



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #192**

May 26, 2016
10:00 a.m.

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



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA

May 26, 2016

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, May 26, 2016

10:00 a.m.

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

PUBLIC MEETING - #192

1. Call to order
2. Approval of Minutes
 - a. April 26-28, 2016
3. Ombudsman Report – John Ziemba
 - a. Wynn MA LLC Quarterly Report
 - b. Plainridge Park Casino Quarterly Report
4. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
5. Racing Division – Alex Lightbown, Director/Chief Veterinarian
 - a. Racing Update
 - b. 2015 Annual Racing Report – D. O'Donnell, Senior Financial Analyst
 - c. Suffolk Downs Promotional Fund Request – **VOTE**
 - d. Plainridge Park Racecourse Pentafecta Wagering Request – **VOTE**
6. Legal Division – Catherine Blue, General Counsel
 - a. Draft Mass Gaming & Entertainment License Decision
 - b. 205.CMR.144 Slot Machine Approval Process – Draft Updated Regulation – T. Grossman, Deputy General Counsel, J. Glennon – Chief Information Officer and F. Barroga, Gaming Technology Manager



Massachusetts Gaming Commission

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

7. Investigations and Enforcement Bureau – Karen Wells, Director
 - a. Key Gaming Position License – VOTE
8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

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

5/23/16
DATE



Stephen P. Crosby, Chairman

Date Posted to Website: May 24, 2016 at 10:00 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date: April 26-28, 2016

Place: The Shaw's Conference Center
1 Feinberg Way
Brockton, MA

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

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

Category 1 Region C License Application Evaluation Presentations, Deliberations, and Determination

Call to Order (Tuesday April 26, 2016)
See transcript pages 2-12

10:00 a.m. Chairman Crosby called to order the 188th Commission meeting.

Chairman Crosby provided an outline of the evaluation and deliberation process. He noted that there is one applicant – Mass Gaming and Entertainment, LLC (MG&E’), under consideration. He acknowledged the applicant, staff, consultants, and officials from the host and surrounding communities for their hard work, and the public for their comments.

He provided a summary of the process which included the following: the Investigations and Enforcement Bureau (“IEB”) will provide an update on suitability of the applicant; the legal team will provide an overview of the governing law; the commissioners will present on the following topic areas: Commissioner Zuniga –Finance, Commissioner Stebbins – Economic Development, Commissioner Macdonald – Building and Site Design, Commissioner Cameron – Mitigation, and Chairman Crosby – Overview of Project; written evaluation reports will be available on the MGC website; discussion of letter from MG&E; the applicant will be offered an opportunity to

submit for review any material errors; the Commission will review material errors; and the Commissioners will deliberate and vote on whether to award a license. If a license is awarded, the applicant can provide responses to proposed conditions and the Commission will conduct a final vote.

Suitability Update

See transcript pages 12-56

[10:11 a.m.](#) IEB Director Karen Wells provided an update on suitability of the applicant, MG&E, for a Category 1 license. She stated that MG&E and partner George Carney were previously found suitable under prior applications. She stated that the Commission continued to find the applicant suitable in May 2015 as part of the Region C process. Attorney John Donnelly, representing MG&E, responded to casino infractions and noted corrective actions taken. Director Wells stated that should the Commission award a license, she would recommend that they require a license condition for strict oversight.

Outline of Governing Law

See transcript pages 56-60

[11:03 a.m.](#) Deputy General Counsel Todd Grossman provided an outline of the law governing the process for awarding a gaming license.

11:07 a.m. The Commission took a brief recess.

11:17 a.m. The meeting resumed.

Finance

See transcript pages 61-144

See also presentation materials on the MGC website

[11:17 a.m.](#) Commissioner Enrique Zuniga presented on the finance section of the MG&E application. He provided an applicant summary and noted that MG&E is owned by Rush Street Gaming, which operates other casinos. He also provided comparisons to MGM Springfield and Wynn Everett. He provided a summary of the state gaming objectives. He acknowledged a team of advisors which included: Rob Scarpelli, Katia Muro, and Matthew Klas from HLT Advisory. He stated that the finance team framework included assessment in the following areas: Financial Capability, Investment Plan, Market Assessment, and Operations Plan. Commissioner Zuniga presented on financial strength and investment plan. Rob Scarpelli presented on the market assessment methodology.

12:58 p.m. The Commission took a brief recess due to technical difficulties.

1:02 p.m. The meeting resumed.

[1:02 p.m.](#) Commissioner Zuniga continued his presentation and provided a summary of the operations plan. He stated that the overall rating for finance was sufficient/very good.

1:17 p.m. The Commission recessed for lunch.

2:02 p.m. The meeting resumed.

Economic Development

See transcript pages 145-190

See also presentation materials on the MGC website

[2:02 p.m.](#) Commissioner Stebbins presented on the economic development section of the MG&E application. He noted that they looked at three criteria groups: job creation, support for external businesses, and regional tourism and attractions. He acknowledged a team of advisors which included: Nancy Snyder from the Commonwealth Corporation, Pat Moscaritolo from the Boston Convention and Visitors Bureau, Jill Griffin from MGC, Lyle Hall and Adam Black from HLT Advisory, and Lynn Brown a former director at the Boston Federal Reserve Bank. He stated that the review consisted of a presentation by the applicant, site visits, and interviews of key stakeholders. He provided a project comparison to the applicant's other casino properties.

He provided a summary of the following criteria areas: job creation, support for external businesses, and tourism and attractions. He proposed license conditions and stated that the overall rating for economic development was sufficient.

2:53 p.m. The Commission took a brief recess.

3:01 p.m. The meeting resumed.

Building & Site Design

See transcript pages 191-236

See also presentation materials on the MGC website

[3:01 p.m.](#) Commissioner Macdonald presented on the building and site design section of the MG&E application. He noted significant historical events in the City of Brockton and its current economic and social data points. He acknowledged a team of advisors which included Rick Moore from City Point Partners, Ray Porfilio and Chip Pinkham from Epstein Joslin Architects, and Frank Tramontozzi and Jason Sobel from Green International Affiliates.

He provided a summary of the following criteria areas: creativity in design, gaming establishment of high caliber with quality amenities in partnerships with local facilities, compatibility with surroundings, sustainable development, security, and permitting and other. He proposed license conditions and stated that the overall rating for building and design was sufficient.

The Commission meeting recessed until April 27, 2016 at 10:00 a.m.

See transcript pages 236-237

[4:07 p.m.](#) *A motion to temporarily adjourn was made by Commissioner Cameron. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Call to Order (Wednesday April 27, 2016)

See transcript page 2

[10:01 a.m.](#) Chairman Crosby reconvened the 188th Commission meeting.

Mitigation

See transcript pages 2-66

See also presentation materials on the MGC website

[10:01 a.m.](#) Commissioner Cameron presented on the mitigation section of the MG&E application. Commissioner Cameron acknowledged a team of advisors which included: Mark Vander Linden from MGC, Jeffrey Marotta from Problem Gambling Solutions, Rick Moore from City Point Partners, and Frank Tramontozzi and Jason Sobel from Green International. She provided an overview of the evaluation ratings and schedule. She also noted that the evaluation process included review of documents, input from public meetings, presentations, site visits, and research.

She provided a summary of the following criteria areas: community support, responsible gaming, and protect and enhance the lottery. Rick Moore presented on traffic and off-site impacts. Commissioner Cameron proposed license conditions and stated that the overall rating for mitigation was sufficient.

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

11:21 a.m. The meeting resumed.

Overview of Project

See transcript pages 67-90

See also presentation materials on the MGC website

[11:21 a.m.](#) Chairman Crosby presented on the general overview, or “wow factor”, section of the MG&E application. He acknowledged a team of advisors which included: Phil Clay from City Planning, Liz Devlin from FLUX Boston, John Harthorne from MassChallenge, John Mullin from UMass Amherst, Lily Mendez-Morgan from the Massachusetts Red Cross, and Joe Thompson from the Massachusetts Museum of Contemporary Art.

He provided a summary of the following criteria areas: looking outward, marketing the Massachusetts brand, destination resort, and diverse workforce and supplier base. He stated that the overall rating for overview was insufficient.

Claims of Material Errors

See transcript pages 90-121

[11:44 a.m.](#) Chairman Crosby reported that the Commission received claims of material errors from MG&E. Commissioners Stebbins and Macdonald read into the record, and responded to, claims of material errors from their presentations on April 26, 2016.

12:00 p.m. The Commission recessed for lunch.

1:04 p.m. The meeting resumed.

[1:05 p.m.](#) Commissioner Zuniga read into the record, and responded to, claims of material errors from his presentation on April 26, 2016.

Considerations Unique to Region C

See transcript pages 121-151

[1:28 p.m.](#) Commissioner Zuniga presented on the competitive environment which included: market assessment, size and scope of the Taunton casino, unknowns that are critical, state tax rate, and unknowns in neighboring states.

[2:04 p.m.](#) Chairman Crosby reported on a letter received from MG&E regarding a tribal challenge to the award of a Region C license and payment of the \$85 million licensing fee.

The Commission meeting recessed until April 28, 2016 at 10:30 a.m.

See transcript pages 152-153

[2:08 p.m.](#) *A motion to adjourn was made by Commissioner Macdonald. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Call to Order (Thursday, April 28, 2016)

See transcript page 2

[10:30 a.m.](#) Chairman Crosby reconvened the 188th Commission meeting.

Suitability Update

See transcript pages 2-17

[10:30 a.m.](#) IEB Director Karen Wells provided an update on suitability of the applicant MG&E which included recent findings for pending matters before the Pennsylvania Gaming Control Board. She stated that the fines assessed were in line with similar fines for similar offenses at other casinos. She confirmed her recommendation that MG&E remains suitable. Attorney John Donnelly responded to the offenses.

Claims of Material Errors

See transcript pages 17-22

[10:50 a.m.](#) Chairman Crosby reported that the Commission received claims of material errors from MG&E. Commissioner Cameron and Chairman Crosby responded to claims of material errors from their presentations on April 27, 2016.

Discussion on Sections of the Application

See transcript pages 22-74

[10:56 a.m.](#) Commissioners discussed the five sections of the application (Finance, Economic Development, Site and Building Design, Mitigation, and Overview) and assessments.

11:53 a.m. The Commission took a short recess.

12:16 p.m. The meeting resumed.

[12:19 p.m.](#) Attorney John Donnelly provided a brief statement to the Commission.

Deliberation

See transcript pages 74-121

[12:21 p.m.](#) General Counsel Catherine Blue reported on the standards under M.G.L. c. 23K §19 for making a decision.

[12:22 p.m.](#) The Commissioners began deliberations.

1:01 p.m. The Commission took a brief recess.

1:06 p.m. The meeting resumed.

[1:06 p.m.](#) The Commissioners resumed deliberations.

Determination

See transcript pages 121-125

[1:33 p.m.](#) *Commissioner Cameron moved that the Commission vote to deny the application of MG&E. Motion seconded by Commissioner Zuniga. Roll call vote: Commissioner Cameron – Aye, Commissioner Macdonald – Opposed, Commissioner Stebbins – Aye, Commissioner Zuniga – Aye, and Chairman Crosby – Aye. Motion passed 4 to 1.*

[1:34 p.m.](#) Attorney Scott Strusiner, on behalf of Rush Street Gaming, thanked the host community, Mayor of Brockton, his team of staff and consultants, and the Gaming Commission for their hard work. He stated that although they disagree with the decision, they respect the process and the spirit of trying to be good public servants.

Other Business Not Reasonably Anticipated

See transcript page 125

[1:37 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Cameron. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda, April 26-28, 2016
2. Massachusetts Gaming Commission, Evaluation Reports and Presentations: Finance, Economic Development, Building and Site Design, Mitigation, and Overview/General
3. Letter from John Donnelly to the Massachusetts Gaming Commission, dated April 22, 2016 regarding Mass Gaming & Entertainment
4. Email from Rush Street Gaming to the Massachusetts Gaming Commission, dated April 27, 2016, with attachments
5. Email from Rush Street Gaming to the Massachusetts Gaming Commission, dated April 28, 2016, with attachments
6. Letter from Mayor Bill Carpenter to the Massachusetts Gaming Commission, dated 4/27/16
7. Letter from Stand UP Brockton regarding response to Mayor Bill Carpenter's Letter
8. Written Public Comments

/s/ Catherine Blue

Catherine Blue, Assistant Secretary

Wynn BOSTON HARBOR
®

Wynn Boston Harbor

QUARTERLY REPORT AS OF MARCH 31, 2016

Wynn Boston Harbor

PERMITTING

Permitting – State

MEPA Review (EOEEA) – **Secretary’s Certificate received on August 28, 2015**

Section 61 Findings – **Issued by MWRA, Massport, MassDEP, MassDOT, MBTA and DCR, and MGC**

Chapter 91 (DEP) – **Written Determination Received January 22, 2016 (Appeal Pending)**

Notification of Construction and Demolition (DEP) – **Submitted October 2015**

Water Quality Certification (DEP) – **Submitted September 8, 2015**

Massachusetts Contingency Plan (DEP) – **Submitted May 2015**

Federal Consistency Certification (CZM) – **Submitted December 2015**

Massachusetts Historical Commission – **Review Completed**

Board of Underwater Archaeological Resources – **Review Completed**

Permitting – Federal and Local

Federal

Federal Aviation Administration (FAA) –
**Determination Regarding Air Navigation
received for Building, Cranes, and Podium**

U.S. Army Corps of Engineers (Section 10 and 404) –
Submitted September 15, 2015

U.S. Environmental Protection Agency (NPDES
Construction Management General Permit NOI) –
Received April 6, 2016

Local

City of Boston (Public Improvement Commission and
Boston Transportation Department – **Off-site
Infrastructure under review**

Site Plan Review (Everett Planning Board) –
**Approved October 14, 2015 (Project) and
May 5, 2016 (Access Road)**

Wetlands Order of Conditions (Everett Conservation
Commission) – **Issued September 24, 2015**

Building Permit (Everett Building Department) –
Issued May 2, 2016

Wynn Boston Harbor

SITE REMEDIATION

Site Remediation

Charter Contracting Company

- Selected as remediation contractor in August 2015

Remediation Commenced

- October 2015

Final Soil Removed – May 2016

Wynn Boston Harbor

DESIGN

Design

Foundation and Garage

Plans for foundation and parking structure have been peer reviewed and was approved by the City of Everett on May 2, 2016

Hotel Tower

Wynn's design team has completed the design development for the hotel tower and is under review by the City of Everett

Podium

Schematic design is complete and Wynn's design team expects to complete full permit review documents by July 2016

Site and Maritime Progressing through design development

Wynn Boston Harbor Model



Wynn Boston Harbor

OFF-SITE INFRASTRUCTURE

Off-Site Infrastructure

Design Team Selected

AECOM is advancing the design on all off-site infrastructure other than Sullivan Square

Roadway Safety Audits have been completed (and incorporated into MassDOT Section 61 Findings)

Sullivan Square/Rutherford Avenue

Howard/Stein-Hudson Associates, Inc. is advancing the conceptual designs to 25%

Meetings with the City of Boston to advance its mitigation plans

Meetings with the Lower Mystic Regional Working Group

Wynn Boston Harbor

PROJECT SCHEDULE

6-Month Lookahead

Chapter 91 License

Appeal hearing scheduled for June 2, 2016

Design Drawings

Ongoing

Utility Relocations

Ongoing

Pre-Construction Activities

Ongoing

Service Road Construction

2nd Quarter 2016

Offsite Transportation Infrastructure Design

Ongoing

Start of Construction

3rd Quarter 2016

Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
Wynn Boston Harbor						717d 24-Aug-15 A 12-Jul-18													
Main Project						402d 24-Aug-15 A 16-Mar-17													
Environmental Permits						296d 24-Aug-15 A 09-Nov-16													
Massachusetts Environmental Policy Act (MEPA) - Main Project						16d 24-Mar-16 A 25-Apr-16 A													
A5172	MP Section 61 Findings (2/7) - MGC	16d	24-Mar-16 A	25-Apr-16 A	A5171	MP Section 61 Findings (2/7) - MGC													
Chapter 91 - Main Project						110d 12-Feb-16 A 01-Jul-16													
A3640	MP 91 Chapter 91 Appealed	110d	12-Feb-16 A	01-Jul-16	A3635	MP 91 Chapter 91 Appealed													
A4200	MP 91 Chapter 91 License Issued	10d	20-Jun-16	01-Jul-16	A3640	MP 91 Chapter 91 License Issued													
CZM Consistency Review - Main Project						209d 24-Aug-15 A 08-Jul-16													
A3910	MP CZM Prepare CZM Permit & Application	20d	24-Aug-15 A	12-May-16	A3590	MP CZM Prepare CZM Permit & Application													
A3990	MP CZM Decision / Permit (Requires Chapter 91)	5d	01-Jul-16	08-Jul-16	A3980, A3640, A801	MP CZM Decision / Permit (Requires Chapter 91)													
FAA Air Navigation Determination - Site Equipment Use - Main Project						70d 30-Mar-16 A 08-Jul-16													
A1060	Prepare FAA Application	7d	30-Mar-16 A	07-Apr-16 A	A1050	Prepare FAA Application													
A1070	Submit FAA Application	1d	08-Apr-16 A	08-Apr-16 A	A1060	Submit FAA Application													
A1080	FAA Permit Application Review - Tower Crane / Pile Driver	62d	11-Apr-16 A	07-Jul-16	A1070	FAA Permit Application Review - Tower Crane / Pile Driver													
A1090	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile	0d	08-Jul-16	08-Jul-16	A1080	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile													
USACE SEC 10 & 404 - Navigational Dredging						36d 28-Jan-16 A 18-Jul-16													
A7430	MP 404/10 Decision / Permit (Requires CZM which requires 91)	36d	28-Jan-16 A	18-Jul-16	A4330, A3990, A4200	MP 404/10 Decision / Permit (Requires CZM which requires 91)													
US EPA NPDES Permit - Main Resort						1d 20-Apr-16 A 20-Apr-16 A													
A1180	Complete Storm Water Design for EPA Application	1d	20-Apr-16 A	20-Apr-16 A	A1170, A1190	Complete Storm Water Design for EPA Application													
A1200	Receive EPA Permits	0d	20-Apr-16 A	20-Apr-16 A	A1190, A1180	Receive EPA Permits													
MEPA - ENF - Remedial Dredging						70d 01-Apr-16 A 11-Jul-16													
A3115	RD Phase II & Phase III	1d	01-Apr-16 A	01-Apr-16 A	A3380, A5172	RD Phase II & Phase III													
A3480	RD Prepare Draft ENF for filing	6d	01-Apr-16 A	08-Apr-16 A	A3115, A8490	RD Prepare Draft ENF for filing													
A8490	Essential Fish Survey and Habitat	5d	01-Apr-16 A	07-Apr-16 A	A3115	Essential Fish Survey and Habitat													
A7460	RD Internal review of Draft	5d	11-Apr-16 A	15-Apr-16 A	A3480	RD Internal review of Draft													
A7470	RD Prepare Final Draft ENF	4d	18-Apr-16 A	22-Apr-16 A	A7460	RD Prepare Final Draft ENF													
A7480	RD Internal review of Final Draft	5d	22-Apr-16 A	20-May-16	A7470	RD Internal review of Final Draft													
A8520	MEPA Meeting	1d	25-May-16	25-May-16	A7470, A7480	MEPA Meeting													
A4310	RD File ENF for Remedial Dredging	1d	31-May-16	31-May-16	A7480, A8520	RD File ENF for Remedial Dredging													
A3490	RD Notice in Environmental monitor	1d	09-Jun-16	09-Jun-16	A4310	RD Notice in Environmental monitor													
A3500	RD Comment period / Public Hearing (20 calendar days)	14d	09-Jun-16	28-Jun-16	A3490	RD Comment period / Public Hearing (20 calendar days)													
A3510	RD Secretary Decision	1d	11-Jul-16	11-Jul-16	A3500	RD Secretary Decision													
Chapter 91 - Remedial Dredging (requires WQ)						156d 01-Apr-16 A 09-Nov-16													
A3770	RD 91 Draft Application	5d	01-Apr-16 A	07-Apr-16 A	A3480, A3115	RD 91 Draft Application													
A3780	RD 91 Internal Comment	5d	08-Apr-16 A	14-Apr-16 A	A3770	RD 91 Internal Comment													
A3790	RD 91 Final Draft for Internal Comment	5d	15-Apr-16 A	21-Apr-16 A	A3780	RD 91 Final Draft for Internal Comment													

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone

Wynn Boston Harbor
Six Month Lookahead Schedule (4/1/2016 - 9/30/2016)
20-May-16 **Page 1 of 10**



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A4280	Internal Review of First Draft	10d	25-Apr-16 A	27-May-16	A3790			█														
A3800	RD 91 Internal Review of Final Draft Application	10d	31-May-16	13-Jun-16	A3790, A4280				█													
A3810	RD 91 Draft to MASS DEP	5d	14-Jun-16	20-Jun-16	A3800				█													
A3820	RD 91 Final Application DEP comments	10d	21-Jun-16	05-Jul-16	A3810					█												
A3830	RD Chapter 91 Filing	5d	06-Jul-16	12-Jul-16	A3820, A5172, A3510						█											
A3840	RD 91 Notice in Environmental Monitor	6d	13-Jul-16	20-Jul-16	A3830							█										
A3850	RD 91 Comment Period / Public Hearing	13d	22-Jul-16	09-Aug-16	A3840								█									
A3860	RD 91 End of Chapter 91 Technical Review (3 Months)	65d	10-Aug-16	09-Nov-16	A3850, A3330																	
Water Quality Certificate 401 - Remedial Dredging (before Ch. 91)		156d	01-Apr-16 A	09-Nov-16																		
A10880	RD WQ Draft Application	10d	01-Apr-16 A	14-Apr-16 A	A3770	█																
A10890	RD WQ Internal Comment	5d	15-Apr-16 A	21-Apr-16 A	A10880		█															
A11840	Internal Review of First Draft	10d	25-Apr-16 A	27-May-16	A10890			█														
A10900	RD WQ Internal Review of Final Draft Application	10d	31-May-16	13-Jun-16	A10890, A11840				█													
A10920	RD WQ Draft to MASS DEP	5d	14-Jun-16	20-Jun-16	A10900					█												
A10930	RD WQ Final Application DEP comments	10d	21-Jun-16	05-Jul-16	A10920						█											
A10940	RD Chapter 401 Filing	5d	06-Jul-16	12-Jul-16	A10930, A3510							█										
A10950	RD WQ Notice in Environmental Monitor	6d	13-Jul-16	20-Jul-16	A10940								█									
A10960	RD WQ Comment Period / Public Hearing	13d	22-Jul-16	09-Aug-16	A10950									█								
A10970	RD WQ End of Chapter 401 Technical Review (3 Months)	65d	10-Aug-16	09-Nov-16	A10960																	
Everett Con. Comm. - Wetlands Notice of Intent - Remedial Dredging		122d	30-Mar-16 A	20-Sep-16																		
A8140	E - RD NOI Prepare Notice of Intent - Draft Package	18d	30-Mar-16 A	22-Apr-16 A	A1630, A3115	█																
A8150	E - RD NOI Internal Review of Draft Package	5d	25-Apr-16 A	20-May-16	A8140			█														
A8160	E - RD NOI Final Draft	5d	23-May-16	27-May-16	A8150					█												
A8170	E - RD NOI Internal Review of Final Draft	5d	31-May-16	06-Jun-16	A8160						█											
A8180	E - RD NOI Final Draft to DEP	5d	07-Jun-16	13-Jun-16	A8170							█										
A8190	E - RD DEP Comments on Final Draft	9d	14-Jun-16	24-Jun-16	A8180								█									
A8200	E - RD NOI File Notice of Intent	11d	27-Jun-16	12-Jul-16	A8190									█								
A8410	E - RD NOI First Hearing	1d	04-Aug-16	04-Aug-16	A8180, A8200																	
A11000	E - RD NOI Second Hearing	1d	01-Sep-16	01-Sep-16	A8410																	
A8220	E - RD NOI Decision / Permit	2d	02-Sep-16	06-Sep-16	A11000, A8200																	
A8240	E - RD NOI Order of Conditions	1d	06-Sep-16	06-Sep-16	A8220																	
A8230	E - RD NOI End of Appeal Period	10d	07-Sep-16	20-Sep-16	A8220, A8240																	
Boston Con. Comm. - Wetlands Notice of Intent - Remedial Dredging		122d	30-Mar-16 A	20-Sep-16																		
A8250	B - RD NOI Prepare Notice of Intent - Draft Package	18d	30-Mar-16 A	22-Apr-16 A	A8140, A3115	█																
A8260	B - RD NOI Internal review of Draft Package	5d	25-Apr-16 A	20-May-16	A8250			█														
A8270	B - RD NOI Final Draft	5d	23-May-16	27-May-16	A8260						█											
A8280	B - RD NOI Internal Review of Final Draft	5d	31-May-16	06-Jun-16	A8270							█										

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone

Wynn Boston Harbor
Six Month Lookahead Schedule (4/1/2016 - 9/30/2016)
20-May-16 **Page 2 of 10**



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A8290	B - RD NOI Final Draft to DEP	5d	07-Jun-16	13-Jun-16	A8280				■													
A8300	B - RD DEP Comments on Final Draft	9d	14-Jun-16	24-Jun-16	A8290				■													
A8310	B - RD NOI File Notice of Intent	11d	27-Jun-16	12-Jul-16	A8300				■													
A8320	B - RD NOI Review and Public Hearing	13d	13-Jul-16	29-Jul-16	A8310				■													
A8330	B - RD NOI Decision / Permit	19d	10-Aug-16	06-Sep-16	A8320, A8220					■												
A8350	B - RD NOI Order of Conditions Issued	1d	06-Sep-16	06-Sep-16	A8330						■											
A8340	B - RD NOI End of Appeal Period	10d	07-Sep-16	20-Sep-16	A8330, A8350						■											
USACE SEC 10 & 404 - Remedial Dredging (requires Ch.91, WQ, CZM)			171d	03-Mar-16 A	01-Nov-16	USACE SEC 10 & 404 - Remedial Dredging																
A3420	RD Final Application	65d	03-Mar-16 A	16-Jun-16	A3410	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A3430	RD File Application - General Permit 17	1d	19-Jul-16	19-Jul-16	A3420																	
A7440	RD Technical Review	74d	20-Jul-16	01-Nov-16	A3430																	
MCP - Massachusetts Contingency Plan			63d	30-Mar-16 A	27-Jun-16	MCP - Massachusetts Contingency Plan																
A3660	MCP Phases III and IV - Draft Plan	20d	30-Mar-16 A	20-May-16		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A3670	MCP Phases III and IV - Draft Plan Review	5d	23-May-16	27-May-16	A3660																	
A4110	MCP Phases III and IV - Final Plan	5d	31-May-16	06-Jun-16	A3670																	
A4120	MCP Phases III and IV - Final Plan Submitted	0d	06-Jun-16	06-Jun-16	A4110																	
A4130	Public Comment Period (20 calendar days)	15d	07-Jun-16	27-Jun-16	A4120																	
Design			194d	15-Dec-15 A	16-Sep-16	Design																
Structural Progress Drawings			0d	22-Apr-16 A	22-Apr-16 A	▼ Structural Progress Drawings																
A10120	Issue Complete Set of Structural Progress Drawings	0d		22-Apr-16 A	A9660																	
Structural Drawings			64d	21-Mar-16 A	17-Jun-16	▼ Structural Drawings																
A9650	Peer Review	15d	21-Mar-16 A	08-Apr-16 A	A9640	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A9660	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A9650																	
A10100	Foundation Documents released	0d		26-May-16	A9660, A10120																	
A11490	Garage, Podium, Tower Str., Podium Envelope Drawings released	0d		17-Jun-16	A10100																	
Site Drawings			22d	27-Apr-16 A	26-May-16	▼ Site Drawings																
A10510	AE Team Finalize	22d	27-Apr-16 A	26-May-16	A10440	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A10520	Site CDs released	0d		26-May-16	A10510																	
Marine Drawings			42d	30-Mar-16 A	26-May-16	▼ Marine Drawings																
A10450	Peer Review	8d	30-Mar-16 A	08-Apr-16 A	A10440	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A10460	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A10450																	
A10480	Marine CDs released	0d		26-May-16	A10460, A10100																	
GMP Documents			83d	21-Mar-16 A	15-Jul-16	▼ GMP Documents																
A10800	City Review	15d	21-Mar-16 A	08-Apr-16 A	A10790	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
A10810	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A10800																	
A10820	GMP Documents - All	0d		15-Jul-16	A10810, A10480, A1																	
High Rise and BoH Drawings			0d	12-Aug-16	12-Aug-16	▼ High Rise and BoH Drawings																

- Remaining Level of Effort
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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A12180	Metal Panels	0d		06-Jun-16	A12170					◆												
A12190	EIFS	0d		13-Jun-16	A12180					◆												
A12200	Stone	0d		20-Jun-16	A12190					◆												
A12210	Curved Escalators	0d		27-Jun-16	A12200					◆												
Potential Early Work (No need for Chapter 91 Approval)		49d	25-Apr-16 A	05-Jul-16																		
Resort Construction		149d	05-Jul-16	03-Feb-17																		
A2222	Mobilization	0d	05-Jul-16		A2590, A4200, 1308					◆												
A2700	Slurry and LBEs	149d	05-Jul-16	03-Feb-17	A5650, A2590, A316																	
A9820	Central Plant Area Excavation and Foundation	142d	06-Jul-16	26-Jan-17	A2700, A2262																	
Tenant Retail		131d	12-May-16	15-Nov-16																		
A7570	Identify Lease Tenant	131d	12-May-16*	15-Nov-16																		
Broadway Projects		169d	30-Oct-15 A	30-Sep-16																		
Alford Retail Building Demolition		57d	29-Mar-16 A	13-Jun-16																		
A11040	Proposal back from Demo Contractor	10d	29-Mar-16 A	14-Apr-16 A	A11090																	
A11130	WDD Approval and Award Demo Contractor	7d	12-Apr-16 A	29-Apr-16 A	A11040																	
A11060	Permitting (DEP Notification)	10d	02-May-16 A	13-May-16	A11130																	
A11050	Disposal	5d	16-May-16	20-May-16	A11060																	
A11070	Demo Alford Retail Building	15d	23-May-16	13-Jun-16	A11060, A11050																	
128 Broadway (McDonald's)		139d	17-Mar-16 A	30-Sep-16																		
128 Broadway (McDonald's) Demolition		96d	17-Mar-16 A	01-Aug-16																		
A1861	Vacate McDonald's	76d	17-Mar-16 A	01-Jul-16	11050																	
11100	Environmental Report	5d	23-May-16	27-May-16	11050, A11310																	
11130	Demo Documents	5d	23-May-16	27-May-16	11100																	
11140	Bid Demo Contractor	9d	31-May-16	10-Jun-16	11130																	
11150	Review/Approve Bids, Award Demo	5d	13-Jun-16	17-Jun-16	11140																	
11160	Demo Permit	10d	20-Jun-16	01-Jul-16	A11190, 11150																	
11090	Demo Existing McDonald's	20d	05-Jul-16	01-Aug-16	11080, 11160																	
13260	Demo Complete	0d		01-Aug-16	11090, 11920																	
New McDonald's		137d	21-Mar-16 A	30-Sep-16																		
11060	Construction Documents for New McDonald's	30d	21-Mar-16 A	06-May-16 A	11050, 11100																	
11120	Planning Board Approval	1d	06-Jun-16	06-Jun-16	11050, 11060																	
A1940	Permit from City of Everett for New McDonalds	1d	21-Jun-16	21-Jun-16	11120																	
11080	Construction (New McDonald's, Utilities, Parking)	63d	05-Jul-16	30-Sep-16	A1940, 11060, A1861																	
38 Broadway (Mobil) Demolition		84d	01-Mar-16 A	14-Jul-16																		
A1863	Terminate Mobil Lease	60d	01-Mar-16 A	01-Jun-16	A1860																	
A7690	Environmental Investigation	15d	02-Jun-16	22-Jun-16	A1860, A7710, A1863																	
A7720	Construction Document Production	15d	23-Jun-16	14-Jul-16	A7710, A7690, A7690																	

- █ Remaining Level of Effort
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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017		
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
A7860	GZARAM Plan (Check with GZA)	10d	23-Jun-16	07-Jul-16	A7690															
48 Broadway (Dunkin Donuts) Demolition		167d	30-Oct-15 A	25-Aug-16																
A1870	Negotiate Tenant Lease Termination	167d	30-Oct-15 A	23-Jun-16	A1860															
A8400	Environmental Investigation	19d	24-Jun-16	21-Jul-16	A8390, A8420, A1870															
A8430	Construction Document Production	25d	22-Jul-16	25-Aug-16	A8420, A8400															
MBTA Loading Dock and New Gatehouse		216d	30-Oct-15 A	01-Sep-16																
12860	Prepare Construction Documents	75d	30-Oct-15 A	20-May-16																
12910	Finalize Easement	75d	30-Oct-15 A	27-May-16	14380															
12870	MBTA Approval/Comments	15d	23-May-16	13-Jun-16	12860, 12910															
12890	Issue Bid Documents	10d	31-May-16	13-Jun-16	12870															
12900	Bid/Award Contractor	10d	14-Jun-16	27-Jun-16	12890															
12850	Loading Dock Construction	30d	05-Jul-16	15-Aug-16	12890, 12900															
12920	Move Storage Building	30d	05-Jul-16	15-Aug-16	12900															
12770	Build New Gatehouse	40d	08-Jul-16	01-Sep-16	12900															
12880	Loading Dock Operational	0d		15-Aug-16	12850, 13290															
13280	MBTA New Entrance Operational	0d		01-Sep-16	12770, 13300, 12920															
Service Road and Utilities Projects		685d	30-Oct-15 A	12-Jul-18																
Everett Planning Board - Site Plan Review - Service Road		1d	25-Apr-16 A	25-Apr-16 A																
A8510	SR - Planning Board Approval	1d	25-Apr-16 A	25-Apr-16 A	A8505, 12170															
Service Road RAM Plan		54d	01-Mar-16 A	03-May-16 A																
A8525	Amend RAM Plan for Service Road	24d	01-Mar-16 A	03-May-16 A																
A8545	Final RAM Plan Submitted	1d	02-May-16 A	03-May-16 A	A8525															
Service Road and Utilities Design		43d	31-Mar-16 A	13-May-16																
12470	Bid Contractor	17d	31-Mar-16 A	03-May-16 A	11805, 11820															
12460	Complete Bidders Background Checks	12d	21-Apr-16 A	13-May-16	12450															
12450	Review/Award (Service Road and Utility Relocations)	8d	02-May-16 A	13-May-16	12470, 11820															
12500	WDD Review and Approval	5d	09-May-16 A	13-May-16	12470															
12490	Notice to Proceed (Service Road Construction)	0d		13-May-16	12470, 12450, 12460															
Preferred Utility Relocations Options		172d	30-Oct-15 A	30-Jun-16																
Verizon Relocation through Santilli Circle (for Gateway)		172d	30-Oct-15 A	30-Jun-16																
13110	Review/Approve the Plan with Gateway	65d	30-Oct-15 A	16-May-16																
13090	Prepare Bid Documents (Verizon)	20d	25-Jan-16 A	16-May-16	13110															
13100	Bid/Award Verizon Contractor	10d	17-May-16	31-May-16	13090															
13120	Review/Approvals (by Everett, Verizon, Gateway, DCR)	9d	17-May-16	27-May-16	13090															
13080	Relocate T/D Lines	20d	03-Jun-16	30-Jun-16	13090, 13100, 13120															
13130	Relocate FIRE ALARM on Poles	20d	03-Jun-16	30-Jun-16	13080															
Gateway 23Kv Electrical Line Preconstruction		95d	26-Jan-16 A	18-May-16																

