



## **MASSACHUSETTS GAMING COMMISSION MEETING**

May 29, 2014  
10:30 a.m.

**Boston Convention and Exhibition Center**  
415 Summer Street, Room 107-A  
Boston, MA



Massachusetts Gaming Commission



## **NOTICE OF MEETING and AGENDA**

May 29, 2014

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

Thursday, May 29, 2014

10:30 a.m.

Boston Convention and Exhibition Center  
415 Summer Street, Room 107A  
Boston, MA

### **PUBLIC MEETING - #122**

1. Call to order
2. Approval of Minutes
  - a. May 15, 2014
3. Design Excellence Comments – John Nunnari, Executive Director – AIA Massachusetts
4. Administration – Rick Day, Executive Director
  - a. Penn National Gam Project Schedule– J. Pinck, Pinck & Co - VOTE.
  - b. FY15 Draft Budget – D. Lennon, CFAO

12:30 Break

5. Horse Racing – Jennifer Durenberger, Director
  - a. Administrative Update
  - b. Horse Welfare Values - VOTE
  - c. Duty to Report and Compact Summary
  - d. Suffolk Request to Amend Live Racing Schedule
6. Legal Division – Catherine Blue, General Counsel
  - a. Surveillance, Disclosure and Administrative Regulations – K. Wells, Investigations and Enforcement Bureau, Director
  - b. ATM Banking Rules
  - c. Diversity Plan – State of the Law and Enforcement Options
7. Region A
  - a. Master Licensing Schedule – Region A – R. Day, Executive Director and J. Ziemba, Ombudsman
  - b. Decision Making Process – J. Ziemba, Ombudsman
  - c. Chelsea/Wynn Variance - VOTE

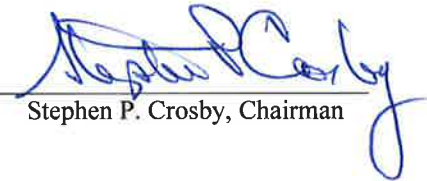


Massachusetts Gaming Commission

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 “Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

5/22/14  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** May 27, 2014 at 10:30 a.m.



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)




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## Meeting Minutes

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**Date/Time:** May 15, 2014 – 10:30 a.m.

**Place:** Hynes Convention Center  
900 Boylston Street, Room 311  
Boston, Massachusetts

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

**Absent:** None

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

### Call to Order

See transcript page 2.

10:31 a.m. Chairman Crosby called to order the 121st public meeting.

### Approval of Minutes

See transcript pages 2-6.

10:32 a.m. Commissioner McHugh stated that the minutes for May 1, May 2, and May 8 are ready for approval.

*Motion made by Commissioner McHugh that the minutes of May 1, 2014 be accepted subject to the addition discussed and any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Zuniga. The motion passed unanimously.*

*Motion made by Commissioner McHugh that the minutes of May 2, 2014 be accepted subject to any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

*Motion made by Commissioner McHugh that the minutes of May 8, 2014 be accepted subject to the correction discussed and any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*

### **Workforce Development and Diversity**

See transcript pages 6-48.

- 10:36 a.m. Director Griffin, along with Karen Bailey, Jack Rauen, Emil Giordano, Lance George, and Jeff Morris, on behalf of Penn National and Turner Gaming, presented the revised Diversity Plan for Plainridge Park Casino and responded to the Commission's questions. General Counsel Blue presented the status of the legal department's research on enforcement penalties.
- 11:01 a.m. *Motion made by Commissioner Stebbins that the Commission give final approval to the Plainridge Park Diversity Plan as presented with the recommended changes presented today and the additions recommended by Commissioner Zuniga. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 11:02 a.m. Director Griffin and Deputy General Counsel Grossman presented the updated version of the Commission's draft regulations relative to gaming schools and requested approval to begin the process of promulgation.
- 11:26 a.m. *Motion made by Commissioner Stebbins that the Commission approve the draft regulations of 205 CMR 137 relative to gaming schools to begin the formal promulgation process with the small business impact statement presented to the Commission in two weeks. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

### **Research and Problem Gambling**

See transcript pages 48-70.

- 11:27 a.m. Director Vander Linden presented an update on the responsible gaming framework and the public comments received. Director Vander Linden discussed his recommendations for changes to the framework and asked that the Commission seek further public comment on several additional questions.
- 11:52 a.m. The Commission took a brief recess.

### **Administration**

See transcript pages 70-116.

- 12:01 p.m. Executive Director Day provided an administrative update relative to hiring, internal policies, and the licensing management system.

- 12:03 p.m. Executive Director Day and Jennifer Pinck provided an update relative to the construction monitoring process and responded to the Commission's questions.
- 12:28 p.m. Executive Director Day requested that the Commission approve the filing of the assessment, arbitration, and voluntary self-exclusion regulations with the Secretary of the Commonwealth and discussed the comments received on the self-exclusion regulations.
- 12:52 p.m. *Motion made by Commissioner McHugh that the Commission approve the regulations and small business impact statement as contained in the packet, with the corrections discussed, for filing with the Secretary of the Commonwealth. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 12:52 p.m. Executive Director Day presented Director Durenberger's approval of the Suffolk Downs request to cancel two racing days.
- 12:53 p.m. Chairman Crosby left the meeting. The Commission took a recess for lunch.

**Region A**

See transcript pages 116-145.

- 1:50 p.m. General Counsel Blue presented the decision in principle relative to the premises of the proposed gaming establishments of Mohegan Sun Massachusetts and Wynn MA.
- 1:53 p.m. *Motion made by Commissioner Zuniga that the Commission approve the decision as drafted and presented here today relative to the determination of the premises proposed by Mohegan Sun Massachusetts and Wynn MA. Motion seconded by Commissioner Cameron. The motion passed unanimously by a 4-0 vote.*
- 1:55 p.m. Ombudsman Ziemba introduced the issue of designating the City of Boston as a surrounding community and described the procedures in the surrounding community negotiation process.
- 1:57 p.m. *Motion made by Commissioner Cameron to designate the City of Boston as a surrounding community to the applications of both Mohegan Sun Massachusetts and Wynn MA. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 4-0 vote.*
- 2:00 p.m. Ombudsman Ziemba presented the updated schedule for Region A.
- 2:08 p.m. Commissioner McHugh introduced the need to develop a process for decision making in Region A and the Commission agreed to discuss proposals at the following public meeting.

- 2:13 p.m. Commissioner McHugh introduced a request from a representative of the American Institute of Architects to present his comments on the design aspects of gaming establishments. The Commission agreed to allow the representative to speak at a future public meeting.
- 2:19 p.m. General Counsel Blue described the divestiture trust for Caesars and recommended approval of the trust and trustee subject to the trustee completing suitability.
- 2:24 p.m. *Motion made by Commissioner Zuniga that the Commission approve the Caesars divestiture trust and the appointment of Stephen Oleskey as the trustee subject to the successful completion of the background investigation. Motion seconded by Commissioner Cameron. The motion passed unanimously by a 4-0 vote.*
- 2:24 p.m. Meeting adjourned.

### **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission May 15, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission May 1, 2014 Meeting Minutes
3. Massachusetts Gaming Commission May 2, 2014 Meeting Minutes
4. Massachusetts Gaming Commission May 8, 2014 Meeting Minutes
5. Diversity Plan for the Design and Construction Phase of Plainridge Park Casino
6. DRAFT 205 CMR 137
7. Massachusetts Gaming Commission May 15, 2014 Memorandum Regarding Response to Commentary on the Draft Responsible Gambling Framework and Attachments
8. Massachusetts Gaming Commission Oversight Project Manager Update – May 12, 2014
9. OPM Report Template
10. Amended Small Business Impact Statement (amended 205 CMR 118.06, 121 and 125.01) and (205 CMR 133)
11. DRAFT 205 CMR 133 with Penn Comments
12. Suffolk Downs May 9, 2014 Request
13. Massachusetts Gaming Commission May 20, 2014 Memorandum Regarding Request to Cancel Live Racing on May 20 and May 27, 2014
14. Massachusetts Gaming Commission May 13, 2014 Memorandum Regarding Post-time Changes at Suffolk Downs
15. Massachusetts Gaming Commission Decision Regarding the Determination of Premises of the Gaming Establishment for Mohegan Sun MA, LLC and Wynn MA, LLC
16. Massachusetts Gaming Commission May 15, 2014 Memorandum Regarding Sterling Suffolk Racecourse, LLC-Caesars Divestiture Trust

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary



## **MEMORANDUM**

To: Massachusetts Gaming Commission (MGC)  
From: John Nunnari, Executive Director, AIA Massachusetts  
Date: 05/27/14  
Re: A Request Seeking Public Comment: Design for Category 1 applications

At the request of Commissioner McHugh, please see below for a description of the process AIA MA intends to use in order to organize a professional response to the MGC request for public comments.

### **Review Format:**

The Board of AIA MA has agreed that the best format for offering an organized professional response would be to utilize a process familiar to both architectural professionals and students alike. The process has many names, but its machinations are same.

- A design proponent displays all their work (drawings/sketches/models) before a gathering of their peers.
- Utilizing the drawings/sketches/models as the physical manifestations of the proposed design scheme, the proponent verbally explains their design scheme to the gathering of peers
- Upon conclusion of the proponents presentation, the peers then offer their thoughts, comments and suggestions on both the basis of the design scheme itself and the accompanying documentation (drawings/sketches and models)

While all agreed this format would be best for gathering comments, the group grappled with the question as to whether the design teams for the three casino applicants (the design proponents described above) should be in attendance to present their designs. After some discussion most agreed that it would be better to not have the proponent design teams present, with the rationale being that AIA MA should react to the same information that has been made available to the general public. After some further discussion it was then suggested that we at least make the design teams aware of the time/date of our gathering and let them know that they are welcome to attend. All agreed but with the caveat that AIA MA make clear to the design teams that we are not asking them to present their proposals, but instead offering them an opportunity to listen to peer commenting (\*\*Note - given the May 30<sup>th</sup> timeframe for Springfield, this process can only occur for the Everett and Revere reviews. See Special Notes below).

