendor shall not be required to obtain licensure or registration under 205 CMR 134.00. For purposes of 205 CMR 134.00 a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services necessary to fulfill the licensed or registered vendor's contract with a gaming licensee. As part of the application process, vendors shall be required to identify all of its known or anticipated subcontractors and shall have a continuing duty to update the Bureau relative to the identification of any new subcontractors. The Bureau may, at its discretion, require the submission of additional information and documents, including but not limited to the Subcontractor Information Form as provided in 205 CMR 134.07(11).

(1) Gaming Vendors.

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

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

134.04: continued

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

(b) Gaming Vendors- Secondary. Any person who regularly conducts over \$250,000 in gross sales with any one gaming licensee within a 12 month period or a person who conducts over \$100,000 in gross sales with any one gaming licensee within a three month period, and who does not otherwise qualify for designation as a Gaming Vendor-primary in accordance with 205 CMR 134.04(1)(a)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(3).

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

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

(3) The Division of Licensing 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(1)(b). If the Division of Licensing 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(7) 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(6), or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary on the grounds that they are not providing goods or services on a regular or continuing basis.

(4) Gaming Vendor Qualifier.

(a) The following persons shall be designated as a gaming vendor qualifier and must establish their qualifications for licensure in accordance with 205 CMR 134.09 and 134.10:

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



PENN NATIONAL
GAMING, INC.

February 2, 2015

Via Electronic-mail

Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, Massachusetts 02110
Attention: Catherine Blue
catherine.blue@state.ma.us

Ms. Blue,

To follow up on our previous communications, I am writing to officially notify you of our request to (i) change the name of the Category 2 gaming licensee in Massachusetts, to be located in Plainville, Massachusetts, from “Springfield Gaming and Redevelopment, LLC” to “Plainville Gaming and Redevelopment, LLC” (such entity, the “*Licensee*”) and (ii) change the name of Licensee’s managing member, “Western Mass. Gaming Ventures, LLC” to “Massachusetts Gaming Ventures, LLC” (such entity, the “*Managing Member*”). This change is being made to better align the corporate names with the location of our slots parlor. Both the Licensee and the Managing Member will remain Delaware limited liability companies qualified to do business in Massachusetts, and no other changes are being proposed to their corporate form or governance at this time.

For your reference, attached as Annex A are drafts of the documents we propose to file with the Secretary of State in order to effect these name changes. Should you have any questions, please do not hesitate to contact me at 610-401-2060.

Sincerely,

Chris Rogers
Vice President, Senior Corporate Counsel

Annex A

See attached.

STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
TO THE
CERTIFICATE OF FORMATION
OF
SPRINGFIELD GAMING AND REDEVELOPMENT, LLC

1. Name of limited liability company: Springfield Gaming and Redevelopment, LLC.

2. Article First of the Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company is: Plainville Gaming and Redevelopment, LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the ___ day of _____, 2015.

Saul V. Reibstein
Authorized Person

**CERTIFICATE OF AMENDMENT
OF A
FOREIGN LIMITED LIABILITY COMPANY**

Federal Employer Identification No.

1. The name of the foreign limited liability company is:

SPRINGFIELD GAMING AND REDEVELOPMENT, LLC

1a. The name, if different, under which it is registered and doing business in the Commonwealth is:

2. Its jurisdiction of organization and date of organization is: DELAWARE; 10/08/2012

3. The date its Application for Registration was filed with the Massachusetts Secretary of the Commonwealth is: 10/12/2012

4. The name and business address, if different from its principal office location, of each manager:

5. The name of each person authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property whether to be filed with the registry of deeds or a district office of the land court, if any, and business address, if different from its principal office location:

6. The amendment to its Application for Registration is as follows:

Article 1a in the Foreign Limited Liability Company Application for Registration is hereby amended as follows:

The exact name of the limited liability company: Plainville Gaming and Redevelopment, LLC.

DATED:

SPRINGFIELD GAMING AND REDEVELOPMENT, LLC
(Limited Liability Company Name)

By: _____
Western Mass. Gaming Ventures, LLC, member
Saul V. Reibstein, Treasurer

(Print Name)

STATE OF DELAWARE
CERTIFICATE OF AMENDMENT
TO THE
CERTIFICATE OF FORMATION
OF
WESTERN MASS. GAMING VENTURES, LLC

1. Name of limited liability company: Western Mass. Gaming Ventures, LLC.
2. Article First of the Certificate of Formation of the limited liability company is hereby amended as follows:

The name of the limited liability company is: Massachusetts Gaming Ventures, LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the ___ day of _____, 2015.

Saul V. Reibstein
Authorized Person

CERTIFICATE OF AMENDMENT
OF A
FOREIGN LIMITED LIABILITY COMPANY

Federal Employer Identification No.

1. The name of the foreign limited liability company is:

WESTERN MASS. GAMING VENTURES, LLC

1a. The name, if different, under which it is registered and doing business in the Commonwealth is:

2. Its jurisdiction of organization and date of organization is: DELAWARE; 10/04/2010

3. The date its Application for Registration was filed with the Massachusetts Secretary of the Commonwealth is: 10/12/2012

4. The name and business address, if different from its principal office location, of each manager:

5. The name of each person authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property whether to be filed with the registry of deeds or a district office of the land court, if any, and business address, if different from its principal office location:

6. The amendment to its Application for Registration is as follows:

Article 1a in the Foreign Limited Liability Company Application for Registration is hereby amended as follows:

The exact name of the limited liability company: Massachusetts Gaming Ventures, LLC.

DATED:

WESTERN MASS. GAMING VENTURES, LLC

(Limited Liability Company Name)

By: _____

Saul V. Reibstein, Treasurer

(Print Name)



Investigations & Enforcement Bureau

To: Chairman Crosby, Commissioner Zuniga, Commissioner Stebbins, Commissioner Cameron and Commissioner McHugh

From: Karen Wells, Director, Investigations and Enforcement Bureau

Re: Temporary Primary Vendor and Temporary Key Gaming Employee Licenses Issued

Date: April 2, 2015

Pursuant to the authority the Commission delegated to the IEB on March 19, 2015, the IEB has granted temporary licenses to the following entities and individuals.

Key Gaming Employees

1. Jeremy Howland, VP of Finance, Penn National (3/26/15)
2. Shannon Wells, VP of Human Resources, Penn National (3/26/15)
3. Michael Thoma, VP of Operations, Penn National (3/26/15)
4. Michelle Collins, VP of Marketing, Penn National (3/26/15)

Primary Vendors

1. Aristocrat Technologies, Inc. (3/30/15)
2. WMS Gaming, Inc. (4/1/15)
3. Bally Gaming, Inc. (4/1/15)

Each application has been deemed complete by the Division of Licensing. The petitioner has certified and the IEB has found, after reviewing the proposed equipment delivery dates and the operational plan for the facility, that each temporary license is necessary for the operation of the gaming establishment given the planned June 24, 2015 opening date, and is not designed to circumvent normal licensing procedures.

The IEB has found that in each case that the license is reasonably likely to be issued upon completion of the investigation.



Massachusetts Gaming Commission