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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A2270	National Grid execute MBTA Utility License	60d	26-Jan-16 A	18-May-16	A2310	National Grid execute MBTA Utility License													
A3565	Duct Bank Award	5d	09-May-16 A	13-May-16	12490	Duct Bank Award													
A2280	National Grid Trade Procurement	20d	12-May-16 A	18-May-16	A2260	National Grid Trade Procurement													
115Kv High Tension Tower Relocation		601d	29-Feb-16 A	12-Jul-18															
A2410	National Grid Schematic Design	30d	29-Feb-16 A	20-May-16	A2390	National Grid Schematic Design													
A2350	National Grid Complete Engineered Documents	541d	23-May-16	12-Jul-18	A2410	National Grid Complete Engineered Documents													
National Grid Gas Line Extension on Broadway		161d	16-Feb-16 A	30-Sep-16		National Grid Gas Line Extension on Broadway													
A2360	National Grid Site Investigation	40d	16-Feb-16 A	20-May-16	A2400	National Grid Site Investigation													
A2380	National Grid Complete Gas Line Design Documents	25d	23-May-16	27-Jun-16	A2360	National Grid Complete Gas Line Design Documents													
A2910	National Grid Trade Procurement	20d	28-Jun-16	26-Jul-16	A2380	National Grid Trade Procurement													
A2970	National Grid Complete Gas Line Relocation	44d	01-Aug-16	30-Sep-16	A2910, A5172	National Grid Complete Gas Line Relocation													
Service Road Preconstruction Survey		4d	12-May-16	17-May-16		Service Road Preconstruction Survey													
11020	Service Road Preconstruction Survey	4d	12-May-16	17-May-16	12000	Service Road Preconstruction Survey													
Service Road Construction		129d	16-May-16	15-Nov-16		Service Road Construction													
12000	Mobilization	5d	16-May-16	20-May-16	12490	Mobilization													
A2275	Wynn Constructs Duct Bank	10d	16-May-16	27-May-16	A2270, A3565	Wynn Constructs Duct Bank													
11010	Tunnel Modifications (by SCCI)	30d	18-May-16	29-Jun-16	12620, 12000	Tunnel Modifications (by SCCI)													
12060	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas	32d	18-May-16	01-Jul-16	12170, A9560, 11010	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas													
12070	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonak	51d	18-May-16	29-Jul-16	12060	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonak													
A6570	Complete Temp Water Line Relocation (Gateway)	31d	18-May-16	30-Jun-16	12060	Complete Temp Water Line Relocation (Gateway)													
A2300	National Grid Complete Relocation of 23KV Gateway Line	22d	01-Jun-16	30-Jun-16	A2280, A2275	National Grid Complete Relocation of 23KV Gateway Line													
12190	National Grid Installs Gas Regulators	20d	14-Jun-16	12-Jul-16	11010	National Grid Installs Gas Regulators													
12200	National Grid Provides Electricity to Site	20d	14-Jun-16	12-Jul-16	12190	National Grid Provides Electricity to Site													
12010	Drainage Improvements (coordinate with MBTA)	35d	27-Jun-16	15-Aug-16	12000, 12850	Drainage Improvements (coordinate with MBTA)													
A2320	NGrid 23 kV Relocation Complete	0d	30-Jun-16	30-Jun-16	A2300, 14180	NGrid 23 kV Relocation Complete													
14420	Broadway/Beacham Temp Alignment	20d	05-Jul-16	01-Aug-16	11090	Broadway/Beacham Temp Alignment													
12080	SR - Phase 3 (SR, remainder of Charlton, McDonald's/Broadway intersection)	76d	01-Aug-16	15-Nov-16	12070, A6570, 14420	SR - Phase 3 (SR, remainder of Charlton, McDonald's/Broadway intersection)													
12180	115 kV Piping Installation	25d	01-Aug-16	02-Sep-16	12480	115 kV Piping Installation													
12040	Site Improvements, Landscaping	45d	14-Sep-16	15-Nov-16	12010, 12880, 13280	Site Improvements, Landscaping													
DCR Harbor Walk Connector		223d	13-Apr-16 A	01-Mar-17		DCR Harbor Walk Connector													
Everett Con. Comm. - NOI Site Investigation		43d	13-Apr-16 A	13-Jun-16		Everett Con. Comm. - NOI Site Investigation													
A4140	Draft NOI Completed	1d	13-Apr-16 A	13-Apr-16 A		Draft NOI Completed													
A4150	Internal Review	6d	13-Apr-16 A	20-Apr-16 A	A4140	Internal Review													
A4160	MBTA Temp Access Permit	1d	15-Apr-16 A	15-Apr-16 A	A4150	MBTA Temp Access Permit													
A4170	Final NOI for MBTA Signature	1d	25-Apr-16 A	25-Apr-16 A	A4160	Final NOI for MBTA Signature													
A4220	MBTA Signature	1d	03-May-16 A	03-May-16 A	A4170	MBTA Signature													
A4230	File NOI	1d	05-May-16 A	05-May-16 A	A4220	File NOI													

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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A4240	Con. Comm. Hearing	1d	19-May-16	19-May-16	A4230																	
A4250	NOI End of Appeal	14d	20-May-16	09-Jun-16	A4240																	
A4260	Site Investigation	2d	10-Jun-16	13-Jun-16	A4250																	
Design		202d	28-Apr-16 A	01-Mar-17																		
A4050	Design Review Meeting with DCR	1d	28-Apr-16 A	28-Apr-16 A	A4150																	
A4270	Interim 50% Consultant Submission (Minus Overlook)	1d	10-Jun-16	10-Jun-16	A4050																	
A3870	50% CDs	16d	13-Jun-16	05-Jul-16	A4050, A4270, A4260																	
A4098	Meeting to review Alternates for Overlook (GZA, SA, WDD)	1d	22-Jun-16	22-Jun-16	A4270																	
A4088	DCR Public Listening Session	1d	29-Jun-16	29-Jun-16	A3870																	
A4090	75% CDs	18d	06-Jul-16	29-Jul-16	A3870, A4088, A4098																	
A4100	100% CDs	127d	29-Aug-16	01-Mar-17	A3710, A4090																	
Everett Con. Comm. - Wetlands Notice of Intent (DCR Harbor Walk Con		106d	23-May-16	20-Oct-16																		
A2470	Execution of Easement Agreement with MBTA, DDRC	30d	23-May-16	05-Jul-16	A3470, A5172, A3870																	
A1600	Prepare Notice of Intent	8d	06-Jul-16	15-Jul-16	A2470, A4088, A2470																	
A1610	Internal Review of Draft	2d	18-Jul-16	19-Jul-16	A1600																	
A1730	Final Draft	5d	20-Jul-16	26-Jul-16	A1610																	
A1740	Internal Review of Final Draft	2d	27-Jul-16	28-Jul-16	A1730																	
A1750	Final Draft to DEP	1d	29-Jul-16	29-Jul-16	A1740																	
A1760	Final Draft DEP Comments	10d	01-Aug-16	12-Aug-16	A1750																	
A1770	File Notice of Intent	5d	15-Aug-16	19-Aug-16	A1760																	
A1780	Review and Public Hearing (mtgs on 9/15 and 10/20)	43d	22-Aug-16	20-Oct-16	A1760, A1770																	
MADEP Chapter 91 DCR Harbor Walk Connector		73d	06-Jul-16	17-Oct-16																		
A11940	Prepare Draft Chapter 91 application	13d	06-Jul-16	22-Jul-16	A2470																	
A11950	Internal Review of Draft	2d	25-Jul-16	26-Jul-16	A11940																	
A11960	Final Draft	5d	27-Jul-16	02-Aug-16	A11950																	
A11970	Internal Review of Final Draft	2d	03-Aug-16	04-Aug-16	A11960																	
A11980	Final Draft to DEP	1d	05-Aug-16	05-Aug-16	A11970																	
A11990	Final Draft DEP Comments	10d	08-Aug-16	19-Aug-16	A11980																	
A3710	Chapter 91 Filing	5d	22-Aug-16	26-Aug-16	A3510, A11990																	
A3720	Notice in Environmental Monitor	35d	29-Aug-16	17-Oct-16	A3710																	
MADEP WQ Certification (DCR Harbor Walk Connector)		73d	06-Jul-16	17-Oct-16																		
A12010	Prepare Draft WQ application	13d	06-Jul-16	22-Jul-16	A11940																	
A12020	Internal Review of Draft	2d	25-Jul-16	26-Jul-16	A12010																	
A12030	Final Draft	5d	27-Jul-16	02-Aug-16	A12020																	
A12040	Internal Review of Final Draft	2d	03-Aug-16	04-Aug-16	A12030																	
A12050	Final Draft to DEP	1d	05-Aug-16	05-Aug-16	A12040																	
A12060	Final Draft DEP Comments	10d	08-Aug-16	19-Aug-16	A12050																	

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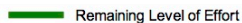
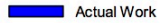
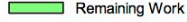
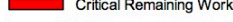




Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017			
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb				
A12070	WQ Filing	5d	22-Aug-16	26-Aug-16	A12060																
A12080	Notice in Environmental Monitor	35d	29-Aug-16	17-Oct-16	A12070																
Everett Planning Board - Site Plan Review - DCR Harbor Walk Connect			78d	06-Jul-16	24-Oct-16																
A11860	Prepare Draft Application	38d	06-Jul-16	26-Aug-16	A2470																
A11870	Internal Review of Draft Application	4d	29-Aug-16	01-Sep-16	A11860																
A11880	Review Draft Application with City	4d	29-Aug-16	01-Sep-16	A11870																
A11890	Prepare Final Application	5d	02-Sep-16	09-Sep-16	A11880																
A11900	Internal Review of Final Application	5d	12-Sep-16	16-Sep-16	A11890																
A11910	File Application	5d	19-Sep-16	23-Sep-16	A11900																
A11920	PB Meeting/Public Hearing (mtgs on 10/10 and 10/24)	21d	26-Sep-16	24-Oct-16	A11910																
CZM and USACE Sec 10. Sec 404			6d	09-Sep-16	16-Sep-16																
A12000	File USACE Sec 10. Sec 404	1d	09-Sep-16	09-Sep-16	A3710																
A8620	File CZM Consistency	1d	16-Sep-16	16-Sep-16	A7430, A3710																
Off-Site Transportation Improvements			640d	09-Nov-15 A	06-Apr-18																
Milestone			93d	29-Apr-16 A	12-Sep-16																
Construction Package #1			93d	29-Apr-16 A	12-Sep-16																
AMS.300.1060	CP#1 25% Design Submittal	0d		29-Apr-16 A	ALB.327.1090, APM.																
AMS.400.1070	CP#1 75% Design Submittal	0d		12-Sep-16	ALB.426.1150																
Construction Package #2			81d	29-Apr-16 A	24-Aug-16																
AMS.300.1140	CP#2 25% Design Submittal	0d		29-Apr-16 A	AWC.327.1100, ABC																
AMS.400.1150	CP#2 75% Design Submittal	0d		24-Aug-16	AWC.426.1160, ABC																
Construction Package #3			67d	27-May-16	01-Sep-16																
AMS.300.1180	CP#3 30% Design Submittal	0d		27-May-16	AWM.327.1100, APM																
AMS.400.1190	CP#3 60% Design Submittal	0d		01-Sep-16	AWM.426.1160																
Project Management			104d	09-Nov-15 A	04-Apr-16 A																
Permitting			79d	15-Mar-16 A	05-Jul-16																
Functional Design Report			21d	19-Feb-16 A	07-Apr-16 A																
CP#1 - Lower Broadway & Truck Route			195d	21-Jan-16 A	25-Oct-16																
CP#2 - Route 16			174d	03-Feb-16 A	07-Oct-16																
CP#3 - MBTA Wellington & Malden Station			147d	22-Mar-16 A	17-Oct-16																
Sullivan Square Charlestown			198d	04-Jan-16 A	11-Oct-16																
A7220	25% Design	20d	04-Jan-16 A	27-May-16	A7210																
A7250	MADOT / FHA 25% Design Review	20d	31-May-16	27-Jun-16	A7220																
A7260	Boston BTM 25% Review	20d	31-May-16	27-Jun-16	A7220																
A7270	MBTA 25% Review	20d	31-May-16	27-Jun-16	A7220																
A7280	75% Design Package	54d	28-Jun-16	13-Sep-16	A7250, A7260, A7270																
A7300	MADOT / FHA Review 75% Design Package	20d	14-Sep-16	11-Oct-16	A7280																

- Remaining Level of Effort Summary
- Actual Work
- Remaining Work
- Critical Remaining Work
- ◆ Milestone



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017		
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
A7310	Boston BTD Review 75% Design Package	20d	14-Sep-16	11-Oct-16	A7280															
A7320	MBTA Review 75% Design Package	20d	14-Sep-16	11-Oct-16	A7280															
Woods Memorial Bridge (by DOT)		520d	01-Feb-16 A	06-Apr-18																
A4040	Project by DOT	520d	01-Feb-16 A	06-Apr-18																

-  Remaining Level of Effort
-  Actual Work
-  Remaining Work
-  Critical Remaining Work
-  Milestone
-  Summary



Wynn Boston Harbor

PROJECT RESOURCES / DIVERSITY

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

MBE

11 contracts:

\$4,165,305

% of total contracts: **8.3%**

% in contract pipeline: **10.7%**

Goal: **7.9%**

WBE

9 contracts:

\$2,069,758

% of total contracts: **4.1%**

% in contract pipeline: **7.2%**

Goal: **10.0%**

VBE

3 contracts:

\$3,336,667

% of total contracts: **6.6%**

% in contract pipeline: **6.6%**

Goal: **1.0%**

SUMMARY

23 total M/W/VBE contracts:

\$9,571,730

% of total contracts: **19.0%**

% in contract pipeline: **24.5%**

Goal: **18.9%**

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

MBE

3 contracts:

\$5,580,983

% of total contracts: **90.0%**

Goal: **5.0%**

WBE

4 contracts:

\$293,788

% of total contracts: **4.7%**

Goal: **5.4%**

VBE

2 contracts:

\$21,050

% of total contracts: **0.3%**

Goal: **1.0%**

Minority, Women and Veteran Workforce Participation for Construction Phase

Minority

17 workers:

2,202.5 hours

% of total work hours:

16.1%

Goal: **15.3%**

Women

5 workers:

995 hours

% of total work hours: **7.3%**

Goal: **6.9%**

Veteran

5 workers:

1,221.5 hours

% of total work hours: **8.9%**

Goal: **3.0%**

Wynn Everett

COMMUNITY EVENTS AND OUTREACH

Events/Outreach

Center for Women and Enterprise Event

January 11, 2016, Lexington

Building Trades Employers Association

January 14, 2016, Boston

12th Annual Dr. Martin Luther King Scholarship Breakfast

January 18, 2016, Everett

Chinatown Main Street Gala

January 30, 2016, Boston

Boston Symphony Orchestra Partners Appreciation Night

February 4, 2016, Boston

Trade Partnership / Vendor Outreach Event

February 17, 2016, Everett

Building Trades Training Directors

February 22, 2016, Boston

Events/Outreach

Massachusetts Minority Contractors Association

February 23, 2016, Boston

Gee How Oak Tin Association Annual Dinner

February 27, 2016, Boston

Massachusetts Girls In Trades Career Day

March 30, 2016, Boston

Chelsea Chamber of Commerce Annual Dinner

March 30, 2016, Chelsea

Swearing in new Everett City Council

January 4, 2016, Everett

Everett Police Community Partnership Council

January 27, 2016, Everett

Everett Chamber of Commerce Board of Directors Meeting

January 21, 2016, Everett

Events/Outreach

Hispanic American Institute

January 27, 2016, Medford

Phase II Public Hearing

February 1, 2016, Everett

Tour Malden Teen Enrichment Center

February 3, 2016, Malden

Hult International Business School Presentation

February 4, 2016, Cambridge

Medford Vocational Technical High School Grant Application

January 7, 2006, Medford

Meet Newly Elected Mayor of Medford, Stephanie Burke

February 9, 2016, Medford

MassDOT Section 61 Public Hearing

March 10, 2016, Boston

Events/Outreach

Mr. Wynn Meets with Surrounding Mayors and Legislators

March 15, 2016, Medford

Everett United Model Unveiling

March 15, 2016, Medford

Medford Vocational Technical High School Career Day

March 16, 2016, Medford

Everett Chamber of Commerce Board of Directors Meeting

March 17, 2016, Everett

Meet Charlestown Residents to discuss lighting

March 18, 2016, Medford

Model Showing and Office Tour – Everett City Council

March 22, 2016, Charlestown

Environmental League of Massachusetts Corporate Council

February 15, 2016, Boston

Events/Outreach

PIP Meeting

February 17, 2016, Everett

Everett Haitian American Center

February 24, 2016, Everett

Lasell College Career Day

March 2, 2016, Everett

Sal DiDomenico Foundation St. Patrick's Day Dinner

March 2, 2016, Charlestown

Bring PlayBall! Hockey Kids to Bruins Game

March 24, 2016, Charlestown

Everett United Meeting

March 28, 2016, Everett

Filming for Everett Cable Access Update with Mayor DeMaria

March 29, 2016, Medford

SAVE THE DATE!

Massachusetts Girls in Trades Conference & Career Fair
Building a Network of Women in the Skilled Trades

Wednesday, March 30, 2016
from 10 am - 1 pm



Location: International Brotherhood of Electrical Workers (IBEW) Local 103
256 Freeport Street, Dorchester, Massachusetts





Wynn Boston Harbor

QUESTIONS

Wynn BOSTON HARBOR
®

Wynn Boston Harbor

Monitoring of Project Construction and Licensee Requirements 205 CMR 135

Quarterly Report Massachusetts Gaming Commission as of March 31, 2016



Monitoring of Project Construction and Licensee Requirements

Quarterly Report as of March 31, 2016

1.0 Project at a Glance

The Wynn Boston Harbor (the “Project”) is an approximately \$2.0 billion luxury resort that will transform a blighted section of the City of Everett, Massachusetts adjacent to the Mystic River into a world-class destination. The Project will contribute hundreds of millions of dollars, including tens of millions of dollars in infrastructure contributions to the City of Everett, the region, and the Commonwealth of Massachusetts. The Project will be constructed on the contaminated site of a former chemical manufacturing plant totaling approximately 33.9 acres (the “Project Site”).



The Project will be comprised of a luxury hotel with 629 rooms, a gaming area, retail space, food and beverage outlets, convention and meeting space, a spa and gym, a parking garage, and other complementary amenities. The Project will also include extensive landscape and open space amenities including a public gathering area with an outdoor park-like open space, a pavilion, waterfront features, a public harborwalk, and water transportation docking facilities reconnecting the City of Everett to the Mystic River and Boston Harbor for the first time in generations.

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

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

In August 2015, Wynn selected Charter Contracting Company, LLC, a Massachusetts limited liability company, as its remediation contractor. Remediation of the Project Site commenced in October 2015. Wynn anticipates that this initial stage of remediation will be complete in the second quarter 2016.

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

In accordance with MEPA, following the receipt of its Secretary's Certificate, Wynn has been working with various state agencies to obtain "Section 61 findings," a determination made by an agency of the Commonwealth describing the environmental impact, if any, of the Project and a finding that all feasible measures have been taken to avoid or minimize said impact. Wynn anticipates that relevant state agencies will complete their Section 61 findings in the second quarter 2016.

2.0 Cost of Construction and Capitalization of Gaming Licensee

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

3.0 Design and Construction Contracts

Pursuant to 205 CMR 135.02(5)(c), please see Appendix 2 for a list of all design and construction contracts executed for the quarter ending March 31, 2016 to design and construct the gaming establishment and related infrastructure improvements.

4.0 Progress of Construction

Environmental permitting activity continues at an aggressive pace. The purpose of these technical filings is to ensure that input from regulators, local officials, and stakeholders is understood, analyzed, and incorporated. Significant field analysis has been done to properly understand the Project Site, including additional traffic analyses, nearly 2,000 soil and water samples in anticipation of the remediation of the Project Site, wetlands delineation, vegetation classifications, and various other data gathering activities on and off Project Site.

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

4.1 Federal Permits.

On September 8, 2015, Wynn submitted an application for a Section 10 and 404 Individual Permit from the United State Army Corps of Engineers (“ACOE”) with respect to dredging, structures and fill associated with navigation improvements and shoreline stabilization in support of the Project.

4.2 State Permits.

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

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

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

On August 24, 2015, Wynn filed its Chapter 91 License Application for the Project with the Massachusetts Department of Environmental Protection ("MassDEP") to obtain license authorization for the development of portion of the Project on private filled and flowed tidelands. Pursuant to M.G.L. c. 21A, § 18(d)(2), (3) and (6), MassDEP and Wynn have entered into a Memorandum of Agreement regarding Project specific schedule and fees for the Project (the "Fast Track Agreement"). Pursuant to the terms of the Fast Track Agreement, MassDEP and Wynn agreed upon an appropriate permit application fee and alternative schedule for timely action related to Wynn's Chapter 91 License Application. Based on this schedule, the comment period for Wynn's Chapter 91 License Application began on September 9, 2015 and concluded on October 9, 2015. On September 24, 2015, MassDEP held a public meeting at Everett City Hall for purposes of receiving comments on Wynn's Chapter 91 License Application. The meeting was well attended and the comments received were all positive. Following the meeting, written comments were submitted to MassDEP for its consideration.

Wynn received its "Written Determination" from MassDEP on January 22, 2016. On February 11, 2016, Mayor Joseph A. Curtatone, in his capacity as Mayor of the City of Somerville ("Somerville"), filed a "Notice of Claim" with the Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, requesting an adjudicatory hearing with respect to the Written Determination. On February 18, 2016, the Office of Appeals and Dispute Resolution of MassDEP issued a Scheduling Order pursuant to which a

hearing on Somerville's appeal was set for June 2, 2016. As a direct result of this appeal, Wynn is unable to commence construction activities within those portions of the Project Site that are subject to Chapter 91.

4.3 Local Permits.

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

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

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

4.4 Site Remediation.

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

educate the public on the remediation process and provide a forum for addressing any comments. The PIP process will continue through the completion of the remediation of the site.

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

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

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

As of March 31, 2016, 130 tons of contaminated soil were transported off-site for proper disposal. The soil was transported in lined trailers which were cleaned prior to leaving the Project Site. Phase 1 remediation of the Project Site is more than 95% complete and is anticipated to be fully complete by second quarter 2016.

4.5 Offsite Infrastructure.

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

Project. During first quarter 2016, AECOM completed the applicable Roadway Safety Audits and continued with site surveys and concept design. Design is progressing toward 25%, anticipated to be achieved in second quarter 2016.

On a separate track, Howard/Stein-Hudson Associates, Inc., Wynn's design team for the Sullivan Square improvements has been working since last year on conceptual designs and will continue to advance the design to 25%, anticipated to be achieved in second quarter 2016. In connection therewith, Wynn is working closely with the City of Boston to advance its filing with the Public Improvements Commission.

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

4.6 Design.

Project design has made significant progress this quarter. The foundation plan is complete and has been peer reviewed, and is now under review by the City of Everett for a building permit which is anticipated to be issued second quarter 2016. The hotel tower structure is also far along and being reviewed by the City of Everett. Additional design information on the podium, site, and interiors will be completed and submitted for review over the next few months. The service road is under design and was submitted to the City of Everett Planning Board for review in January 2016.

4.7 Construction Services.

On January 8, 2016, Wynn entered into an Agreement for Guaranteed Maximum Price Construction Services with Suffolk Construction Company, Inc. ("Suffolk"). Suffolk is currently providing pre-construction services including estimating, design review, value engineering, and preparation for procurement and construction. Suffolk intends to commence procurement of the site work, slurry wall/LBE, and curtain wall subcontractors in second quarter 2016.

4.8 Service Road.

The service road and utilities drawings were prepared and issued on March 31, 2016. Bids will be received in early May to allow early construction of this critical work (pending Section 61 approval by the MGC and applicable permits from the City of Everett).

4.9 *Procurement.*

RFPs are being prepared for Commissioning, Independent Testing, and Room Controls. Consultant selection is anticipated second quarter 2016.

4.10 *Owner Controlled Insurance Program (“OCIP”).*

Wynn has been working with Willis Towers Watson to initiate an Owner Controlled Insurance Program for the Project. This insurance program will be implemented prior to the commencement of construction (i.e., after the Somerville appeal of MassDEP’s Written Determination is resolved).

4.11 *Project Labor Agreement.*

Following the engagement of Suffolk, Wynn and Suffolk have re-engaged in discussions with local labor leaders to finalize the draft Project Labor Agreement for the Project. The Project Labor Agreement is anticipated to be executed second quarter 2016.

4.12 *Construction Management Plan.*

Howard/Stein-Hudson Associates, Inc. is preparing a Construction Management Plan for the purpose of mitigating any adverse impacts to the host and surrounding communities.

5.0 Project Schedule

5.1 *Six Month Look Ahead*

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

5.2 *Project Master Schedule*

The development of the Master Schedule will track with the environmental permitting and be finalized once the Project has completed the Chapter 91 process.

6.0 Project Resources/Diversity

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



May 20, 2016

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

Dear Commissioners:

In accordance with 205 CMR 135.02(5)(a), please see below for the total estimated cost of construction of the project and related infrastructure improvements and the costs incurred as of March 31, 2016, calculated pursuant to 205 CMR 122.03: *Costs Included in the Calculation of Capital Investment*, and separately identifying detailed costs for design, land acquisition, site preparation and construction and off-site improvements:

(US\$ thousands)

Component	Cost Incurred 03/31/2016	Estimated Remaining Cost	Total Estimated Cost
Construction / on-site development	\$ 510	\$ 1,304,209	\$ 1,304,719
Design and engineering	33,680	126,040	159,720
Site preparation	5,242	60,367	65,608
Off-Site Improvements	837	39,073	39,910
Land acquisition	48,626	14,720	63,346
Pre-opening	25,460	46,920	72,380
Owner FF&E	1,171	144,614	145,785
Total	\$ 115,525	\$ 1,735,943	\$ 1,851,469

In addition, in accordance with 205 CMR 135.02(5)(b), I direct you to the financial statements of Wynn Resorts, Limited (NASDAQ: WYNN), the parent of Wynn MA, LLC (the "Licensee"), including Wynn Resorts' Annual Report on Form 10-K for the year ended December 31, 2015, filed with the Securities and Exchange Commission (the "SEC") on February 29, 2016 which is available at www.sec.gov. As reflected in these financial statements, Licensee has sufficient financial resources in order to meet all expected financial obligations relating to the completion of the Project and related infrastructure improvements associated with the Project.

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

Sincerely,

Stephen Cootey
Chief Financial Officer

Appendix 2

Design and Construction Contracts

As of March 31, 2016

Reference 205 CMR 135.02(5)(c)

Vendor/Contractor	Date	Services	MGC Status
AECOM	11/4/15	Civil and Geotechnical Eng. – Offsite Infrastructure	NGV092
AECOM	1/18/16	Design and Construction Phase Services – MBTA Everett Maintenance Facility	NGV092
Alliance Detective & Security	12/31/15	Site Security	NGV326
Arup USA, Inc.	12/10/14	Fire Protection Consulting	NGV102
Bukhari Design Studio, LLC	7/15/15	Concept and Documentation Services – High Limit Gaming	NGV434
Cashman Dredging & Marine Contracting and Company, LLC	9/2/15	Site Clean-up/Fencing	NGV450
Charter Contracting Company	11/10/15	Site Remediation Services	NGV479
Christopher Gordon		Project Management	NGV226
Cleo Design, LLC	7/15/15	Design Consultant – Staff Dining	NGV500
	7/15/15	Design Consultant – Executive Offices	NGV500
DHA Design Services LTD	9/24/15	Exterior Lighting Design	NGV522
Design Enterprise	9/17/15	Design Consultant – High Limit Gaming	NGV460
Eslick Design Associates	05/22/15	Design Consultant – Site Signage	NGV383
	7/15/15	Design Consultant – Low-Rise and Garage Signage	NGV383
	7/15/15	Design Consultant – High-Rise Signage	NGV383
First Circle Design, Inc.	10/14/15	Design Consultant – Interior Lighting – Meeting & Convention/Gaming	NGV518
Fort Point Associates, Inc.	12/30/14	Planning and Environmental Consulting	NGV075
Foundry Interior Design	10/21/15	Design Consultant – Performance Lounge	NGV535
Gilbane Building Company	01/24/14	Preconstruction Consulting Services	NGV035
GZA GeoEnvironmental, Inc.	11/12/14	Geotechnical and Environmental Services	NGV013

Hirsch Bedner Associates dba HBA/Hirsch Bedner Associates	02/25/15	Design Consultant – High-Rise Interiors	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – F&B	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – Buffet	NGV133
	05/22/15	Design Consultant – Public Restrooms	NGV133
	05/22/15	Design Consultant – Meeting and Convention	NGV133
	05/22/15	Design Consultant – Meeting and Convention	NGV133
Howard/Stein-Hudson Associates, Inc.	12/30/14	Traffic Engineering	NGV079
	4/28/15	Traffic Engineering	NGV079
Harry Feldman, Inc., dba Feldman Land Surveyors	02/06/15	Surveying	NGV071
Jacobs Consultants Inc.	12/04/14	Executive Architect	NGV181
Lifescapes International, Inc.	02/03/15	Landscape Architect	NGV151
Lighting Design Alliance	10/29/15	Design Consultant – Interior Lighting – Food and Beverage/Public Areas	NGV439
Halifax Security Inc. dba M. Malia & Associates	01/23/15	Security and Surveillance Consulting	NGV123
Michael Hong Architects, Inc.	12/11/14	Architectural Design Services	NGV206
Oguz Cem Yazici	3/23/16	Construction Consultant – Scheduling	NGV801
RF Networks	11/12/15	Communication Systems Specifications	NGV688
Ryan Biggs Clark Davis Engineers	10/29/15	Structural Peer Review of Jacobs Drawings	NGV508
Suffolk Construction Company, Inc.	01/08/16	Construction Management	NGV163
TRC Environmental Corporation	09/30/15	Construction Consultant - Building Demolition	NGV067
Vanasse & Associates, Inc.	02/06/15	Supplemental Final Environmental Impact Report - Transportation	NGV066
Vermuelens, Inc.	02/03/16	Construction Consultant – Construction Cost Analysis	NGC072
Vicente Wolf Associates	05/22/15	Design Consultant – F&B	NGV283

Appendix 3

Permits As of May 20, 2016

Reference 205 CMR 135.02(6)

Agency Governing Legal Authority (Statute/Regulation/Ordinance)	Permit, Review, or Approval	Date Application Submitted or Estimated Anticipated Application Date	Maximum Agency Decision Time Maximum Effective Period (if provided in applicable statute, regulation or ordinance)
Federal			
Federal Aviation Administration (FAA) 49 U.S.C. Subtitle VII, Aviation Programs, Part A and B; 14 CFR 77, Subpart D; Order JO 7400.2J, Procedures for Handling Airspace Matters, Ch. 7 Determinations	Determination Regarding Air Navigation	Building: Received January 9, 2016 Cranes: Submitted April 8, 2016 Podium: Submitted April 6, 2016	Determination is effective for 18 months and may apply for one 18-month renewal.
U.S. Army Corps of Engineers (ACOE) Section 10 of Federal Rivers and Harbors Act; 33 USC s. 403; 33 CFR Parts 322, 325	Work in Navigable Waters (Section 10) Permit	Project: Submitted September 15, 2015 Permit Anticipated August, 2016	No fixed maximum decision time. For individual permits, ACOE will be guided by the target schedule of decision within 60 days of receiving completed application, subject to receipt of any additional information needed for decision and processes required by other state and federal laws (such as CZM Act) to precede decision.
U.S. Army Corps of Engineers (ACOE) Section 404 of Federal Clean Water Act; 33 USC s. 1344; 33 CFR Parts 323, 325	Clean Water Act (Section 404) Individual Permit	Project: Submitted September 15, 2015 Permit Anticipated August, 2016	Individual permits for a permanent structure or activity typically do not expire, but may specify when the work must start - usually within 1 year of issuance.
U.S. Army Corps of Engineers (ACOE) Massachusetts General Permit issued January 10, 21 2010, modified November 13, 2012; pursuant to 33 CFR Part 330	Massachusetts General Permit (GP) 17	Sediment Remediation: Anticipated submittal August 2016	Massachusetts General Permit ("GP") includes 41 general conditions for all activities and identifies 23 differentiated GPs based on activity. GP 17 applies to activities that affect the containment, stabilization, or removal of hazardous materials, or toxic waste

			materials, including court-ordered remedial action plans or related settlements, which are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Under GP 17, work in navigable waters with permanent impacts that meet or exceed the PCN limits on page 4 of the GP of less than or equal to ½ acres, is eligible for review under a PCN.
<p>U.S. Environmental Protection Agency (EPA)</p> <p>Federal Clean Water Act Section 402(p); 33 USC s. 1342(p); 40 CFR 122.26; NPDES Construction General Permit, Effective February 16, 2012</p>	National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) NOI (for stormwater management)	On-site: April 6, 2016	Decision time for CGP and RGP: effective 14 days after NOI submittal to and acknowledged by EPA. When the CGP expires on February 16, 2017, those activities covered by the CGP will likely have to file a NOI under the new CGP.
<p>U.S. Environmental Protection Agency (EPA)</p> <p>Federal Clean Water Act Section 402(a), 33 USC s. 1342(a); 40 CFR 122.28; 314 CMR 4.00; NPDES Remediation General Permit, NPDES Permit No. MAG910000, Effective September 10, 2010</p>	NPDES Remediation General Permit (RGP) (for construction dewatering)	Anticipated June 2016	When the RGP expires on September 10, 2015, those activities covered by the RGP will likely have to file a NOI under the new RGP. The new RGP is not yet in place.
State			
<p>Executive Office of Energy and Environmental Affairs</p> <p>Massachusetts Environmental Policy Act; MGL c. 30 ss. 61-62; 301 CMR 11.00</p>	Massachusetts Environmental Policy Act (MEPA) Review	<p><u>Project:</u></p> <p>Certificate on EENF received 11/26/13</p> <p>Certificate on DEIR received 2/21/14</p> <p>Certificate on FEIR received 8/15/14</p> <p>Certificate on SFEIR Received 4/03/15</p> <p>Certificate on SSFEIR Received 8/28/15</p> <p><u>Sediment Remediation:</u> Filing ENF or NPC anticipated August 2016</p>	<p>Secretary determines whether a Draft EIR, or Final EIR, as applicable, is adequate within 37 days of notice of availability of the EIR in the Environmental Monitor.</p> <p>A project that has not commenced either construction, or other project development activities (including final design, property acquisition, or marketing), within five years of notice of availability of Final EIR must file a Notice of Project Change.</p> <p>Secretary determines</p>

			whether a subsequent filing is required. MEPA review is complete if no further filings are required.
Executive Office of Energy and Environmental Affairs MGL c. 21A ss. 2 and 4A; 301 CMR 23.00	Municipal Harbor Plan	Submitted on 10/16/13 Approved on 2/10/14	After publication of proposed Plan in Environmental Monitor and 30 day public comment period, Secretary has 60 days to consult with municipality proposing the Plan and other applicable agencies/entities, and 21 days thereafter to issue a written decision on the MHP.
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways Determination of Applicability	Determination of Applicability re Chapter 91 jurisdictional boundaries received on July 29, 2013	
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways License	<u>Project</u> : Submitted August 19, 2015 License Anticipated August, 2016 <u>Sediment Remediation</u> : Submittal Anticipated August/Sept 2016	Licenses are issued for a fixed term; the standard term is 30 years but a license may be issued for an extended term (maximum of 99 years) if certain additional requirements are met.
MassDEP MGL c. 21 s. 43; 310 CMR 7.12	Compliance Certification for Stationary Engine	TBD	Required for CHP and generator
MassDEP MGL c. 111 ss. 142A-142E; 310 CMR 7.09	Notification of Construction and Demolition	TBD	Effective 10 working days after filing of notification.
MassDEP Section 401 of Federal Clean Water Act, 33 USC s. 1341; Massachusetts Clean Waters Act, MGL c. 21 ss. 26 et seq.; 314 CMR 9.00 (which cites to 310 CMR 4.00)	Water Quality Certification (401)	<u>Project</u> : Submitted September 8, 2015 Approval received January 22, 2016 <u>Sediment Remediation</u> : Submittal Anticipated August/September 2016	Standard MassDEP technical review period is 120 days (24 days for determination of administrative completeness and 96 days for technical review). No fixed maximum decision time.
MassDEP MGL c. 131 s. 40; 310 CMR 10.00	Wetlands Superseding Order of Conditions	Only in event of appeal of Order of Conditions issued by Everett Conservation Commission	Per 310 CMR 10.05 (7)(f) Issued within 70 days of request for superseding action (unless MassDEP requests additional information).
MassDEP Bureau of Waste Site Cleanup/Massachusetts	(Submittals by Licensed Site Professional on behalf of	<u>Landside Remediation</u> : Draft RAM Plan provided to	Agency decision time frame N/A under MCP privatized