### **Nine member peer designees:**

Each of the three chapters will respectively choose three people to represent them during the review. In other words, AIA Western MA will designate three of its members, AIA Central MA will designate three of its members and Boston Society of Architects will designate three of its members. These nine people will represent the core of the review team. It was suggested that each of three chapters consider some of the panelists from Casino Design Forum as their designees, and it was also suggested that urban planners, designers and people with experience in large scale projects also be considered in addition to architects. While a final date and time has not been set, all agreed the gathering should occur sometime between June 16<sup>th</sup> and 20<sup>th</sup>.

### **Rules of Review Conversation:**

In noting that the proponent design teams will not be presenting their proposals, thus giving the nine members peer designees something to react to other than just drawings, the question was raised as to how to organize the review conversation so that it doesn't turn into a free for all. All agreed a moderator should





be employed to help facilitate the discussion. At its upcoming Board meeting on June 11<sup>th</sup>, AIA MA will discuss the parameters that the moderator will use to guide the discussion.

**Special Notes:**

**Springfield** - As the MGC has decided to extend the public commenting deadline on the Springfield proposal till May 30<sup>th</sup>, the Western MA chapter of AIA is gathering a group of professionals (UMASS Amherst architecture professors and other local design professionals) on Wednesday, 5/28 to review and comment on the sole Springfield proposal. All comments will be captured and submitted by the 5/30 deadline.

With regard to this process being different than that described above (nine member peer designees), a question was raised as to whether the comments to be submitted will be done so as official comments from AIA MA. The short answer is no. The comments that will be gathered and submitted will be done so as a group of design professionals who happen to live and work in MGC's designated Region B (Western MA) area. Due to the short time frame for commenting, it is impossible to both designate the nine members peer designees that will be used for Everett and Revere and get them to agree to participate in a review on the 28th. That being the case, and so as to ensure professional comments are submitted, the Springfield process as noted above was agreed upon.

**Everett and Revere proposals** – As the MGC deadline for commenting on both Everett and Revere proposals is June 30th, and with AIA MA's professional gathering to occur sometime during the week of June 16th - 20th, there will be ample time to collect all the review comments, organize them, edit them, and then finally submit them for review and sign-off by the Board of AIA MA. In other words, the comments submitted to the MGC regarding the Everett and Revere proposals will be done so on behalf of AIA MA. In addition, the Board of AIA MA has agreed that the date and time of the review will be made public to all AIA members and that their attendance and participation will be encouraged.

From: Antonio Camargo <aecamargo@hotmail.com>  
Sent: Monday, May 26, 2014 7:25 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
We want Jobs  
Antonio Camargo  
aecamargo@hotmail.com  
02148

From: Catherine Gibbons <boopgibbons@gmail.com>  
Sent: Monday, May 19, 2014 7:38 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
the design is beautiful as a gateway to our city.  
Catherine Gibbons  
boopgibbons@gmail.com

From: Shawn Brennan <Shawnpbrennan@gmail.com>  
Sent: Saturday, May 17, 2014 8:33 AM  
To: MGCcomments (MGC)  
Subject: Building Design  
I fully support the design and infer structure improvements proposed  
Shawn Brennan  
Shawnpbrennan@gmail.com  
120 holcott dr  
Attleboro, Ma 02703

From: Pat Knapp <pjkpjk1@aol.com>  
Sent: Thursday, May 15, 2014 1:34 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
When the man over seeing the Bethlehem, Pa (Robert DeSalvio) built that casino he took many things into consideration to keep the feel of the what was there before. I can only imagine what Fabulous things they can do in Mass.  
Pat Knapp  
pjkpjk1@aol.com  
12130 us 41 south  
Gibsonton, Fl 33534

From: brent bertelli <bertelli2269@yahoo.com>  
Sent: Wednesday, May 21, 2014 12:55 PM  
To: MGCcomments (MGC)  
Subject: building design  
I'm writing in regards to the Massachusetts Gaming Commissions request for individual comment on the design of MGM Springfield. I would like to offer a few of my personal observations as both a business and a property owner. I find MGM Springfield's design appealing to both patrons of the resort as well as to existing businesses. As a resident of The South End for the first 25 years of my life, I have intimate first hand knowledge of how great Springfield once was. I believe the addition of the MGM resort will return, and very likely surpass, Springfield to its once prosperous glory. It's exterior design lends itself to the rebirth of retail shopping and fine dining while still retaining the

close knit community feeling that Springfield prides itself upon. By integrating historical buildings, MGM is helping Springfield retain it's identity while rejuvenating her at the same time. This is a feature that can't be seen anywhere else.

Best Regards  
Brent Bertelli  
owner Langones Florist  
413-785-5707 office  
413-244-9458 cell

From: Vincent Velardo <vvelardo@concentric.net>  
Sent: Tuesday, May 20, 2014 12:22 PM  
To: MGCcomments (MGC)  
Subject: Building Design

For many years after the closing of the Monsanto Chemical Plant the proposed Wynn Resort site has been virtually impossible to develop due to the high cost needed to clean the contamination left behind by that company. In addition, the bordering waterfront bay area is blighted and currently unusable due to contamination, obstructions and shallow drafts. This is not only a problem for the city of Everett but also impacts the surrounding communities of Charlestown and Somerville. The only developer who has the vision and financial resources needed to correct this problem is the Wynn Corporation.

The Wynn Corporation will take a desolate, contaminated Brownfield site and transform it into an environmentally and economically revitalized area. On that site a beautiful Resort and Casino facility will be constructed including a fully public waterfront promenade running the entire length of its shoreline. This public walkway will support both pedestrians and bicyclists, will be illuminated and planted, and will have overlooks to the water, boat access and shellfish restoration areas. This design will allow the Resort to be integrated into the Mystic River recreational and transportation water network. As a result, the Wynn Resort in Everett will be able to connect its site with the existing and future network of public and private vessels. Also, to create more environment friendly green space, there will be approximately 2,909 guest parking spaces located conveniently below the casino level in a four-level parking garage rather than an external parking lot.

For several years the city of Everett has been working to develop and revitalize this "Lower Broadway Area" by redesigning infrastructure and encouraging new development. The Wynn Resort in Everett will provide an unprecedented opportunity to transform the area and to realize many of the goals put forth in recent state, regional, and local planning initiatives to stimulate investment and develop an economically prosperous neighborhood. In addition, due to the site location, the completed design that includes the buildings and surrounding landscape will create an impressive gateway landmark to the city of Everett.

Vincent Velardo  
vvelardo@concentric.net  
881 Broadway Apt 29  
Everett, Massachusetts 02149

From: Joseph Tutalo <Joseph@necasinodealer.com>  
Sent: Tuesday, May 20, 2014 8:44 AM  
To: MGCcomments (MGC)  
Subject: Building Design

Delete this entry and enter your text here! I been a supervisor pit mgr and customer service mgr in the casino business and Wynn is in a league all alone, Mohegan has constantly laid off workers hired all there own for the better jobs and used hedge fund money to compete, Wynn uses his own money and works with the employes the business . I talked with

Mohegan about our business and they wouldn't even talk to us Wynn came right to the table and gave us an opportunity . Need I say more Wynn is the best and easy choice in mass

Joseph Tutalo  
Joseph@necasinodealer.com  
245 beechwood dr  
Cranston, Ri 02921

From: Anna Maria Stanfield <amstan7@aol.com>  
Sent: Tuesday, May 20, 2014 2:29 AM  
To: MGCcomments (MGC)  
Subject: Building Design

Massachusetts Gammig Commision:

As a lifelong citizen of Everett, I am writing to express my wholehearted support for the Wynn Everett Hotel/Casino and redevelopment plan. Never in Everett's, history has anyone ever offered to undertake such a huge investment in the clean-up and redevelopment of this otherwise hazardous industrial waste site.

One look at the proposed Wynn hotel designs clearly demonstrates the potential beauty and benefits we would all enjoy. Obviously, it doesn't take rocket science to realize we could not ask for a better, more beautiful or welcoming addition to our city and surrounding communities, especially where it is in such a very convenient and easily accessible location. Clearly, the 5 Stars Wynn Everett Hotel and Casino proposal will undoubtedly be a world class enhancement to our City and state where people of all ages can come to enjoy everything it has to offer. Wynn's proposed road improvements also make this the one and only BEST, most productive use of an area that so desperately needs improvement. The hotel design as well as the total redevelopment plans are a wonderful complement to this area. We cannot afford to lose this once-in-a lifetime opportunity.

Thank you for your consideration.

Sincerely,  
Anna Maria Stanfield  
amstan7@aol.com  
42 Reynolds Ave  
Everett, MA 02149

From: James Spittle <spittlej@comcast.net>  
Sent: Monday, May 19, 2014 3:05 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Wynn's building proposals will greatly enhance the Everett area. I have been to the Wynn casino's in Las Vegas and must say it is one of the best planned and people friendly casino's I have visited. I have no doubt the Everett facility will be done in the same good taste.