Contingency Plan (MCP) MGL c. 21E; 310 CMR 40.000	Site Owner - do not need DEP approval)	DEP in May 2015; PIP process underway <u>Sediment Remediation:</u> Phase II Submitted December 2015 Phase III Submittal Anticipated June 2016	program.
Massachusetts Water Resources Authority (MWRA) Chapter 372 of the Acts of 1984, s. 8(m); 360 CMR 10.000	Section 8(m) Permit (to cross or construct within an MWRA easement)	Project: Anticipated Submittal June 2016	
Massachusetts Office of Coastal Zone Coastal Zone Management (CZM) 301 CMR 20.00, M.G.L. c. 21A, §§2 and 4A Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq., 15 CFR §§ 923 and 930	Federal Consistency Certification	<u>Project:</u> Submitted December 2015 <u>Sediment Remediation:</u> Anticipated Submittal August/Sept 2016	
Massachusetts Historical Commission (MHC) MGL c. 9 ss. 26 et seq.; 950 CMR 71.00	Review of project relative to potential effects on State Register historic/ archaeological resources.	Review Completed	Within 30 days of receipt of a completed Project Notification Form or ENF, the MHC will determine whether further information is needed and/or consultation is needed because the project may affect State Register properties. Beyond initial period, no other maximum decision times apply.
Board of Underwater Archaeological Resources (BUAR) M.G.L. c. 6, ss. 179 and 180; 312 CMR 2.00	Review of waterside activities	<u>Project:</u> Review Completed <u>Sediment Remediation:</u> Anticipated review concurrent with MEPA ENF/NPC	
Massachusetts Department of Transportation (MassDOT) MGL c. 81 s. 21, 720 CMR 13.00	Non-Vehicular Access Permit - Off-site roadway improvements	TBD	MassDOT completes technical reviews of the Access Permit application in 75 business days (35 business days following receipt of the 25% design submission, 20 business days following receipt of the 75%/100% design submission, and 20 business days following receipt of the PS&E submission.) Following technical review

			and approval, Section 61 Finding, and completion of MHC review and Mass. Wetlands Protection Act permitting, the MassDOT permit is issued 5 to 7 business days following final design approval.
Massachusetts Department of Transportation (MassDOT) MGL c. 40 s. 54A	Consent to issuance of building permit for construction on land formerly used by railroad company	<u>Project:</u> Approval issued May 2, 2016	
Massachusetts Department of Transportation (MassDOT) MGL c. 161A s. 5(b)	MBTA Land Disposition and Easement Agreements	Anticipated Spring 2016	
Local			
City of Boston (Off-site Roadway) Public Improvement Commission (PIC) Boston Transportation Department (BTD) Revised Ordinances of City of Boston of 1961, Ch.21, Sect. 36	Approvals	Filed January 30, 2015	
Everett Planning Board M.G.L. 40A, as amended, and Everett Zoning Ordinance, Section 28A, Resort Casino Overly District (RCOD) in Lower Broadway Economic Development District (LBEDD)	Site Plan Review	<u>Project:</u> Approval Received October 14, 2015 <u>Access Road:</u> Approval Received May 5, 2016	Site Plan Review decisions shall be issued within 180 calendar days after filing of a completed application. Everett Zoning Ordinance, Sec. 28A(10)(B)(iii). Everett has accepted expedited permitting processes for Priority Development Sites pursuant to MGL c. 43D. All lots located in the LBEDD and RCOD are Priority Development Sites, Everett Zoning Ordinance Section 28A(10)(B).
Everett Conservation Commission Everett City Charter, c. 2, Article III, Division 7, Section 2-252 M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Project:</u> Order of Conditions issued September 24, 2015 <u>Landside Remediation:</u> Order of conditions Issued	Decision time (about 42 days plus duration of public hearing which may consist of more than one ConComm meeting): - A public hearing must be held within 21 days of

		2015 <u>Sediment Remediation:</u> Submittal Anticipated August/Sept 2016	receiving NOI. - Orders of Conditions issued within 21 days of the close of the public hearing. Orders of Conditions are valid for 3 years unless extended.
Everett Fire Department Rev. Ordinance 1976, Pt.2, Ch.7, §33 Everett City Charter, Chapter 8, Article I, §2-252 M.G.L. c. 148 §10A	Review of Plans Fire Suppression System Installation Fuel Storage Permit LP Gas Storage Permit Underground Storage Tank Removal Permit (Commercial)	TBD	
Everett Health Department M.G.L. c. 140	Food Establishment Permit Application	TBD	Permits are annual, and expire May 31st of each year.
Everett Licensing Commission Victualler License: M.G.L. c. 140	Alcohol License Common Victualler License	TBD	
Everett Public Works Sewer: M.G.L., c. 83; Everett City Charter, Chapter 15 Water: Everett City Charter, Chapter 20	Sewer Connection Permit Water Connection Permit	TBD TBD	
Everett Building Department State Building Code, 780 CMR 105.3.1	Building Permit <ul style="list-style-type: none"> • Plumbing • Gas • Electrical • Wire • Trench • Mechanical • Foundation 	Foundation Permit May 2, 2016	30 days from submission of completed application. Specific permits (plumbing, gas, etc.) to be requested and issued at various times during construction period within 30 days following application
Boston Conservation Commission M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Sediment Remediation:</u> Submittal Anticipated August/Sept 2016	

Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
Wynn Boston Harbor						717d 24-Aug-15 A 12-Jul-18													
Main Project						402d 24-Aug-15 A 16-Mar-17													
Environmental Permits						296d 24-Aug-15 A 09-Nov-16													
Massachusetts Environmental Policy Act (MEPA) - Main Project						16d 24-Mar-16 A 25-Apr-16 A													
A5172	MP Section 61 Findings (2/7) - MGC	16d	24-Mar-16 A	25-Apr-16 A	A5171	MP Section 61 Findings (2/7) - MGC													
Chapter 91 - Main Project						110d 12-Feb-16 A 01-Jul-16													
A3640	MP 91 Chapter 91 Appealed	110d	12-Feb-16 A	01-Jul-16	A3635	MP 91 Chapter 91 Appealed													
A4200	MP 91 Chapter 91 License Issued	10d	20-Jun-16	01-Jul-16	A3640	MP 91 Chapter 91 License Issued													
CZM Consistency Review - Main Project						209d 24-Aug-15 A 08-Jul-16													
A3910	MP CZM Prepare CZM Permit & Application	20d	24-Aug-15 A	12-May-16	A3590	MP CZM Prepare CZM Permit & Application													
A3990	MP CZM Decision / Permit (Requires Chapter 91)	5d	01-Jul-16	08-Jul-16	A3980, A3640, A801	MP CZM Decision / Permit (Requires Chapter 91)													
FAA Air Navigation Determination - Site Equipment Use - Main Project						70d 30-Mar-16 A 08-Jul-16													
A1060	Prepare FAA Application	7d	30-Mar-16 A	07-Apr-16 A	A1050	Prepare FAA Application													
A1070	Submit FAA Application	1d	08-Apr-16 A	08-Apr-16 A	A1060	Submit FAA Application													
A1080	FAA Permit Application Review - Tower Crane / Pile Driver	62d	11-Apr-16 A	07-Jul-16	A1070	FAA Permit Application Review - Tower Crane / Pile Driver													
A1090	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile Driver	0d	08-Jul-16	08-Jul-16	A1080	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile Driver													
USACE SEC 10 & 404 - Navigational Dredging						36d 28-Jan-16 A 18-Jul-16													
A7430	MP 404/10 Decision / Permit (Requires CZM which requires 91)	36d	28-Jan-16 A	18-Jul-16	A4330, A3990, A4200	MP 404/10 Decision / Permit (Requires CZM which requires 91)													
US EPA NPDES Permit - Main Resort						1d 20-Apr-16 A 20-Apr-16 A													
A1180	Complete Storm Water Design for EPA Application	1d	20-Apr-16 A	20-Apr-16 A	A1170, A1190	Complete Storm Water Design for EPA Application													
A1200	Receive EPA Permits	0d	20-Apr-16 A	20-Apr-16 A	A1190, A1180	Receive EPA Permits													
MEPA - ENF - Remedial Dredging						70d 01-Apr-16 A 11-Jul-16													
A3115	RD Phase II & Phase III	1d	01-Apr-16 A	01-Apr-16 A	A3380, A5172	RD Phase II & Phase III													
A3480	RD Prepare Draft ENF for filing	6d	01-Apr-16 A	08-Apr-16 A	A3115, A8490	RD Prepare Draft ENF for filing													
A8490	Essential Fish Survey and Habitat	5d	01-Apr-16 A	07-Apr-16 A	A3115	Essential Fish Survey and Habitat													
A7460	RD Internal review of Draft	5d	11-Apr-16 A	15-Apr-16 A	A3480	RD Internal review of Draft													
A7470	RD Prepare Final Draft ENF	4d	18-Apr-16 A	22-Apr-16 A	A7460	RD Prepare Final Draft ENF													
A7480	RD Internal review of Final Draft	5d	22-Apr-16 A	20-May-16	A7470	RD Internal review of Final Draft													
A8520	MEPA Meeting	1d	25-May-16	25-May-16	A7470, A7480	MEPA Meeting													
A4310	RD File ENF for Remedial Dredging	1d	31-May-16	31-May-16	A7480, A8520	RD File ENF for Remedial Dredging													
A3490	RD Notice in Environmental monitor	1d	09-Jun-16	09-Jun-16	A4310	RD Notice in Environmental monitor													
A3500	RD Comment period / Public Hearing (20 calendar days)	14d	09-Jun-16	28-Jun-16	A3490	RD Comment period / Public Hearing (20 calendar days)													
A3510	RD Secretary Decision	1d	11-Jul-16	11-Jul-16	A3500	RD Secretary Decision													
Chapter 91 - Remedial Dredging (requires WQ)						156d 01-Apr-16 A 09-Nov-16													
A3770	RD 91 Draft Application	5d	01-Apr-16 A	07-Apr-16 A	A3480, A3115	RD 91 Draft Application													
A3780	RD 91 Internal Comment	5d	08-Apr-16 A	14-Apr-16 A	A3770	RD 91 Internal Comment													
A3790	RD 91 Final Draft for Internal Comment	5d	15-Apr-16 A	21-Apr-16 A	A3780	RD 91 Final Draft for Internal Comment													

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone

Wynn Boston Harbor

Six Month Lookahead Schedule (4/1/2016 - 9/30/2016)

20-May-16

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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A4280	Internal Review of First Draft	10d	25-Apr-16 A	27-May-16	A3790			█											
A3800	RD 91 Internal Review of Final Draft Application	10d	31-May-16	13-Jun-16	A3790, A4280				█										
A3810	RD 91 Draft to MASS DEP	5d	14-Jun-16	20-Jun-16	A3800				█										
A3820	RD 91 Final Application DEP comments	10d	21-Jun-16	05-Jul-16	A3810				█										
A3830	RD Chapter 91 Filing	5d	06-Jul-16	12-Jul-16	A3820, A5172, A3510				█										
A3840	RD 91 Notice in Environmental Monitor	6d	13-Jul-16	20-Jul-16	A3830				█										
A3850	RD 91 Comment Period / Public Hearing	13d	22-Jul-16	09-Aug-16	A3840				█										
A3860	RD 91 End of Chapter 91 Technical Review (3 Months)	65d	10-Aug-16	09-Nov-16	A3850, A3330						█								
Water Quality Certificate 401 - Remedial Dredging (before Ch. 91)		156d	01-Apr-16 A	09-Nov-16		▶ Water Quality Certificate 401 - Remedial Dredging													
A10880	RD WQ Draft Application	10d	01-Apr-16 A	14-Apr-16 A	A3770	█													
A10890	RD WQ Internal Comment	5d	15-Apr-16 A	21-Apr-16 A	A10880	█													
A11840	Internal Review of First Draft	10d	25-Apr-16 A	27-May-16	A10890	█													
A10900	RD WQ Internal Review of Final Draft Application	10d	31-May-16	13-Jun-16	A10890, A11840			█											
A10920	RD WQ Draft to MASS DEP	5d	14-Jun-16	20-Jun-16	A10900			█											
A10930	RD WQ Final Application DEP comments	10d	21-Jun-16	05-Jul-16	A10920			█											
A10940	RD Chapter 401 Filing	5d	06-Jul-16	12-Jul-16	A10930, A3510			█											
A10950	RD WQ Notice in Environmental Monitor	6d	13-Jul-16	20-Jul-16	A10940			█											
A10960	RD WQ Comment Period / Public Hearing	13d	22-Jul-16	09-Aug-16	A10950			█											
A10970	RD WQ End of Chapter 401 Technical Review (3 Months)	65d	10-Aug-16	09-Nov-16	A10960						█								
Everett Con. Comm. - Wetlands Notice of Intent - Remedial Dredging		122d	30-Mar-16 A	20-Sep-16		▶ Everett Con. Comm. - Wetlands Notice of Intent - Remedial Dredging													
A8140	E - RD NOI Prepare Notice of Intent - Draft Package	18d	30-Mar-16 A	22-Apr-16 A	A1630, A3115	█													
A8150	E - RD NOI Internal Review of Draft Package	5d	25-Apr-16 A	20-May-16	A8140	█													
A8160	E - RD NOI Final Draft	5d	23-May-16	27-May-16	A8150			█											
A8170	E - RD NOI Internal Review of Final Draft	5d	31-May-16	06-Jun-16	A8160			█											
A8180	E - RD NOI Final Draft to DEP	5d	07-Jun-16	13-Jun-16	A8170			█											
A8190	E - RD DEP Comments on Final Draft	9d	14-Jun-16	24-Jun-16	A8180			█											
A8200	E - RD NOI File Notice of Intent	11d	27-Jun-16	12-Jul-16	A8190			█											
A8410	E - RD NOI First Hearing	1d	04-Aug-16	04-Aug-16	A8180, A8200						█								
A11000	E - RD NOI Second Hearing	1d	01-Sep-16	01-Sep-16	A8410						█								
A8220	E - RD NOI Decision / Permit	2d	02-Sep-16	06-Sep-16	A11000, A8200						█								
A8240	E - RD NOI Order of Conditions	1d	06-Sep-16	06-Sep-16	A8220						█								
A8230	E - RD NOI End of Appeal Period	10d	07-Sep-16	20-Sep-16	A8220, A8240						█								
Boston Con. Comm. - Wetlands Notice of Intent - Remedial Dredging		122d	30-Mar-16 A	20-Sep-16		▶ Boston Con. Comm. - Wetlands Notice of Intent - Remedial Dredging													
A8250	B - RD NOI Prepare Notice of Intent - Draft Package	18d	30-Mar-16 A	22-Apr-16 A	A8140, A3115	█													
A8260	B - RD NOI Internal review of Draft Package	5d	25-Apr-16 A	20-May-16	A8250	█													
A8270	B - RD NOI Final Draft	5d	23-May-16	27-May-16	A8260			█											
A8280	B - RD NOI Internal Review of Final Draft	5d	31-May-16	06-Jun-16	A8270			█											

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A8290	B - RD NOI Final Draft to DEP	5d	07-Jun-16	13-Jun-16	A8280				█										
A8300	B - RD DEP Comments on Final Draft	9d	14-Jun-16	24-Jun-16	A8290				█										
A8310	B - RD NOI File Notice of Intent	11d	27-Jun-16	12-Jul-16	A8300				█										
A8320	B - RD NOI Review and Public Hearing	13d	13-Jul-16	29-Jul-16	A8310					█									
A8330	B - RD NOI Decision / Permit	19d	10-Aug-16	06-Sep-16	A8320, A8220						█								
A8350	B - RD NOI Order of Conditions Issued	1d	06-Sep-16	06-Sep-16	A8330														
A8340	B - RD NOI End of Appeal Period	10d	07-Sep-16	20-Sep-16	A8330, A8350							█							
USACE SEC 10 & 404 - Remedial Dredging (requires Ch.91, WQ, CZM)			171d	03-Mar-16 A	01-Nov-16	USACE SEC 10 & 404 - Remedial Dredging													
A3420	RD Final Application	65d	03-Mar-16 A	16-Jun-16	A3410	RD Final Application													
A3430	RD File Application - General Permit 17	1d	19-Jul-16	19-Jul-16	A3420	RD File Application - General Permit 17													
A7440	RD Technical Review	74d	20-Jul-16	01-Nov-16	A3430	RD Technical Review													
MCP - Massachusetts Contingency Plan			63d	30-Mar-16 A	27-Jun-16	MCP - Massachusetts Contingency Plan													
A3660	MCP Phases III and IV - Draft Plan	20d	30-Mar-16 A	20-May-16		MCP Phases III and IV - Draft Plan													
A3670	MCP Phases III and IV - Draft Plan Review	5d	23-May-16	27-May-16	A3660	MCP Phases III and IV - Draft Plan Review													
A4110	MCP Phases III and IV - Final Plan	5d	31-May-16	06-Jun-16	A3670	MCP Phases III and IV - Final Plan													
A4120	MCP Phases III and IV - Final Plan Submitted	0d		06-Jun-16	A4110	◆ MCP Phases III and IV - Final Plan Submitted													
A4130	Public Comment Period (20 calendar days)	15d	07-Jun-16	27-Jun-16	A4120	█ Public Comment Period (20 calendar days)													
Design			194d	15-Dec-15 A	16-Sep-16	Design													
Structural Progress Drawings			0d	22-Apr-16 A	22-Apr-16 A	▼ Structural Progress Drawings													
A10120	Issue Complete Set of Structural Progress Drawings	0d		22-Apr-16 A	A9660	◆ Issue Complete Set of Structural Progress Drawings													
Structural Drawings			64d	21-Mar-16 A	17-Jun-16	▼ Structural Drawings													
A9650	Peer Review	15d	21-Mar-16 A	08-Apr-16 A	A9640	█ Peer Review													
A9660	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A9650	█ AE Team Finalize Design													
A10100	Foundation Documents released	0d		26-May-16	A9660, A10120	◆ Foundation Documents released													
A11490	Garage, Podium, Tower Str., Podium Envelope Drawings released	0d		17-Jun-16	A10100	◆ Garage, Podium, Tower Str., Podium Envelope Drawings released													
Site Drawings			22d	27-Apr-16 A	26-May-16	▼ Site Drawings													
A10510	AE Team Finalize	22d	27-Apr-16 A	26-May-16	A10440	█ AE Team Finalize													
A10520	Site CDs released	0d		26-May-16	A10510	◆ Site CDs released													
Marine Drawings			42d	30-Mar-16 A	26-May-16	▼ Marine Drawings													
A10450	Peer Review	8d	30-Mar-16 A	08-Apr-16 A	A10440	█ Peer Review													
A10460	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A10450	█ AE Team Finalize Design													
A10480	Marine CDs released	0d		26-May-16	A10460, A10100	◆ Marine CDs released													
GMP Documents			83d	21-Mar-16 A	15-Jul-16	▼ GMP Documents													
A10800	City Review	15d	21-Mar-16 A	08-Apr-16 A	A10790	█ City Review													
A10810	AE Team Finalize Design	10d	11-Apr-16 A	22-Apr-16 A	A10800	█ AE Team Finalize Design													
A10820	GMP Documents - All	0d		15-Jul-16	A10810, A10480, A1	◆ GMP Documents - All													
High Rise and BoH Drawings			0d	12-Aug-16	12-Aug-16	▼ High Rise and BoH Drawings													

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone
- ▼ Summary



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A9870	High Rise and BoH 100% CDs	0d		12-Aug-16	A10820																	
Construction Documents		194d	15-Dec-15 A	16-Sep-16																		
A9700	Progress Set	131d	15-Dec-15 A	15-Jul-16	A9580																	
A9670	City Review	10d	18-Jul-16	29-Jul-16	A9700																	
A9680	Comment Period	5d	01-Aug-16	05-Aug-16	A9670																	
A9800	Progress Set	5d	08-Aug-16	12-Aug-16	A9680																	
A9690	AE Team Finalize	24d	15-Aug-16	16-Sep-16	A9680, A9800																	
A9780	100% CDs (All Podium, Conv., CUP, F&B, Retail, Lounge, Spa, etc.)	0d		16-Sep-16	A9690																	
Construction Permits - Structural Peer Review		93d	15-Mar-16 A	18-Jul-16																		
City of Everett Building Permits		103d	15-Mar-16 A	10-Aug-16																		
Owner's Insurance		1d	01-Jun-16	01-Jun-16																		
Remediation		360d	13-Nov-15 A	16-Mar-17																		
Landside Remediation		360d	13-Nov-15 A	16-Mar-17																		
A2570	Landside Remediation	40d	13-Nov-15 A	08-Apr-16 A	A2560, A2770, A347																	
A2580	Groundwater Monitoring	300d	04-Jan-16 A	16-Mar-17	A2570																	
A2590	Issuance of Landside Permanent Solution	6d	11-Apr-16 A	27-May-16	A2570, 11960, A2980																	
Remedial Dredging		161d	16-Feb-16 A	30-Sep-16																		
A8365	Time of Year Restriction 2016 (No Work)	161d	16-Feb-16 A	30-Sep-16																		
Project Cost Generation		30d	02-Sep-16	17-Oct-16																		
A5690	GMP Submitted by CM	0d		02-Sep-16	11840, A10820																	
A5720	GMP Review/Approval	30d	06-Sep-16	17-Oct-16	A5690																	
Construction - Main Project		322d	28-Dec-15 A	03-Feb-17																		
MBTA Storm Drain Outfall Relocations		203d	28-Dec-15 A	15-Aug-16																		
14480	Finalize Easement (WDD to MBTA)	75d	28-Dec-15 A	25-May-16																		
14280	MBTA Approval/Comments	20d	12-May-16	09-Jun-16	14270																	
14260	Relocate Storm Drain Temp Connection around site	30d	05-Jul-16	15-Aug-16	A4200, 14480, 14280																	
14320	MBTA Storm Drain relocated	0d		15-Aug-16	14260, 14360																	
Subcontractor Procurement Milestones		72d	01-Feb-16 A	27-Jun-16																		
A3180	Finalize VE Options	30d	01-Feb-16 A	18-May-16																		
A3060	Excavation and Foundation Sitework	0d		06-May-16 A	A3160, A3180, A3070																	
A3070	Slurry Wall / LBE	0d		06-May-16 A	A3180																	
A3170	De-watering	0d		06-May-16 A	A3070, A3180, A3180																	
A3090	Curtainwall	0d		13-May-16	A3060																	
A3035	Piles and Geo-piers	0d		20-May-16	A3060																	
A3100	Hotel Concrete	0d		20-May-16	A3035, A3180																	
A12160	Structural Steel	0d		27-May-16	A3100																	
A12170	Tower Cranes	0d		27-May-16	A12160																	

- Remaining Level of Effort
- Actual Work
- Remaining Work
- Critical Remaining Work
- ◆ Milestone



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017				
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
A12180	Metal Panels	0d		06-Jun-16	A12170				◆													
A12190	EIFS	0d		13-Jun-16	A12180				◆													
A12200	Stone	0d		20-Jun-16	A12190				◆													
A12210	Curved Escalators	0d		27-Jun-16	A12200				◆													
Potential Early Work (No need for Chapter 91 Approval)		49d	25-Apr-16 A	05-Jul-16																		
Resort Construction		149d	05-Jul-16	03-Feb-17																		
A2222	Mobilization	0d	05-Jul-16		A2590, A4200, 1308				◆													
A2700	Slurry and LBEs	149d	05-Jul-16	03-Feb-17	A5650, A2590, A316																	
A9820	Central Plant Area Excavation and Foundation	142d	06-Jul-16	26-Jan-17	A2700, A2262																	
Tenant Retail		131d	12-May-16	15-Nov-16																		
A7570	Identify Lease Tenant	131d	12-May-16*	15-Nov-16																		
Broadway Projects		169d	30-Oct-15 A	30-Sep-16																		
Alford Retail Building Demolition		57d	29-Mar-16 A	13-Jun-16																		
A11040	Proposal back from Demo Contractor	10d	29-Mar-16 A	14-Apr-16 A	A11090																	
A11130	WDD Approval and Award Demo Contractor	7d	12-Apr-16 A	29-Apr-16 A	A11040																	
A11060	Permitting (DEP Notification)	10d	02-May-16 A	13-May-16	A11130																	
A11050	Disposal	5d	16-May-16	20-May-16	A11060																	
A11070	Demo Alford Retail Building	15d	23-May-16	13-Jun-16	A11060, A11050																	
128 Broadway (McDonald's)		139d	17-Mar-16 A	30-Sep-16																		
128 Broadway (McDonald's) Demolition		96d	17-Mar-16 A	01-Aug-16																		
A1861	Vacate McDonald's	76d	17-Mar-16 A	01-Jul-16	11050																	
11100	Environmental Report	5d	23-May-16	27-May-16	11050, A11310																	
11130	Demo Documents	5d	23-May-16	27-May-16	11100																	
11140	Bid Demo Contractor	9d	31-May-16	10-Jun-16	11130																	
11150	Review/Approve Bids, Award Demo	5d	13-Jun-16	17-Jun-16	11140																	
11160	Demo Permit	10d	20-Jun-16	01-Jul-16	A11190, 11150																	
11090	Demo Existing McDonald's	20d	05-Jul-16	01-Aug-16	11080, 11160																	
13260	Demo Complete	0d		01-Aug-16	11090, 11920																	
New McDonald's		137d	21-Mar-16 A	30-Sep-16																		
11060	Construction Documents for New McDonald's	30d	21-Mar-16 A	06-May-16 A	11050, 11100																	
11120	Planning Board Approval	1d	06-Jun-16	06-Jun-16	11050, 11060																	
A1940	Permit from City of Everett for New McDonalds	1d	21-Jun-16	21-Jun-16	11120																	
11080	Construction (New McDonald's, Utilities, Parking)	63d	05-Jul-16	30-Sep-16	A1940, 11060, A1861																	
38 Broadway (Mobil) Demolition		84d	01-Mar-16 A	14-Jul-16																		
A1863	Terminate Mobil Lease	60d	01-Mar-16 A	01-Jun-16	A1860																	
A7690	Environmental Investigation	15d	02-Jun-16	22-Jun-16	A1860, A7710, A1863																	
A7720	Construction Document Production	15d	23-Jun-16	14-Jul-16	A7710, A7690, A7690																	

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A7860	GZA RAM Plan (Check with GZA)	10d	23-Jun-16	07-Jul-16	A7690														
48 Broadway (Dunkin Donuts) Demolition		167d	30-Oct-15 A	25-Aug-16															
A1870	Negotiate Tenant Lease Termination	167d	30-Oct-15 A	23-Jun-16	A1860														
A8400	Environmental Investigation	19d	24-Jun-16	21-Jul-16	A8390, A8420, A1870														
A8430	Construction Document Production	25d	22-Jul-16	25-Aug-16	A8420, A8400														
MBTA Loading Dock and New Gatehouse		216d	30-Oct-15 A	01-Sep-16															
12860	Prepare Construction Documents	75d	30-Oct-15 A	20-May-16															
12910	Finalize Easement	75d	30-Oct-15 A	27-May-16	14380														
12870	MBTA Approval/Comments	15d	23-May-16	13-Jun-16	12860, 12910														
12890	Issue Bid Documents	10d	31-May-16	13-Jun-16	12870														
12900	Bid/Award Contractor	10d	14-Jun-16	27-Jun-16	12890														
12850	Loading Dock Construction	30d	05-Jul-16	15-Aug-16	12890, 12900														
12920	Move Storage Building	30d	05-Jul-16	15-Aug-16	12900														
12770	Build New Gatehouse	40d	08-Jul-16	01-Sep-16	12900														
12880	Loading Dock Operational	0d		15-Aug-16	12850, 13290														
13280	MBTA New Entrance Operational	0d		01-Sep-16	12770, 13300, 12920														
Service Road and Utilities Projects		685d	30-Oct-15 A	12-Jul-18															
Everett Planning Board - Site Plan Review - Service Road		1d	25-Apr-16 A	25-Apr-16 A															
A8510	SR - Planning Board Approval	1d	25-Apr-16 A	25-Apr-16 A	A8505, 12170														
Service Road RAM Plan		54d	01-Mar-16 A	03-May-16 A															
A8525	Amend RAM Plan for Service Road	24d	01-Mar-16 A	03-May-16 A															
A8545	Final RAM Plan Submitted	1d	02-May-16 A	03-May-16 A	A8525														
Service Road and Utilities Design		43d	31-Mar-16 A	13-May-16															
12470	Bid Contractor	17d	31-Mar-16 A	03-May-16 A	11805, 11820														
12460	Complete Bidders Background Checks	12d	21-Apr-16 A	13-May-16	12450														
12450	Review/Award (Service Road and Utility Relocations)	8d	02-May-16 A	13-May-16	12470, 11820														
12500	WDD Review and Approval	5d	09-May-16 A	13-May-16	12470														
12490	Notice to Proceed (Service Road Construction)	0d		13-May-16	12470, 12450, 12460														
Preferred Utility Relocations Options		172d	30-Oct-15 A	30-Jun-16															
Verizon Relocation through Santilli Circle (for Gateway)		172d	30-Oct-15 A	30-Jun-16															
13110	Review/Approve the Plan with Gateway	65d	30-Oct-15 A	16-May-16															
13090	Prepare Bid Documents (Verizon)	20d	25-Jan-16 A	16-May-16	13110														
13100	Bid/Award Verizon Contractor	10d	17-May-16	31-May-16	13090														
13120	Review/Approvals (by Everett, Verizon, Gateway, DCR)	9d	17-May-16	27-May-16	13090														
13080	Relocate T/D Lines	20d	03-Jun-16	30-Jun-16	13090, 13100, 13120														
13130	Relocate FIRE ALARM on Poles	20d	03-Jun-16	30-Jun-16	13080														
Gateway 23Kv Electrical Line Preconstruction		95d	26-Jan-16 A	18-May-16															

- █ Remaining Level of Effort
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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A2270	National Grid execute MBTA Utility License	60d	26-Jan-16 A	18-May-16	A2310	National Grid execute MBTA Utility License													
A3565	Duct Bank Award	5d	09-May-16 A	13-May-16	12490	Duct Bank Award													
A2280	National Grid Trade Procurement	20d	12-May-16 A	18-May-16	A2260	National Grid Trade Procurement													
115Kv High Tension Tower Relocation		601d	29-Feb-16 A	12-Jul-18															
A2410	National Grid Schematic Design	30d	29-Feb-16 A	20-May-16	A2390	National Grid Schematic Design													
A2350	National Grid Complete Engineered Documents	541d	23-May-16	12-Jul-18	A2410	National Grid Complete Engineered Documents													
National Grid Gas Line Extension on Broadway		161d	16-Feb-16 A	30-Sep-16		National Grid Gas Line Extension on Broadway													
A2360	National Grid Site Investigation	40d	16-Feb-16 A	20-May-16	A2400	National Grid Site Investigation													
A2380	National Grid Complete Gas Line Design Documents	25d	23-May-16	27-Jun-16	A2360	National Grid Complete Gas Line Design Documents													
A2910	National Grid Trade Procurement	20d	28-Jun-16	26-Jul-16	A2380	National Grid Trade Procurement													
A2970	National Grid Complete Gas Line Relocation	44d	01-Aug-16	30-Sep-16	A2910, A5172	National Grid Complete Gas Line Relocation													
Service Road Preconstruction Survey		4d	12-May-16	17-May-16		Service Road Preconstruction Survey													
11020	Service Road Preconstruction Survey	4d	12-May-16	17-May-16	12000	Service Road Preconstruction Survey													
Service Road Construction		129d	16-May-16	15-Nov-16		Service Road Construction													
12000	Mobilization	5d	16-May-16	20-May-16	12490	Mobilization													
A2275	Wynn Constructs Duct Bank	10d	16-May-16	27-May-16	A2270, A3565	Wynn Constructs Duct Bank													
11010	Tunnel Modifications (by SCCI)	30d	18-May-16	29-Jun-16	12620, 12000	Tunnel Modifications (by SCCI)													
12060	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas	32d	18-May-16	01-Jul-16	12170, A9560, 11010	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas													
12070	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonak	51d	18-May-16	29-Jul-16	12060	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonak													
A6570	Complete Temp Water Line Relocation (Gateway)	31d	18-May-16	30-Jun-16	12060	Complete Temp Water Line Relocation (Gateway)													
A2300	National Grid Complete Relocation of 23KV Gateway Line	22d	01-Jun-16	30-Jun-16	A2280, A2275	National Grid Complete Relocation of 23KV Gateway Line													
12190	National Grid Installs Gas Regulators	20d	14-Jun-16	12-Jul-16	11010	National Grid Installs Gas Regulators													
12200	National Grid Provides Electricity to Site	20d	14-Jun-16	12-Jul-16	12190	National Grid Provides Electricity to Site													
12010	Drainage Improvements (coordinate with MBTA)	35d	27-Jun-16	15-Aug-16	12000, 12850	Drainage Improvements (coordinate with MBTA)													
A2320	NGrid 23 kV Relocation Complete	0d		30-Jun-16	A2300, 14180	NGrid 23 kV Relocation Complete													
14420	Broadway/Beacham Temp Alignment	20d	05-Jul-16	01-Aug-16	11090	Broadway/Beacham Temp Alignment													
12080	SR - Phase 3 (SR, remainder of Charlton, McDonald's/Broadway intersection)	76d	01-Aug-16	15-Nov-16	12070, A6570, 14420	SR - Phase 3 (SR, remainder of Charlton, McDonald's/Broadway intersection)													
12180	115 kV Piping Installation	25d	01-Aug-16	02-Sep-16	12480	115 kV Piping Installation													
12040	Site Improvements, Landscaping	45d	14-Sep-16	15-Nov-16	12010, 12880, 13280	Site Improvements, Landscaping													
DCR Harbor Walk Connector		223d	13-Apr-16 A	01-Mar-17		DCR Harbor Walk Connector													
Everett Con. Comm. - NOI Site Investigation		43d	13-Apr-16 A	13-Jun-16		Everett Con. Comm. - NOI Site Investigation													
A4140	Draft NOI Completed	1d	13-Apr-16 A	13-Apr-16 A		Draft NOI Completed													
A4150	Internal Review	6d	13-Apr-16 A	20-Apr-16 A	A4140	Internal Review													
A4160	MBTA Temp Access Permit	1d	15-Apr-16 A	15-Apr-16 A	A4150	MBTA Temp Access Permit													
A4170	Final NOI for MBTA Signature	1d	25-Apr-16 A	25-Apr-16 A	A4160	Final NOI for MBTA Signature													
A4220	MBTA Signature	1d	03-May-16 A	03-May-16 A	A4170	MBTA Signature													
A4230	File NOI	1d	05-May-16 A	05-May-16 A	A4220	File NOI													

- █ Remaining Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone

Wynn Boston Harbor

Six Month Lookahead Schedule (4/1/2016 - 9/30/2016)

20-May-16

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




Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A4240	Con. Comm. Hearing	1d	19-May-16	19-May-16	A4230														
A4250	NOI End of Appeal	14d	20-May-16	09-Jun-16	A4240														
A4260	Site Investigation	2d	10-Jun-16	13-Jun-16	A4250														
Design		202d	28-Apr-16 A	01-Mar-17															
A4050	Design Review Meeting with DCR	1d	28-Apr-16 A	28-Apr-16 A	A4150														
A4270	Interim 50% Consultant Submission (Minus Overlook)	1d	10-Jun-16	10-Jun-16	A4050														
A3870	50% CDs	16d	13-Jun-16	05-Jul-16	A4050, A4270, A4260														
A4098	Meeting to review Alternates for Overlook (GZA, SA, WDD)	1d	22-Jun-16	22-Jun-16	A4270														
A4088	DCR Public Listening Session	1d	29-Jun-16	29-Jun-16	A3870														
A4090	75% CDs	18d	06-Jul-16	29-Jul-16	A3870, A4088, A4098														
A4100	100% CDs	127d	29-Aug-16	01-Mar-17	A3710, A4090														
Everett Con. Comm. - Wetlands Notice of Intent (DCR Harbor Walk Con		106d	23-May-16	20-Oct-16															
A2470	Execution of Easement Agreement with MBTA, DDRC	30d	23-May-16	05-Jul-16	A3470, A5172, A3870														
A1600	Prepare Notice of Intent	8d	06-Jul-16	15-Jul-16	A2470, A4088, A2470														
A1610	Internal Review of Draft	2d	18-Jul-16	19-Jul-16	A1600														
A1730	Final Draft	5d	20-Jul-16	26-Jul-16	A1610														
A1740	Internal Review of Final Draft	2d	27-Jul-16	28-Jul-16	A1730														
A1750	Final Draft to DEP	1d	29-Jul-16	29-Jul-16	A1740														
A1760	Final Draft DEP Comments	10d	01-Aug-16	12-Aug-16	A1750														
A1770	File Notice of Intent	5d	15-Aug-16	19-Aug-16	A1760														
A1780	Review and Public Hearing (mtgs on 9/15 and 10/20)	43d	22-Aug-16	20-Oct-16	A1760, A1770														
MADEP Chapter 91 DCR Harbor Walk Connector		73d	06-Jul-16	17-Oct-16															
A11940	Prepare Draft Chapter 91 application	13d	06-Jul-16	22-Jul-16	A2470														
A11950	Internal Review of Draft	2d	25-Jul-16	26-Jul-16	A11940														
A11960	Final Draft	5d	27-Jul-16	02-Aug-16	A11950														
A11970	Internal Review of Final Draft	2d	03-Aug-16	04-Aug-16	A11960														
A11980	Final Draft to DEP	1d	05-Aug-16	05-Aug-16	A11970														
A11990	Final Draft DEP Comments	10d	08-Aug-16	19-Aug-16	A11980														
A3710	Chapter 91 Filing	5d	22-Aug-16	26-Aug-16	A3510, A11990														
A3720	Notice in Environmental Monitor	35d	29-Aug-16	17-Oct-16	A3710														
MADEP WQ Certification (DCR Harbor Walk Connector)		73d	06-Jul-16	17-Oct-16															
A12010	Prepare Draft WQ application	13d	06-Jul-16	22-Jul-16	A11940														
A12020	Internal Review of Draft	2d	25-Jul-16	26-Jul-16	A12010														
A12030	Final Draft	5d	27-Jul-16	02-Aug-16	A12020														
A12040	Internal Review of Final Draft	2d	03-Aug-16	04-Aug-16	A12030														
A12050	Final Draft to DEP	1d	05-Aug-16	05-Aug-16	A12040														
A12060	Final Draft DEP Comments	10d	08-Aug-16	19-Aug-16	A12050														

- █ Remaining Level of Effort
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Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016												2017	
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb		
A7310	Boston BTD Review 75% Design Package	20d	14-Sep-16	11-Oct-16	A7280														
A7320	MBTA Review 75% Design Package	20d	14-Sep-16	11-Oct-16	A7280														
Woods Memorial Bridge (by DOT)																			
A4040	Project by DOT	520d	01-Feb-16 A	06-Apr-18															

-  Remaining Level of Effort
-  Actual Work
-  Remaining Work
-  Critical Remaining Work
-  Milestone

 Summary

Wynn Boston Harbor
Six Month Lookahead Schedule (4/1/2016 - 9/30/2016)
20-May-16



Appendix 5

**Project Construction Workforce:
Women, Minority, Veteran Participation
As of March 31, 2016**

Reference 205 CMR 135.02(5)(e)

As of March 31, 2016, 13,658 person-hours of work was completed on the Project Site, with 71 workers, including 17 minorities, five females, and five veterans, on site over the last several months for pre-construction and remediation.

	# of Workers	Participation to Date (% of workforce hours)	Goal (% of workforce hours)
Minority	17	16.1%	15.3%
Female	5	7.3%	6.9%
Veteran	5	8.9%	3.0%

LOCAL TRADE UNION	PROJECT TO DATE									
	Project to Date (PTD) Total Hours	MINORITY - Goal: 15.3%			FEMALE - Goal: 6.9%			VETERAN - Goal: 3.0%		
		# Workers	PTD Hours	PTD Percentage	# Workers	PTD Hours	PTD Percentage	# Workers	PTD Hours	PTD Percentage
Laborers Local 151	16.0	1	16.0	100.0%	-	-	0.0%	-	-	0.0%
Laborers Local 22	6,813.5	12	2,122.5	31.2%	4	911.0	13.4%	3	1097.0	16.1%
Laborers Local 223	16.0	2	16.0	100.0%	-	-	0.0%	-	-	0.0%
Laborers Local 385	16.0	1	16.0	100.0%	-	-	0.0%	-	-	0.0%
Laborers Local 610	32.0	1	32.0	100.0%	-	-	0.0%	-	-	0.0%
Laborers Local 88 (Tunnel Workers)	32.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
Local 103 I.B.E.W.	34.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
Operating Engineers Local 4	5,138.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
Piledrivers Local 56	1,561.0	-	-	0.0%	1	84.0	5.4%	2	124.5	8.0%
TOTAL	13,658.5	17	2,202.5	16.1%	5	995.0	7.3%	5	1,221.5	8.9%

CONTRACTOR	PROJECT TO DATE									
	Project to Date (PTD) Total Hours	MINORITY - Goal: 15.3%			FEMALE - Goal: 6.9%			VETERAN - Goal: 3.0%		
		# Workers	PTD Hours	PTD Percentage	# Workers	PTD Hours	PTD Percentage	# Workers	PTD Hours	PTD Percentage
Cashman Dredging & Marine Contracting	440.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
Coastal Marine Construction	2,215.5	-	-	0.0%	1	84.0	3.8%	1	116.5	5.3%
DeLucca Fence Company	394.5	5	110.0	27.9%	1	16.0	4.1%	1	8.0	2.0%
J Rams INC	16.0	-	-	0.0%	-	-	0.0%	1	8.0	50.0%
Lockwood Remediation	32.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
MON Landscaping, INC	96.0	7	96.0	100.0%	-	-	0.0%	-	-	0.0%
Richard Reid Electric	34.0	-	-	0.0%	-	-	0.0%	-	-	0.0%
The Welch Corp	10,430.5	5	1,996.5	19.1%	3	895.0	8.6%	2	1,089.0	10.4%
TOTAL	13,658.5	17	2,202.5	16.1%	5	995.0	7.3%	5	1,221.5	8.9%

**Contracts and Payments to Minority, Women and
Veteran Business Enterprises for Construction Phase**
As of March 31, 2016

Reference 205 CMR 135.02(5)(f)

As of March 31, 2016, Wynn had awarded \$5,895,821, or 95.0% of qualified construction contracts, in contracts to M/W/VBEs for pre-construction work. As of March 31, 2016, Wynn and Wynn contractors awarded three contracts to MBEs, four contracts to WBEs, and two contracts to VBEs for pre-construction work.

	# Contracts*	Contract Value (\$)	% of Total Construction Contracts Awarded to Date	% Goal	Paid to Date (\$)
MBE	3	5,580,983	90.0%	5.0%	5,341,293
WBE	4	293,788	4.7%	5.4%	132,997
VBE	2	21,050	0.3%	1.0%	13,592
TOTAL	9	\$5,895,821	95.0%	11.4%	\$5,487,882

*Note that 9 MBE contracts, 4 WBE contracts, and 1 VBE contract, are sub-contracted with Wynn's consultants.

**Contracts and Payments to Minority, Women and
Veteran Business Enterprises for Design Phase**
As of March 31, 2016

Reference 205 CMR 135.02(5)(f)

As of March 31, 2016, Wynn had awarded \$9,571,730, or 19.0% of qualified design contracts, to M/W/VBEs for design work. As of March 31, 2016, Wynn and Wynn consultants awarded eleven contracts to MBEs, nine contracts to WBEs, and three contracts to VBEs for design work.

	# Contracts*	Contract Value (\$)	% Total Design Contracts	% Goal	Paid to Date (\$)
MBE	11	4,165,305	8.3%	7.9%	2,542,394
WBE	9	2,069,758	4.1%	10.0%	688,018
VBE	3	3,336,667	6.6%	1.0%	2,130,700
TOTAL	23	\$9,571,730	19.0%	18.9%	\$5,361,112

*Note that 9 MBE contracts, 7 WBE contracts, and 2 VBE contract, are sub-contracted with Wynn's consultants.

Plainridge Park Casino

Report to the Massachusetts Gaming Commission

Q1 2016



PLAINRIDGE PARK
CASINO

Employment

As of March 31, 2016:

	Employees	Full-time	Part-time
Totals	522	348	174
	100%	67%	33%



Employment

As of March 31, 2016:

	Employees
Diversity	18%
Veterans	3%
Massachusetts	74%
Local	37%
Male/Female	53% / 47%



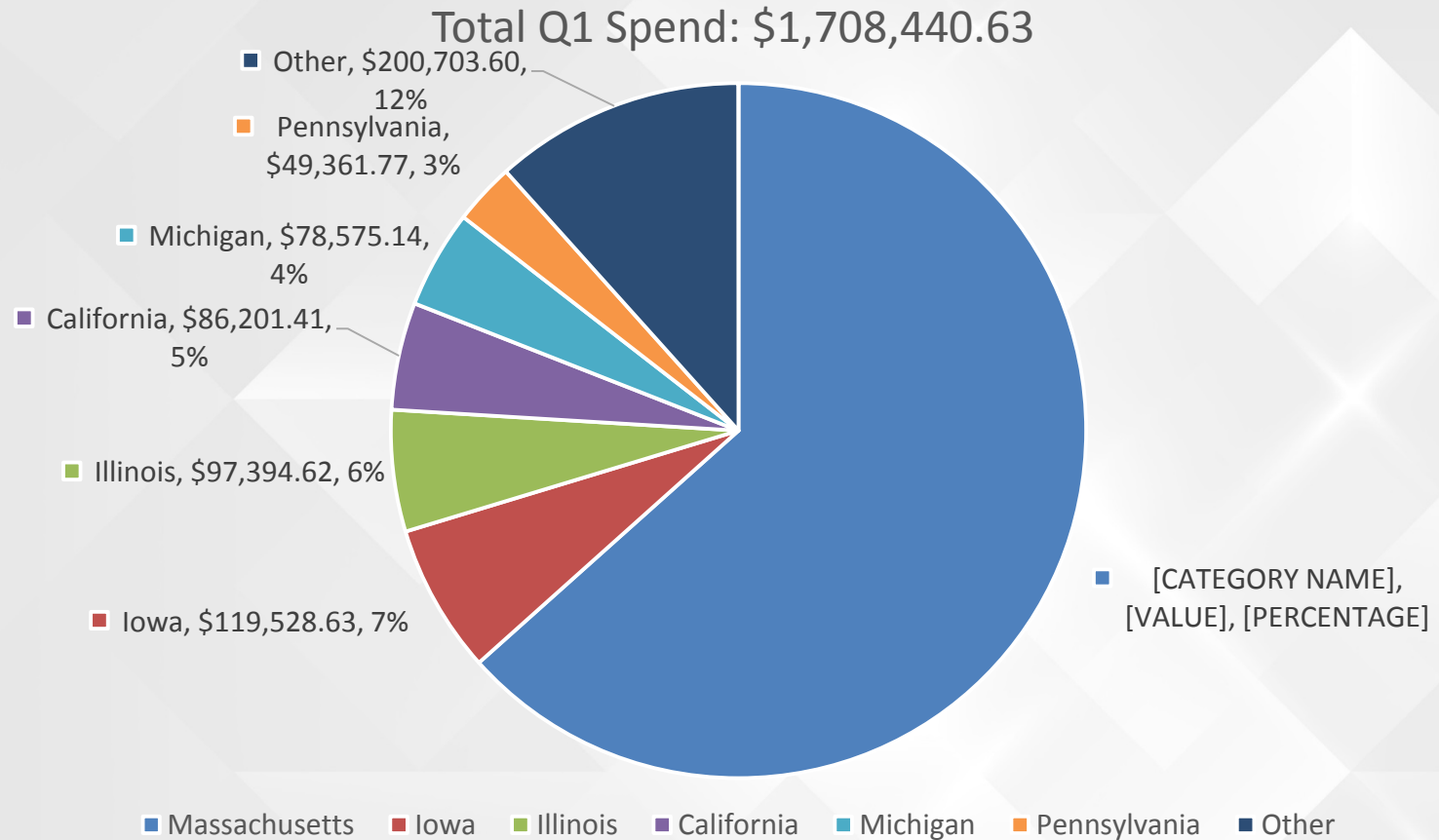
Employment

As of March 31, 2016:

	1st	2015
Promotions	7	40
Internal Transfers	16	36

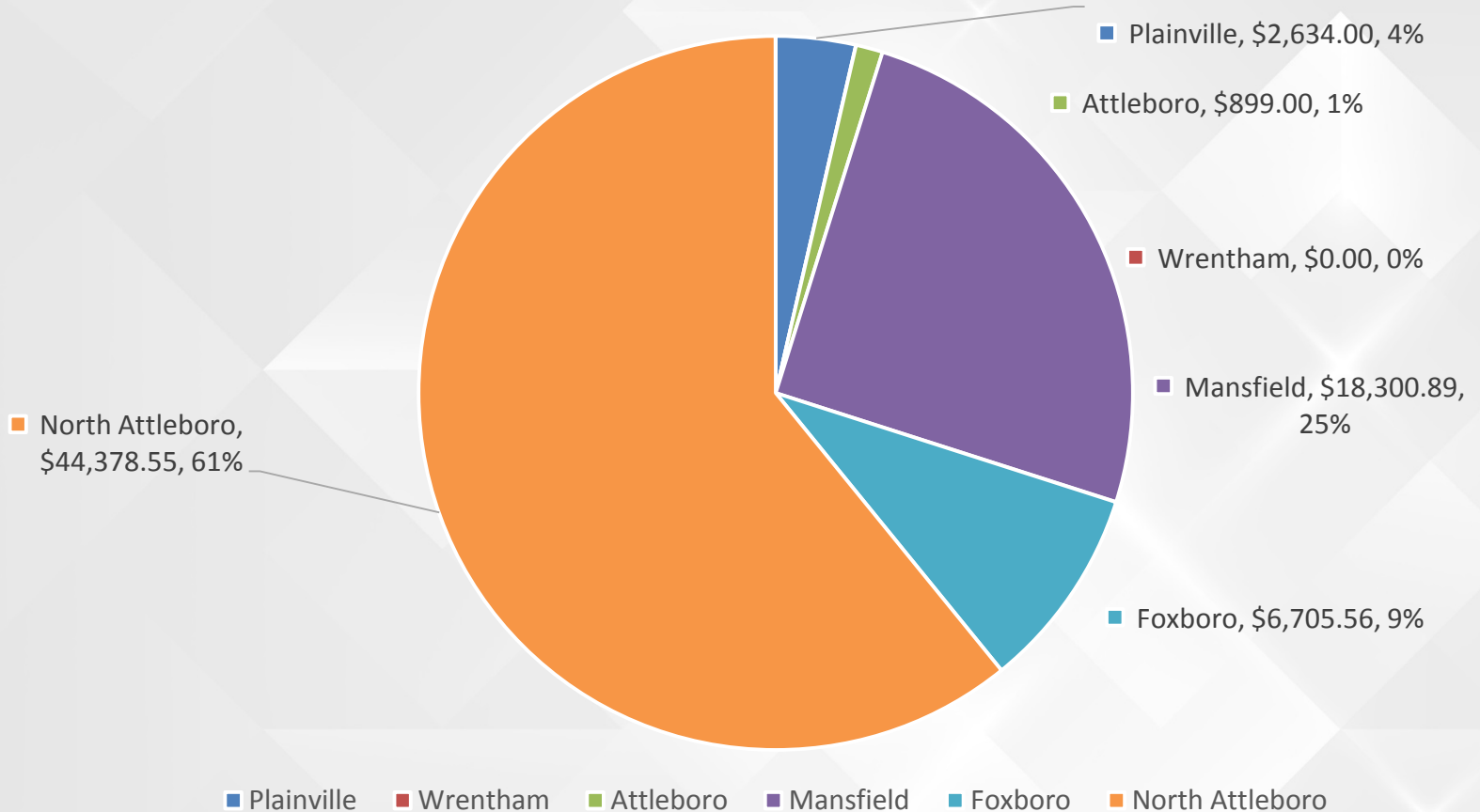


Spend by State



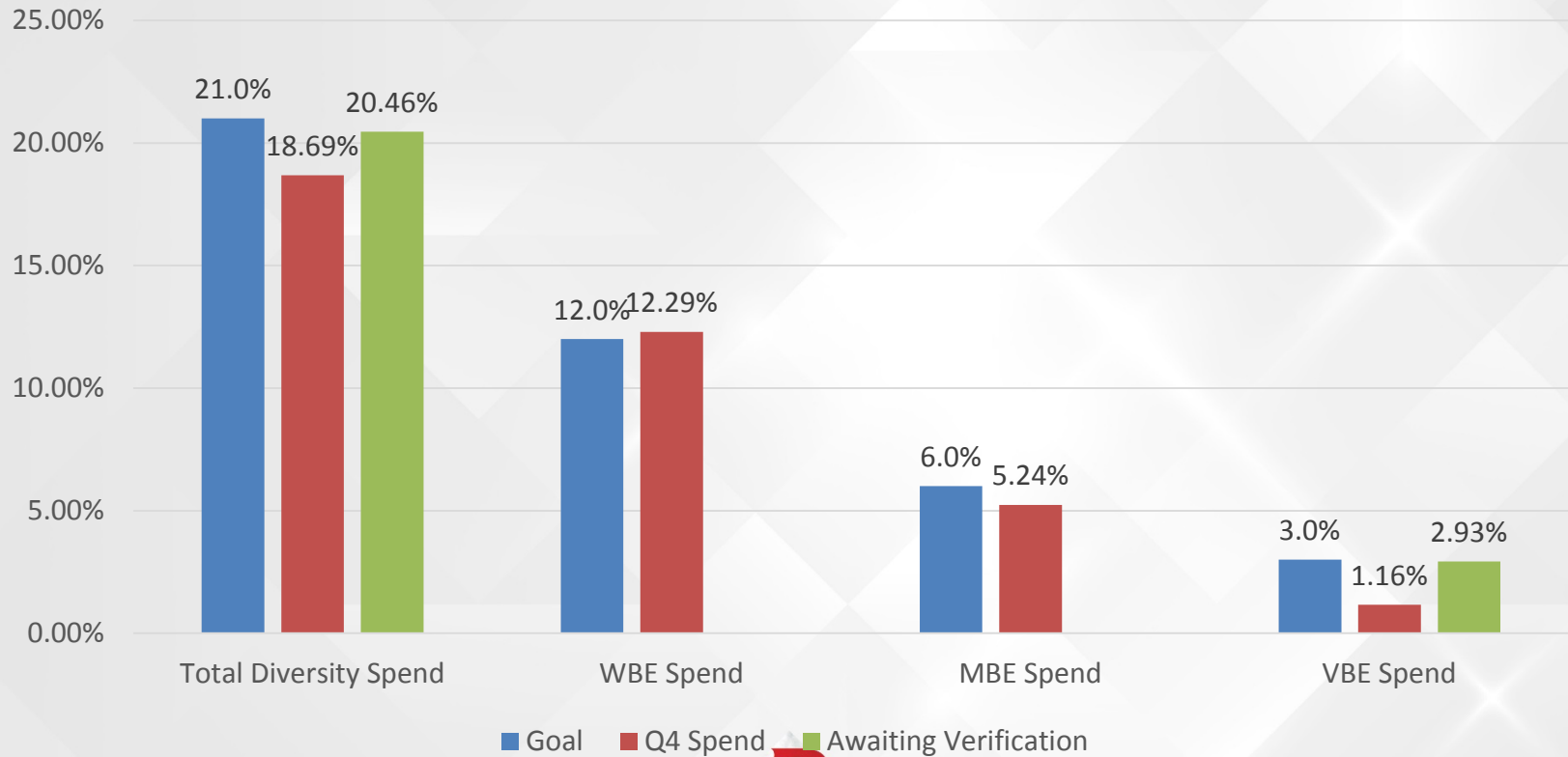
Local Spend

Total Host & Surrounding Community Spend: \$72,918.00



Vendor Diversity Spend

Q1 2016



Revenue & Taxes

Month	Revenue	Taxes @ 49%
January	\$12,531,140.69	\$6,140,258.94
February	\$12,669,678.44	\$6,208,142.44
March	\$13,496,232.21	\$6,613,153.78
Quarter Totals	\$38,697,051.34	\$18,961,555.16
2015 Totals	\$88,230,548.03	\$43,232,968.53



Compliance with Regulations

Underage Guests

Month	Prevented from entering gaming establishment	Escorted from gaming area	Found gambling at table games	Found gambling at slot machines	Taken into custody for gambling	Taken into custody- Other	Found consuming alcoholic beverages
January	36	0	N/A	0	0	0	0
February	35	2	N/A	0	0	0	0
March	45	0	N/A	0	0	0	0
TOTAL	116	2	N/A	0	0	0	0



Compliance with Agreements, continued

Lottery Sales

Online (e.g., Keno) \$ 256,180

Instant ticket \$ 449,124

Total lottery \$ 705,304

47% increase over Q4 2015 sales of \$479,325



Company Overview

- Strong financial position
 - Able to meet payroll, winning wagers, and other obligations
 - All state, local and federal taxes are paid timely
- Charitable – Relay For Life of Greater Attleboro
 - External
 - \$777 Winning Wednesdays – Red Sox
 - Internal
 - Employee Chili Cook Off
 - Jeans Days



Events & Promotions

1st Quarter

- Ford F-150 Giveaway
- Carnival Cruise Giveaway
- Valentine's Day
- Powerball Promotion
- Lottery Ticket Giveaway
- Audi Giveaway
- Play \$500



Events & Promotions

2nd Quarter

Boat & Bass Pro Shops Giveaways

Lottery Ticket Promotions

Live Racing – April 11

Kentucky Derby * Preakness Stakes * Belmont Stakes

Motorcycle Giveaway ♦ Mustang Giveaway

♦ Xfinity Center Concert Series ♦

Official Sponsor – Fenway Concert Series



PLAINRIDGE PARK
CASINO

Projects

- Play Management – on track for May 31 launch
- Capital Improvements
 - High-Definition Video Tote Board for Racecourse
 - Paddock and Barn Renovations
- One Year Anniversary Celebration



No Documents

No Documents

THE COMMONWEALTH OF MASSACHUSETTS



Third Annual Report
of the
Division of Racing

of the

MASSACHUSETTS GAMING COMMISSION

Stephen Crosby, Chairman
Gayle Cameron, Commissioner
Lloyd Macdonald, Commissioner
James McHugh, Commissioner (ret.)
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

YEAR ENDING
DECEMBER 31, 2015

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Introduction / Mission Statement

The Mission Statement of the Massachusetts Gaming Commission is to create a fair, transparent and participatory process for implementing the expanded gaming law passed in November 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

The Massachusetts State Racing Commission (“SRC”) was a predecessor agency created by an act of the General Court in 1934. The State Racing Commission, pursuant to Chapter 4 of the Acts of 2009, was transferred to the Division of Professional Licensure (“DPL”), on January 1, 2010. Effective May 20, 2012, all State Racing Commission functions were further transferred to the Massachusetts Gaming Commission, pursuant to Section 89 of Chapter 194 of the Acts of 2011. DPL continued to manage all racing operations through an inter-agency service agreement through the end of calendar year 2012. The Racing Division of the Massachusetts Gaming Commission assumed control of the fiscal and operational activities of the old State Racing Commission on January 1, 2013.

The Commissioners

Stephen Crosby

Massachusetts Gaming Commission Chair



Prior to serving as Chair of the Massachusetts Gaming Commission, Mr. Crosby served as Founding Dean of the John W. McCormack Graduate School of Policy and Global Studies at UMass Boston. He has 45 years of experience in policy making, entrepreneurship, non-profits and academics.

In his position as Dean, Mr. Crosby oversaw three academic departments (Public Policy and Public Affairs; Gerontology; and Conflict Resolution, Human Security and Global Governance), along with thirteen research centers and institutes. During his nearly 6 year tenure, he founded the Commonwealth Compact; the Edward J. Collins Center for Public

Management; the Collaborative Institute on Oceans, Climate & Security; the Center for Civil Discourse; and has overseen the development of new Centers on Governance and Sustainability; Community Democracy and Democratic Literacy; and Peace, Democracy and Development.

As Secretary of Administration and Finance to Governors Paul Cellucci and Jane M. Swift from 2000-2002, Mr. Crosby was responsible for development, legislative approval and implementation of the governor's \$23 billion annual operating budget and a \$2 to \$3 billion capital budget. He supervised 22 agencies with 3,000 employees. In 2002, he served as chief of staff to Governor Swift. Working with the community on non-profit boards, Mr. Crosby presently serves as chair of the Center for Applied Special Technologies (CAST), and as a board member of the Economic Progress Institute, in Providence, R.I.

In other public service, he co-chaired Governor Patrick's Transition Task Force on Budget and Finance; served as Chair of the Commission to Review Compensation Packages of Senior "Quasi Public" Employees; and served as a member of the Supreme Judicial Court Task Force on Hiring and Promotion in the Judiciary.

In 25 years of work in the private sector, Mr. Crosby was founder and publisher of CCI/Crosby Publishing in Boston. In other business endeavors, he has served as chairman and CEO of technology and publishing companies, including Interactive Radio Corp., Inc., SmartRoute Systems, Inc., Crosby Vandenburg Group, and MetroGuide, Inc. His career also includes work as a campaign manager and senior advisor for local and national candidates and elected representatives, and as a frequent commentator in local and national media.

Mr. Crosby received his B.A. from Harvard College and his J.D. from Boston University.

Gayle Cameron

Massachusetts Gaming Commissioner



Prior to her appointment to the Massachusetts Gaming Commission, Gayle Cameron worked as a public safety consultant after a distinguished career with the New Jersey State Police. She retired as a Deputy Superintendent, the second highest rank.

Prior to her retirement, Lieutenant Colonel Cameron commanded the Investigations Branch which had authority over the areas of: casino regulation, specialized investigations, intelligence gathering and analysis, and forensic sciences. In this position she held the agency's top security clearance and interacted on a regular basis with the US Attorney from the

District of NJ, the State's Governor, the NJ Attorney General and was the primary liaison with all federal law enforcement agencies.

The purview of this position included managing more than 900 detectives, analysts and scientists assigned to 57 different units with an annual budget of over seventy five million dollars. Incorporated within these entities were subordinate bureaus and offices responsible for casino gaming, counter terrorism, narcotics, organized crime, cyber technology, intelligence management, electronic surveillance, street gang investigations, homicide and violent crimes.

Cameron's gaming experience began as an undercover operative while conducting casino criminal and organized crime investigations. She also gained valuable expertise as a detective vetting individuals and companies during the application process for licensure to Atlantic City's casinos.

Prior to serving as the Deputy Superintendent, she held leadership positions as the Commanding Officer of the following sections: Administration, where she was responsible for the formulation and management of the Division's annual budget; Human Resources and Identification and Information Technology. Other positions held include: Bureau Chief of Command Operations, Station Commander, EEO/AA Investigations Unit leader, Executive Protection Squad Leader and road duty Trooper.

Lt. Colonel Cameron has been called upon to sit on numerous promotional boards both in the United States and abroad. Toward the end of her service she was appointed to serve as a Commissioner for the Commission on Accreditation for Law Enforcement Agencies (CALEA) which evaluates police agencies' best practices both nationally and internationally. She is a founding member of New Jersey Women in Law Enforcement and frequently serves as a panelist for the international association of Chiefs of Police and the National Center for Women and Policing.

Lt. Colonel Cameron holds an M.A. from Seton Hall University, a B.S. from Bridgewater State College, and is a graduate of the FBI Leadership Development School, the Northwestern University School of Staff and Command, and the International Chiefs of Police Leadership in Police Organizations certification.

Lloyd Macdonald

Massachusetts Gaming Commissioner

Joined Commission November 2015



Lloyd Macdonald was appointed to the Gaming Commission by Attorney General Maura Healey in late October 2015 pursuant to her responsibility under the Commission's enabling statute to appoint one commissioner with experience in law enforcement and investigations.

From 2004 to the time of his retirement in 2014, Macdonald was a Justice of the Massachusetts Superior Court. During his last two years on the court, he was the Regional Administrative Judge of Bristol County and oversaw all of the criminal and civil sessions of the county. Before joining the Court, Judge Macdonald was a senior partner in the international law firm of K&L Gates, where he specialized in complex civil litigation, white collar criminal defense and SEC enforcement litigation. He was the co-chair of the Massachusetts Bar Association's Criminal Law and Procedure Committee in the late 1970's.

Before entering private practice, Judge Macdonald was an Assistant United States Attorney in the District of Massachusetts, where he became Chief of the Public Corruption Unit. Before that, he was an Assistant District Attorney in Suffolk County, Massachusetts and Chief Trial Counsel of the Major Violators Division. Judge Macdonald began his professional career in 1970 at the Harvard Law School's Center for Criminal Justice, where he rose to become Assistant Director.

Judge Macdonald was educated at Harvard College and Columbia Law School. At Columbia he was a Harlan Fiske Stone Scholar. Upon graduation from law school, Judge Macdonald was awarded the Ford Fellowship in Criminology and studied for a year at the Cambridge University Institute of Criminology in Cambridge England.

Born in New Bedford, Judge Macdonald has maintained his ties to the South Coast, where he has a residence in Dartmouth. He has been a longstanding member of the board of trustees of the New Bedford Whaling Museum, where he chaired the Museum's Governance Committee for many years. He has also been active in environmental causes on the South Coast, having been President of the Dartmouth Natural Resources Trust, President of the Slocums River Trust and a founding member of the Lloyd Center for the Environment. Following his retirement from the court, Judge Macdonald joined, and remains on, the board of the Child Advocacy Center of Bristol County, which is the principal private agency serving victims of child sexual abuse.

In the year following his retirement from the Superior Court, Judge Macdonald was appointed an Access to Justice Fellow by the Massachusetts Supreme Judicial Court, and during that time he was a founding mentor at the University of Massachusetts Law School's Justice Bridge law offices in Boston and New Bedford.

Judge Macdonald resides, with his wife, Ann, in both Dartmouth and Cambridge.

James F. McHugh

Massachusetts Gaming Commissioner

Retired October 2015



James F. McHugh comes to the Gaming Commission from the Massachusetts Appeals Court, where he served as the special advisor to the Trial Court Chief Justice for Administration and Management on the Trial Court's automated case management project from July 2004 through July 2008. The National Center for State Courts named Justice McHugh as the 2011 recipient of the William H. Rehnquist Award for Judicial Excellence in recognition of his many achievements over his 26-year judicial career, including his tireless efforts and success in achieving improvements in the Massachusetts court system – for the public and for those who work in the courts – on issues ranging from information technology and caseflow management to judicial ethics. He retired from the Appeals Court on February 29, 2012.

James F. McHugh was born in Sioux Falls, South Dakota, on February 11, 1944. He received a B.A. from Brown University in 1965. After serving on active duty in the United States Navy, he attended Boston University School of Law, where he was Editor-in-Chief of the Law review and from which he graduated, magna cum laude, in 1970. From 1970 to 1971 he was a law clerk to Judge George MacKinnon of the United States Court of Appeals for the District of Columbia Circuit. In 1971, he returned to Boston, joining the law firm of Bingham, Dana & Gould (now Bingham McCutchen) as an associate, and later became a partner. His practice emphasized admiralty and First Amendment law. In 1985, Governor Michael Dukakis appointed him to the Superior Court, where he served for a period as a Regional Administrative Justice and as Chair of the Rules Committee. He served on the Superior Court until March 5, 2001, when Governor Paul Cellucci appointed him to the Appeals Court. Justice McHugh taught a course on the law of the First Amendment at Boston College Law School for ten years and a course on advanced torts at Northeastern University School of Law for two years.

Bruce Stebbins

Massachusetts Gaming Commissioner



A native of Western Massachusetts, Bruce most recently served as Business Development Administrator for the city of Springfield. He also served two terms on the Springfield City Council from 2006 through the end of 2009. Prior to joining the city Economic Development office, Bruce served as Senior Regional Manager for the National Association of Manufacturers in the New England region from 1999 through 2010.

Earlier in his career, Bruce served in the administrations of Governors William Weld and Paul Cellucci eventually being promoted to head the Massachusetts Office of Business Development after serving as deputy director and regional director. His government experience included working in the Office of Political Affairs at the White House for President George H.W. Bush.

His commitment to his community has also included serving on the elected school committee in East Longmeadow for seven years and chairmanship of the Board of Trustees of Springfield Technical Community College as well as other non-profit community organizations. He is a graduate of George Washington University in Washington, D.C. where he received a Bachelor of Arts degree in Political Science.

Enrique Zuniga

Massachusetts Gaming Commissioner



Enrique recently served as the Executive Director of the Massachusetts Water Pollution Abatement Trust. The Trust is a \$5.2 billion state infrastructure bank that provides subsidized loans to Cities and Towns for clean water and drinking water projects. The Trust is a “State Revolving Fund” that accepts federal grants and issues municipal debt to fund the loans it provides to municipalities. Under his tenure the Trust re-procured all its advisors and service providers, issued a competitive short term financing of \$100 million, and prepared for the permanent financing of \$450 million of loans.

Prior to joining the Trust, Enrique was the director of Quality Assurance at the Massachusetts School Building Authority. Enrique’s duties cut across different areas of the Authority including the initial drafting of regulations, reimbursements to cities and towns during the design and construction project (progress payments), design and implementation of information systems, executive reporting, training and other special projects.