James Spittle  
spittlej@comcast.net  
1 Birch Road  
Hamilton, Ma. 01982

From: Susan Wetherall <swetherall@msn.com>  
Sent: Monday, May 19, 2014 11:33 AM  
To: MGCcomments (MGC)  
Subject: Building Design

As a resident of one of the surrounding communities, I have been impressed from the very beginning of the planning process for the Wynn Casino. I attend several classes at the Everett Senior Center and it has been a pleasure and a gift to watch the whole town become energized behind the project. From the standpoint of a visual artist, I am delighted with how the site will look with both its plantings and how the hotel/casino with its clean lines will fit into the surrounding space. Together they would draw people to its peaceful outdoor setting and its resources. With underground parking there will be no unsightly parking lot. The casino will take a secondary position to the hotel itself which will give the feeling that this is a public setting that the residents of surrounding communities will be able to enjoy without the lure of the gambling area itself. The environmental clean-up of the site will add the delight of open water to the setting. I know of at least two people from adjacent towns who were initially opposed to the project changing their minds completely when they heard of the cleanup. As avid kayakers they had come to hate the pollution and filth in the water surrounding the site. For these, and for many other reasons having to do with the openness and responsibility which has characterized the process that the Wynn group has carried out to attain Board approval, I wholly support having the Wynn Resort in Everett. I have lived in Cambridge for thirty-four years and I would be quite happy to have it here. To me the Wynn hotel/casino would be a tremendous gift to the Greater Metropolitan Boston area.

Susan Wetherall  
swetherall@msn.com  
9 Centre St. #1  
Cambridge, MA 02139

From: Ryan Wade <wade\_c\_ryan@yahoo.com>  
Sent: Monday, May 19, 2014 10:30 AM  
To: MGCcomments (MGC)  
Subject: Building Design

We NEED the Wynn resort in Everett - it will make such a huge difference to the community and surrounding neighborhoods, bringing jobs and the right type of commerce to the area. I'm also excited about how innovative the design of the casino is going to be, with an indoor arboretum with a year round garden for the public to enjoy (not to mention the additional effects of cleaning up toxic land in order to build the casino structures and surrounding gardens). Please don't let this opportunity go to waste!

Ryan Wade  
wade\_c\_ryan@yahoo.com  
72 Fells Avenue  
Medford, MA 02155

From: ROBERT HUNTER <govnr02@hotmail.com>  
Sent: Monday, May 19, 2014 10:06 AM  
To: MGCcomments (MGC)  
Subject: Building Design

I personally think this such a great look and will do nothing but beautify the area. I really hope this will be the choice.  
ROBERT HUNTER  
govnr02@hotmail.com  
27 SCHOOL ST  
EVERETT, Massachusetts 02149

From: Rhonda Priestley <rivy49@comcast.net>

Sent: Sunday, May 18, 2014 4:09 PM

To: MGCcomments (MGC)

Subject: Building Design

I feel the Wynn proposal is the best choice. The Wynn group have covered all the bases and done their due diligence covering every aspect in their proposal. I urge you to choose the Wynn proposal because it is the best and only choice.

Rhonda Priestley

rivy49@comcast.net

143 Glendale Street

Everett, MA 02149

From: Catherine Mack <mack886@aol.com>

Sent: Sunday, May 18, 2014 9:56 AM

To: MGCcomments (MGC)

Subject: Building Design

I think the proposed exterior design is well thought out and will be an added bonus to the look of the city, let alone the impact entering the city from Boston...its high time that we leave behind the industrial look of the area and make it a more pleasing and fun environment...I truly look forward to the new look.

Catherine Mack

mack886@aol.com

18 Edmester Ct.

Everett, Massachusetts 02149

From: Louise Zawodny <LAFrank1@comcast.net>

Sent: Sunday, May 18, 2014 7:44 AM

To: MGCcomments (MGC)

Subject: Building Design

The design of the Wynn Everett Project in Everett fits into the distant Boston landscape. It will stand out for miles around with its bronze glow. Whether by car, plane or public transportation, this project will catch the attention of visitors and tourists. The design of Wynn Everett makes a statement. Enhanced by its water shuttles, a layout that brings the views of the Mystic River and inner Harbor to its front doors, the providing of public access and outside enjoyment is not only uniquely designed but unmatched in Region A. The project has taken advantage of the Boston skyline in the distance in designing and placing the Wynn Resort at this site. The way in which the Wynn Casino has been planned and designed is to attract people. I'm sure it will. It's hot!

Louise Zawodny

LAFrank1@comcast.net

39 Parlin Street, Unit 603

Everett, Ma 02149

From: frank gargano <frank.gargano@hotmail.com>

Sent: Sunday, May 18, 2014 5:59 AM

To: MGCcomments (MGC)

Subject: Building Design

this is a must for us. its great jobs that we dont have in ma. i need a job. he is putting up a 5 start building the best ever in ma. and will bring people here just for that alone. and hes going to clean up the place. where its been bad for people to live for years. thank u for taking your time out of your way and reading my letter if i can help in any way please call me or e mail me frank gargano

617-719-0028

frank.gargano@hotmail.com

1370 Broadway 12K

Somerville, MA 02144

From: Saulo Tejo <stejo@comcast.net>  
Sent: Saturday, May 17, 2014 10:29 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
Everett residents deserve Wynn Resort and Casino.  
Saulo Tejo  
stejo@comcast.net  
315 Main Street  
Everett, Massachusetts 02149

From: Paul Salvucci <Salvucci@tscg.biz>  
Sent: Saturday, May 17, 2014 8:43 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
The proposed Wynn resort is extraordinary in its thoughtful use of this site and Mystic River connection to Boston Harbor. It will be truly unique for all to visit and enjoy its many attractions. I think the Wynn proposal surpasses the Revere/Mohegan Sun proposal in every dimension and I therefore urge the Gaming Commission to approve the Everett/Wynn proposal.  
Paul Salvucci  
Salvucci@tscg.biz  
Pine  
Needhan, MA 02492

From: Michael Mangan <mangan14@comcast.net>  
Sent: Saturday, May 17, 2014 8:16 PM  
To: MGCcomments (MGC)  
Subject: Building Design  
The Wynn Resort in Everett will be a much needed improvement for our city. With its water access from Boston, & its first class features throughout, this resort will be an attraction that will not only benefit the City of Everett, but the region as well.  
Michael Mangan  
mangan14@comcast.net  
104 Walnut St  
Everett, Massachusetts 02149

From: Rosemary A. Hughes <rosemaryhughes@comcast.net>  
Sent: Saturday, May 17, 2014 8:05 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I am a lifelong Everett resident. For as long as I have been alive, the proposed site of the Wynn complex has never been anything more than a contaminated, uninhabitable wasteland. People driving from Boston into Everett would see this area as their first exposure to Everett. Their first reactions were always along the lines of "This is Everett? Why do you live here?" We had an answer, of course, but the truth was that Everett could not afford to change it. We also never, ever received any help or support from our bordering state capital city of Boston to change it either. In fact, commuters to and from Boston constantly took advantage of our accessibility to Boston, put wear and tear on our roads in order to

avoid paying tolls on the Tobin Bridge, but the city has never received anything back from Boston or other "host" communities for how they have impacted our city. Interesting how that is never mentioned in "host" negotiations.

Steve Wynn is the first legitimate financier who can feasibly change that and make a positive impact on our city. His proposal of a world class, 5 star resort has the potential to put Everett on the map as a respected and viable metropolitan location. The Wynn Resort in Everett proposes a fully public waterfront promenade running the entire length of its shoreline. This public walkway will support both pedestrians and bicyclists, be illuminated and planted, and will have overlooks to the water, boat access and shellfish restoration areas. On the water-side, the Resort will be integrated into the Mystic River recreational and transportation water network.

The Wynn plan is nothing but a bonus for Massachusetts as a whole. As a lifelong resident of Everett, I can truly attest that it is the only option for a casino site in the Metro area.

Rosemary A. Hughes  
rosemaryhughes@comcast.net  
111 Malden Street  
Everett, MA 02149

From: Cheryl Landry <chedry@comcast.net>  
Sent: Saturday, May 17, 2014 7:14 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Dear Sirs

I would like to comment on the Wynn project design for The Everett Resort. The development site itself currently is a desolate, contaminated brownfield that will be transformed into an environmentally and economically revitalized area.

- The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site. Everett is a very small City that sorely needs outdoor areas developed that are safe and family friendly.
- Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels. Please consider these comments when making your decision

Respectfully  
Cheryl Landry  
chedry@comcast.net  
34 Paris St  
Everett, Massachusetts 02149

From: Maryjean Healey <Maryjeanh74@comcast.net>  
Sent: Saturday, May 17, 2014 6:05 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Delete this entry and enter your text here! I since he is the only one putting he's on money to clean the water and doing that in reverse all there money is going back to conn. Not reverse like mr.wynn money is staying in Everett until one of you decide to make the tax payers we are tied of paying for every thing around here.

Maryjean Healey  
Maryjeanh74@comcast.net  
21centralave apt.12  
Everett, Mass 02149



From: Frank Foley <papafoley97@hotmail.com>

Sent: Saturday, May 17, 2014 5:32 PM

To: MGCcomments (MGC)

Subject: Building Design

I have seen the model of the planned Wynn resort. Obviously a 5 star hotel design is impressive, certainly far more so than anything seen locally. The eco -friendly and technologically advanced complex is very impressive. When one considers its placement and what is there now, we can be grateful for the clean up and enhancement of the site. I have seen nothing else proposed that even comes close to this. Please consider the advantages of putting this resort where it is proposed.

Sincerely,

Frank Foley

papafoley97@hotmail.com

26 Clifton Ave

Everett, Massachusetts 02149

From: Bryan Priestley <bpriest3579@comcast.net>

Sent: Saturday, May 17, 2014 3:13 PM

To: MGCcomments (MGC)

Subject: Building Design

I am not going to write a thesis papaer on this subject. Thie casino will be an immense windfall for the city of Everett as well for the state. I have all the faith in the world for the Wynn group and know they have only the besy interest for our sommunity and the people of Massachusetts. This project must be approved, I put my whloe hearted support behind Mr Wynn and the Wynn group.