Prior to the MSBA, Enrique was a manager at Ernst & Young in the Real Estate and Construction Advisory Services Group, where he conducted a number of advisory, audits and risk assessments for corporate clients with large capital programs. Enrique came to New England 17 years ago to obtain an MBA from the Yale School of Management, and prior to that he was a co-owner and director of a residential development and construction company in Monterrey Mexico. Enrique obtained a Civil Engineering degree in Mexico.

In 1997 Enrique relocated to Massachusetts and since 2001 has resided in Jamaica Plain with his wife Ellen and two children.

Executive Staff

Rick Day

Executive Director

Left MassGaming August 2015

As MGC's Executive Director, Mr. Day is the executive and administrative head of the Commission responsible for administering and enforcing the provisions of the Expanded Gaming Act. Mr. Day is responsible for planning, directing and coordinating all administrative activities and assisting the Commission in developing the policy and procedures related to the regulation of gaming in Massachusetts.

Mr. Day has more than 30 years in the criminal justice system with more than two decades dedicated to state law enforcement and regulatory work involving gambling investigations and compliance. From 2001 to 2013, Mr. Day was the Executive Director of the Washington State Gambling Commission where he led over 150 gaming employees including special agents, auditors and licensing units. He also negotiated Tribal-State Gaming compacts on behalf of the state. In addition, Mr. Day was responsible for successfully executing and completing statewide criminal and regulatory gambling investigations including felony cheating, bookmaking and employee theft. During his tenure as executive director, Mr. Day created an international task force with federal, state, and Canadian law enforcement agencies to investigate illegal internet gambling by actively investigating high-profile cases.

Prior to his role as Washington's gaming control board executive director, Mr. Day was the first Director of Montana's then newly-created Department of Corrections from 1995-2000. As director, Day's responsibilities included organizing the first Department of Corrections in Montana's history, providing leadership and management for more than 1,000 positions, 25 field offices, eight secure facilities, probation and parole, and a 40,000 acre correctional ranch.

As Bureau Chief of the Gambling Control Division at the Department of Justice in Montana in 1989 from 1991, Mr. Day is also credited with establishing and managing Montana's first criminal and regulatory gambling investigations bureau for the Montana Attorney General's office.

Mr. Day began his career as a police officer in Montana. He graduated from Montana State University with a degree in Sociology/Criminal Justice. He also holds a Master's Degree from the University of Washington in Public Administration.

Catherine Blue

General Counsel

As MGC's General Counsel, Ms. Blue leads the Commission's legal team responsible for managing the legal issues arising out of the Commission's implementation and administration of the Expanded Gaming Act.

Ms. Blue has more than 30 years experience practicing law in the private and public sectors. From 2010 to 2013, Ms. Blue was the head of the MassDevelopment legal department, working with a team of attorneys to assist one of the Commonwealth's primary economic development agencies in restoring blighted properties and funding emerging businesses. From 2008 to 2010, Ms. Blue was an attorney with the Metropolitan Transportation Authority in New York City, working on corporate governance, funding and contract matters. Prior to that Ms. Blue spent ten years with AT&T Wireless Services managing a team of legal professionals responsible for supporting the construction of wireless technology networks across the United States.

Ms. Blue began her career as an attorney in the Alcoa legal department. She graduated from Stonehill College with a degree in political science. She holds a Juris Doctor degree from the College of William and Mary in Virginia.

Elaine Driscoll

Director of Communications

Elaine Driscoll is a media relations professional with more than a decade of experience in public relations, strategic communications and community outreach. Prior to joining the Massachusetts Gaming Commission, Driscoll served as the Director of Communication and Media Relations for the Boston Police Department (BPD). In this role, Driscoll developed and implemented policies and strategies related to all Boston Police internal and external communications, public relations, marketing, community relations and public information. During her tenure at BPD, Driscoll and the BPD Media Relations staff were recognized as the 'In-house PR Team of the Year' at the 2011 PR Week Awards. Driscoll functioned as the primary Boston Police spokesperson and was responsible for developing key messaging and media strategy for numerous high-profile crisis situations, promoting positive news stories, and maintaining effective relationships with all media outlets. Prior to joining the BPD, Driscoll worked as Vice President of Corporate Communications at SBE Entertainment Group in Los Angeles, CA. Driscoll began her career at Regan Communications Group in Boston, MA. Driscoll is a graduate of Arizona State University and holds a Bachelor of Science degree in Communication.

Alex Lightbown

Director of Racing

As Director of Racing, Dr. Lightbown is responsible for coordinating the regulation of the state's horseracing industry and implementing Chapters 128A and 128C. She has over 26 years of experience in horseracing, with 23 of those years in a regulatory position. Prior to becoming Director of Racing, she held the position of Chief Veterinarian and Operations Manager for the Massachusetts Gaming Commission. In this role, she was responsible for implementing a series of regulatory reforms put in place by the Gaming Commissioners. Before joining the Commission, for three years she was the Acting Director of Racing and Chief Veterinarian for the Massachusetts State Racing Commission and for the Massachusetts Department of Professional Licensure, when racing regulation was moved to that agency. This included being responsible for the field operations at the state's racetracks, overseeing auditors, licensing, the drug testing laboratory, test barn, and stewards/judges. Dr. Lightbown began her regulatory career with the Massachusetts State Racing Commission as Chief Veterinarian, overseeing the health and welfare of the state's racing animals. Dr. Lightbown earned a Doctor of Veterinary Medicine from Tufts University School of Veterinary Medicine in North Grafton, Massachusetts. She earned a Bachelor of Science in Biology from Colorado State University, after spending her first two years of college at Mount Holyoke College in South Hadley, Massachusetts. After completing her Doctor of Veterinary Medicine degree, she worked in a private practice at Suffolk Downs in East Boston, MA for about a year, and next at Rockingham Park in Salem, NH for two years.

John R. Glennon

Chief Information Officer

As the Chief Information Officer (CIO) for the Commission, John Glennon has over 30 years of information technology leadership in the public and private sectors. Mr. Glennon is responsible for overseeing the use and deployment of technology for the Commission. In his previous role as Deputy Chief Information Officer for the Commonwealth of Massachusetts, Mr. Glennon served as a member of the senior leadership team that managed the Information Technology Division (ITD), the primary internal provider of technology services to Commonwealth

Executive Branch agencies. As Deputy CCIO, Mr. Glennon was responsible for major projects including the Springfield Data Center; MassNET, the build-out of broadband services in western Massachusetts and provision of managed services to Executive Office agencies; MassHR, human resources automation and consolidation efforts; IT finance reform and budget planning business re-engineering; and ITD collaboration with municipalities.

Mr. Glennon was previously the Secretariat Chief Information Officer for the Executive Office of Labor and Workforce Development (EOLWD). At EOLWD Mr. Glennon managed an IT organization supporting 1800 employees, 45 offices, and five call centers. In addition to fulfilling secretariat responsibilities, John has been a leader in the Commonwealth's IT Consolidation program and is an active participant in the Commonwealth's three enterprise IT governance boards. Prior to joining state government in 2004, Mr. Glennon held senior IT leadership positions in the private sector at Tufts Health Plan, The Vantage Group, Fresenius Medical Care, and W.R. Grace & Co.

Jill Griffin

Director of Workforce, Supplier, and Diversity Development

As MGC's Director of Workforce, Supplier and Diversity Development, Ms. Griffin is responsible for the promotion of diversity and programs to encourage all residents of the Commonwealth to benefit from the new jobs and business opportunities created through the expansion of gaming. Ms. Griffin also develops and manages initiatives to support small business seeking business opportunities with casino and slots-parlor gaming licensees. Ms. Griffin works with unions, employers, training entities and other workforce development partners and agencies across the state to recommend policy and engage in existing or new initiatives that address casino training, workplace safety and diversity.

Ms. Griffin has more than 15 years of experience in economic and workforce development and most recently served as Senior Director of Programs at The Boston Foundation. Prior to this role, Griffin held various leadership positions with a focus in economic development and strategic planning and partnerships at the Boston Redevelopment Authority and the City of Boston's Department of Neighborhood Development. Ms. Griffin began her career at City Year and Northeastern University's Cooperative Education Program. Ms. Griffin has also served on several boards throughout her professional career including presently the Massachusetts Service Alliance and previously MYTOWN (Multicultural Youth Tour of What's Now) and the National Coalition of 100 Black Women, Community Action Committee. Ms. Griffin earned a Masters of Science and a Bachelors of Arts in Communication both from the State University of New York College at Oswego, NY.

Mark Vander Linden

Director of Research and Responsible Gaming

As MGC's Director of Research and Responsible Gaming, Mr. Vander Linden oversees the MGC research agenda which includes a baseline study to understand the social and economic effects of expanded gambling, levels of problem gambling and prevention and treatment services currently available. Additionally, he will oversee numerous ongoing studies to gain information relative to gambling disorders and advance the treatment and prevention field. Mr. Vander Linden will work closely with stakeholders throughout the Commonwealth to support effective and innovative prevention, treatment and recovery support methods.

Mr. Vander Linden most recently served as the Executive Officer in the Office of Problem Gambling Treatment and Prevention at the Iowa Department of Public Health where he directed all aspects of problem gambling services for the state including treatment, prevention, marketing, research and workforce development. He serves on numerous Boards including the Association of Problem Gambling Service Administrators and National Center for Problem Gambling. Mr. Vander Linden frequently provides training and consultation on problem gambling policy, research and practices.

Mr. Vander Linden has more than 15 years of experience in the social work field specializing in addictions, community health and mental health. Vander Linden earned a Masters of Social Welfare from the University of California at Berkeley and a Bachelor of Arts from the University of Iowa.

Karen Wells

Director of Investigations and Enforcement Bureau

Interim Executive Director, August through December

As the Director of the IEB, Ms. Wells is focused on protecting the public interest and ensuring the integrity of legal gaming in Massachusetts by leading the regulatory and criminal enforcement of the Expanded Gaming Act. She is the operational and administrative head of the Bureau responsible for executing, administering and enforcing the provisions of the law relative to investigations and enforcement. On behalf of the gaming commission, she is also responsible for facilitating law enforcement activity involving the Massachusetts State Police, the Alcohol Beverage Control Commission, the Massachusetts Attorney General's Office and other local, state and federal law enforcement partners.

Prior to joining MGC, Ms. Wells most recently served as the Undersecretary for Law Enforcement at the Massachusetts Executive Office of Public Safety. As Undersecretary, Ms. Wells directed the functions and administration of the Massachusetts State Police, the Department of Public Safety and the Municipal Police Training Committee. The Department of Public Safety is a regulatory, licensing and inspection agency, charged with the oversight of numerous activities, businesses and professions. Ms. Wells also coordinated with federal, state and local public safety officials to enhance cooperation on all policy and operational matters. During her tenure as Undersecretary, she also served as secretariat lead for gaming-related issues. In 2008, Ms. Wells functioned as the commonwealth's Senior Counsel for Law Enforcement and Fire Services and was responsible for managing policy development and implementation of programs relative to crime prevention, emergency management and public safety.

In 2007, Ms. Wells served as Deputy Chief of the Public Protection, Anti-Terrorism, Corruption and Technology Unit at the Middlesex District Attorney's Office where she prosecuted high-level narcotics and white-collar crimes. Previously, she served as Assistant Attorney General in the Criminal Bureau of the Massachusetts Attorney General's Office assigned to the Special Investigations and Narcotics Division.

In 1994, Ms. Wells began her career as an Assistant District Attorney at the Middlesex County District Attorney's Office. Wells graduated with a law degree from Boston University School of Law in 1994. In 1991, she graduated from Colgate University with a Bachelor of Arts Degree in English. Wells is also the recipient of several commendations and distinguished service awards including the Massachusetts State Police Superintendent's Commendation for her contribution to a wiretap investigation of a major state narcotics investigation.

John Ziemba

Ombudsman

Prior to joining the Massachusetts Gaming Commission, John Ziemba held positions in both the public and private sector acquiring experience which is uniquely suited to the position of Ombudsman. Most recently, Mr. Ziemba held the position of Counsel at the law firm of Bowditch & Dewey, LLP, where he was a Co-Chair of the Government Practice and helped found the Renewable Energy Practice. Prior to that, he held top legal, managerial, and policymaking positions for sixteen years in Massachusetts state government. He most recently served in the Governor's Cabinet as Cabinet Secretary / Director of the Department of Labor, the executive office responsible for the Commonwealth's labor relations, occupational safety, and workers' compensation agencies. Prior to his appointment as Director, he was Undersecretary / Acting Secretary of the Executive Office of Transportation and Acting Chairman of the Massachusetts Bay Transportation Authority. From 1991 until 2002, he developed a wide range of experience as Deputy Chief of Staff in the Governor's Office, at the Department of Housing and Community Development and at the Office of Consumer Affairs and Business Regulation, where he worked with the state's banking, racing and utility regulation agencies. While in the Governor's Office, John was responsible for the state's transportation, public safety, consumer affairs, and labor and workforce agencies and authorities.

Massachusetts Gaming Commission
Division of Racing
Administrative Office

Alexandra Lightbown, D.V.M.
Director of Racing
Chief Commission Veterinarian

Douglas A. O'Donnell
Senior Financial Analyst

Carol A. Malcolm
Chief Pari-Mutuel Officer

Massachusetts Racetracks

Suffolk Downs

Mailing address

Sterling Suffolk Racecourse, LLC
d/b/a Suffolk Downs
525 McClellan Highway
East Boston, MA 02128
(617) 567-3900



Meet period

September 2015 thru October 2015
3 race days (9/5, 10/3, 10/31)

2015 Racing stats

Total number of races:	34
Total number of starters:	276
Average field size:	8.1
Total 2015 purses:	\$1,620,200
Average daily purse:	\$540,000

Track stats

Barn Area Stall Space:	1085
Horses on Grounds:	296

Main track

Homestretch:	90 ft. wide, backstretch 70 ft. wide
Turns:	Banked 4.5 degrees; straightaways 2.0 degrees
Distance from top of stretch to finish line:	1030 ft.
Distance from finish line to clubhouse turn:	360 ft.
Fontana safety rail	

Turf course

About 7 furlong oval comprised of perennial rye grass	
Homestretch:	70 ft. wide; backstretch 65 to 70 ft. wide
Distance from top of stretch to finish line:	1,030 ft.
Distance from finish line to clubhouse turn:	360 ft.
Fixed rail and hedge	

Chapter 10 of the Acts of 2015 Section 59.

The running race horse meeting licensee located in Suffolk county licensed to conduct live racing pursuant to chapter 128c in calendar year 2014 shall remain licensed as a running horse racing meeting licensee until July 31, 2016 and shall remain authorized to conduct simulcast wagering pursuant to said chapter 128c for the entirety of any year in which at least 1 day and not more than 50 days of live running horse racing is conducted at the licensee's facility.

Plainridge Park Racecourse

Mailing address

Plainville Gaming and Redevelopment, LLC
d/b/a Plainridge Park Casino
301 Washington Street
Plainville, MA 02762
(508) 643-2500



Meet period

April 15, 2015 through November 30, 2015
105 race days

2015 Racing stats

Total number of races:	949	917 Overnights (wagering) 31 MA Sire Stakes (non-wagering) 1 MA Sire Stakes (wagering)
Total starters in Overnights:	6,417	
Average field size:	7.00	
Average field size in Sire Stakes:	4.44	
Overnights:	724 paces, 193 trots	
Sire Stakes:	16 paces, 16 trots	
Total 2015 purses:	\$4,210,636	
Total Overnight purses:	\$3,570,236	
Average per dash	\$3,893	
Total Sire Stake Purses	\$640,40000	
Average per dash	\$20,012	

Track stats

Barn Area Stall Space: 141

Race track

5/8ths mile
Pylons

Massachusetts General Laws Annotated Chapter 23K Section 24.

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

Wonderland Greyhound Park

Mailing address

d/b/a/ Sterling Suffolk LLC
525 McClellan Highway
East Boston, MA 02128
(617) 567-3900



Simulcasting

7 days a week

Raynham Taunton Greyhound Park

Mailing address

1958 Broadway
Raynham, MA 02767
(508) 824-4071



Simulcasting

7 days a week

Massachusetts General Laws Chapter 23K Section 60. Race Horse Development Fund.

The Race Horse Development Fund shall consist of monies deposited under subsection (c) of section 55. The Commission shall make distributions from the Fund to each licensee under chapter 128A. Funds received shall be distributed between thoroughbred and standardbred accounts, as approved by the Commission.

Calendar Year 2015 is the first year that monies have been distributed from the Race Horse Development Fund.

Distribution Amounts for Calendar Year 2015

Thoroughbred Accounts: \$3,649,296

Harness Accounts: \$3,984,530

Licensing

One of the Commission's foremost responsibilities is the issuance of occupational licenses to every person who participates in racing, and the issuance of licenses to associations who operate the Commonwealth's racetracks and simulcast facilities.

1,628 applications for licensure processed in 2015

The licensing process requires that every person who participates in racing complete an application, and that all questions must be answered truthfully. The application is reviewed for completeness by licensing staff who then forward the application to the Massachusetts State Police Gaming Enforcement Unit, who conduct a background check of the applicant. Once the background check is completed, the application is sent to the Board of Stewards/Judges at each track. The Board reviews the application and may interview the applicant. The Stewards/Judges determine if the applicant has the required integrity, ability, and the eligibility for the license for which the applicant has applied. The Commission also has access to the Association of Racing Commissioners' International (ARCI) files in Lexington, Kentucky and the United States Trotting Association's (USTA) database for violations. These files maintain a record of every racing related offense attributed to an applicant anywhere in the country. The Commission provides reciprocity to other jurisdictions and their licensing decisions.

If the Stewards/Judges recommend licensing an applicant, the licensing staff collects the required fee and enter the appropriate information in the Commission's computer network. The applicant is issued a license card that entitles him to a photo identification badge. No person may enter any restricted area of a racetrack without a photo identification badge. During 2015, the Division of Racing issued 1,628 occupational licenses to persons participating in horse racing in the State. Occupations licensed include jockeys, drivers, trainers, assistant trainers, owners of racing animals, blacksmiths, racing officials, vendors, stable employees and pari-mutuel clerks. \$74,320.00 was collected in Occupational License Fees and Badge Fees and \$18,050.00 in Racing related fines. Occupational licenses expire annually on December 31.

Licensing Staff

Jeffrey Bothwell
Licensing Coordinator, MGC at Plainridge Park Racecourse

Richard J. Ford
Licensing Coordinator, MGC at Suffolk Downs

George Carrifio
Contract Licensing Coordinator, MGC at Suffolk Downs

Licensing Coordinators supervise the operation of the Commission's field offices located at Suffolk Downs, Raynham Park, and Plainridge Park Racecourse. They work closely with stewards, judges, racing officials, track security, the State Police unit and the Gaming Commission to ensure that operations at each track are efficient and effective.

Occupational Licenses

Location	License fees	Fines	Badges	Total Fees
Suffolk	\$16,190	\$125	\$3,060	\$19,375
Issued	531	2	339	872
Plainridge	\$46,100	\$17,925	\$8,810	\$72,675
Issued	1,081	154	595	2,266
Raynham	\$160	-	-	\$160
Issued	16	-	-	16
<u>Wonderland (included with Suffolk)</u>				
TOTAL FEES	\$62,450	\$18,050	\$11,870	\$92,210

TOTAL ISSUED Licenses - 1,628 Fines - 156 Badges - 934

Auditors

Douglas A. O'Donnell
Senior Financial Analyst

Pari-Mutuel Operations – Compliance ensured

Responsibilities of the Commission's auditors include assessing liabilities owed to the Commission and overseeing the calculation of take-out from handle. The handle is the total amount of money wagered at each performance and the take-out percentage of handle is determined by statute. Proceeds from the handle are distributed to numerous stakeholders, as described by statute.

Safeguards

All money wagered on a horse race goes through the equipment of one of the three Totalisator companies; namely, AmTote, Sportech and United Tote. These are private companies who sell their services to racetracks. Both Suffolk Downs and Raynham Park use the services of AmTote whereas Plainridge is with United. All three provide the machines for wagering, those used by the tellers and the self-service terminals. The "tote" system (as it is referred to) accepts wagers and based on those wagers, it calculates the odds on each betting interest, displays them, produces and configures the payouts following the race and later cashes the tickets given to the bettor. This is all accomplished through very sophisticated computerized equipment that has the ability to combine all wagers placed, no matter where they are coming from, including those placed via computer, live at the track where the race is being conducted and at all guest sites that have contracted to wager with the host track. All these wagers go into a common pool. The term "host" is the track where the race is being run and the term "guest" means any other location where wagers are made on a live race.

Before the start of a racecard, all tote companies at the sites that will take wagers on the live product, connect with the tote at the host site. At the start of each individual race, the Steward/Judge at the Host track presses a key/button that locks all the wagering machines. This stops any betting after the start of any race. At the conclusion of a race, the Stewards/Judges determine the order of finish and notify their Mutuel Department who is linked to the Tote system that the race is going "official" and the numbers of the first 4 finishers are posted along with the payouts for all the different wagers; i.e., win, place, show, daily double, exacta, trifecta, superfecta, or any wager that is offered on the race by the Host track.

Printouts from the tote system are audited by the Racing Commission Auditors for accuracy and compliance with current statutes.

Daily Audit

A summary sheet, detailing the breakdown of the statutory take-out is prepared by Commission Auditors for each individual racing performance. For live racing, the information is provided by the on-site tote system. For imported simulcast races, a report from the host track is faxed to the guest track. This report is used in conjunction with on-track reports to complete the summary sheet. This activity ensures that the public, the Commonwealth, purse accounts, and all designated trust funds are properly funded. The Commission Auditors prepare a handle reconciliation report on a daily basis. This report shows the handle broken down as to live, signal exported and signal imported. Further, the balance of all current unclaimed winning tickets and the liquidity of the mutuel department are audited on a daily basis by the Commission Auditors.

Massachusetts State Police Investigative Unit

Arthur Somerville
Sergeant

Robert Miller
Trooper

Scott Walker
Trooper

Joseph Sinkevich
Trooper

The Commission's goals of protecting racing participants and the wagering public as well as maintaining the public's confidence in pari-mutuel wagering are achieved through the Commission's licensing, revenue collection and investigative activities. The State Police Investigative Unit plays a vital role in achieving the goals of the Commission.

The Gaming Commission applies to the Department of Public Safety for an assignment of a complement of police officers. In the performance of their duties, the State Police Investigative Unit investigates violations of the rules of racing and the Massachusetts General Laws. The Investigative Unit's extensive responsibilities and activities have resulted in a major improvement in the Commission's regulatory/policing functions.

Stable Inspections

Stable inspections focus on the detection of safety violations, the presence of unlicensed persons in restricted areas and the possession of illegal medications, drugs and syringes. These inspections are conducted by officers assigned to the State Police Unit and aid in preserving the integrity of racing.

2 Ejections - 15 Investigations - 2 Arrests

In 2015, the State Police Investigative Unit conducted 15 investigations including hidden ownership of racehorses, larceny, and counterfeit money that resulted in 2 arrests and 2 ejections from Massachusetts racetracks of persons determined to be detrimental to racing.

Special Investigations

The State Police Investigative Unit conducted investigations into the background of each individual who was a party to the application for a racetrack license in Massachusetts. The State Police Unit also conducted several special investigations with other agencies and units within the State Police concerning ten per center activity, identity investigations and drug activity.

1022 Background Investigations

The State Police Investigative Unit conducted 1022 background investigations on Gaming Commission employees, racing officials and occupational licensees who participate at Massachusetts racetracks.

Thoroughbred – Standardbred Racing

The State Police Unit committed itself to maintain a constant presence at each racetrack, especially during live racing, working closely with the Stewards/Judges and other Commission and racing officials to help ensure that each track operated honestly and credibly.

Laboratory Services

Alexandra Lightbown, D.V.M.
Chief Commission Veterinarian

In 2013 Massachusetts changed its testing laboratory to Truesdail Laboratories in Tustin, California. 2015 marks the third year Massachusetts used its services. Every year, Truesdail chemists analyze 30,000 to 40,000 biological fluids for the presence and identification of drugs. They work closely with several racing commissions, fairs and expositions testing horses, sheep, hogs, cattle and dogs for the presence of drugs. Testing protects the health of the animals and the integrity of races and contests.

Truesdail is committed to improving their ability to detect new drugs of abuse. They work closely with the Association of Official Racing Chemists (AORC), Association of Racing Commissioners International, Inc. (ARCI) and Racing Medication Testing Consortium (RMTTC). As a result, Truesdail is a driving force in the application of new technology for the drug testing industry. On April 30, 2014 RMTTC issued a formal notice of accreditation to Truesdail Laboratories, recognizing their high standards for testing and joining them with the relatively few organizations that share this approval.

In addition to testing urine and blood samples for the presence of drugs, Truesdail analyzes syringes, vials, powders and a variety of materials seized as evidence. They also test for drugs in a variety of nutritional supplements. Government agencies, lawyers, doctors, and veterinarians have used their services for many years.

Integrity of samples ensured

Special precautions are taken at all Massachusetts racetracks when post-race blood and urine samples are collected to ensure that no tampering can take place. In order to assure the continuity of evidence, every winning horse and all designated horses are under the surveillance of a Gaming Commission employee from the finish of the race until the specimens are obtained.

1215 paired urine/blood samples, 823 blood samples analyzed, 1942 TCO₂ blood samples analyzed

Items confiscated in the course of investigations are also submitted for analysis. These items may include feed preparations, vitamins, liniments, antibiotics, other pharmaceuticals and medical devices such as needles and syringes.

2015 marked the third year that the Massachusetts Gaming Commission's Division of Racing participated in the Controlled Therapeutic Medication Program.

For the three days of racing at Suffolk Downs, there were no medication overages or positive drug tests.

At Plainridge Park Racecourse, there was 1 medication overage for Betamethasone, 3 overages for Dexamethane, 1 for DSO, 1 for Flunixin, 2 overages for Omempazole, 3 overages for Phenylbutazone and 1 overage for Triamcinalone. These are all medications from the Controlled Therapeutic medication Program. There was 1 positive for Stanozolol.

Veterinarians

Alexandra Lightbown, D.V.M.
Chief Commission Veterinarian

Rise Sheehan, D.V.M.
Contract Veterinarian

Richard Sheehan, D.V.M.
Contract Veterinarian

Kevin Lightbown, D.V.M.
Contract Veterinarian

The Commission Veterinarians play an indispensable function in ensuring that the quality and integrity of racing within the Commonwealth remains strong by protecting the health and welfare of the equine athletes in Massachusetts.

Supervise equine drug testing area

A Commission Veterinarian supervises the testing areas in order to ensure proper collection and continuity of evidence for blood and urine samples collected from the racing animals.

Testify at Commission hearings / meetings

Commission Veterinarians testify at hearings on medication use, drug violations, animal care, new policies and procedures, etc.

Stewards / Judges

Suffolk Downs Board of Stewards

Commission Stewards

Susan Walsh
Chief Commission Steward

Robert Coberley
Associate Commission Steward

Association Steward

John Morrissey
Presiding Steward

Administrative Hearings

The primary responsibility of the Stewards is to interpret and enforce the rules of racing as promulgated by the Commonwealth of Massachusetts.

In carrying out this duty, the Stewards presided as judges, issuing 3 rulings in 2015 - 2 fines and 1 restored to good standing

Plainridge Park Racecourse Board of Judges

Commission Judges

Robert Coberley
Chief Commission Judge

Salvatore Panzera
Associate Commission Judge

Dave Ernst
Fill-in Associate Judge

Association Judge

Anthony Salerno
Presiding Judge

Administrative Hearings

The primary responsibility of the Board of Judges is to interpret and enforce the rules of racing as promulgated by the Commonwealth of Massachusetts.

In carrying out this duty, the Judges issued 159 rulings (additional 8 false licensing applications) in 2015 – resulting in 154 fines, 3 suspensions, 1 warnings, 1 “Other” 0 rescinded, 0 revoked, 0 revoked w/o prejudice, 1 denied, and 0 restored to good standing.

Enforcement of Rules and Regulations of Racing

The most significant responsibility of the Commission is the enforcement of the rules and regulations of racing. It is only as a result of conscientious, consistent and aggressive enforcement of the rules and regulations that we are able to ensure honest racing.

Enforcement of the rules and regulations of racing begins with the investigation of complaints and prosecution of alleged violations by the Board of three Stewards / Judges at the racetrack. One Steward / Judge is appointed by the racetrack and must be approved by the Gaming Commission and licensed as a racing official. Two Stewards / Judges are appointed by the Gaming Commission. The duties of the Stewards / Judges are the same; however, in Thoroughbred racing they are called Stewards and in Harness Racing, they are known as Judges. Same job - different title.

Responsibilities

The Stewards and Judges are responsible for reviewing all occupational license applications and recommending or not recommending the applicant for a license. The Stewards and Judges are present at the racetrack each day on which there is live racing and they oversee everything from drawing of post positions to making official the results of every race. In addition, the Stewards / Judges preside over all hearings conducted at the track and report their rulings and findings to the Gaming Commission.

Before post time of the first race, the Stewards/Judges review the daily program of races to approve any changes or report errors. Changes are reported to each department that might be affected by the change (i.e., mutuels, paddock judges, patrol judges, starters, clerk of the course, clerk of scales, program director, TV department and announcer). All changes are also reported promptly to the wagering public.

After observing every live race, both live and on television monitors, the Stewards/Judges mark the order of finish as the horses cross the finish line. They give the first four unofficial finishers to the Mutuel Department, and when necessary, they post an inquiry, review an objection and request a photo finish. If there is an apparent violation of the rules, the Stewards/Judges review the videotape and then make a decision before making the results of the race official.

162 rulings

If a violation of the rules occurs, the Stewards/Judges notify all the parties involved in the violation. Sometimes only a warning will be issued but other times the offending horseman may be fined and/or suspended from participating in racing for a certain amount of time. If any party involved contests the decision of the Stewards/Judges, then a hearing will be scheduled. After conducting the hearing, the Stewards/Judges determine if any penalty such as a fine or suspension, purse redistribution, or other sanction should be imposed. Violators are advised of their right of appeal to the Gaming Commission. 162 separate rulings were written by the Boards of Stewards/Judges at Massachusetts racetracks in 2015.

Appeals

If any licensee disagrees with a decision of the Stewards/Judges, they may appeal to the Gaming Commission, through its designated hearing officer. The Commission affords appellants adjudicatory hearings on the merits of their appeals. If appellants are dissatisfied with the decision of the Gaming Commission, they may appeal to the Superior Court of the Commonwealth in accordance with Chapter 30A of the General Laws. In 2015, there were two appeals of Judges' Rulings and in both cases the Judges' decision was upheld. There was one waiver granted and two requests for reinstatement of patrons which were granted by the hearings officer.

	<u>2013</u>	<u>2014</u>	<u>2015</u>
<u>Sanctions</u>			
Fines	82	173	156
Suspensions	19	24	3

Division of Racing Financials

Calendar Year 2015 – January 1, 2015 to December 31, 2015

Receipts

0131	Commission	\$1,294,354.60
2700	Fines and Penalties	18,050.00
3003	Association License Fees	365,400.00
3004	Licenses, Registrations and Badges	74,320.00
4800	Assessments	749,996.57
5009	Unpaid Tickets	607,291.38
	Total Receipts	\$3,109,412.55

Expenditures

AA	Regular Employee Compensation	\$392,621.84
BB	Regular Employee Related Expenses	1,655.19
CC	Contractor Payroll	475,792.04
DD	Pension/Insurance, Related Expenses	119,135.04
EE	Administration Expenses	228,259.90
FF	Facility Operations	264.00
HH	Consultant Services	38,567.00
JJ	Operational Services	150,068.07
LL	Equipment Lease/Maintenance	3,592.80
MM	Purchased Programs Services	246,818.45
UU	Information Technology	96300.44
	Total Expenditures	\$1,753,074.77

\$3,109,412.55 in revenues collected CY 2015

In addition to licensing racetracks and participants, the Racing Division of the MGC has a primary responsibility to collect revenue in accordance with Chapters 128A and 128C of the General Laws. Each licensed racetrack pays a commission as determined by law in addition to license fees and other assessments. Racing Division Inspectors collect occupational license fees, badge fees and fines. The Racing Division collected \$3,109,412.55 from Massachusetts racetracks in 2015. All Commission activities are revenue driven as Commission expenditures come from Commission revenue and are made in a priority order in accordance with Section 5(h) of Chapter 128A.

MASSACHUSETTS GAMING COMMISSION
Division of Racing
Statement of Program Revenue and Expenses
Calendar Year 2015

Program Revenue:

Commissions	\$ 1,294,354
Occupational licenses and badges	74,320
Assessments	749,996
Association licenses daily fee	365,400
Fines	18,050
Unclaimed tickets ("outs")	607,291
Total revenue by source	\$ 3,109,412

Additional Program Expenses:

Unclaimed tickets distributed to racetrack purse accounts	431,091
Unclaimed tickets transferred to Racing Stabilization Fund	176,200
Local aid (paid to cities and towns)	781,766
Sub total	1,389,057
Available for Racing Commission operations	\$ 1,720,355

Total Racing Commission operations 1,753,074

Available (32,719)

Other programs costs: * included in operating expenditures (MM)**

Health & welfare - stable & backstretch, The Eighth Pole	80,000
Economic assistance program	818
Compulsive gamblers - Dept. of Public Health	70,000
Jockey Club	<u>65,000</u>
Total other program costs	246,818

**MASSACHUSETTS GAMING COMMISSION
2015 Racing Development and Oversight Fund
Comments**

	Live and On Track	Revenue Collected	
Handle and Revenue by track:	<u>Handle</u>	<u>Comm. & Fees</u>	<u>OUTs*</u>
Sterling Suffolk Downs	\$126,589,568	\$1,055,938	\$ 293,054
Plainridge Park Racecourse	30,337,165	537,030	138,036
Taunton & Massasoit Dog Tracks	33,141,148	652,605	157,119
Wonderland Greyhound Park	4,527,122	206,546	19,080
Total revenue by track	<u>\$ 194,595,004</u>	<u>\$ 2,452,119</u>	<u>\$ 607,291</u>

* Unclaimed wagers (“OUTs”) collected from the horse tracks are distributed to the purse accounts of the licensees that generated the unclaimed wagers. At dog tracks unclaimed wagers are transferred to the Racing Stabilization Fund.

Local Aid - Transfers to State:

Local aid payment for calendar year 2015 was \$781,766. It is paid quarterly at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

Division of Racing Commission Business

Meetings and Hearings

As required by Chapter 128A of the Massachusetts General Laws, the Commission held public hearings in the fall of 2014 on applications for three licenses to conduct running horse or harness racing meetings for calendar year 2015. The hearings were held in Boston, Brockton and Plainville. The Commission approved placeholder applications for racing at Suffolk Downs and Brockton Fair to conduct Thoroughbred racing in 2015; and for Springfield Gaming and Redevelopment, to conduct harness horse racing in 2015 at Plainridge Park Racecourse. In 2015, the Massachusetts legislature enacted the Acts of 2015, Chapter 10, which allowed Suffolk Downs to continue simulcasting through July 31, 2016 as long as there was a minimum of one day of live racing at Suffolk Downs in 2015 and 2016. Suffolk requested three days of live Thoroughbred racing, and the Gaming Commission held hearings and approved this request. Ultimately, the Brockton Fair decided not to hold racing in 2015.

Decisions appealed to the Division of Racing

The Gaming Commission, sitting as a quasi-judicial body pursuant to the Massachusetts Administrative Procedures Act, adjudicated 0 appeals. The Commission has taken extensive precautions to ensure licensees due process throughout the appeal process. The Commission initiated a Stay-of-Suspension process. This permits licensees suspended by the Stewards/Judges for a minor violation of the rules that does not compromise the integrity of racing to continue to participate in racing until the licensee has been provided a hearing by the Commission and a decision made. Procedural safeguards were adopted to prevent licensees from abusing the Stay privilege. Hearings are conducted as soon as practicable from the time of the granting of a Stay, thereby preventing a licensee from participating while on a Stay status for an extended period of time.

Due process afforded all licensees

Licensees charged with a violation of the rules that may result in the loss of a license are entitled to a hearing pursuant to the Administrative Procedures Act (APA). Formal disciplinary hearings held by the Racing Division follow the requirements established in the Massachusetts APA. These requirements include issuing timely notice of hearings, providing the opportunity for an appellant to confront witnesses and to be represented by counsel.

Commission decisions appealed to Superior Court

In addition to hearing appeals, the Racing Division must prepare a complete record and legal decision for each case that is appealed to the Superior Court. When the record is completed and certified, it is forwarded to the Government Bureau of the Office of the Massachusetts Attorney General and is assigned to an Assistant Attorney General who defends the case in court. The Commission and the Attorney General work closely together to present the best possible case in Superior Court.

The Division of Racing takes this opportunity to thank the Office of the Massachusetts Attorney General for the diligent, professional and expert defense of Commission cases.

Racing Terminology

Outs

Outs are the unclaimed winning wagers at each horse track. If the tickets haven't been presented for payment by 90 days after 31 December of the year following the year of the actual wager, they will be distributed to the commission. Subject to the rules and regulations established by the commission, the commission shall deposit the unclaimed live wagers into the purse accounts of the racing meeting licensees (Suffolk and Plainridge) that generated those unclaimed live wagers. When the outs come from Wonderland and Raynham they go to the Racing Stabilization Fund.

Breakage

Breakage – the difference in the rounding off of the pari-mutuel payoffs.

The difference in cents between the winning payouts and the nearest dime or nickel is called the Breakage. One half of the odd cents shall be retained by the licensee, and one half shall be paid to the commission on the day following each day of a racing meeting. The commission then dispenses the breaks as follows: The breaks from Suffolk and Plainridge go to their respective Capital Improvement Funds whereas the breaks from Wonderland and Raynham go to the Racing Stabilization Fund.

Purses

Purses are the monies that the horses earn for racing. Each race has a purse amount assigned to it before the race is run. How much each horse earns of that purse depends on where the horse finishes and the amount of the purse. The actual money wagered on the race does not have an immediate impact on the amount of the purse. However, a percentage of every dollar wagered makes its way into the purse account for races at a later date. The average daily purse is the amount of the total purses awarded during a race meet divided by the number of days of racing for that meet.

Simulcasting

Simulcasting is when a racetrack sends a closed circuit transmission via satellite of its live racing to another location, either in the same state or out of state and sometimes out of the country. The track where the racing is being contested is called the Host and the location where it is viewed is called the Guest. People at the guest site bet on these races in real time. The Guest site customers receive the same payoffs as the customers at the Host track. All the money wagered by both the Host and Guest sites are merged and the odds are computed on the total amount of money wagered into these combined wagering pools. To view their races, the Host charges the Guest a certain percentage of the guest site's handle. This percentage is based on the quality of the racing and by agreement between the Host and Guest.

Handle

Handle is the total amount of money wagered at a specific location, by individual race/ by day/by month or by year.

Notes on charts and graphs

In this 2015 Annual Report, the following terminology is used in reporting simulcast events.

“Signal Received” is categorized as “Imported” as this is the signal sent from a remote track being received locally.

“Signal Sent” is categorized as “Exported,” as this is the local signal being sent to a remote track.

Handle Comparison

	<u>2014</u>	<u>2015</u>
Live		
Raynham	0	0
Wonderland	0	0
Plainridge	1,108,715	1,253,511
Suffolk	4,789,715	746,497
Total Live	\$ 5,898,430	\$ 2,000,008
Import Simulcast		
Raynham	29,865,263	33,141,148
Wonderland	5,193,404	4,527,122
Plainridge	32,281,638	29,083,654
Suffolk	129,787,130	125,843,071
Total Import	\$ 197,127,435	192,594,995
Export Simulcast		
Raynham	0	0
Wonderland	0	0
Plainridge	6,576,620	12,685,198
Suffolk	38,686,944	1,692,292
Total Export	\$ 45,263,564	\$ 14,377,490
TOTAL HANDLE	\$ 248,289,429	\$ 208,972,495

Handle Calendar Year 2015 Financial Variance Report

Category	<u>2014</u>	<u>2015</u>	<u>Variance</u>	<u>% Variance</u>
Live Performances	142	108	(34)	(23.9%)
Live Handle	5,898,430	2,000,008	(3,898,422)	(66.09%)
Simulcast Import	197,127,435	192,594,995	(4,532,440)	(2.29%)
Simulcast Export	45,263,564	14,377,491	(30,886,073)	(68.23%)
Total Simulcast	242,390,999	206,972,488	(35,418,511)	(14.61%)
Total Handle	248,289,429	208,972,495	(39,316,935)	(15.83%)
Commissions	1,348,909	1,294,355	(54,554)	(4.04%)
Assessments	749,995	749,996	1	(0.0%)
Association License Fee	388,931	365,400	(23,531)	(6.05%)
Occupational License Fee	64,665	62,450	(2,215)	(3.4%)
Outstanding Tickets	626,070	607,291	(18,779)	(2.99%)
Fines & Penalties	20,045	18,050	(1,995)	(9.95%)
Miscellaneous	<u>7,335</u>	<u>11,870</u>	<u>4,535</u>	<u>61.8%</u>
TOTAL REVENUES	\$ 3,205,969	\$ 3,109,252	(\$ 96,717)	(3.01%)

Analysis of Purses Paid 2014 Compared to Statutory Requirements

	<u>Plainridge</u>	<u>Suffolk</u>
Number of live performances 2013	92	80
Purses paid 2013	<u>\$ 2,131,739</u>	<u>\$ 9,277,664</u>
2013 Average purses per performance	<u>23,171</u>	<u>115,971</u>
Number of live performances 2014	80	65
Purses paid 2014	<u>2,574,902</u>	<u>7,425,874</u>
2014 Average purses per performance	<u>32,186</u>	<u>114,244</u>
Increase (decrease) in 2014 compared to 2013	<u>443,163</u>	<u>(1,851,790)</u>
Average change per performance	<u>9,015</u>	<u>(1,727)</u>
% change per performance	<u>38.9%</u>	<u>(1.5)%</u>
Purse 2013 distribution received	\$ 0	\$ 0
April 2014 (2012 OUT's returned)	<u>140,922</u>	<u>285,130</u>
Total Chapter 139 distributions to track purse accounts	<u>140,922</u>	<u>285,130</u>
Racing commission purse distributions applied to		
2014 purse account	\$ 140,922	\$ 285,130
Purses as a percentage of handle	1,385,823	5,615,140
Premiums received	<u>40,308</u>	<u>668,289</u>
Minimum purses required for 2014	1,550,984	6,568,559
Actual purses paid by track for 2014	<u>2,574,902</u>	<u>7,425,874</u>
Variance - over / (under) statutory amounts	<u>\$ 900,788</u>	<u>\$ 857,315</u>

Suffolk Downs 2015 Financial Report

Category	<u>2015</u>
Live Performances	3
Live Handle	\$ 746,497
Simulcast Import	
Suffolk (39,229,072)	
Twin Spires (25,366,425)	
Express Bets (14,264,912)	
TVG (46,982,662)	
Total Simulcast Import	125,843,071
Simulcast Export	1,692,292
Total Simulcast	127,535,363
Total Handle	\$ 128,281,860
Commissions	\$ 477,793
Assessments	482,870
Association License Fee	75,900
Occupational License Fee	16,190
Outstanding Tickets	293,054
Fines & Penalties	125
Miscellaneous	<u>3,060</u>
TOTAL REVENUES	\$1,348,992

MASSACHUSETTS GAMING COMMISSION

Sterling Suffolk Racecourse, LLP (600177133)

Capital Improvement Trust Fund (1050 0022)

Statement of Activities

FY 2015 - July 1, 2014 through June 30, 2015

	<u>Fiscal year to date</u>
Fund balance, beginning of period	\$ 92,466.02
Program revenue & interest	<u>473,290.74</u>
Funds available	565,756.76
Less expenditures	<u>565,756.76</u>
Fund balance, end of period	-
Funds required for approved projects	<u>923,402.01</u>
Excess or (deficit) of funds available for approved projects	<u><u>\$ (923,402.01)</u></u>

Status of Individual Projects

<u>Work Item</u>	<u>Project Number</u>	<u>Approved Reim. or RFR Amount</u>	<u>RFC Rec'd</u>	<u>RFR Rec'd</u>	<u>FY2015 Expenditures</u>	<u>Status/ Funds Required</u>
Architect & engineering fees	none	n/a	n/a	n/a		n/a
Resurface Track	SCI 2011-7	75,000.00	y	N		75,000.00
Barn Rehab	SCI 2011-13	150,000.00	y	N		150,000.00
Bobcat Skid-Steer Loader	SCI 2012-1	-	y	Y		-
Storm Water Management	SCI 2012-2	1,264,158.77	y	y	565,756.76	698,402.01
						-
		<u>\$ 1,489,158.77</u>			<u>\$ 565,756.76</u>	<u>\$ 923,402.01</u>

MASSACHUSETTS GAMING COMMISSION

Sterling Suffolk Racecourse, LLP (600177133)

Promotional Trust Fund (1050 0021)

Statement of Activities

FY 2015 - July 1, 2014 through June 30, 2015

	<u>Fiscal year to date</u>
Fund balance, beginning of period	\$ 77,697.98
Program revenue & interest	<u>130,110.30</u>
Funds available	207,808.28
Less expenditures	<u>207,798.28</u>
Fund balance, end of period	10.00
Funds required for approved projects	<u>267,581.99</u>
Excess or (deficit) of funds available for approved projects	<u>\$ (267,571.99)</u>

Status of Individual Projects

<u>Work Item</u>	<u>Project Number</u>	<u>Approved Reim. or RFR Amount</u>	<u>RFC Rec'd</u>	<u>RFR Rec'd</u>	<u>FY2015 Expenditures</u>	<u>Status/ Funds Required</u>
2010 Direct mail advertising	SPT2010-1	475,380.27	Y	Y	207,798.28	267,581.99
		<u>\$ 475,380.27</u>			<u>\$ 207,798.28</u>	<u>\$ 267,581.99</u>

Plainridge Park Racecourse 2015 Financial Report

Category	<u>2015</u>
Live Performances	105
Live Handle	\$ 1,253,511
Simulcast Import	29,083,654
Simulcast Export	12,685,198
Total Simulcast	41,768,852
Total Handle	\$ 43,022,363
Commissions	223,047
Assessments	133,448
Association License Fee	107,700
Occupational License	46,100
Outstanding Tickets	138,036
Fines & Penalties	17,925
Miscellaneous	<u>8,810</u>
TOTAL REVENUES	\$ 675,006

MASSACHUSETTS GAMING COMMISSION

Plainridge Park Racecourse (0000120837)

Capital Improvement Trust Fund (1050 0013)

Statement of Activities

FY 2015 - July 1, 2014 through June 30, 2015

	<u>Fiscal year to date</u>
Fund balance, beginning of period	\$ 179,623.76
Program revenue & interest	<u>36,412.76</u>
Funds available	216,036.52
Less expenditures	<u>-</u>
Fund balance, end of period	216,036.52
Funds required for approved projects	<u>575,878.86</u>
Excess or (deficit) of funds available for approved projects	<u>\$ (359,842.34)</u>

Status of Individual Projects

<u>Work Item</u>	Project <u>Number</u>	Balance @ 7/1/14			FY2015 <u>Expenditures</u>	Status/ Funds <u>Required</u>
		<u>or RFR Amount</u>	RFC <u>Rec'd</u>	RFR <u>Rec'd</u>		
Architect & engineering fees	none	n/a	n/a	n/a	\$ -	n/a
Parking/Facility Renovation	PCI 10-03	575,878.86	Y	Y	-	575,878.86
					-	
		<u>\$ 575,878.86</u>			<u>\$ -</u>	<u>\$ 575,878.86</u>

MASSACHUSETTS GAMING COMMISSION

Plainridge Park Racecourse (0000120837)

Promotional Trust Fund (1050 0012)

Statement of Activities

FY 2015 - July 1, 2014 through June 30, 2015

	<u>Fiscal year to date</u>
Fund balance, beginning of period	\$ 144,869.10
Program revenue & interest	<u>89,781.00</u>
Funds available	234,650.10
Less expenditures	<u>117,600.00</u>
Fund balance, end of period	117,050.10
Funds required for approved projects	<u>-</u>
Excess or (deficit) of funds available for approved projects	<u><u>\$ 117,050.10</u></u>

Status of Individual Projects

<u>Work Item</u>	<u>Project Number</u>	Balance @ 7/1/14		RFC	RFR	FY2013	Status/ Funds
		Approved Reim. or RFR Amount					
Payment to Ourway		117,600.00		y	y	117,600.00	-
		<u>\$ 117,600.00</u>				<u>\$ 117,600.00</u>	<u>\$ -</u>

Status of Greyhound Racing in 2015

As a result of Chapter 388 of the Acts of 2008, the two greyhound racetracks located in the Commonwealth were precluded from conducting greyhound races effective January 1, 2010. Therefore, no live greyhound races were conducted during 2012.

Chapter 167 of the Acts of 2009, and subsequently, Chapter 203 of the Acts of 2010 allowed these facilities to continue operations as simulcasting venues without conducting the minimum of 100 live racing performances mandated by Chapter 128C of the General Laws. These facilities offered pari-mutuel wagering on greyhound races conducted outside the Commonwealth as well as both in-state and out of state thoroughbred and harness races, with conditions.

Massasoit Greyhound Association and Taunton Greyhound, Inc. continued simulcasting operations throughout 2012 at Raynham/Taunton Greyhound Park.

Wonderland Greyhound Park continued simulcasting operations, at their facility, until August 18, 2010, when it closed down its racing activities. On June 2, 2011 Wonderland reopened its simulcast operations at Suffolk Downs.

Chapter 194 of the Acts of 2011 (section 92) has extended greyhound simulcast racing through July 31, 2016.

Raynham Park 2015 Financial Report

Category	<u>2015</u>
Live Performances	0
Live Handle	0
Simulcast Import	\$33,141,148
Simulcast Export	0
Total Simulcast	33,141,148
Total Handle	\$ 33,141,148
Commissions	\$ 480,336
Assessments	115,909
Association License Fee	106,200
Occupational License	160
Outstanding Tickets	157,119
Fines & Penalties	0
Miscellaneous	<u>0</u>
TOTAL REVENUES	\$ 859,724

Wonderland 2015 Financial Report

Category	<u>2015</u>
Live Performances	0
Live Handle	0
Simulcast Import	\$4,527,122
Simulcast Export	0
Total Simulcast	4,527,122
Total Handle	\$ 4,527,122
Commissions	\$113,178
Assessments	17,768
Association License Fee	75,600
Occupational License Fee	0
Outstanding Tickets	19,080
Fines & Penalties	0
Miscellaneous	<u>0</u>
TOTAL REVENUES	\$ 225,626



Division of Racing

MEMORANDUM

TO: Ed Bedrosian, Executive Director
FROM: Doug O'Donnell, Senior Financial Analyst – Racing Division
SUBJECT: Request for Reimbursement, Suffolk Downs Promotional Trust Fund
DATE: May 26, 2016

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expand without appropriation all or any part of the promotional trust funds to the appropriate track licensee in proportion to the amount deposited in each fund for use in promotional marketing. The following promotional fund requests have been reviewed.

- Project # SPT 2010-1
- Original request for consideration \$475,380.27
- Reimbursement to date \$410,962.49
- Balance due on project \$64,417.78
- Current promotional trust fund balance \$105,061.37
- Request for reimbursement \$64,417.78

This reimbursement will complete and close out project # SPT 2010-1

All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the manager of the licensee setting forth the promotions completed with funds obtained under this section.

After review and confirmation of request, with your authorization, we will make payment to the track from the appropriate trust fund.



Massachusetts Gaming Commission



MASSACHUSETTS GAMING
2016 MAY -5 PM 12: 04

April 29, 2016

Douglas A. O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Dear Mr. O'Donnell:

Re: Project SPT 2010-1

At your earliest convenience kindly forward any and all balances due this office with regard to the above outstanding Promotional Trust Fund project (Direct Mail, Advertising, Radio and Television Campaigns).

Thank you for your courtesy and cooperation.

Very truly yours,

Chip Tuttle
Chief Operating Officer

c.c. Alex Lightbown, DVM, Director of Racing
Derek Lennon, Chief Financial and Accounting Officer

Telephone: 617-567-3900
525 McClellan Highway, East Boston, Massachusetts 02128

Made in Massachusetts

6.46: Pentafecta Pools

(1) The Pentafecta requires selection of the first five finishers, in their exact order, for a single contest.

(2) Distribution of Winnings – Option #1

- a. The net Pentafecta Pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish
 - i. As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then
 - ii. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - iii. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
 - iv. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - v. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - vi. The entire pool shall be refunded on Pentafecta wagers for that contest.

(3) Distribution of Winnings – Option #2

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - i. As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - ii. The net pool will be divided into two separate pools. The major pool of the net pool shall be retained and added to a corresponding carryover pool into the next designated Pentafecta

race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first four betting interests, but if there are no such wagers, then

- iii. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first three interests, but if there are no such wagers, then
- iv. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first two interests, but if there are no such wagers, then
- v. The Pentafecta consolation pool will be divided among those ticket holders who correctly select the first betting interest, but if there are no such wagers, then
- vi. The entire net pool shall become a carryover pool to be retained and added to the next designated Pentafecta race.

- b. On the last Pentafecta race on the final day of the meeting, the net pool, including any applicable carryover shall be distributed using the method described in subsection (2).
- c. Where a net pool is divided into two separate pools in accordance with this subsection any odd cents remaining shall be retained and added to the part of the net pool that will be added to the corresponding carryover pool.

(4) Distribution of Winnings – Option #3

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - i. As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five betting interests, but if there are no such wagers, then
 - ii. The entire net pool shall be retained and added to a corresponding carryover pool into the next designated Pentafecta race.
- b. On the last Pentafecta race on the final day of the meeting, the net pool including any applicable carryover shall be distributed using the method described in subsection (2).

(5) Distribution of Winnings – Option #4

- a. The net Pentafecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - i. As a single price pool, including any applicable carryover, to the holder of a unique winning ticket whose combination finished in the correct sequence as the first five betting interests, but if there is no such unique winning ticket, then
 - ii. The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Pentafecta race. The remaining minor pool shall be paid as a Pentafecta consolation pool, which will be equally divided among those ticket holders who correctly select the first five interests, but if there are no such wagers, then
 - iii. The entire pool shall become a carryover pool into the next regularly scheduled Pentafecta race.
- b. Unique winning ticket, as used in this paragraph 5(a), shall be defined as having occurred when there is one and only one winning ticket whose combination finished in the correct sequence as the first five betting interests, to be verified by the unique serial number assigned by the totalisator company that issued the winning ticket. In the event that there is more than one winning ticket whose combination finished in correct sequence as the first five betting interests, the unique winning ticket shall be deemed to not have occurred.
- c. The association shall specify the minimum monetary amount of a unique winning ticket wager approved by the commission.
- d. A written request for permission to distribute the Pentafecta carryover on a specific performance may be submitted to the commission. The request must be for a specific date no greater than one year from the date the request is submitted and contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. Should the pentafecta net pool and any applicable carryover be designated for distribution on a specific date and performance in which there is no unique winning ticket, the entire pool shall be distributed using the method described in subsection (2).
- e. A written request for permission to transfer the Pentafecta carryover to another Pentafecta pool operated by the same pool host may be submitted to the commission. The request must contain justification for the transfer, including an explanation of the benefit to be derived, a description of the method by which the pool host will present the information to the public that identifies the racetrack(s) for which the pool will be operated and

the intended date(s) and performance(s) of the transfer.

- f. Unless otherwise stated in writing by the commission under paragraph (d), on the last Pentafecta race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed using the Method described in subsection (2).
- (6) Notwithstanding paragraphs 5(d) and (e), if for any other reason the Pentafecta Carryover must be held over to the corresponding Pentafecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The Pentafecta carryover plus accrued interest shall then be added to the net Pentafecta pool of the following meet on a date and performance so designated by the commission.
- (7) If fewer than five betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection on any ticket beyond the number of betting interests completing the contest shall be ignored. If the pools are being distributed under paragraph (3)(a), (4)(a), or (5)(a) any previous Pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover, and this contest's net Pentafecta pool will be distributed using the method described in subsection (2).
- (8) If there is a dead heat for first involving:
 - a. contestants representing five or more betting interests, all of the wagering combinations selecting the five betting interests, irrespective of order, shall share in a profit split.
 - b. contestants representing four betting interests, all of the wagering combinations selecting the four dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
 - c. contestants representing three betting interests, all of the wagering combinations selecting the three dead heated betting interests, irrespective of order, along with the fourth place and fifth place betting interests, in correct order, shall share in a profit split.
 - d. contestants representing two betting interests, both of the wagering combinations selecting the two dead heated betting interests, irrespective of order, along with the third place, fourth place and fifth place betting interests, in correct order, shall share in a profit split.
- (9) If there is a dead heat for second involving:

- a. contestants representing four or more betting interests, all of the wagering combinations correctly selecting the winner along with the four dead heated betting interests shall share in a profit split.
 - b. contestants representing three betting interests, all of the wagering combinations correctly selecting the winner, the three dead heated betting interests, irrespective of order, and the fifth place betting interests shall share in a profit split.
 - c. contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead heated betting interests, irrespective or order, and the fourth place and fifth place betting interests, in correct order, shall share in a profit split.
10. If there is a dead heat for third involving:
- a. contestants representing three or more betting interests, all of the wagering combinations correctly selecting the first two finishers, in correct order, and the three dead heated betting interests, irrespective of order, shall share in a profit split.
 - b. contestants representing two betting interests, both of the wagering combinations selecting the first two finishers, in correct order, and the two dead heated betting interests, irrespective of order, along with the fifth place betting interest shall share in a profit split.
11. If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for fourth, irrespective of order, shall share in a profit split.
12. If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.
13. In the event that more than one component of a coupled entry or mutual field finishes within the first five positions, the first member of the coupled entry or mutual field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutual field and each of the other four betting interests.

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

MASSACHUSETTS GAMING COMMISSION

In the Matter of:

Application of Mass Gaming & Entertainment, LLC for a
License to Operate a Category 1 Gaming Establishment
In Region C

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**DECISION DENYING A LICENSE TO OPERATE A
CATEGORY 1 GAMING ESTABLISHMENT IN REGION C**

I. Introduction

Mass Gaming & Entertainment, LLC (hereinafter “MG&E” or “Applicant”) submitted to the Massachusetts Gaming Commission (hereinafter “Commission” or “MGC”) an RFA- 2 application for a Category 1 Gaming License to operate a Gaming Establishment in Region C. The Commission has the authority to award a single Category 1 Gaming License (“License”) in Region C pursuant to G.L. c.23K, §19(a). For the following reasons, the application submitted by MG&E is hereby **DENIED**.

II. Background

In 2013, the Applicant submitted an RFA-1 application to the Commission in anticipation of pursuing the Category 2 (slots) gaming license. The Applicant paid the application fee and underwent a thorough investigation by the Investigation and Enforcement Bureau (“IEB”). See G.L. c.23K, §15(11).¹ On July 11, 2013, the Commission issued a positive determination of suitability to the Applicant in connection with that application. See 205 CMR 115.05(3). On September 19, 2013, the Applicant discontinued its pursuit of the Category 2 gaming license.

In January 2015, the Applicant applied for a Category 1 License in Region C. The IEB conducted a supplemental investigation of the Applicant so as to update its previous investigation into the Applicant’s suitability. On May 6, 2015, a hearing was conducted by the Commission at the conclusion of the investigation to again review the Applicant’s suitability. See 205 CMR 115.04(3). By vote of the Commission after presentations by the IEB and the Applicant, the Commission issued a positive determination of suitability for MG&E and its qualifiers deeming each suitable to hold a gaming license and, accordingly, rendering MG&E eligible to file an RFA-2 application for a Category 1 gaming license. See 205 CMR 115.05(3).

¹ Applicant paid all required investigatory costs and monies due relative to the host and surrounding community process. See G.L. c.23K, §15(4) and (11), and 205 CMR 114.00.

The Applicant signed an agreement with the host community of Brockton, MA², setting out the conditions under which a gaming establishment may be located within the host community, and submitted the executed Host Community Agreement to the Commission in accordance with 205 CMR 123.02(3). See G.L. c.23K, §15(8)³. A vote pursuant to G.L. 23K, §15(13) was held in the Host Community on May 12, 2015, relative to the Applicant proposal. 7173 ‘yes’ votes and 7025 ‘no’ votes were recorded. As a result, the Applicant “received a certified and binding vote on a ballot question at an election in the host community in favor of such license.” See G.L. c.23K, §15(13).

The Applicant submitted an RFA-2 Application, dated September 29, 2015, in accordance with 205 CMR 118.01(2), to the Commission, (“RFA-2 Application”). The Commission heard an informal presentation from the Applicant explaining its RFA-2 Application on November 5, 2015. See 205 CMR 118.04(1) (e). The Commission held a public hearing in Holbrook, MA, on January 28, 2016, to afford interested individuals from potentially affected communities an opportunity to offer comment relative to the proposal. See 205 CMR 118.04(1) (a). The Commission also accepted written comments from members of the public relative to the proposal. Further, the Commission held Host Community public hearings in Brockton, MA, on March 1, 2016, and March 28, 2016. See G.L. c.23K, §17(c) and (d), and 205 CMR 118.05.

The Applicant executed agreements with all designated Surrounding Communities and Impacted Live Entertainment Venues and submitted those agreements to the Commission. See G.L. c.23K §§15(9) and (10).

The RFA-2 Application was divided into five categories: overview, finance, economic development, building and site design, and mitigation. See 205 CMR 119.03(2). Each of the five sections of the Applicant’s RFA-2 Application was assigned to an individual Commissioner to conduct an evaluation. Each Commissioner was advised by professional consultants and independent evaluators. See 205 CMR 118.04(1) (b) and (c) and 205 CMR 119.03(1). Each Commissioner then presented a report and recommendation on their assigned section to the full Commission. The Commissioners reviewed all of the reports and discussed the recommendations made by each Commissioner at public meetings of the Commission on April 26, 2016, and April 27, 2016. The Commission took a final vote as to whether to award the license on April 28, 2016. See 205 CMR 118.06. The Commission now files this decision. See G.L. c.23K, §17(f) and 205 CMR 118.06(4).

III. Findings and Evaluation

In evaluating whether to issue the Category 1 license in Region C to the Applicant, the Commission considered all information in the RFA-1 and RFA-2 Applications submitted by the Applicant and developed as part of the IEB investigation, including that information presented to the Commission on April 26, 2016, and April 28, 2016, the presentations made by the Applicant

² The City of Brockton is located in Plymouth County and accordingly is located in Region C. See G.L. c.23K, §19(a).

³ The agreement provides for payment of a community impact fee. The contents of Applicant’s application, including the applicable attestation provided in Section B of the RFA-2 application (Commitment to Community Mitigation), demonstrate that G.L. c.23K, §15(14) has been satisfied.

to the Commission, and the comments received by the Commission in writing and at the surrounding and host community hearings. The RFA-1 and RFA-2 Applications, the Phase 1 Suitability Decision dated July 3, 2013, the Applicant's presentation, and the evaluation reports created by the Commission, as referenced in the paragraph above, are incorporated into this Decision by reference.

In accordance with G.L. c.23K, §18, in determining whether to issue the License to the Applicant, the Commission also evaluated how the Applicant proposed to advance 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.

In order to evaluate the above factors, the Commission considered the Applicant's overall response in accordance with 205 CMR 119.03 in each of the following general categories: Overview of the Project; Finance; Economic Development; Building and Site Design; and Mitigation. To those ends, the Commission generally adopts the following findings of fact and conclusions of law for the Applicant as they are set forth in each of the reports prepared by the individual commissioners as part of the deliberations that have been incorporated into this decision by reference. Ultimately, the Commission is convinced that the project set out by the Applicant in its RFA-2 Application and included in the other referenced sources meets the eligibility requirements set forth in G.L. c.23K, §15. However, by vote of a majority of the Commission, it was determined that the Applicant has not presented convincing evidence as part of the RFA-2 process that the Applicant's proposed gaming establishment will provide value to Region C and to the Commonwealth. G.L. c.23K, §19(a).

A majority of the Commission determined that the Applicant failed to demonstrate that its proposed project would maximize revenue to the Commonwealth, see G.L. c.23K, §18(11), or that it would offer the highest and best value to create a secure and robust gaming market in Region C and the Commonwealth. See G.L. c.23K, §18(13). With respect to economic development, the Commission determined that the Application lacked specific plans to promote local businesses in the host and surrounding communities, to coordinate with other cultural and tourism venues, or to otherwise enhance and develop the Brockton area. See G.L. c.23K, §18(2). Furthermore, while the Applicant's investment plan acknowledged potential competition from a

tribal casino in Taunton, its market assessment did not fully appreciate the potential magnitude of that competition.

Accordingly, the Commission declines to award a License to MG&E.

We set out our findings in each of the five aforementioned categories below.

A. Overview of the Project

Overall, a majority of the Commission deemed the Applicant’s proposal in the Overview category to be sufficient. For the reasons below, though not unanimous in the finding, the Commission essentially determined that the proposed project met the minimum standards required, but that the Application did not demonstrate that the Applicant:

thought broadly and creatively about creating an innovative and unique gaming establishment that will create a synergy with, and provide a significant and lasting benefit to, the residents of the host community, the surrounding communities, the region, and the Commonwealth of Massachusetts, and will deliver an overall experience that draws both residents and tourists to the gaming establishment and the Commonwealth of Massachusetts.

205 CMR 119.01. The Applicant put together a commendable effort given the limitations imposed by the landscape. Ultimately, though, the Applicant, while very successful with its gaming establishments in other states, did not present a dynamic proposal with an economic development strategy of the sort that the law envisioned and that the Commission received in the other RFA 2 applications submitted in Regions A and B.

This category was evaluated in a number of criteria as follows:

SUMMARY OF EVALUATION BY CRITERIA	
Criterion	Findings
Looking Outward, Enhancing the Context	The Application sufficiently addressed plans for promoting local and regional businesses, but lacked specific detailed plans to promote local businesses in the host and surrounding communities, to coordinate with other cultural and tourism venues, or to otherwise enhance and develop the Brockton area. The applicant pledged \$100,000 to study the development of an entertainment district and referred to a Rush Rewards program to partner with and promote local businesses, but failed to offer any specific details with respect to this proposed program. The Applicant’s marketing initiatives reflect an entirely local/regional gaming establishment. Aside from agreements with neighboring facilities (i.e., Campanelli Stadium, Shaw’s Center), few other formal arrangements have been put in place. The Application lacked specifics regarding formal partnerships with local hotels and dining, retail, and entertainment facilities that would allow patrons to experience the diversified regional tourism industry, and relied instead

	<p>on Boston and area tourism marketing entities and products. <u>See</u> G.L. c.23K, §18(5).</p> <p>Furthermore, the facility itself is isolated from the community and is essentially inward rather than outward looking, as evidenced by the fact that most proposed restaurants cannot be reached from outside of the gaming establishment.</p>
Marketing the Massachusetts Brand	<p>The Applicant highlighted its affiliated properties’ previous marketing strategies and expressed its intent to replicate those efforts in its proposal, but did not provide local specifics and demonstrated little knowledge of the City of Brockton or Plymouth County. The Applicant stated that it would host entertainment and athletic events, but the Applicant did not appear sensitive or to have done much due diligence regarding the local market (e.g., lack of emphasis on Brockton’s rich boxing history). <u>See</u> G.L. c.23K, §18(5). Furthermore, the Applicant missed a distinct opportunity to create an iconic centerpiece of the project with an old exhibition building, and instead carved the building out of the facility property. The Applicant does, however, make a gesture to Massachusetts history with the adoption of a brick style reminiscent of the city and region’s manufacturing past.</p>
Destination Resort in a Competitive Environment	<p>The Applicant failed to demonstrate distinctiveness in its business model or marketing that would differentiate it in a highly competitive market. The Application referenced a program of non-gaming options, but provided no specifics with respect to that program or its partners. The Application detailed amenities from sister properties, including a bike path, river walk, running path, outdoor amphitheater, and green wall. However, no such amenities were included in the Applicant’s proposal. Furthermore, the proposal referenced the hotel and convention space, but failed to demonstrate strategies for these spaces which could make the property a “destination resort.”</p>
Diverse Workforce and Supplier Base	<p>The Applicant outlined a general approach regarding workforce development with little in terms of formal commitments. The Applicant did not clearly demonstrate its commitment to “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 . . .” G.L. c. 23K, §18(9). The Applicant pledged to establish a formal diversity plan and stated its intention to collaborate with local groups to identify and inform diverse populations on jobs, necessary skills, and training resources, but formal diversity plans were not fully developed in the Application. It was the Applicant’s intent to replicate strategies used in its other properties and execute a similar diversity plan in Brockton. The</p>

	Applicant’s affiliates’ history of diverse hiring practices includes 53% minority hiring in Philadelphia, 28% in Pittsburgh, 56% in Des Plaines.
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B. Finance

Overall, the Applicant’s proposal in the Finance category is rated as sufficient with very good elements, namely the financial strength (ability to obtain project capital) and the operations plan (alignment with the market opportunity).

The Applicant demonstrated that it possesses the financial capabilities and necessary capital required to develop and operate the proposed project. The Applicant’s view of the market opportunity demonstrates a solid understanding of the existing awarded gaming licenses in Massachusetts (specifically market differentiation from Wynn Boston Harbor). The operations plan submitted aligns with this view of the market opportunity.

While the Applicant’s investment plan (e.g., spending of contingency amounts is to meet the \$500 million eligible capital investment threshold) acknowledges future Region C competition (i.e., a tribal casino in Taunton, MA), their market assessment does not fully appreciate the potential magnitude of this competition. The Applicant relies upon their experience in other competitive markets to effectively compete for a share of the Massachusetts gaming market with a tribal casino in Taunton. This experience, however, may not be fully comparable to the Massachusetts market, as they will not be the closest gaming establishment to the core population base in the Boston market.