Bryan Priestley

bpriest3579@comcast.net

143 Glendale Street

Everett, MA 02149

From: Bruce Priestley <priestley749@comcast.net>

Sent: Saturday, May 17, 2014 2:22 PM

To: MGCcomments (MGC)

Subject: Building Design

I am fully behind thie Wynn project. It will not only be a benefit for Everett but also for the surrounding cities and also for the Commonwealth. Mr Wynn has a sterling reputation for not only being sucessful but he also has a deep understanding for the needs of the community an will respond to any issues. There have been a number of issues from the surrounding communities regarding traffic. The Wynn group has agreed to take care of the infra structure and I am absolutly sure the Wynn group will rise to the challenge and resolve any issues there may be. I urge you to choose Everett and the Wynn Group to build this casino here!

Bruce Priestley

priestley749@comcast.net

143 Glendale Street

Everett, MA 02149

From: Kenneth Jarvinen <kenjarvinen@yahoo.com>

Sent: Saturday, May 17, 2014 12:40 PM

To: MGCcomments (MGC)

Subject: Building Design

Hello,

I am a resident of Everett and am excited about the possibility of Steve Wynn building a casino here. The project will take an ugly blighted area and water front and make it vibrant, beautiful and bustling. It will truly be a gem for all to enjoy, walking the boardwalk, sitting at a park bench or riding a bike. Above all, we can not forget and stress enough how cleaning the hazardous waste at the site of the casino will benefit our city and surrounding cities for generations to come. This is the greatest benefit of the project and any other proposed project, I feel it is imperative that we get the waste site cleaned so it will not leach into the water supply anymore. Thank you, Ken Jarvinen 617 775-6446

Kenneth Jarvinen

kenjarvinen@yahoo.com

138 Dartmouth St.

Everett , MA 02149

From: Paul Follo <Paultf@comcast.net>

Sent: Saturday, May 17, 2014 12:10 PM

To: MGCcomments (MGC)

Subject:Building Design

We think the design is great!

Paul Follo

Paultf@comcast.net

23 park road

Everett, Mass 02149

From: Vincent Ragucci Jr <fbcpvjr@comcast.net>

Sent: Saturday, May 17, 2014 12:04 PM

To: MGCcomments (MGC)

Subject:Building Design

Delete this entry and enter your text here! Think of entering the best looking home ever. This is Everett's entrance to our city. The building is a 5 star resort and it will attract the best coming here to spend their money. Not a rinky dink 3 star set up. I can not imagine anyone coming here from Europe or Asia going to Revere. I do see the non stop flights coming into Logan getting on a beautiful boat traveling down the river (dot sitting in traffic) and going to a beautiful Hotel to stay at. As the aircraft come in for a landing the SUN will glow off the bronze building and shine beautifully. We want something to last and this is it. Thank you. Mr Ragucci Jr.

Vincent Ragucci Jr

fbcpvjr@comcast.net

74 Clark Street

Everett, Massachusetts 02149

From: Donna Powers <icenshady@juno.com>

Sent: Saturday, May 17, 2014 11:41 AM

To: MGCcomments (MGC)

Subject:Building Design

I would like to know if they will be using solar panels on the buildings and the signs. The design looks amazing to me. That area could use something beautiful like this project.

Donna Powers

icenshady@juno.com

197 Vine st

everett, MA 02149

From: Charles Reynolds <precastfireplaces@comcast.net>

Sent: Saturday, May 17, 2014 10:03 AM

To: MGCcomments (MGC)

Subject: Building Design

As an avid fan of all the Wynn architecture, I believe that it is crucial to be able to take a nonusable piece of waterfront and turn it into a showpiece for everyone to be able to enjoy. No one spends more time, money and effort to create a living space that is eco friendly and pleasing to the eye. I also believe that the financial stability of Wynn Corp.

guarantees that this project has the potential to be an award winning project that the rest of the world will envy and enjoy. Sincerely, Charles Reynolds, Precast Outdoor Fireplaces

Charles Reynolds

precastfireplaces@comcast.net

189 Anna Dr.

East Bridgewater, Massachusetts 02333

From: charles diperri <charlesincharge30@comcast.net>

Sent: Saturday, May 17, 2014 9:37 AM

To: MGCcomments (MGC)

Subject: Building Design

to the commision!i have seen the model and i amm very impressed with the looks,it blends in with the boston skyline,the hieght is designed for smooth service .it will really enhance the surrounding area.

charles diperri

charlesincharge30@comcast.net

66 main st

everett , Massachusetts 02149

From: Joyce Simeone <montroj2@comcast.net>

Sent: Saturday, May 17, 2014 7:37 AM

To: MGCcomments (MGC)

Subject: Building Design

Cleaning up that area of Everett is important and I believe Wynn has done a great job in his proposal for our city.

Joyce Simeone

montroj2@comcast.net

26 Montrose Street

Everett, Massachusetts 02149

From: Steve Luiso <Steve201154@comcast.net>

Sent: Saturday, May 17, 2014 6:14 AM

To: MGCcomments (MGC)

Subject: Building Design

With all the that the casino will bring ; jobs, people to visit Everett , redevelopment of parts of the city how can we not put in the casino to Everett. Everett deserves the casino, all the monies that I spent from this area that is spent in RI and CT , bring it to Everett and the Wynn Casino.

Steve Luiso

Steve201154@comcast.net

38 Chatham Road

Everett, MA 02149

From: Frank Tomasello <f\_tomasello@comcast.net>

Sent: Saturday, May 17, 2014 4:58 AM

To: MGCcomments (MGC)

Subject:Building Design

Members of the Massachusetts Gaming Commission,

I will make this short and to the point. I look at this like the fairy tale of Beauty And The Beast. The land and the area is the beast and Wynn Resorts are the beauty. Beauty will transform the beast into something other than ugly and polluted into something use full. All that see and benefit from this transformation will live happily ever after.

Frank Tomasello

f\_tomasello@comcast.net

9 Magnolia way

Peabody, Massachusetts 01960

From: Greg Blackwell <glbgolf@hotmail.com>

Sent: Saturday, May 17, 2014 1:13 AM

To: MGCcomments (MGC)

Subject:Building Design

The vision of the Wynn from the top to the bottom is complete. There are no details that go unnoticed. You will be receiving a company with a vision and a great success rate. Employees will be well taken care of.

Greg Blackwell

[glbgolf@hotmail.com](mailto:glbgolf@hotmail.com)

From: Timothy Shea <timothypshea3@comcast.net>

Sent: Friday, May 16, 2014 10:57 PM

To: MGCcomments (MGC)

Subject:Building Design

The design of this building is beautiful, modern and futuristic. I certainly believe that it will add to the quality of life, businesses and the city itself. In terms of improvements, EverettWynn, will make this a world class destination....

Timothy Shea

timothypshea3@comcast.net

10 Ernest Street

Saugus, Ma 01906

From: John Saunders <sandytj21@comcast.net>

Sent: Friday, May 16, 2014 10:38 PM

To: MGCcomments (MGC)

Subject:Building Design

This casino needs to go on that land in Everett , because the clean up of the contamination alone is a no brainer alone. What other company is going to pay and build on that land ????????????????????

John Saunders

sandytj21@comcast.net

35 richdale ave

everett , Massachusetts 02149

From: Dennis Clouse <dklouse41@comcast.net>

Sent: Friday, May 16, 2014 10:24 PM

To: MGCcomments (MGC)

Subject:Building Design

Nice design, will do more for the property than the present owners have ever done and it will improve the area

Dennis Clouse  
dklouse41@comcast.net  
51 Cabot Street  
Everett, Ma 02149

From: edward j lucas jr <ejl520@comcas.NET>  
Sent: Friday, May 16, 2014 10:03 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I am probably the closest resident to the Wynn Casino I think it is going to be beautiful. We have a contaminated piece of land that Mr. Wynn will clean up and develop a beautiful structure on and open up and beautify the waterfront and it appears to be a beautiful building resort which makes it a Wynn Wynn (no real pun intended) I have lived here for 35 years now and this is really a no-brainer to have this building erected here sincerely yours EARD J LUCAS JR  
edward j lucas jr  
ejl520@comcas.NET  
21 Thorndike St.  
Everett, Massachusetts 02149

From: Freda Cottam <Fmbcconsult@aol.com>  
Sent: Friday, May 16, 2014 6:27 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Wynn is committed to building an ecologically friendly building which is good for the environment.  
Freda Cottam  
Fmbcconsult@aol.com  
Boulton St  
Carver, MA 02330

From: Mary Fortin <mefgram@gmail.com>  
Sent: Friday, May 16, 2014 6:12 PM  
To: MGCcomments (MGC)  
Subject: Building Design

The Resort will be on an area of the Mystic River that currently is not available for people to use and enjoy. Family recreational area would benefit all people and having a transportation water network available would help in surrounding communities to access the area as well. Currently, this area is unusable due to contamination, obstructions and shallow water. The Wynn Resort in Everett will connect this site as well as connect its site with the existing and future network of public and private vessels. The Wynn will redevelop the harborwalk/waterfront promenade, into a creating a unique guest experience and opening up the natural beauty of Mystic River to the public. It will provide Everett with excellent connections to surrounding commercial amenities and will help drive the interconnection of the entire Mystic River waterfront in Everett. Immediate neighbors such as the Gateway development and businesses along Broadway will have direct walking connections to the Wynn Resort in Everett by new, attractively landscaped and lit walkways and boardwalks. The park-like setting of the waterfront improvement will create a wonderful classic city green reminiscent of Boston Common and other prime public green gathering areas in the region. Wynn Resort is a win-win proposition that will benefit all!