This category was evaluated in a number of criteria as follows:

SUMMARY OF EVALUATION BY CRITERIA	
Criterion	Findings
Financial Capability	<p>The Applicant demonstrated that it possesses the financial stability and strength to develop and operate the proposed gaming establishment.</p> <p>The Applicant demonstrated the availability of adequate financing for the project. The total capital required for the proposed project is \$677.5 million. The net worth of the entities and related entities of Brockton Gaming, LLC demonstrates the ability to fund the \$172.5 million equity component of the project. The Applicant provided a bank letter indicating that the owners of Brockton Gaming, LLC have access to a credit facility with undrawn funds available. The Applicant also provided highly confident letters from Credit Suisse, Wells Fargo, and Goldman Sachs indicating confidence in arranging financing in scenarios with and without a tribal casino located in Taunton.</p> <p>The financial strength of the Applicant is based upon the provider of</p>

	<p>equity to the project, Brockton Gaming, LLC. The net worth of entities and related entities of Brockton Gaming, LLC demonstrates sufficient net worth to fund the project. While the Applicant’s affiliated entities have significant (i.e., controlling) ownership interests in Rivers Casino Pittsburgh, Rivers Casino Des Plaines, and Sugarhouse Casino Philadelphia, these casinos are not being used by the Applicant to demonstrate the financial strength of the Applicant. That said, a financial ratio analysis was completed for these three casino projects and the resulting ratios demonstrate financial strength.</p> <p>The Applicant’s proposed plan produces a commercially reasonable return on investment in both competition scenarios, with a 21% return on investment without a tribal casino in Taunton and a 15% return on investment with a tribal casino in Taunton. If revenue projections do not materialize (for example, due to the impact of a second gaming establishment in Region C), projected returns, while positive, could be below what would be considered reasonable.</p> <p>The contents of the Application, including the applicable attestation provided in Section B of the RFA-2 Application, demonstrate that G.L. c.23K, §15(5) has been satisfied.</p>
Investment Plan	<p>Eligible capital costs provided by the Applicant meet the minimum capital investment requirements (in terms of eligible capital costs) if the budgeted contingency costs were actually spent on eligible capital items. See G.L. c.23K, §10(a), G.L. c. 23K, §18(3), and 205 CMR 122.00 (governing the manner in which the capital investment is calculated.). The total eligible costs are \$478.3 million; the total eligible costs if the contingency is spent are \$500.4 million (contingency hard costs are \$17.9 million; contingency soft costs are \$4.2 million). The contents of the Application, including the applicable attestation provided in Section B of the RFA-2 Application, demonstrate that G.L. c.23K, §15(2) has been satisfied.</p> <p>The facility proposed by the Applicant (investment and facility program) differentiates itself from the Wynn Boston Harbor (i.e., attempts to be complementary as opposed to directly competitive) which is financially prudent strategy.</p> <p>The Applicant proposed a construction timeline of 38 to 41 months with a prospective opening date in May 2019. This was considered a reasonable timeline for opening a facility of the nature proposed given the size and scope of the development and the site location. The proposed size and scope of the facility is consistent with business and financial plans submitted, and the proposed gaming establishment is positioned to penetrate the local market. The proposed project is comprised of the following elements:</p>

	<ul style="list-style-type: none"> • <i>Site Location</i> situated on the Brockton Fairgrounds • <i>Gaming Floor</i> of 91,900 square feet containing 2,100 slot machines and 124 table games • 250 room <i>hotel</i> • 6 <i>food and beverage</i> outlets containing 770 total seats • 3,003 <i>parking</i> spaces • 15,600 square feet of <i>exhibition and meeting space</i>; and • 1,000 square feet of <i>retail</i> space. <p>The Commission finds that the Applicant proposal met the statutory requirements regarding the purchase of domestically manufactured slot machines. <u>See G.L. c.23K, §18(15).</u></p>
Market Assessment	<p>It is important to note that no projections come with any guarantees. As such, we do not look at numbers in a vacuum, but instead we consider them for purposes of thinking about what effect an additional gaming establishment may have on the gaming landscape. Despite conflicting numbers presented by a variety of consultants, the one thing that remained constant is that an additional gaming establishment would likely have an impact on the existing gaming licensees. It is the scope of this impact that was subject to dispute. To that end, the Commission considered all of the information submitted to determine whether there was convincing evidence that the Applicant’s proposal would provide value to both Region C and the Commonwealth. We were unable to find evidence that the Applicant’s proposal would provide value to both Region C and the Commonwealth.</p> <p>Gaming revenue projections with no tribal casino in Taunton (i.e., with the Applicant being the only gaming establishment in Region C) provided by the Applicant were determined to be within the range of expected market results. The Commission’s consultant, HLT Advisory (“HLT”), provided a market analysis to test the information presented by the Applicant. It found as follows:</p> <p><u>Projected Gross Gaming Revenue for Year 2 (net of free play) with no tribal casino in Taunton:</u></p> <ul style="list-style-type: none"> • HLT market area: \$375.6 million • Outside the defined market area (Inflow): \$28.7 million • Total: \$404.3 million <p>For the purposes of the Region C market assessment, HLT developed two additional market scenarios:</p> <ul style="list-style-type: none"> • Scenario 1 - Brockton and Taunton casinos are the same size and quality (no competitive advantage due to either tax rate or marketing/facility investment). • Scenario 2 – Taunton casino has a competitive advantage over the

Brockton casino due to no gaming revenue payments being assessed under the compact allowing for greater marketing and/or facility investment.

In HLT's original analysis, gaming revenue from the HLT defined market area generated by a Region C gaming establishment ranged from \$346.7 million to \$404.5 million.

In Scenario 1, Region C casinos would generate between \$446.2 million (Taunton-\$219 million and Brockton-\$227 million) and \$520.6 million (Taunton-\$256 million and Brockton-\$265 million).

In Scenario 2, Region C casinos would generate between \$466.9 million (Taunton-\$281 million and Brockton-\$186 million) and \$544.7 million (Taunton-\$328 million and Brockton-\$217 million).

The Applicant's gaming revenue projections with a tribal casino in Taunton were aggressive. The Applicant believed it could effectively compete with a tribal casino in Taunton that is not paying any share of its gaming revenue to the Commonwealth for a share of the Greater Boston gaming market. This belief is based on their location relative to the Greater Boston area population base and their experience operating in competitive markets (i.e., Philadelphia, Chicago, and Pittsburgh). HLT's Scenario 1 aligns with this belief (no competitive advantage for the tribal casino in Taunton). The Applicant's market assessment estimated that the Applicant's gaming establishment in Brockton would generate \$327 million if there were a tribal casino in Taunton. This estimate is aggressive compared to HLT's estimated range of \$252 to \$294 million with a tribal casino in Taunton. See G.L. c.23K, §18(11) and (13). The Applicant did not provide a detailed breakdown of revenue by market area nor did they define the size and scope of the tribal casino.

The Applicant did not contemplate a scenario in which the tribal casino in Taunton would have a competitive advantage (e.g., through increased marketing spend and/or greater size and scope of facility). HLT's Scenario 2 considers the potential impact of such a competitive advantage though such impact was difficult to project given the lack of concrete details relative to the tribal casino proposal. Under Scenario 2, however, the potential impact is projected to be approximately \$50 million which represents the difference between Scenario 1 and Scenario 2.

The Applicant satisfied its obligation to provide "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” See G.L. c. 23K, §18(7).
Operations Plan	<p>The Applicant recognized the importance of internal controls and its proposed gaming establishment management company, Rush Street Gaming, LLC, has experience developing and adhering to internal control requirements in Mississippi, Pennsylvania, and Illinois. Further, the Applicant acknowledged that it would abide by Massachusetts internal control regulations and provided a draft internal control manual.</p> <p>All operational and marketing plans submitted by the Applicant were clearly articulated and represented a cohesive strategy that aligns with Brockton/Applicant’s proposed gaming establishment and view of the market opportunity (market differentiation from Everett/Wynn). The Applicant’s projected marketing expenditures are aligned with what would be expected for a North American regional gaming establishment. The submissions included plans for slot machine products, table game products, food and beverage, hotel, retail, parking, and marketing.</p> <p>The Applicant’s financial projections are in alignment with their business plan and view of the market opportunity. The Applicant’s total payroll as a percentage of total revenue is lower than expected. Overall, the proposed financial projections are reasonable.</p>

C. Economic Development

Overall, the Applicant’s proposal in the economic development category is rated as sufficient.

The Applicant provided reasonable detail on achievements at its existing casinos in other jurisdictions—across all three economic development focus areas—but failed to sufficiently elaborate on specific plans and targets for the Brockton project.

Within the Job Creation area, the Applicant quantified employment from both construction and ongoing operations. The Applicant’s anticipated salaries and wages per full time employee are lower than that for the other Category 1 gaming licensees approved in Regions A and B. Depending on market conditions and the availability of a qualified workforce, some challenges may occur in filling all positions at these pay scales. The projected benefits presented by the Applicant are consistent with projected compensation.

The discussion of job opportunities for the unemployed and underemployed provided by the Applicant lacked any targets or clear delineation of plans and activities. Similarly, the section on workforce training was inadequate in that it failed to identify the community college located in Brockton or other vehicles for delivery of training. However, it is notable that the Applicant demonstrated success in both these areas at their Pittsburgh, Philadelphia and Des Plaines casinos.

Employee retention rates at its existing casinos, and expected rates projected by the Applicant for the Brockton project, are low (i.e., high turnover) but comparable to industry averages as well as rates projected by other Category 1 applicants.

The Applicant provided a description of the vendor outreach process for operational goods and services. The Applicant also sufficiently addressed plans for promoting local and regional businesses, although more could have been done to identify specific businesses and how these businesses might be better involved. No detail was provided in the Application relative to vendor outreach for construction.

With respect to vendor diversity targets, the Applicant failed to identify targets for Minority/Women/Veteran Business Enterprise (“MBE/WBE/VBE”) participation and provided insufficient information relative to building awareness, strategies for involvement and development, joint ventures and mentorships, monitoring process, and project operations training with respect to MBE/WBE/VBE.

The Applicant views the Brockton gaming establishment’s primary market as the greater Boston area as evidenced by the tourism-oriented marketing initiatives described in the Application. Aside from agreements with neighboring facilities (i.e., Campanelli Stadium, Shaw’s Center), no other formal arrangements have been put in place; for the most part, the Application fails to identify local or regional tourism marketing entities or tourism operators. These marketing initiatives, or lack thereof, reflect a local/regional gaming establishment marketing to the Greater Boston market.

Similarly, as it pertains to job creation and small business collaboration, the Applicant’s description of achievements at its other casinos is far more thorough than the plans for its Brockton proposal. The Applicant demonstrated a reasonable linkage to the regional economic plans (e.g. Brockton 2025) and a commitment to non-competition with local entertainment venues.

This category was evaluated in a number of criteria as follows:

SUMMARY OF EVALUATION BY CRITERIA	
Criterion	Findings
Job Creation	<p>Overall, the Applicant achieved a sufficient rating for the Job Creation category.</p> <p>The Applicant demonstrated limited effort in tailoring HR practices and workforce development plans to the local market. See G.L. c. 23K, §18(17). As depicted in the chart below, the Applicant projected modest job creation from construction (2,033 FYEs), and ongoing operations (1,477 FTEs –YR 1) with full-time employees representing approximately 80% of employees. <u>See</u> G.L. c.23K, §18(12).</p>

Construction Period:	
FYEs	2,033
Annual \$/FYE	\$46,905
Operations (Year 1):	
FTEs	1,477
Annual\$(without benefits)/FTE	\$28,935
Mean Household Income	Brockton: \$61,096 (<i>Source: US Census Bureau–2010-2014 ACS</i>)
Benefits (Year 1):	
Salary-to-benefit ratio	46.5%
FTE benefits/employee	\$13,457
FT benefits/employee	\$13,631
PT benefits/employee	\$2,574
Benefits breakdown as a % payroll	Average of per FT/PT: Medical/Dental/Vision/Life/Disability (29.4%), Bonuses (6%), 401k (4%), paid-time-off (6.9%)
Forecasted retention rate	Year 1-15: 72%-82%
Retention rate since Day 1 of operations (opening date)	Rivers, Pittsburgh=12% (2009 – hired for table games 2010); SugarHouse, Philadelphia=23% (2010); Rivers, Des Plaines=35% (2011)

However, the Applicant demonstrated its affiliated properties' track record of executing local market engagement, hiring underemployed/unemployed, community college partnerships, and providing the means for workforce development – providing a sense of confidence that the Applicant has the ability to execute similar efforts at a Brockton gaming establishment. Within other jurisdictions, the Applicant's affiliates have engaged the local community in hiring and training processes and there is evidence of workforce development (advancement) at these casinos. The Applicant did not commit to specific employment figures for Brockton, but stated that they would implement and work off of what has been done in other jurisdictions. Rivers Casinos in Des Plaines and Pittsburgh, and SugarHouse Casino in Philadelphia have promoted approximately 1,400 employees since the casinos have opened, with 300 individuals being promoted in the past year. Collectively, the three casinos employ approximately 4,000 people.

Further, the Host Community Agreement stipulates that the Applicant work in good faith and provide reasonable preference to qualified Brockton residents for both construction and permanent jobs (though no quantifiable targets or commitments were made). The Applicant committed to hosting construction and operation job fairs (citing the Massasoit Community College Conference Center or the Shaw's Center as potential event sites) to inform local residents about job opportunities and assist them in becoming qualified for those jobs. The Applicant has earmarked \$11.9 million for a pre-opening budget. This figure includes

pre-opening salary/wages, recruiting and training. See G.L. c.23K, §18(4).

Payroll (without benefits) for ongoing operating FTEs is \$28,935/FTE – YR 1. There are comparatively weak retention rates at affiliated properties with similar rates projected for the Brockton facility. The forecasted retention rate for Years 1-15 is 72%-82%. The Applicant’s affiliated facilities have limited union representation in mostly support areas, such as facilities. There is controversy over union certification/labor practices in Pittsburgh. The Applicant did not execute a contract with organized labor or have the support of organized labor for its application. See G.L. c.23K, §18(18).

The Applicant outlined a general approach regarding workforce development with little detail or formal commitments. The Applicant did not clearly demonstrate its commitment to “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” G.L. c. 23K, §18(9). Formal diversity plans were not fully developed in the Application. However, affiliated Applicant properties do have a track record of establishing and executing diversity plans. It was Applicant’s intent to replicate strategies and execute a similar diversity plan in Brockton. The Applicant’s affiliates’ history of diverse hiring practices includes 53% minority hiring in Philadelphia, 28% in Pittsburgh, 56% in Des Plaines.

Notable human resource and training practices that the Applicant did reference include: a commitment to establish job opportunities and employee assistance programs at the gaming establishment; preference given to internal promotions over external hires and that historically many promotions have occurred as a result of employment growth; “Rush Street Gaming Leadership Excellence” training (business and leadership skills such as situational leadership, financial aptitude) provided to all supervisory employees; responsible gaming training as a preventative measure; EAP programs consisting of professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress, provided to all staff to target prevention and identification of signs of problems and how to remedy them; on-site child daycare was not to be provided, but employees would have been given the option to allocate health care benefits towards child care services.

The applicant did have a working draft of MOU completed with Brockton Area Building Construction Trades Council. It did not, however, have any other labor agreements in place at the time the Application was reviewed. See G.L. c. 23K, §18(9) and (18).

<p>Support for External Business Components</p>	<p>Overall, the Applicant achieved a sufficient rating for the Supporting External Business and Job Growth category. Applicant has expressed an intention to integrate and engage the surrounding businesses and create job growth. The Application, however, lacked specific, detailed plans for the Brockton market and largely described the track record at other affiliated properties as proof of intent.</p> <p>The Application lacked specifics and detailed plans to promote local businesses in the host and surrounding communities, however, it did state intentions to partner with local organizations and committed capital (\$50,000 per year) to purchase local business gift cards for rewards program. The Applicant committed to “strategically source goods and services and create a fair bid process” to assist and favor local businesses in providing goods/services for the gaming establishments operations.” Little further detail on local vendor hiring intentions was provided, though. The Applicant did outline modest committed funds for local enterprises and provided modest projections for spin off spending with plans to link local businesses with rewards program. Further, the Applicant identified opportunities for local businesses to be integrated into the gaming establishment and its ability to bring traffic to the region. It is also clear that the Applicant’s affiliated properties have a proven track record of purchasing goods and services from local businesses. To that end, the Applicant expressed an intent to replicate a strategy of hosting local vendor fairs and creating a database of local suppliers which can be referenced when looking for goods and services vendors. The Applicant committed to hosting vendor fairs prior to opening of the gaming establishment and during operations to advertise and inform local vendors relative to job opportunities and how to become qualified for said jobs. Additionally, these fairs would provide a means to educate local vendors on volumes and quantities needed to support operations of the gaming establishment. Additionally, the Applicant earmarked \$11.9 million for a pre-opening budget, of which recruiting and training activities are a part. <u>See G.L. c.23K, §18(2) and (10).</u></p> <p>A cooperation agreement was signed with Brockton 21st Century (owner of The Shaw’s Center and Campanelli Stadium).</p> <p>The Applicant delegated local supplier integration into the construction phase to general contractors and construction management firms.</p> <p>The Applicant outlined plans to replicate strategies at affiliated properties to engage local vendors through vendor fairs and maintain local vendor database.</p> <p>The Applicant failed to identify specific goals to engage minority, women, and veteran-owned businesses.</p>
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	<p>The Applicant’s affiliated properties have track record of modest MWVBE spending.</p> <p>The Applicant’s plans are aligned with the City of Brockton’s economic development plans and financial commitments from Applicant should bolster municipal efforts.</p> <p>The Applicant demonstrated sufficient evidence of fulfilling domestic gaming equipment suppliers.</p>
<p>Regional Tourism and Attractions</p>	<p>Overall, the Applicant achieved a sufficient rating in the Regional Tourism and Attractions category, although the Applicant clearly positions the Brockton project as a “local resident” gaming establishment targeting the Greater Boston market. The Applicant demonstrated relative strength in identifying potential local/regional business partnership opportunities and expressed intentions to collaborate and engage the appropriate tourism/economic agencies, however, the Application lacked robust formal displays of communication and agreements with potential partners. The Applicant has committed impactful levels of funding and identified alignment with the city and region’s goals of development and overall advancement.</p> <p>The Applicant demonstrated intentions to partner with local venues and tourism/economic organizations (i.e., cooperation agreement with Brockton 21st Century). However, the Application lacked specifics and initiative for formal partnerships with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry, and relied on Boston and area tourism marketing entities and products. Further, the Applicant demonstrated little knowledge of the City of Brockton or Plymouth County. However, the Applicant did highlight its affiliated properties’ previous marketing strategies with intentions to replicate efforts, but again lacked local specifics and uniqueness.</p> <p>The Applicant demonstrated a commitment to aiding the local economy through the community enhancement fee (\$3 million/annum - 5% of which goes to Brockton Community Foundation), and committed capital towards economic development and planning in Brockton. Further, the Applicant expressed an intention to host entertainment and athletic events, however lacked sensitivity and due diligence towards the local market (e.g., lack of emphasis on Brockton’s rich boxing history). <u>See</u> G.L. c.23K, §18(5).</p>

D. Building & Site Design

Overall, the Applicant's proposal in the Building & Suite Design category is rated as sufficient.

Taken as a whole, the Application submitted by the Applicant is solidly sufficient. There is nothing especially exciting about the proposed gaming establishment/hotel, although the exterior design creatively seeks to evoke the look and feel of a New England manufacturing city like Brockton. There are no significant design deficiencies.

The Applicant intends the gaming establishment to be a regional destination, offering first class gaming, hotel and dining options. In conjunction with the Shaw's Center and Campanelli Stadium, the gaming establishment is intended to anchor an entertainment district. The masonry exterior recalls mill buildings and historic properties.

The gaming establishment consists of three main elements:

- Casino floor and associated food and beverage (F&B) venues
- Multi-purpose ballroom and associated conference/meeting rooms
- Hotel and spa.

These elements are well arranged to support the different uses, but the overall design is inward focused from the surrounding community. A potential opportunity was considered lost or delayed by the Applicant's failure to incorporate the adjacent historic Brockton Fairgrounds Exhibition Hall in the gaming establishment.

The size of the proposed gaming establishment is approximately 466,000 square feet, at an estimated construction cost of approximately \$295,000,000. This cost does not include furnishings, fixtures, gaming equipment or land costs. A cost comparison between the Applicant's and MGM Springfield gaming establishments indicates that the proposed quality of amenities would be similar.

The proposed site plan would provide adequate access/egress for patrons and employees arriving by car and adequate parking in a three level garage and at grade. Pedestrian circulation on the site would require further development. The Applicant proposed evaluating the viability of a shuttle bus between the MBTA downtown station and the gaming establishment and pledged to work with the local transit agency to integrate the site into local bus routes.

The existing off-site transportation network was evaluated using accepted procedures, but would have needed to be expanded through the Massachusetts Environmental Policy Act ("MEPA") process. The primary access to the proposed site is from Route 24 along Route 123 (Belmont Street) to West Street and Forest Avenue. MassDOT has preexisting plans in place to reconstruct Belmont Street. The Applicant would upgrade West Street and Forest Avenue. The roadway and signal improvements proposed by Applicant are estimated to cost \$10.2 million.

Where specific information on sustainability and security is lacking in the Application there is normally a performance standard that will need to be met as the initial design concepts are further developed. For example, information in the Application on specific sustainability measures is limited, but the Applicant has committed to having the gaming establishment certified as LEED Gold. Further, in terms of security, the Applicant provided protocols used at their other casinos (e.g., surveillance, communication and security plans) that could be used in Applicant's gaming establishment, tailored to MGC regulations.

The Applicant provided adequate information on water, wastewater and stormwater infrastructure. The City can provide water and the Applicant proposed approximately 1 million dollars of off-site sewer improvements to connect to the City's system. The proposed stormwater management system would retain runoff to provide 50% of irrigation needs and meet DEP stormwater standards.

Permitting for the proposed project is straight forward, primarily because the 46-acre site was previously developed as the Brockton Racetrack and Fairgrounds. It is relatively open with few structures of any size. The MEPA process needs to be completed, followed by a MassDOT permit for off-site roadway construction and local permits from the Brockton Planning Board and DPW. There are no tidelands, wetlands or other sensitive environmental features that would require extensive permitting.

In terms of schedule, the critical path would run through completion of the MEPA process, the MassDOT permit and the time needed to complete off-site roadway construction. The proposed schedule calls for an opening in June 2019, with the possibility of an earlier opening at the end of 2018, if the permitting process can be accelerated.

The most positive aspects of the Application are listed below:

1. The Applicant's parent company, Rush Street, has a track record in the type of casino proposed in Brockton and appears to understand the market.
2. The development team that has been assembled has experience designing casinos and has strong local technical support.
3. Based on construction costs per square foot, the Applicant's proposed gaming establishment is similar to the MGM Springfield gaming establishment.
4. The Applicant has committed to a certified LEED Gold facility, which requires a significant commissioning effort. Further, Rush Street has built a LEED Gold casino in Pennsylvania.
5. Despite a close vote in Brockton approving the gaming establishment, the City administration—significantly including the Superintendent of Schools—is unqualifiedly supportive.
6. The City Administration has created a zoning overlay district that allows the gaming establishment to be constructed 'by right'.

As the design and permitting processes proceed, the following issues should be further developed.

1. The proposed building and site plans are inward focused and, as presently configured, do not create positive interaction with surrounding commercial uses. A \$100,000 commitment has been made to prepare an Entertainment District study. This study should be accelerated, with input from the Applicant, to build excitement and a vision for future development.
2. Additional transportation improvements/commitments should be considered through the MEPA process for Belmont Street/Kenelworth Avenue and Route 27/West Street.
3. Additional mitigation should be considered through the MEPA process to improve water conservation and to protect the City's Silver Lake reservoir system.

This category was evaluated in a number of criteria as follows:

SUMMARY OF EVALUATION BY CRITERIA	
Criterion	Findings
Creativity in design and overall concept excellence	<p>The Applicant intends the gaming establishment to be a regional destination offering first class gaming, hotel and dining options and, in conjunction with the Shaw Center and Campanelli Stadium, anchor an entertainment district. The masonry exterior recalls mill buildings and historic properties.</p> <p>The Gaming Establishment consists of three main elements:</p> <ul style="list-style-type: none"> • Casino floor and associated food and beverage (F&B) venues • Multi-purpose ballroom and associated conference/meeting rooms • Hotel and spa. <p>These are well arranged to support the different uses, but are inward focused. A potential opportunity is lost or delayed by not incorporating the historic Brockton Fairgrounds Exhibition Hall in the gaming establishment.</p> <p>Parking and transportation infrastructure are discussed in Criterion 3.</p>
Gaming establishment of high caliber with quality amenities in partnership with local facilities	<p>The Applicant proposes an inward-focused gaming floor including 2,990 gaming positions (2,100 slot machines, 100 live table games, and a 24-table poker area) in a 91,000 square foot casino floor. Non-gaming amenities include a full complement of food and beverage offerings, convenience retail, and a 250-room hotel with an additional restaurant and a spa, health club and pool. A multi-function ballroom with meeting space is located between the hotel and casino floor. The multi-function space of 12,200 square feet could accommodate up to 1,000 patrons for certain programming, including live entertainment.</p> <p>The size of the proposed gaming establishment and hotel facility is approximately 466,000 square feet, at an estimated construction cost of approximately \$295,000,000. This cost does not include furnishings, fixtures, gaming equipment or land costs.</p> <p>A comparison of the program and the costs was made between the Applicant's proposed gaming establishment and MGM Springfield and suggests that the quality of amenities in the Applicant's gaming establishment will be similar to MGM. <u>See G.L. c. 23K, §18(5).</u></p>
Compatibility with surroundings	<p>The site plan provides for adequate access and egress to the gaming establishment for cars, busses and taxis. Adequate circulation and parking is also provided. Pedestrian circulation was not adequately described on the site plan and would need to be further developed as the design progresses.</p> <p>The existing off-site transportation network was evaluated using acceptable procedures. For the area intersections studied to date a</p>

	<p>reasonable package of mitigation measures has been proposed for a total cost of \$10.2 million dollars. In addition, MassDOT is planning to upgrade Route 123 (Belmont Street) from Route 24 to West Street, the main access to the gaming establishment. Further traffic mitigation should be considered at several locations through the on-going MEPA process.</p> <p>In terms of transit, the Applicant had shuttle bus service under consideration, including connections to the BAT downtown station and integration of existing bus routes with a stop at the gaming establishment.</p> <p>The site plan was generally positive on the neighborhood side by pulling the buildings away from the property edge to allow for a landscaped buffer. However, on the commercial side a large parking area separates it from potentially compatible uses. The Applicant pledged to fund a \$100,000 study of an entertainment district in the vicinity of the gaming establishment, which should address this issue. However, the plan as presented did not incorporate the neighboring institutions.</p> <p>Among the most commonly articulated complaints received during the public comment process with regard to the Application related to the proximity of the site to the Brockton High School. Brockton High School is less than a quarter mile from the site. The proximity is made more concerning because the proposed gaming establishment lies along the routes that the students from the residential neighborhoods to the north and the east of the gaming establishment employ to walk to and from school.</p> <p>Brockton’s water and wastewater utilities should be able to support the gaming establishment development with the mitigation measures proposed in the Application along with additional water conservation measures. See G.L. c.23K, §18(8).</p>
Sustainable development	<p>The responses to Sustainability questions are consistent with the conceptual nature of the plan development at the time of the RFA-2 Application. On the positive side, the Applicant has committed to achieve LEED Gold certification through the US Green Building Council. In support of this commitment, the Applicant has included a LEED checklist identifying 62 credit points at this time; has assembled a team of well-qualified design professionals in this area; and has previously achieved LEED Gold on another casino facility. The commitment to 3rd party commissioning for both the envelope and the HVAC system is also seen as a positive. Importantly, the proposed gaming establishment would comply with the Massachusetts Stretch Energy Code.</p> <p>The Applicant made the following further commitments: making use of Energy Star equipment “as applicable”; proposed use of energy recovery systems for “ventilation systems with high outdoor air percentages” and co-generation systems will be considered, with specific locations and quantities to be developed in subsequent phases; a commitment to</p>

	<p>envelope commissioning during construction of the gaming establishment, with a 3rd party commissioning agent, including thermal performance (insulation) and air infiltration, and to HVAC commissioning in accordance with LEED; plans for on-going building commissioning post-occupancy; plans for on-going monitoring via Building Management Systems (“BMS”) or Building Automation Systems (“BAS”); metering that would provide data to the BMS/BAS so that data could be applied to on-going energy saving measures; a Measurement and Verification (“M&V”) system for short-interval data collection and monitoring to inform energy model; a digital lighting control system to interface with the BMS/BAS and help manage lighting loads; a Central Utility Plant (“CUP”) for facility-wide chilled and hot water and considered cogeneration or Combined Heat and Power (CHP) (no specific plans were presented); The Applicant identified strategies for on-going sustainability, but there was no mention of operational waste management, a recycling plan or on-site hazardous materials management. The gaming establishment would include emergency generators for the critical loads of the facility with uninterrupted power supply (UPS) intended to protect data and security equipment. <u>See</u> G.L. c.23K, §18(8).</p> <p>On the less positive side, there were limited details in support of the sustainability commitments (likely due to the early stage of design) and the Applicant has not committed to on-site energy generation and has committed only to purchase the minimum required amount of renewable green power after the first two years. <u>See</u> G.L. c.23K, §18(8)(vi).</p> <p>The Applicant has provided a concept plan for the proposed stormwater utilities, but no supporting calculations. The plan must comply with State Stormwater Standards and is reasonable at this early stage of design. Water conservation measures are also reasonable to achieve a 35/50% reduction in potable water for normal uses and irrigation respectively. Further reductions should be evaluated in the MEPA process to avoid additional stress on the Silver Lake reservoir system. <u>See</u> G.L. c.23K, §18(8).</p>
<p>Security, monitoring, surveillance and emergency procedures</p>	<p>In responding to the Security, Monitoring, Surveillance and Emergency Procedures questions, the Applicant did not typically provide information specifically tailored to the proposed gaming establishment. This is consistent with the approach taken by other applicants in other regions and is in part based on the early stage of design and programming. The Applicant did respond to questions by stating that the applicable local and state codes and regulations would be followed (e.g. building and fire codes, surveillance regulations). Further, the Applicant provided the following examples from their other facilities, specifically in Pennsylvania, that addresses these questions:</p> <ul style="list-style-type: none"> • Surveillance Plan • Crisis Management and Communication Plan

	<ul style="list-style-type: none"> • Security Department Standard Operating Plan <p>The Applicant provided a designated area for MGC operations and shows the area on the floor plans. Also included was a discussion about controlling minors at access points to the gaming establishment and training of security staff on identifying minors. There were no metrics provided on the history/success of security at other gaming establishment operated by the Applicant's affiliates. There is a central monitoring system (CMS) that the Applicant's affiliate uses in Pennsylvania to design, purchase and install equipment and infrastructure and the Applicant proposes to use the same system at the gaming establishment. They have also provided a standard organization chart for their IT Department that includes 11 positions.</p> <p>Given the Applicants experience in developing security plans at other gaming establishments and the ongoing review of these plans by Commission staff to insure compliance with state and local codes and regulations, the responses to Criterion 5 questions are sufficient.</p>
<p>Permitting including ENF, EIR, Local Permits, and Zoning</p>	<p>The permitting process for the gaming establishment is straightforward. Once the MEPA process is complete, the only significant state permit is from Mass DOT for the roadway improvements. As noted, the MassDOT is already committed to a significant upgrade of much of Belmont Street between the Route 24 interchange and the gaming establishment site. The local process includes site plan review by the Planning Board and a stormwater permit from the DPW. The project is permitted by-right under the Brockton Zoning By-Laws.</p> <p>In terms of schedule, the critical path runs through completion of the MEPA process, the MassDOT permit and the time needed to complete off-site roadway construction. The current schedule calls for an opening in June 2019, with the possibility of an earlier opening at the end of 2018, if the permitting process can be accelerated.</p>
<p>Other</p>	<p>The Applicant has a limited, general response to the potential alternative use of the facility and has provided adequate documentation regarding ownership of the proposed gaming facility land.</p>

E. Mitigation

Overall, Applicant's proposal in the mitigation category is rated as sufficient.

The Applicant has executed a Host Community Agreement and associated mitigation documents with the City of Brockton. A certified election in Brockton was held in May 2015 that approved the gaming establishment project, albeit by a small majority; 50.5% in favor and 49.5% opposed (7173 yes, 7025 no, 1 blank). The Applicant will provide the City 18.5 million dollars before the gaming establishment opens for infrastructure improvements and other city costs. After opening, annual payments will be at least 10.3 million dollars, or more depending on the gaming revenues. This will be reduced to a minimum of 7 million dollars if a tribal casino is built in the region.

The Applicant has executed Surrounding Community Agreements with all nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman).

There is an executed Impacted Live Entertainment Agreements (ILEA) with Brockton 21st Century, which owns Campanelli Stadium and Shaw's Center.

The site plan provides for adequate access and egress to the gaming establishment and hotel for cars, buses and taxis. There is also an appropriate distinction between patron and employee access/egress.

The adequacy of the existing transportation network was evaluated using acceptable procedures including baseline and projected traffic volumes, trip generation rates and modeling. For the area intersections studied to date, a reasonable package of mitigation measures has been proposed. This primarily includes roadway and traffic signal improvements to Forest Avenue and West Street for an estimated total cost of \$10.2M. In addition, MassDOT is planning on upgrading Route 123 (Belmont Street) from Route 24 to West Street, the main access to the gaming establishment. The first two Phases of the DOT work on Belmont Street should be completed before the gaming establishment opens.

The following further traffic mitigation should be evaluated as part of the ongoing MEPA process:

1. Safety mitigation at the Route 27/West Street intersection.
2. Mitigation for the Belmont Street/Kenelworth Avenue intersection.
3. Reevaluate the proposed realignment of West Street in front of the gaming establishment with respect to the Belmont Street intersection.

In terms of transit, the Applicant is considering shuttle bus service, including connections to the Brockton Area Transit Authority (BAT) downtown station and integrating a gaming establishment bus stop with existing bus routes. These discussions with the BAT should continue, with minimum mitigation including a local bus stop at the gaming establishment and an evaluation of the viability of a shuttle service from the Brockton MBTA Station to the gaming establishment.

The payments by the Applicant to the City itemized in the Host Community Agreement and the Mitigation Agreement is sufficient to mitigate potential impacts to housing, schools and public safety (police and fire).

The Applicant's response to the Mitigation questions concerning responsible gambling practices and policies generally expressed a willingness to conform to the tactics described in the MGC Responsible Gaming Framework (RGF).

Though no agreement had been reached between the Applicant and the MA State Lottery ("Lottery") as of the time of the review of the Application, the Applicant demonstrated that it understood the need to reach an agreement with the Lottery and identified strategies from other states to incorporate into such an agreement. For example, the Applicant suggested several strategies to promote the lottery including point of purchase, direct mailing, promotional giveaways and social media marketing. See G.L. c.23K, §18(1).

This category was evaluated in a number of criteria as follows:

SUMMARY OF EVALUATION BY CRITERIA	
Criterion	Findings
Community Support	<p>The Applicant has executed a Host Community Agreement and associated mitigation documents with the City of Brockton. A certified election in Brockton was held in May 2015 that approved the gaming establishment project, albeit by a small majority; 50.5% in favor and 49.5% opposed. Further, most area public officials, including Mayor Bill Carpenter, spoke and commented in favor of the proposed project. <u>See</u> G.L. c. 23K, §18(19). The Applicant will provide the City 18.5 million dollars before the gaming establishment opens for infrastructure improvements and other city costs. After opening, annual payments will be at least 10.3 million dollars, or more depending on the gaming revenues. This will be reduced to a minimum of 7 million dollars if a tribal casino is built in the region.</p> <p>The Applicant has executed Surrounding Community Agreements with all nine designated communities (Abington, Avon, Easton, East Bridgewater, Holbrook, Pembroke, Stoughton, West Bridgewater and Whitman). These Agreements are similar in format and include payments for consultant and legal costs, a one-time Community Impact Fee paid before the gaming establishment opens and an Annual Community Impact Fee. The two communities (Easton and East Bridgewater) required mediation to reach an Agreement. Accordingly, the contents of Application, including the applicable attestations provided in Section B of the RFA-2 Application, demonstrate that G.L. c.23K, §§15 (7), and (8) have been satisfied, and that measures have been put in place to “mitigat[e] potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment” G.L. c. 23K, §18(14).</p> <p>The Agreement has been executed between the Applicant and Brockton 21st Century, which owns Campanelli Stadium and Shaw’s Center, to discuss joint marketing opportunities. The Applicant has given examples of similar agreements at their other casino locations and is aware of the importance of having good relations with local venues. The Applicant was not able to reach an agreement with the Massachusetts Performing Arts Coalition (MPAC).</p>
Mitigate traffic and Offsite Impacts	<p>The site plan provides for adequate access and egress to the gaming establishment and hotel for cars, buses and taxis. There is also an appropriate distinction between patron and employee access/egress. The adequacy of the existing transportation network was evaluated using acceptable procedures including baseline and projected traffic volumes, trip generation rates and modeling. For the area intersections studied to date, a reasonable package of mitigation measures has been</p>

	<p>proposed. This primarily includes roadway and traffic signal improvements to Forest Avenue and West Street for an estimated total cost of \$10.2M. In addition, MassDOT is planning on upgrading Route 123 (Belmont Street) from Route 24 to West Street, the main access to the gaming establishment. The first two Phases of the MassDOT work on Belmont Street should be completed before the gaming establishment opens.</p> <p>In terms of transit, the Applicant had shuttle bus service under consideration, including connections to the Brockton Area Transit Authority (“BAT”) downtown station and integrating a gaming establishment bus stop with existing bus routes. <u>See</u> G.L. c. 23K, §18(8).</p> <p>The payments by the Applicant to the City itemized in the Host Community Agreement and the Mitigation Agreement is sufficient to mitigate potential impacts to housing, schools and public safety (police and fire).</p>
<p>Measures to Promote Responsible Gaming and Address Problem Gambling</p>	<p>The Applicant’s response to the Mitigation questions concerning responsible gambling practices and policies generally expressed a willingness to conform to the tactics described in the Commission’s Responsible Gaming Framework (“RGF”). Unfortunately, responses to subsection “a” from the series of questions (describing how the strategy will be implemented) often lacked detail and rather restated, sometimes verbatim, language within the RGF. Responses to subsection “b” of these questions (historical application of strategy) generally discussed compliance with Pennsylvania Gaming Control Board regulations. Those regulations have some overlap with Massachusetts, though are less comprehensive than measures described in the RGF. The responses in total are viewed as sufficient – expressing willingness to conform with Commission expectations, but lacking detail, inventiveness, and initiative to flesh out responsible gaming practices in the Application. <u>See</u> G.L. c. 23K, §18(6).</p>
<p>Protect and Enhance the Lottery</p>	<p>No formal agreement with the Massachusetts State Lottery had been executed as of the date of the review of the Application. However, the Applicant demonstrated an understanding of the need to reach such an agreement, and identified strategies from other states to consider for incorporation. Further, the Applicant formally agreed to be a licensed state lottery sales agent under G.L. c.10 to sell or operate lottery, multi-jurisdictional and keno games; agreed to ensure that the lottery and keno games be readily accessible to the guests of the proposed gaming establishment, and agreed that, as a condition of a gaming license, it would agree will not create, promote, operate or sell games that are similar to or in direct competition, as determined by the commission, with games offered by the state lottery commission,</p>

	including the lottery instant games or its lotto style games such as keno or its multi-jurisdictional games. <u>See</u> G.L. c.23K, §§ 15(1) and 18(1).
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IV. Conclusion

Having carefully reviewed and evaluated all of the materials submitted to the Commission as part of the RFA-1 and RFA-2 Application processes along with materials gathered by the Commission as part of the review process including information and comments submitted by the public, all as outlined above, the Commission finds that MG&E has met the standards of suitability required under G.L. c.23K, has “met the eligibility criteria” outlined in G.L. c.23K and 205 CMR, see G.L. c.23K, §19(a) necessary to be awarded a gaming license, and has demonstrated “the business practices and the business ability [] to establish and maintain a successful gaming establishment” G.L. c. 23K, §12(a)(3). As such, the Commission finds that the Applicant is a suitable and qualified applicant for a Category 1 gaming license. The Commission further acknowledges that the Applicant, through its affiliates, designed, constructed and operates high quality gaming establishments in Illinois and Pennsylvania. The Commission also recognizes the challenges faced by the City of Brockton, and the benefits this proposed project may have prospectively contributed towards alleviating some of those challenges and encouraging further economic development in Brockton.

However, the Commission’s evaluation includes a multitude of factors in addition to the potential benefits that may be conferred on the host community. It must look at the entire region and Commonwealth as a whole. To that end, the Commission finds that the Applicant has not “provided convincing evidence that the applicant will provide value to [] region [C] and to the commonwealth” G.L. c.23K, §19(a). That is, the Applicant has failed to demonstrate that its proposed project would maximize revenue to the Commonwealth, see G.L. c.23K, §18(11), or that it would offer the highest and best value to create a secure and robust gaming market in Region C and the Commonwealth. See G.L. c.23K, §18(13). Ultimately, the Applicant did not articulate a clear vision nor provide any well-developed plans as to how it would achieve the same quality of results in Brockton as it has at its properties in other jurisdictions. However, while the Commission has determined not to grant a License to the Applicant, this determination should not be viewed, as described above, as a reflection upon the Applicant’s suitability or the Applicant’s ability to design, construct, or operate a quality gaming establishment. Accordingly, for all of the aforementioned reasons, the RFA-2 Application submitted by Mass Gaming & Entertainment, LLC, by a vote of four (4) in favor of denial and one (1) opposed, is hereby **DENIED**.

SO ORDERED.

MASSACHUSETTS GAMING COMMISSION

Stephen P. Crosby, Chairman

Enrique A. Zuniga, Commissioner

Gayle Cameron, Commissioner

Bruce Stebbins, Commissioner

Lloyd Macdonald, Commissioner (opposed)

DATED: May xx, 2016

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND
INTERNAL CONTROLS

138.63: Slot Machines and ~~Bill Changers~~ other Electronic Gaming Devices; 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~~ **electronic gaming devices** that, at a minimum, comport with 205 CMR

145.00: *Possession of Slot Machines and Electronic Gaming Devices*. **Such provisions shall at a minimum ensure that all locks, drop boxes, bill validator stackers, ticket vouchers, and revenue are removed from a device prior to removal from the gaming area or shipment out of the gaming establishment, and that slot seals affixed pursuant to 205 CMR 144.03(2)(b) are removed.**

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 144.00: APPROVAL OF SLOT MACHINES AND **OTHER** ELECTRONIC
GAMING ~~EQUIPMENT~~ **DEVICES** AND TESTING LABORATORIES

144.01: ~~Required Permits and Registration~~ **Delivery and Installation of Slot Machines, Electronic Gaming Devices, and Software**

(1) No new or modified **electronic** gaming device listed in 205 CMR 144.01(2) shall be:

- (a) ~~sold~~ **delivered to a gaming licensee** by a gaming vendor unless a prototype of the gaming device has ~~received a permit from the commission~~ **been certified** in accordance with 205 CMR 144.02**04 and notice provided in accordance with 205 CMR 144.02**; or
- (b) **installed, modified, operated, or moved** by a gaming licensee in a gaming establishment unless ~~the gaming device is registered with the commission in accordance with 205 CMR 144.03~~ **notice has been provided and approval received in accordance with 205 CMR 144.03.**

(2) The following **shall be considered electronic** gaming devices ~~require permitting and registration by the commission~~ **for purposes of 205 CMR 144.00:**

- (a) Slot machines;
- (b) Electronic table games;
- (c) Kiosks;
- (d) Wireless wagering devices;
- (e) Slot machine games;
- (f) Multiplayer systems;
- (g) Server supported slot systems;
- (h) Slot machine bonus systems;
- (i) Table game bonus systems;
- (j) Progressive systems;
- (k) Account based wagering systems;
- (l) Slot monitoring systems and casino management systems;
- (m) Gaming voucher systems;
- (n) Devices used in conjunction with a slot monitoring system or casino management system, unless the devices provide read-only functionality;
- (o) Devices used in conjunction with **electronic** gaming devices such as bill ~~acceptors~~ **validators**, printers, ~~and~~ coin acceptors that are not integrated into and tested as part of another gaming device; **and**
- (p) **Software required to be tested in accordance with the GLI standards as adopted and modified by 205 CMR 143.00.**

(3) For purposes of 205 CMR 144.00, a 'prototype' shall mean an electronic gaming device which consists of an individual component or collection of components assembled together to comprise a single electronic gaming device (e.g.- a unique model of a slot machine cabinet, electronic table game, or casino management system).

144.02: Permitting Delivery of Electronic Gaming Devices to a Gaming Licensee Prototypes

- (1) In order to receive a permit for an electronic gaming device to be approved for use in a gaming establishment, a gaming vendor, at its own expense, must submit the electronic gaming device for scientific testing and technical evaluation in accordance with 205 CMR 144.04 by a commission certified independent testing laboratory certified pursuant to 205 CMR 144.06 to determine compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*. The gaming vendor must provide the certified independent testing laboratory with all documentation and other materials necessary to conduct testing and evaluate compliance. The gaming vendor shall provide notice of submission of a new prototype for testing to the commission's gaming technology laboratory contemporaneous with submission to the independent testing laboratory.
- (2) Upon completion of testing certification of a prototype of an electronic gaming device by a certified independent testing laboratory, a gaming vendor may submit an application for permitting of deliver the electronic gaming device to the commission's gaming technology laboratory gaming licensee after providing notice to the commission, as directed, in accordance with 205 CMR 145.02(2). Upon receipt of the notice, the commission may deny entry of any electronic gaming device it determines may not be compatible with the commission's central monitoring system or for any reason necessary to protect the integrity of gaming in the Commonwealth. The commission may reject any gaming device permit application that is deemed administratively incomplete. The application for a gaming device permit shall be in the form prescribed by the commission and contain:
 - (a) the gaming vendor's name;
 - (b) the gaming vendor's license number pursuant to 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*;
 - (c) a unique name and version number for the gaming device for which the registration is sought;
 - (d) a copy of the commission certified independent testing laboratory report for the gaming device in accordance with 205 CMR 144.04;
 - (e) a list of all jurisdictions, at the time of gaming device permit submission, in which the gaming device has been granted or denied licensure registration or similar approval; and
 - (f) the application fee in accordance with 205 CMR 144.05.Provided, prior to delivery of any such electronic gaming device into the Commonwealth the gaming vendor and electronic gaming device shall be in compliance with 15 U.S.C. 1173.
- (3) Upon receipt submission of the electronic gaming device permit application prototype for testing to a certified independent testing laboratory in accordance with 205 CMR 144.02(1) and 144.04, the commission's gaming technology lab may require that the gaming vendor provide to the commission's gaming technology lab, at the gaming vendor's expense, a functioning prototype of the electronic gaming device as well as all software, documentation and other materials necessary to conduct testing and evaluate compliance. The commission's gaming technology lab may conduct any testing of the electronic gaming device it desires and require any further subsequent action.

- (4) The gaming vendor shall promptly notify the commission of any negative action taken in another jurisdiction or if it becomes aware of an issue that may negatively impact the reporting of revenue, game outcome, or the integrity of a device that has been submitted to the commission for permitting or has been permitted **delivered to a gaming licensee.**
- (5) Prior to issuing a permit and after completing a review of a proposed gaming device that has not been available for public use in other jurisdictions for at least 45 days, the commission may require a trial period of up to 45 days to test the gaming device in a gaming establishment. During the trial period, minor changes in the operation or design of the gaming device may be made with prior approval of the commission.
- (6) Upon reviewing a gaming device permit application and conducting any additional testing or trials that the commission requires, the commission shall issue a gaming device permit if the device meets the requirements of 205 CMR 144.02(7). If a gaming device does not meet the requirements of 205 CMR 144.02(7), the commission may deny the permit or issue the permit subject to conditions necessary for the gaming device to meet the requirements of 205 CMR 144.02(7). If the commission denies or conditions the gaming device permit, the commission shall provide a written notification containing the reason for the denial or condition. The gaming device permit shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 144.02(8).
- (7) Prior to permitting, a gaming device must:
 - (a) meet the applicable requirements of M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*; and
 - (b) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.
- (8) The commission, or its designee, may add, modify or remove conditions following the initial permitting of a gaming device as necessary to ensure the integrity of the gaming device or the effective administration of 205 CMR.
- (9) A gaming vendor may appeal a permit denial, permit revocation, or imposition of any condition on a permit by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 144.02(10) and provide the gaming vendor with reasonable notice containing the date, time, and location of the hearing.
- (10) Hearings convened pursuant to 205 CMR 144.02(9) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearing officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

144.03: Registration Installation and approval for use of an Electronic Gaming Device Inventory

(1) (a) ~~In order to register a~~ **No electronic gaming device for use in a gaming establishment, shall be installed or operated in a gaming establishment, nor shall a previously approved electronic gaming device be modified or moved, unless a gaming licensee must first submit a request for approval of the electronic gaming device registration application with to the commission's gaming technology laboratory, as directed, at least 5 days prior to the anticipated installation, operation, modification, or movement date and such request is approved. The commission may reject any gaming device registration application that is deemed administratively incomplete. The application for request for approval of an electronic gaming device registration shall be in the form prescribed by the commission. and contain, at a minimum:**

- (a) the gaming licensee's name;
- (b) the gaming device number issued by the commission for the permitted prototype on which the gaming device is based;
- (c) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming licensee intends to use in the gaming establishment;
- (d) in the case of a software gaming device, the maximum number of instances of the software that the gaming licensee intends to use at any one time in the gaming establishment;

(b) For purposes of 205 CMR 144.03, *modified* or *modification* means a change or alteration to a prototype of an electronic gaming device's software and/or hardware previously approved by the commission for installation or operation in Massachusetts (e.g.- change to control programs, change to the theoretical payout percentage, change of denomination, or a change to the hash signature). *Modified* or *modification* does not include replacement of one previously approved component with another previously approved component.

(2)

- (a) Upon reviewing receipt of a request for approval for installation, operation, or modification of an electronic gaming device registration application, the commission shall register the gaming device if the gaming device registration application is in compliance with the requirements and conditions of the gaming device permit on which the device is based **validate and process the information provided in accordance with 205 CMR 144.03(1) relative to each electronic gaming device. Validation shall be conducted in accordance with 205 CMR 144.03(3). Upon validation, the commission's network operations center shall notify the IEB of its assent to approval and shall assign the device a unique identification number. The gaming device registration approval shall not expire, but shall be subject to revocation and any future conditions imposed in accordance with 205 CMR 144.03(4). An electronic gaming device that does not comport with 205 CMR 144.03(3)(a) through (d) and cannot be validated shall be denied approval. Such a denial may be appealed in accordance with 205 CMR 144.03(5).**
- (b) Upon receipt of the assent to approval in accordance with 205 CMR 144.03(2)(a) the IEB shall notify the gaming license and coordinate an inspection of the device in its intended location within the gaming area prior to operation. An inspection of the device, to be performed by a gaming agent, shall include, at a minimum, confirmation of a

proper identification number issued in accordance with 205 CMR 144.03(2)(a), confirmation of proper surveillance coverage, and any necessary connectivity and operability testing. Upon satisfactory inspection of a new device by the IEB, a gaming agent shall place a seal on the device indicating approval.

- (c) Upon satisfactory completion of its inspection the IEB shall indicate in the commission's records that the device is 'Approved for Use', and the device may be placed into operation by the gaming licensee. Operation of an electronic gaming device by a gaming licensee prior to being "Approved for Use" in accordance with 205 CMR 144.03(2)(c), or after revocation of such approval in accordance with 205 CMR 144.03(4), may result in the device being ordered out of operation and disciplinary measures, including a fine, being assessed upon the gaming licensee and any responsible party.
- (3) ~~A registered~~ In order for an electronic gaming device to be validated as required in accordance with 205 CMR 144.03(2)(a), all information provided in accordance with 205 CMR 144.03(1) must be provided, and each individual electronic gaming device, including the game critical content, must:
- (a) be identical in all ~~material~~ mechanical, electrical, electronic or other material aspects to the prototype ~~permitted~~ **certified** in accordance with 205 CMR 144.0204 on which the **electronic** gaming device is based;
 - (b) comply with any conditions **placed upon** of the ~~permitted~~ prototype on which the **certification of the electronic** gaming device is based; ~~and~~
 - (c) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth; ~~and~~
 - (d) where applicable, be interoperable with the commission's central monitoring system. Where an electronic gaming device is not interoperable with the commission's central monitoring system, the commission reserves the right to inspect/validate the device prior to operation.

An electronic gaming device that the commission determines does not comport with 205 CMR 144.03(3)(a) through (d) may be deemed a new gaming device requiring completion of a full certification procedure in accordance with 205 CMR 144.02.

- (4) The gaming licensee must ensure that the ~~registered~~ **approved electronic** gaming device is and remains in compliance with 205 CMR 144.03(3) at all times. The commission may at any time inspect any ~~registered~~ **approved electronic** gaming device and revoke or condition the ~~registration~~ **approval** if that device fails to comply with 205 CMR 144.03(3) **or in any way fails to operate in the manner for which it was approved**. Prior to revoking or conditioning the ~~registration~~ **approval** of an **electronic** gaming device currently in use in a gaming establishment the commission shall, **when possible**, allow the gaming licensee a reasonable amount of time to bring the device into compliance.
- (5) A gaming licensee may appeal a ~~registration~~ denial, ~~registration~~ revocation, or imposition of any condition on ~~registration~~ **an approval or 'Approval for Use'** by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall schedule a hearing to be conducted - in accordance with 205 CMR 144.03(6) and provide the gaming licensee with reasonable notice containing the date, time, and location of the hearing.

- (6) Hearings convened pursuant to 205 CMR 144.03(5) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearing officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.
- (7) A gaming licensee shall inform the commission's gaming technology laboratory **and the IEB** of any ~~registered~~ **approved electronic** gaming device that the gaming licensee no longer possesses ~~no later than the second Monday of the month following termination of possession~~ **by indicating such on the Slot Machine Master List provided in accordance with 205 CMR 145.01(2).**
- (8) **Prior to issuing an approval or "Approval for Use" of an electronic gaming device the commission may require a trial period of a length to be established on a case by case basis to test the gaming device in a gaming establishment to determine whether it complies with 205 CMR 144.03(3). During the trial period, minor changes in the operation or design of the electronic gaming device may be made with prior approval of the commission.**
- (9) **Subsequent to an electronic gaming device being deemed 'Approved for Use' in the gaming area pursuant to 205 CMR 144.03(2)(c), an electronic gaming device may only be moved or modified in accordance with the gaming licensee's approved system of internal controls submitted in accordance with 205 CMR 138.63 which shall incorporate the notice and approval provisions contained in 205 CMR 144.03.**

144.04: Required Testing by Independent Testing Laboratories

- (1) Any testing by a commission certified independent testing laboratory for the purposes of permitting a gaming device shall be conducted in compliance with M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* and 144.00.
- (2) The independent testing laboratory shall issue a report of the testing results to the gaming vendor **and to the commission pursuant to 205 CMR 145.02(2)**. Such report shall contain:
 - (a) the part and version numbers of the **electronic** gaming device tested;
 - (b) attachments containing documents sufficient to describe the functionality and operation of all material components of the **electronic** gaming device;
 - (c) a description of all tests conducted and the results of such tests;
 - (d) a statement as to whether each of the components within the **electronic** gaming device, each interaction between components, and the device as a whole is compliant with the latest version of M.G.L. c. 23K and 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment* as of the start date of testing;
 - (e) the date the **electronic** gaming device was submitted for testing;
 - (f) the start and end dates of the **electronic** gaming device testing;
 - (g) the location of the facility used to perform the testing; and
 - (h) a statement, signed under penalty of perjury, that all information provided in the report is accurate and complete.

- (3) The independent testing laboratory's report shall not contain any information in its body that if publically released may harm the integrity of the **electronic** gaming device, but such information may be disclosed in an attachment.
- (4) The independent testing laboratory may communicate with the applicant to request additional documentation or to discuss potentially non-compliant components. The independent testing laboratory shall log any communication between itself and the applicant and be able to provide to the commission copies of all documents transmitted to or from the applicant for at least seven years following the issuance of the report.
- (5) The independent testing laboratory may rely on testing conducted and data collected from testing conducted for another jurisdiction, whether by the independent testing laboratory or by another entity, if the testing was performed by an independent party with no apparent interest in the result. An independent testing laboratory relying on such external testing or data must clearly identify in its report all such reliance and independently verify the validity of such data or testing by making a finding that the methods described in the earlier test are reliable and there is no indication that the data are incorrect.
- (6) An independent testing laboratory may rely on any data or results of testing conducted by a commission certified independent testing laboratory when such testing was conducted for purposes of permitting an **electronic** gaming device in the Commonwealth. Any reliance pursuant to 205 CMR 144.04(5) or (6) must be clearly identified in the report.

144.05: Fees for Testing, Permitting, and Registration of Gaming Devices

- (1) ~~A gaming vendor seeking a gaming device permit shall remit appropriate fees to the commission along with or prior to the gaming device permit application. The application fee for submitting a new gaming device for permitting or for modification of a currently permitted gaming device is \$500. If the Commission's costs for testing, in accordance with the fee schedule posted by the Commission to its website, exceed the initial application fee, the gaming vendor shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.~~ **The commission may assess a fee representing the cost associated with the testing of any electronic gaming device by the commission's gaming technology lab in accordance with 205 CMR 144.02(3).**
- (2) A gaming vendor requesting that a commission certified independent testing laboratory conduct testing shall pay all costs of the testing directly to the independent testing laboratory.
- (3) ~~There is no fee for registering a gaming device based on a permitted prototype of the same device.~~

144.06: Independent Testing Laboratory Certification and Auditing

- (1) **Certification Process.** In order to provide testing services of **electronic** gaming devices in Massachusetts, a person must be certified as an independent testing laboratory in accordance with 205 CMR 144.06. The certification process will take place as follows:
 - (a) The commission may issue yearly a request for applications from applicants interested in being certified as independent testing laboratories.
 - (b) Upon receipt of an application in the form prescribed in 205 CMR 144.06(5) the gaming technology laboratory and the bureau shall conduct any investigation they deem reasonable, including any visit, review or inspection of each independent testing laboratory seeking certification to evaluate the laboratory's qualifications and capabilities pursuant to 205 CMR 144.06(3).

- (c) The applicant is required to submit a \$5,000 application fee with its application for certification. If the Commission's costs associated with the investigation, including site visits, inspections, and background investigations, of the applicant during the certification evaluation period, in accordance with the fee schedule posted by the Commission to its website, exceed the application fee, the applicant shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.
 - (d) Upon the conclusion of evaluation and upon full payment of any costs associated with the certification process, the gaming technology laboratory, with the input of the bureau, shall issue a written report to the commission and to the applicant. The commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the commission may only utilize the public hearing process with the applicant's consent.
 - (e) If the commission determines that an adjudicatory proceeding will be held, the commission shall conduct an adjudicatory proceeding in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A on the gaming technology laboratory's report under 205 CMR 144.06(1)(d) concerning the applicant. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission will issue a public notice in advance of the adjudicatory proceeding stating the date, time and place of the hearing. The commission shall issue a final decision granting or denying the certification within 30 days of the hearing.
 - (f) If the commission determines that a public hearing should be held, the commission shall review the gaming technology laboratory's report and make a final decision granting or denying the certification at a public hearing. The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing.
 - (g) Certification as an independent testing lab shall be valid for one year and shall automatically renew annually thereafter upon payment of a renewal and audit fee of \$2,000. The commission may audit the compliance of the certified independent testing laboratory with commission requirements annually or more often if needed. The commission may revoke the registration of a certified independent testing laboratory if the testing laboratory no longer meets the requirements of M.G.L. c. 23K and 205 CMR.
 - (h) The commission shall maintain a list of certified independent testing laboratories along with the categories of gaming device that each independent testing laboratory may test.
- (2) Categories of Certification. Each independent testing laboratory must be certified for each category of testing for which the laboratory seeks to provide results. The categories of testing include:
- (a) **Electronic g**Games and game variations;
 - (b) **Electronic g**Gaming devices and gaming device modifications;
 - (c) Gaming associated equipment and gaming associated equipment modifications;
 - (d) Cashless wagering systems and cashless wagering system modifications;
 - (e) Inter-casino linked systems and inter-casino linked system modifications;
 - (f) Mobile gaming systems and mobile gaming system modifications;
 - (g) Interactive gaming systems and interactive gaming system modifications; and
 - (h) Any other category of testing that the commission may deem appropriate.

- (3) Standards for Certification. To qualify for certification, the independent testing laboratory, must:
- (a) Be independent pursuant to 205 CMR 144.06(4)
 - (b) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement;
 - (c) Demonstrate suitability in accordance with M.G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence after considering reciprocity from other jurisdictions;
 - (d) Demonstrate that it is technically competent in testing the category of game, device, or system in which it is seeking certification; and
 - (e) Demonstrate that it is technically competent to test compliance with the applicable Massachusetts statutes, regulations, standards and policies.
- (4) Independence. An independent testing laboratory must be independent at all times while certified by the commission.
- (a) To be considered independent from a manufacturer, distributor, or operator pursuant to 205 CMR 144.06(3)(a), the independent testing laboratory, including its employees, management, directors, owners, compliance committee members and gaming regulatory advisors, with the exception of the independent testing laboratory's external accountants and attorneys:
 - (1) Must not have a financial or other interest, direct or otherwise, in a manufacturer, distributor, or operator of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, regardless of whether or not the person or entity is licensed, registered, or otherwise does business in Massachusetts;
 - (2) Must not participate, consult, or otherwise be involved in the design, development, programming, or manufacture of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto;
 - (3) Must not have any other interest in or involvement with a manufacturer, distributor, or operator that could cause the independent testing laboratory to act in a manner that is not impartial; and
 - (4) Such individuals shall not serve in any capacity with a manufacturer, distributor, or operator beyond the scope of the independent testing laboratory's engagement pursuant to these regulations.
 - (b) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit an independent testing laboratory, or the above listed individuals, from providing consulting services to a manufacturer, distributor, or operator, provided that such services do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game,
 - (c) gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.
 - (d) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit its ability to accept fees from a gaming device vendor in accordance with 205 CMR 144.05.

- (5) Form of Application. An application for certification as an independent testing laboratory shall be in the form prescribed by the commission and contain:
- (a) The required application fee pursuant to 205 CMR 144.06(1)(c);
 - (b) A completed business entity disclosure form as set forth in 205 CMR 134.07(6): *Business Entity Disclosure Form - Gaming Vendor - Primary* for the applicant entity;
 - (c) Completed multi-jurisdictional personal history disclosure forms as set forth in 205 CMR 134.07(1): *Multijurisdictional Personal History Disclosure Form for Key Gaming Employees- Executive and Gaming Vendor Qualifiers* for each person who would be a gaming vendor qualifier pursuant to 205 CMR 134.04(4): *Gaming Vendor Qualifier* if the applicant were a gaming vendor;
 - (d) Copies of all ISO/IEC 17025 certification and accreditation materials except if the independent testing laboratory is only seeking registration for the testing of games and game variations;
 - (e) All ISO required internal controls, policies and procedures, except if the independent laboratory is only seeking registration for the testing of games and game variations;
 - (f) Detailed description of the testing facilities;
 - (g) Detailed description of available testing staff and staff qualifications, including education, training, experience and skill levels;
 - (h) Detailed description of available testing equipment;
 - (i) Copies of documented policies, systems, programs, procedures and instructions to assure the quality of test results;
 - (j) Copies of all test scripts to be used for testing against the applicable Massachusetts statutes, regulations, standards, and policies.
 - (k) A statement subscribed by the applicant that:
 - (1) The information being provided to the commission is accurate and complete;
 - (2) The applicant agrees to cooperate with all requests, inquiries, or investigations of the commission;
 - (3) The applicant acknowledges that the commission shall retain jurisdiction over the independent testing laboratory in any matter involving a gaming device;
 - (4) The applicant acknowledges that it will comply with M.G.L. c. 23K, § 13(b) and (c) and update the commission in accordance with 205 CMR 144.06(6);
 - (5) The applicant agrees to indemnify and hold harmless the Commonwealth of Massachusetts and the commission, and each of their members, agents, and employees in their individual and representative capacities against any and all claims, suits and actions, brought against the persons named in 205 CMR 144.06(5)(k)5. by reason of any inspections or certifications performed by the applicant as a certified independent testing laboratory, and all other matters relating thereto, and against any and all expenses, damages, charges and costs, including court costs and attorney fees, which may be sustained by the persons and entities named in this subsection as a result of said claims, suits and actions; and
 - (l) any additional information that the commission may require.
- (6) Notification Requirements. Certified independent testing laboratories shall:
- (a) notify the commission of any change in ownership of the certified independent testing laboratory if it is privately held or any change in ownership resulting in shareholding of

- 5% or more of the independent testing laboratory or any of its holding or intermediary companies; any change in directors, executives, or key management or employees of the independent testing laboratory, and any other material changes to the information included in its application for registration or the information submitted in conjunction with or subsequent to its application within 30 days of such change;
- (b) no later than by the 15th day of each January, inform the commission in writing of any changes to the information that was contained on the registered independent testing laboratory's application for registration or submitted in conjunction with or subsequent to its application or that no changes have occurred since the last reporting date;
 - (c) maintain copies of the results of any ISO/IEC 17025 audits or reviews and notify the commission in writing of the availability of the results within 15 days of when they become available to the registered independent testing laboratory and provide copies to the commission upon request.
 - (d) notify the commission immediately of any material issues concerning any gaming device that it tested for use in Massachusetts;
 - (e) notify the commission immediately of any attempts by a manufacturer, distributor, or operator to improperly influence the certified independent testing laboratory, or any of its employees, managers, or owners, in or in connection with any testing of gaming devices for use in Massachusetts; and
 - (f) timely provide the commission with such other information as the commission may request or require.
- (7) Continued Obligations. Certified independent testing laboratories shall abide by the following requirements while certified:
- (a) In the interest of preserving a competitive gaming industry, a certified independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would inhibit or prevent a manufacturer, distributor or operator that has otherwise been deemed suitable for doing business in Massachusetts by the commission from submitting a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, for testing for use in Massachusetts, or that would call into question or tend to erode the independence of the certified independent laboratory from any clients that utilize its services.
 - (b) All testing shall be performed by a person directly employed by the certified independent testing laboratory. The certified independent testing laboratory shall not assign, delegate, subcontract, or otherwise engage any person not directly employed by the certified independent testing laboratory for any testing for which the laboratory has been certified. The certified independent testing laboratory shall provide the commission every six months, or upon request as the commission requires, with a list and description of all amounts paid by or invoiced to licensed gaming vendors for costs of gaming device testing or otherwise.
 - (c) A certified independent testing laboratory shall implement and maintain a hiring and background check process, which shall be submitted to the commission and subject to the commission's approval, that ensures, at a minimum, that no person is hired in a position involving testing relating to Massachusetts, or in a position overseeing or managing an employee in such a position, who has:

- (1) been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
 - (2) Had any gaming license, registration or other like credential revoked or committed any act which is a ground for the revocation of a gaming license, registration or other professional credential held by the person or would have been a ground for the revocation of a gaming license, registration or other professional credential had the person held such license, registration, or credential.
- (d) A certified independent testing laboratory shall handle all information and data prepared or obtained as part of the testing process as confidential.
 - (e) A certified independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software, and other information entrusted to it as part of the testing process.
 - (f) The commission may, as appropriate, periodically provide further guidance as to what is required of a certified independent testing laboratory through industry notices or other written communications.
 - (g) If a certified independent testing laboratory hires an individual who was previously employed by, or performed any work for, a manufacturer, distributor or operator within one year prior to the individual's date of employment with the independent testing laboratory, the certified independent testing laboratory shall not permit that person to test any gaming device for use in Massachusetts, for which the person had any involvement with, whatsoever, while he or she was employed by the manufacturer, distributor or operator for a period of one year from the individual's date of employment with the independent testing laboratory.

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 145.00: POSSESSION OF SLOT MACHINES AND OTHER
ELECTRONIC GAMING DEVICES

145.01: Possession of Slot Machines and Other Electronic Gaming Devices

(2) Each gaming licensee shall file, prior to the commencement of gaming and every thirty days thereafter with the commission a comprehensive lists of:

- (a) The slot machines and bill validators and/or bill changers not integrated into a slot machine in the gaming area (the “Slot Machine Master List”);
- (b) The slot machines possessed by the licensee in restricted areas outside the gaming area but on the premises of its gaming establishment;
- (c) The slot machines possessed by the licensee at locations in the commonwealth but off the premises of its gaming establishment

(3) At a minimum, each list of slot machines required by 205 CMR 145.01(2) shall contain the following information, as applicable, for each slot machine and any accompanying bill validator and/or bill changer on the “Slot Machine Master List” in consecutive order by location number:

- (a) The date on which the list was prepared;
- (b) A description of each slot machine by:
 - 1. Slot machine model and serial number and ~~registration~~ **unique identification** number issued in accordance with 205 CMR ~~144.00: Approval of Slot Machines and Electronic Gaming Equipment and Testing Laboratories~~ **144.03(2)(a)**;
 - 2. Computer program number;
 - 3. Denomination;
 - 4. Manufacturer and machine type; and
 - 5. ~~Whether the slot machine has an electronic funds transfer (EFT) feature~~ **Any other information directed by the Commission.**

145.02: Transportation of Slot Machines and Other Electronic Gaming Devices

(2) Any person moving a slot machine **or other electronic gaming device**:

- (a) into the Commonwealth;
- (b) from one authorized location to another authorized location within the Commonwealth unless both locations are operated and controlled by the same gaming licensee; **or**
- (c) ~~or~~ out of the Commonwealth **;**[insert space]

shall first notify the commission **at least 5 days in advance of the movement** in writing that provides the following information:

1. The full name and address of the person shipping or moving the machine **or device**;
2. The full name and address of the person who owns the machine **or device**, including the name of any new owner in the event ownership is being changed in conjunction with the shipment or movement
3. The method of shipment or movement and the name of the carrier or carriers;
4. The full name and address of the person to whom the machine **or device** is being sent and the destination of the machine **or device** if different from such address;
5. The quantity of machines **or devices** being shipped or moved and the manufacturer's serial number of each machine;
6. The expected date and time of delivery to or removal from any authorized location in the Commonwealth;
7. ~~The port of entry, or exit, if any, of the machine if the origin or destination of the machine is outside the continental United States~~ **a copy of the certification report issued by the independent testing laboratory in accordance with 205 CMR 144.04(2); and**
8. The reason for transporting the machine **or device**.

(3) The person shipping or moving any slot machine **or other electronic gaming device** in accordance with 205 CMR 145.02 shall provide to the shipper a document, at least one copy of which shall be kept with the slot machine **or other electronic gaming device** at all times during the shipping process, that contains the following information, at a minimum:

- (a) The manufacturer's serial number of the slot machine **or other electronic gaming device** being transported;
- (b) The full name and address of the person from whom the machine **or device** was obtained;
- (c) The full name and address of the person to whom the machine **or device** is being sent; and
- (d) The dates of shipment

~~(4) Any person, company, or school receiving a slot machine shipment from outside of the Commonwealth shall, within three business days of receipt, provide the commission with the information enumerated in 205 CMR 145.02(2).~~

(5) Any person moving a slot machine **or other electronic gaming device**:

- (a) within a gaming establishment; or
- (b) between two authorized locations within the Commonwealth if both locations are operated and controlled by the same gaming licensee; **[insert space]** shall **file a request for approval pursuant to 205 CMR 144.03 and** record such movement in a log maintained in accordance with the record retention requirements contained in 205 ~~CMR 135.00: Monitoring of Project Construction and Licensee Requirements~~**138.09** and include the following:

1. The manufacturer's serial number
2. The casino operator's equipment number, if applicable;
3. An indication as to whether the equipment is equipped for tokenization, and if so, the denomination;
4. The date and time of movement of the equipment;
5. The location from which the equipment was moved;

6. The location to which the equipment was moved; and
7. The printed name(s) and signature(s) of the person(s) involved in moving the equipment

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No Documents