Mary Fortin  
mefgram@gmail.com  
3 Cedar Terrace  
Everett, Massachusetts 02149

From: Cristina Cresta <cristina.cresta@icloud.com>

Sent: Friday, May 16, 2014 4:57 PM

To: MGCcomments (MGC)

Subject: Building Design

The Wynn resort in Everett will make such a positive impact on the city, not only will it create new jobs but it will be a huge tourist attraction for Boston! I'm excited about the innovative design of the casino and beautiful indoor arboretum that the community can enjoy all year round! It's about time we transform the lower Broadway area of the city from a "contaminated brownfield" to a environmentally safe & prosperous neighborhood!

Cristina Cresta

cristina.cresta@icloud.com

10 Westford St.

Boston, MA 02134

From: Shawn Goodman <shawn@shawngoodman.com>

Sent: Friday, May 16, 2014 4:53 PM

To: MGCcomments (MGC)

Subject: Building Design

Dear Gaming Commission:

I, along with all my neighbors, friends and colleagues all around the Boston Metro area and in Everett specifically are immensely excited about the Wynn Resort coming to Everett. The plan will provide for a complete transformation of the Lower Broadway Area in Everett that connect into Boston and will help the region realize many of the goals put forth in recent state, regional, and local planning initiatives to stimulate investment and develop an economically prosperous neighborhood.

We all had no idea before the potential of the Wynn Resort how contaminated and unusable this area was. The most exciting part of this development is the transformation of the current site into an environmentally and economically revitalized area!! The development site itself is a desolate, contaminated brownfield - an incredible opportunity to take something completely awful in the metro area of Boston and create something absolutely beautiful with it - complete urban renewal! The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site. As an occasional bicyclist, I am extremely excited about this. This will hopefully help promote this as a viable means of transportation - again having a great impact on the environment.

It's incredible to think about having an indoor arboretum to enjoy all year around - especially after this last winter. What an amazing place to bring friends and families who are visiting all year around. The aesthetics of the building itself are very clean-lined and beautiful - down the color of the windows. The waterfront plan is spectacular - the Wynn Resort in Everett proposes a fully-public waterfront promenade running the entire length of its shoreline. This public walkway will support both pedestrians and bicyclists, be illuminated and planted, and will have overlooks to the water, boat access and shellfish restoration areas - incredible!

I know part of the plan is to connect the site with the existing and future network of public and private vessels - this will be a huge value add to the metro region. My friends and neighbors pray every day that the decision will be made in favor to move forward with Wynn Everett - the positive impact it will have on so many of us is incredibly exciting.

Best,

Shawn Goodman

shawn@shawngoodman.com

69 High Street

Everett, MA 02149

From: William Marchant <cutlet316@aol.com>  
Sent: Friday, May 16, 2014 1:30 PM  
To: MGCcomments (MGC)  
Subject: Building Design

The Winn Resort is a 5 star resort. There is nothing like it in Massachusetts. The Wynn will redevelop the harborwalk/waterfront promenade, into a creating a unique guest experience and opening up the natural beauty of Mystic River to the public. The park-like setting of the waterfront improvement will create a wonderful classic city green reminiscent of Boston Common and other prime public green gathering areas in the region. There will be approximately 2,909 guest parking spaces located conveniently below the casino level in a four-level parking garage with valet parking and guest parking. There are multiple elevator accesses to the ground level so guests can enter the Wynn Resort in Everett without ever entering the casino if they are going to other amenities within the integrated resort.

Wynn is committed to making the Wynn Resort in Everett the company's most environmentally advanced integrated destination casino resort on a design and ongoing operational basis. Immediate neighbors such as the Gateway development and businesses along Broadway will have direct walking connections to the Wynn Resort in Everett by new, attractively landscaped and lit walkways and boardwalks.

William Marchant  
cutlet316@aol.com  
59 Lexington St.  
Everett, Massachusetts 02149

From: Karen Stabile <KStabz001@verizon.net>  
Sent: Friday, May 16, 2014 12:00 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Very much looking forward to having Wynn in Everett. Not only will it help with jobs and bring money into this area, I'm happy to see the area be cleaned up both the contamination and overall look around Everett/Medford. It will be nice to have the walkways and enjoy this section of town. Not to mention enjoying the casino and restaurants that will be there.

Karen Stabile  
KStabz001@verizon.net  
27 Park Street  
Medford, MA 02155

From: Terry Baldwin-Williams <TerryB323@gmail.com>  
Sent: Friday, May 16, 2014 11:03 AM  
To: MGCcomments (MGC)  
Subject: Building Design

[Please note: I tried to send this yesterday, but my computer got hung up and I'm not sure whether it went through or not.]

When I first saw the proposed design for the Wynn Everett complex, I loved every bit of it except for the hotel tower. To me, it looked as if it had been picked up by helicopter from the Las Vegas Strip and dropped onto the Everett site! However, the more I've studied it, the more convinced I have become that it actually is an excellent design for the development. The Wynn Resort will be a landmark on the Everett skyline. I expect the views from the hotel rooms will be spectacular--up the Mystic River; over the Charles River; the entire Boston skyline, etc.

The project, as designed, represents the highest and best use of an irregularly shaped plot. The environment clean-up alone is a remarkable benefit to Everett and its neighboring communities. The Wynn design for maximizing the Mystic River frontage with a marina, walking trail, landscaping and more, will restore Everett's ties to the waterfront as it had existed in years gone by. The design of the tower also allows for easier access to the elevators for senior visitors who may be intimidated by a long walk to the elevators in a more "horizontally" designed building.

My concerns that the Wynn design wasn't "Massachusetts-y" enough have dissipated. The soaring vertical design truly reflects Everett's future:. With the Wynn Resort, things are really looking up!

Terry Baldwin-Williams  
TerryB323@gmail.com  
323 Main Street - #1  
Everett, MA 02149

From: Curtis Withers <curtwithers@gmail.com>

Sent: Friday, May 16, 2014 10:43 AM

To: MGCcomments (MGC)

Subject:Building Design

Delete this entry and enter your text here! The Wynn facility fits extremely well into the current location being supplied for it. The City of Everett has previously cleaned up the surrounding area ie the river, the shopping center, and 7 acre park. The Monsanto site once cleaned will return unusable land to valuable and productive property. Relocating existing traffic patterns will enhance the entire area which currently are poorly designed and in great need of improvement. Water access from Boston will also give another area of potential commercial gains and entertainment. In other words it is a win, win, for the entire area.

Curtis Withers  
curtwithers@gmail.com  
59 Edith Street  
Everett, Massachusetts 02149

From: John Tecce <matecce@verizon.net>

Sent: Friday, May 16, 2014 10:27 AM

To: MGCcomments (MGC)

Subject:Building Design

The casino is a beautiful design and a good thing for the area, it's that simple. Wynn does everything first class. Build it, and good things will come-with apologies to "Field of Dreams"

John Tecce  
matecce@verizon.net  
49 Abbott Avenue  
Everett, Massachusetts 02149-5201

From: Mark Manganiello <MarkRika2@msn.com>

Sent: Friday, May 16, 2014 6:20 AM

To: MGCcomments (MGC)

Subject:Building Design

Dear Commissioners,

I'm a lifelong resident of Everett and all I can say is having a project like Wynn's replace what I always remember as one of the dirtiest parts of Everett is overwhelming. To think about what this beacon of rebirth will mean to the city of Everett and the surrounding areas is inspiring. I recently traveled through this area of Sullivan Sq. lower Broadway during the evening rush hour and it's a disgrace to all the surrounding communities. I know the infrastructure improvements that will be required to support thsi project will be extensive, but it certainly has to be better than what we have now and we all deserve better. Wynn's project will be create more opportunities and revenue along the Mystic River that cannot be realized until Wynn is given the opportunity. I am in total suppot of the Wynn Resort and hope this vision becomes reality. Thank you.

Mark Manganiello  
MarkRika2@msn.com  
70 Union Street



Everett, MA 02149

From: Paul Bergman <prbergman7@gmail.com>

Sent: Thursday, May 15, 2014 10:03 PM

To: MGCcomments (MGC)

Subject: Building Design

I feel that the Wynn Project has come up with a design that is both pleasing to the eye and environmentally efficient. Visually it is the right balance between the needs of the resort guests and the surrounding community.

Paul Bergman

prbergman7@gmail.com

73 Chelsea St.

Charlestown, Ma. 02129

From: Terri Tholen <tmtholen@gmail.com>

Sent: Thursday, May 15, 2014 9:25 PM

To: MGCcomments (MGC)

Subject: Building Design

Delete this entry and enter your text here! as a supporter of both Wynn development and Everett United I feel strongly that Everett and the surrounding cities will benefit from this private development much more than if we had to depend on the State for development. I strongly agree with Everett United's points...

Terri Tholen

tmtholen@gmail.com

59 Glendale St

Everett, Massachusetts 02149

From: Franklin Chute <franklinchute@gmail.com>

Sent: Thursday, May 15, 2014 8:58 PM

To: MGCcomments (MGC)

Subject: Building Design

I'm 100% in approval of this design for the WYNN project that has been presented for the public's approval. Thank you for your time.

Franklin Chute

franklinchute@gmail.com

84 high st

everett, Massachusetts 02149

From: Mark Gill <Mgill283@aol.com>

Sent: Thursday, May 15, 2014 8:21 PM

To: MGCcomments (MGC)

Subject: Building Design

Beautiful design that will clean up both contaminated land and adjacent water area. Able to connect to other attractions in area via water route, ie, downtown Boston, waterfront, airport, ect,. This will help keep traffic situation. Destination 5star hotel. This is a destination resort property that happens to have a casino.

Mark Gill

Mgill283@aol.com

21 Hampshire st

Everett, Ma 02149

From: Carolyn Elson <Celson02148@gmail.com>

Sent: Thursday, May 15, 2014 8:18 PM

To: MGCcomments (MGC)

Subject: Building Design

I feel that Wynn project will help our community and the building(s) and area will look better and will take care of the property that they occupy.

Carolyn Elson

Celson02148@gmail.com

217 Washington St.

Malden, Am 02148

From: james cunneen <jcun1012@yahoo.com>

Sent: Thursday, May 15, 2014 7:28 PM

To: MGCcomments (MGC)

Subject: Building Design

I Think This Resort Is Beautiful And it will make a part of Everett that has been ignored beautiful

james cunneen

jcun1012@yahoo.com

41 summer st.

Everett, Massachusetts 02149

From: Linda Morceau <Yellow\_Feather@juno.com>

Sent: Thursday, May 15, 2014 6:59 PM

To: MGCcomments (MGC)

Subject: Building Design

Dear Mr. Wynn, The design is very resonable for the area, and will be a real positive addition and economic boom not only for the town of Everett, but for all the surrounding towns. As Woman Chief of the Chappiquiddic Tribe here in MA I am very pleased that the casino will NOT be headed by any Native Tribes. We need to separate ourselves from all this, my Culture is suffering and my people need to get back to the business of raising proud, strong Native children, and looking after our Elders with the love and respect they deserve. My Tribe, and myself personally wish you the best of luck. Sincerely, Chief Yellow Feather

Linda Morceau

Yellow\_Feather@juno.com

44 Mt. Vernon St.

Charlestown, MA 02129

From: Richard Soria <RickS0811@gmail.com>

Sent: Thursday, May 15, 2014 6:30 PM

To: MGCcomments (MGC)

Subject: Building Design

Dear Massachusetts Gaming Commission,

I am writing to convey my utmost approval and endorsement of the Wynn Resort Casino proposal. Cleaning up an otherwise contaminated site that had been neglected for far too many years aside, the aesthetic appeal of the project is something that I believe will bring the vibrancy that that part of Everett desperately needs and by extension, the entire city of Everett. Having seen the prototype of the project myself, I am certain that the design will bring the "wow" factor

that the commission is looking for in awarding a casino license. After all, the Wynn Resort Casino proposal is more than just a casino, it's a destination in and of itself. It's beyond visually pleasing. It's aesthetically apropos. It transcends the average and the banal. 5 stars and not 3!

As a resident of Everett, I have witnessed first hand how that area is presently very unappealing, not to mention severely tainted, to be of any use and benefit to the populace. With the Wynn Resort, not only will that polluted soil be cleaned up for good, the proposed greeneries and water access will beautify the waterfront and entice not only local residents but tourists from far and wide to make use of the space. With the proposed water access to downtown Boston and Logan Airport, the project will greatly benefit Boston visitors, local residents and those guests who will be staying at the hotel. That, I believe, is a positive impact to the surrounding community. The Wynn Resort in Everett has been intentionally and specifically planned to integrate into and enhance its surroundings. It is elegant and profoundly artistic.

In closing, I appeal to the commission to take into consideration the vast positive impact of this project towards Everett and the entire New England region. We want a project that will attract visitors well beyond Route 128, Massachusetts or New England for that matter. We want a project that is a sustainable source of revenue not only for the short term but for the foreseeable future as well. As the Wynn product has already been proven to accomplish all of the above, it is imperative that the eventual lone Eastern Massachusetts license be awarded to the Wynn Resort in Everett.

Thank you for your consideration.

Sincerely,  
Richard Soria  
RickS0811@gmail.com  
24 Evelyn Road  
Everett, MA 02149

From: Susan Sewell <sumella@msn.com>  
Sent: Thursday, May 15, 2014 6:28 PM  
To: MGCcomments (MGC)  
Subject: Building Design

This is a classy plan! Cleaning up the waterfront and having water taxis, what a unique concept. Wynn's plan is different and would draw people from all over. Just another Mohegan Sun is not a draw for out-of-towners. This a a chance to have a first class entertainment site that this area needs. We need jobs and Wynn's plan will provide the most jobs for locals. I live in Malden and welome this casino, even with increased traffic, the benefits will be worth the inconveniences. Please let this happen.

Susan Sewell  
sumella@msn.com  
13 Pebble Pl.  
Malden, Ma 02148

From: Vera Gavin <vgavin57@aol.com>  
Sent: Thursday, May 15, 2014 5:58 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I lived in Everett for 58 years. I have never been to the site where Monsanto was because of TOXIC soil. It is a pleasure to see someone take interest in that area, clean it up and make it beautiful for the residents of Everett. I received a mailing on the Wynn Resort in Everett, and it is the most beautiful resort. This will only enhance lower Broadway. On the water-side, the Resort will be integrated into the Mystic River recreational and transportation water network.

Thank you,  
Vera Gavin

vgavin57@aol.com  
Everett, MA 02149

From: Elaine Yasi <elaineyasi@msn.com>  
Sent: Thursday, May 15, 2014 5:47 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I have been a resident of Everett for more than 50 years, Mr. Wynn has come into Everett and would like to refurbish an area that has been left dominant for many years. What would be better for Everett than a casino. Boston has put a sludge plant in our area without consent from any of the Everett residents, did they ask Everett voters to vote for this sludge plant no. Also Boston has put up a windmill did they ask the citizens of Everett how we would vote on this or if we would like it, no. Please I ask you to please consider giving Everett a chance to clean up that area. This is a blue collar area and would benefit our citizens. Lower Broadway has GE, gas tanks, sludge plant and to have a casino in this area would improve this area. Boston has no right to ask to be a host city, East Boston voted against a casino now there Mayor wants to be a host city, they had their chance, Charlestown wants to vote it was up their mayor to give them that option, for the small amount of land that borders Boston I don't feel they have the right to complain it will enhance their area.

Please vote for a casino in our area

Sincerely  
Elaine Yasi  
elaineyasi@msn.com  
53 Revere Street  
Everett, Massachusetts

From: Emran Chowdhury <info@richdales.com>  
Sent: Thursday, May 15, 2014 5:15 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I strongly support the design of The Wynn Resort and Casino in Everett, MA as the design has been intentionally and specifically planned to integrate into and enhance its surroundings. The development site is currently a contaminated area that will be transformed into an environmentally and economically revitalized area.

Emran Chowdhury  
info@richdales.com  
399 Ferry Street, Unit A  
Everett, Massachusetts 02149

From: Peter LeRay <fogwood2@gmail.com>  
Sent: Thursday, May 15, 2014 4:20 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Hi, Folks!

My family has owned real estate in Everett for five generations. Obviously, we like the place, and we fully intend to stay here.

Everett's waterfront has been abused for a century, resulting in a tragic waste of natural resource and a squandering of the beauty of the rivers that feed into Boston Harbor. At long last, we have a chance to repair the damage, which is a fine thing in its own right, and at the same time provide high quality jobs to the local population.

The City of Everett has been fighting for a long time to fulfill the promise of a community that is the gateway to New England from Boston northward. We deserve, and Boston deserves, to finally have the chance to accomplish the dreams of so many hard-working citizens who have dared to believe that Everett's destiny is not to be a place to be traveled through, but to be a destination in itself.

After the dust settles, after the arguments are over, it will become abundantly clear that the Wynn Resort in Everett is the ideal answer to the Casino Question, not just for Everett, but for Boston and the state of Massachusetts.

Sincerely,

Peter A. LeRay  
fogwood2@gmail.com  
138 Bradford St  
Everett, Massachusetts 02149

From: Dennis Saint Aubin <Dennissaint@hotmail.com>

Sent: Thursday, May 15, 2014 3:52 PM

To: MGCcomments (MGC)

Subject: Building Design

To whom it may concern,

In regards to the overall outwards appearance of the proposed WYNN Casino I truly feel it is extremely clean elegant and classic in its design and in juxtaposition would be a huge improvement to the incredible eyesore MONSANTO left us with.

Kindest Regards

Dennis Saint Aubin  
Dennissaint@hotmail.com  
12 Adams Ave  
Everett, MA 02149

From: David Morovitz <dmorovitz1@gmail.com>

Sent: Thursday, May 15, 2014 3:49 PM

To: MGCcomments (MGC)

Subject: Building Design

The Wynn resort is a must for such a blighted area that can never be used for anything but this beautiful casino. Developers can build anything at Suffolk Downs, but what other developer will invest the type of money that Steve Wynn will invest in the Everett site in order to clean up from an environmental perspective. In terms of aesthetics, Steve Wynn is the King of exterior design. His development will without a doubt be stunning both inside and out. Just look at any of his designs in Vegas or Macau. Why select a 1 trick pony like Mohegan Sun when we can bring in to this State an expert at what he does.

David Morovitz  
dmorovitz1@gmail.com  
2 Surrey Rd  
Winchester, Massachusetts 01890

From: gerald jeffkin <jjemgms@aol.com>

Sent: Thursday, May 15, 2014 3:48 PM

To: MGCcomments (MGC)

Subject: Building Design

In my experience Wynn properties are what any city/state would desire for state of art exterior design. I have been traveling to Las Vegas for the past 7 years just to enjoy the Encore and Wynn Hotels. With his innovative team and approach to detail and environment it should be wonderful.

gerald jeffkin

jjemgms@aol.com  
175 cottage st  
chelsea, Massachusetts 02150

From: Joseph Daly <jdaly54100@aol.com>  
Sent: Thursday, May 15, 2014 3:41 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I feel completely safe with the current design and Steve Wynns designs. He has some of the best casinos and prettiest ones I have seen first hand. I feel confident he will do the right thing.

Joseph Daly  
jdaly54100@aol.com  
71 Linden St  
Everett, Massachusetts 02149

From: Jody Taylor <shuckerman@aol.com>  
Sent: Thursday, May 15, 2014 3:32 PM  
To: MGCcomments (MGC)  
Subject: Building Design

The Wynn Resort in Everett will provide an unprecedented opportunity to transform the Lower Broadway Area and to realize many of the goals put forth in recent state, regional, and local planning initiatives to stimulate investment and develop an economically prosperous neighborhood.

The development site itself currently is a desolate, contaminated brownfield that will be transformed into an environmentally and economically revitalized area. The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site.

The Wynn Resort in Everett proposes a fully public waterfront promenade running the entire length of its shoreline. This public walkway will support both pedestrians and bicyclists, be illuminated and planted, and will have overlooks to the water, boat access and shellfish restoration areas.

On the water-side, the Resort will be integrated into the Mystic River recreational and transportation water network. Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels. There will be approximately 2,909 guest parking spaces located conveniently below the casino level in a four-level parking garage with valet parking and guest parking.

Jody Taylor  
shuckerman@aol.com  
32 Duncan rd  
Everett, ma 02149

From: Eliane Carreiro <elianevit40@gmail.com>  
Sent: Thursday, May 15, 2014 3:30 PM  
To: MGCcomments (MGC)  
Subject: Building Design

It is perfect . I wish to have this amazed resort here in my city. I approve

Eliane Carreiro  
elianevit40@gmail.com  
43 Maplewood Ave  
Everett, MA 02149

From: Alec Winocour <mazelcycle@yahoo.com>  
Sent: Thursday, May 15, 2014 3:29 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I am a 6th generation Everett resident. I like all aspects of the resort casino from gaming to a destination resort. The cleaning up of a toxic dumpsite, the revitalization of a little used waterfront lately. making the area a beautiful green space to be used by all. much needed revenue to local area is a big plus. Everett has always been a birthplace of people and industry with a rich past. let this project help Everett and the surrounding cities. If Everett is rewarded with the Wynn project myself and family's life will be greatly enriched with more job opportunity and a great city moving forward in these tough times.

Thank You  
Alec Winocour  
mazelcycle@yahoo.com  
66 Irving St.  
Everett, Ma. 02149

From: Heather Regan <Heatherregan@hotmail.com>  
Sent: Thursday, May 15, 2014 3:09 PM  
To: MGCcomments (MGC)  
Subject: Building Design

Dear Comissioners,  
This almost seems like a joke to ask how this state if the art destination building will aesthetically impact the area where it is being built. Really? Have you never even driven past the proposed site? I think it will be a nice counterbalance to the giant human waste drying building at the mwra. It will brighten the horizon across from the monstrous decaying electricity plant. It will be a nice change of pace from the car crushing scrap metal yard that is the every 50yd norm for Everett. Seriously people it blows my mind that anyone would even consider putting anything on this sad piece of property surrounded by even more depressing industry. And not only does someone want to do something with it, but a world class company wants to build a world class facility. They don't want to build a scrap yard or a used car lot or a chemical plant. Build it!!! We want it!!! It will be an aesthetic windfall for the neighbor hood!!!!  
Heather Regan  
Heatherregan@hotmail.com  
12 Adams ave  
Everett, Ma 02149

From: paul freeman <pfreeman619@gmail.com>  
Sent: Thursday, May 15, 2014 3:09 PM  
To: MGCcomments (MGC)  
Subject: Building Design

I think it looks great I can't wait  
paul freeman  
pfreeman619@gmail.com  
35 window st  
everett, Massachusetts 02149

Sent Thu 5/15/2014 2:52 PM

I think the Wynn design is outstanding! It's classy without a lot of glitz. I believe it's appropriate for the area which is in dire need of a make-over.

Suzanne Goldberg  
[suz.goldberg@gmail.com](mailto:suz.goldberg@gmail.com)  
113 Fairmont  
Malden, ma 02148

Sent Thu 5/15/2014 2:47 PM

The Wynn Resort in Everett has been intentionally and specifically planned to integrate into and enhance its surroundings.

The buildings height is a design which is beneficial to both guest and staff alike. It is designed in such a way to allow smooth integration with surrounding buildings.

The Wynn Resort in Everett will provide an unprecedented opportunity to transform the Lower Broadway Area and to realize many of the goals put forth in recent state, regional, and local planning initiatives to stimulate investment and develop an economically prosperous neighborhood.

The development site itself currently is a desolate, contaminated brownfield that will be transformed into an environmentally and economically revitalized area.

The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site.

Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels.

Anthony DiPierro  
[dipierro.anthony@gmail.com](mailto:dipierro.anthony@gmail.com)  
51 Sycamore St  
Everett, Massachusetts 02149

Sent Thu 5/15/2014 1:52 PM

My name is Elisur Yeje and I am a resident of Everett. I want to express my opinion on the building and design of the Wynn Everett Casino Resort. First of all, the Wynn architectural team are well known for creating beautiful designs that go well with its surroundings. I have full faith in Wynn to deliver the best looking resort he has ever done and to keep it within the frame work of its surroundings. I believe it will just add to the beautiful skyline of Boston and other surrounding cities. It will be a great attraction for people from around the world to come visit. I love the fact that Wynn uses glass buildings because they are so gorgeous as it reflects its surrounding beauty. The other thing I love about this plan is how this desolate and contaminated land will become alive with life all around it. As he cleans the area and the waterways for us to use and enjoy. I have so much to say but limited time and have to get back to work, but ask you to please support our hope of having this casino here in Everett.

Thanks in advance,  
ELISUR YEJE  
[eyeje19@gmail.com](mailto:eyeje19@gmail.com)  
19 HIGH ST. UNIT 1  
EVERETT, Massachusetts 02149

Sent Thu 5/15/2014 1:51 PM

The Wynn Resort in Everett will feature comprehensive external signage designed to direct guests safely and efficiently to the integrated resort's gaming and non-gaming amenities. These signs will use the latest LED technology in order to reduce electric demand. All exterior signage will only operate at night to further reduce and minimize facility lighting.

Wynn is committed to making the Wynn Resort in Everett the company's most environmentally advanced integrated destination casino resort on a design and ongoing operational basis. The design of the Wynn Resort in Everett will incorporate substantial water conservation measures to reduce potable water demands on the Everett/MWRA water supply system.



There are elements of classic American architecture working in subtle ways with a classic contemporary design. The small details will feel familiar, reminiscent of some of the old cast iron buildings of the Greater Boston region.

Jean Pennie

[jeanpennie@gmail.com](mailto:jeanpennie@gmail.com)

7 Second Avenue

Voorhees, New Jersey 08043

Sent Thu 5/15/2014 1:49 PM

The design looks absolutley amazing! Not only will it bring more jobs to Boson, but it will environmentally sound, astestically beatifiul, and most imporrantly economically revitalize the area. This is a win-win all around.

We look forward to its completion!!!

Andrew Streiter

[andrew.streiter@careerbuilder.com](mailto:andrew.streiter@careerbuilder.com)

Sent Thu 5/15/2014 1:47 PM

I would love to see the Mystic River clean and usable for both, recreation, boating, pedestrian/bike paths etc. I like that The Wynn Resort in Everett proposes a fully public waterfront promenade running the entire length of its shoreline. This public walkway will support both pedestrians and bicyclists, be illuminated and planted, and will have overlooks to the water, boat access and shellfish restoration areas. I believe that Wynn Resorts should also extend the public waterfront promenade walkway to attaching towns such as Medford and Somerville (Assembly Sq.) I would love to have my children be able to hang/play/walk along on the waterfront and like that Wynn Resort plans that on the water-side, the Resort will be integrated into the Mystic River recreational and transportation water network.

Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels. This would make our community one of the best places to live. Thanks

Tracy Hughes

[tracyhugs@hotmail.com](mailto:tracyhugs@hotmail.com)

262 Winthrop St.

Medford, Massachusetts 02155

Sent Thu 5/15/2014 1:45 PM

Anyone who has ever stayed at a Wynn property knows very quickly they a superior to all. Buildings are pristine!! I only stay at the Wynn in vegas.

Leslie Sullivan

[Leslies28@aol.com](mailto:Leslies28@aol.com)

21 Maplewood avenue Unit A

Gloucester, Ma 01930

Sent Thu 5/15/2014 1:44 PM

Good Afternoon,

I wanted to provide you with my comments on the design proposed by the Wynn Resort & Casino in Everett, MA.

I believe the exterior design of the facilities will greatly enhance the aesthetic impact of the surrounding community. In fact, that is highly understated; I believe it will transform the surrounding area into something it never could dream of being without Wynn's influence. The park-like setting of the waterfront improvement will create a wonderful classic city

green reminiscent of Boston Common and other prime public green gathering areas in the region akin to what the Rose Kennedy Greenway did for the concrete road system it replaced.

The Wynn will redevelop the harborwalk/waterfront promenade, creating a unique guest experience and opening up the natural beauty of the Mystic River to the public. The Wynn Resort in Everett will have excellent connections to surrounding commercial amenities and will help drive the interconnection of the entire Mystic River waterfront in Everett. Immediate neighbors such as the Gateway development and businesses along Broadway will have direct walking connections to the Wynn Resort in Everett by new, attractively landscaped and lit walkways and boardwalks.

On the water-side, the Resort will be integrated into the Mystic River recreational and transportation water network. Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels.

I don't understand how anyone can see this as anything but a gift to the people of Everett, and all of Massachusetts for that matter.

I fully support the design proposed by the Wynn Casino and Resort.

Sincerely,  
Kimberly Nolan  
[kimnolan.11@gmail.com](mailto:kimnolan.11@gmail.com)  
45 Franklin Street  
Duxbury, Massachusetts 02332

Sent Thu 5/15/2014 1:39 PM

The Wynn designed for the Everett site is the best looking and top notch of all Massachusetts proposed casinos. Wynn has a proven record for building high quality, beautiful spaces. We should not pass up this major opportunity to bring a high quality, top notch, beautiful site to Everett, and Massachusetts at large....Revere has had opportunities over the years and blew them all!!!!

Eric Lee  
[Elsie52@aol.com](mailto:Elsie52@aol.com)  
52 Elsie st  
Everett, Ma 02149

Sent Thu 5/15/2014 1:30 PM

Dear Gaming Commission Members:

I appreciate the careful work that you are doing to properly site the Region One gaming license.

Wynn is committed to making the Wynn Resort in Everett the company's most environmentally advanced integrated destination casino resort on a design and ongoing operational basis. The fact that Wynn will also be cleaning up the substantial hazardous waste that exists on the site currently, makes Wynn the absolute best choice for the Region One gaming license.

Thank you for your consideration.

Sincerely,  
Jeff Gould  
[gouldlaw89@yahoo.com](mailto:gouldlaw89@yahoo.com)  
40 Fay Street, Loft 706

Boston, Massachusetts 02118

Sent Thu 5/15/2014 1:25 PM

I live in a neighboring town and work in the area Schrafft complex. This casino has been the talk of the office. I believe that Wynn has done a remarkable job in bringing a design that would showcase the neighborhood. The current land does not lend well to some of the gentrification that is happening around this area, including the housing changes in Charlestown and Somerville but also the recent changes to the Assembly Square area. The height of the building is within context to the Schrafft Tower or buildings along the water in Charlestown. The design will solve some of the environmental concerns that manufacturing has left in the land. Overall, Wynn's commitment to the land and community is what drove me to support their efforts in my area. I believe they have been diligent about seeking community input and executing their plan with that information.

Diana Heise

[heisefamily@live.com](mailto:heisefamily@live.com)

26 Curtis Rd

Saugus, Massachusetts 01906

Sent Thu 5/15/2014 1:18 PM

I would love to see this beautiful place become part of Everett. So many people in Massachusetts go to CT or RI to play when we could have a beautiful set up Mr. Wynn is willing to build. Right here in our own State where our towns and cities can gain from - please let it be done. !!

Judith Butterly

[judithbutterly@gmail.com](mailto:judithbutterly@gmail.com)

9-C Agawam Village

Ipswich, Massachusetts 01938

Sent Thu 5/15/2014 1:16 PM

i feel the design of the property fits in with the location. the waterfront looks great the grounds around the casino are well fitted to the whole project..

paul crotty

[grumpyptc@msn.com](mailto:grumpyptc@msn.com)

91boyiston st

malDEN, ma 02148

Sent Thu 5/15/2014 1:13 PM

From my view which might be one of the few that see the beauty of Everett mixed with industrial and commercial use now. I see the change that Target, Home Depot and Costco has brought to improve the area that once was total devastation by others. Now we can correct these errors others caused with cleaning up that last super fund site. Everett deserves nothing less than development to show the world we accept that responsibility to have a show case attraction for the world to enjoy. I invite you to visit and see what I see everyday the beautiful skyline of Boston with the beauty of neighborhoods sharing a great city as one. Wynn Resort will become the newest edition of our city and we are ready for its arrival.

Arthur Dove

[arthur@zarexusa.com](mailto:arthur@zarexusa.com)

30 Chelsea Street 710

Everett, Massachusetts 02149

Sent Thu 5/15/2014 1:10 PM

I am sending this correspondence with great confidence that the Wynn project will do nothing but enhance what has been identified as an up and coming city in Massachusetts. The design and attention to detail to embrace the waterfront with a beautiful landscape of stores, restaurants and open space to be utilized by all is very exciting. I can appreciate the focus on keeping the project "green" and would hope that other towns and cities can learn from the Wynn way of doing things. I truly believe that the scope and shape of the proposed hotel/casino property will be accepted as readily as the Hancock Tower was when it was under construction in the late 70's. It is my hope that the structure will become a landmark that will put Everett on the map moving forward. As a resident, I look forward to monitoring the progress of this project should the city be honored with a casino license. We are ready for change and I believe this project is just what is needed to boost the local economy and to enhance the tourism industry for Boston and surrounding communities as well. The Mystic River needs this much needed facelift and will bring out the beauty that the body of water has to offer. I am asking at this time that you embrace the project as something that is not only eco-friendly but also citizen friendly as well.

Sincerely,  
Eve Hoban  
[ehoban@melrose.mec.edu](mailto:ehoban@melrose.mec.edu)  
83 Cleveland Avenue  
Everett, Massachusetts 02149

Sent Thu 5/15/2014 1:04 PM

Please favorably vote on the Wynn project for Everett. As a resident of Everett for nearly 20 years, I recognize that this project will greatly enhance and improve the city while dramatically improving the local environment. Among the many reasons are as follows....

Wynn is committed to making the Wynn Resort in Everett the company's most environmentally advanced integrated destination casino resort on a design and ongoing operational basis. This will revitalize an area badly in need of it.

The design of the Wynn Resort in Everett will incorporate substantial water conservation measures to reduce potable water demands on the Everett/MWRA water supply system.

The proposed parking garage will provide both charging stations and preferential parking for electric vehicles.

The signs will use the latest LED technology in order to reduce electric demand. All exterior signage will only operate at night to further reduce and minimize facility lighting.

The Wynn Resort in Everett has been intentionally and specifically planned to integrate into and enhance its surroundings. By beautifying the surrounding area, we will finally be able to make use of Everett's waterfront, which has been neglected for far too long.

The buildings height is a design that is beneficial to both guest and staff alike. It is designed in such a way to allow smooth integration with surrounding buildings

Michelle Joslin-Chaves  
[mjchavescpa@gmail.com](mailto:mjchavescpa@gmail.com)  
Harvard Street  
Everett, Massachusetts 02149

Sent Thu 5/15/2014 1:01 PM

We NEED that Wynn resort in Everett- it will make such a huge difference to the community and surrounding neighborhoods, bringing jobs and the right type of commerce to the area. I am also excited about how innovative the design of his casino is going to be, with an indoor arboretum with a year round garden for the public to enjoy (not to mention the additional effects of cleaning up toxic land in order to build the casino structures and surrounding gardens). Please don't let this opportunity go to waste!

Jess Gangi

[jessgangi@gmail.com](mailto:jessgangi@gmail.com)

Sent Thu 5/15/2014 1:01 PM

I agree with all this. Let's clean up and utilize Lower Broadway as well as get Route 16 upgraded to handle not only the traffic for the resort but for the Gateway Center.

The Wynn Resort in Everett has been intentionally and specifically planned to integrate into and enhance its surroundings.

The buildings height is a design which is beneficial to both guest and staff alike. It is designed in such a way to allow smooth integration with surrounding buildings.

The Wynn Resort in Everett will provide an unprecedented opportunity to transform the Lower Broadway Area and to realize many of the goals put forth in recent state, regional, and local planning initiatives to stimulate investment and develop an economically prosperous neighborhood.

The development site itself currently is a desolate, contaminated brownfield that will be transformed into an environmentally and economically revitalized area.

The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site.

Currently, the bay area is unusable due to contamination, obstructions and shallow drafts. The Wynn Resort in Everett will connect its site with the existing and future network of public and private vessels.

--

Ellen Campbell

[ecampbell@middlesexgases.com](mailto:ecampbell@middlesexgases.com)

23 Everett Street

Everett, Massachusetts 02149

Sent Thu 5/15/2014 12:58 PM

Wynn is committed to making the Wynn Resort in Everett the company's most environmentally and efficiently advanced destination casino resort on a design and ongoing operational basis. The design will only enhance our city but he is also taking useless land and is going to clean it up. Doesn't this make sense to let this Casino go through. Wouldn't you like to have the riverfront looking gorgeous or look like a dump.....

--

Gail Carnazzo

[gail.carnazzo@cambridgetrust.com](mailto:gail.carnazzo@cambridgetrust.com)

103 Francis St

Everett, MA 02149

Sent Thu 5/15/2014 12:56 PM

I believe the Wynn resort will be a beautiful addition to the city of Everett, the building and the grounds will be a wonderful aesthetic improvement!!!!

It will bring so much to the city, especially to an area that is not even being utilized.

valerie Bartolo

[valetats@aol.com](mailto:valetats@aol.com)

33 Summer Street  
Everett, Massachusetts 02149

Sent Thu 5/15/2014 12:55 PM

I think the Wynn casino proposed for Everett will be nothing less than a Wynn win. It can only benefit Everett and the surrounding communities. The style, design is excellent and will bring a positive impact on the community. The modes of transportation (boating) will be very enjoyable and relaxing and will bring a sense of enjoyment just watching them on the water.

I am hoping that the casino will come to Everett and I will support it.

Marian Gilbert  
[gilbertm51@comcast.net](mailto:gilbertm51@comcast.net)  
51 Liberty Street  
Everett, MA 02149

Sent Thu 5/15/2014 12:53 PM

With the Wynn project in Everett it is a no brainer, it is such a central location for all surrounding communities including easy in and out to Boston and Logan, as well as route 1 with no tie ups like the other project would be and so congested, also a 5 STAR to me is just so far beyond a 3 STAR there is just no comparison, my vote and so many others for this beautification project goes far beyond what the ordinary structures would be and would take us so far into the future for all kind, thanks for your time.

BOB GINEPRA  
[bob\\_ginepra@bfsprinters.com](mailto:bob_ginepra@bfsprinters.com)  
78 DARTMOUTH ST  
EVERETT , MA 02149

Sent Thu 5/15/2014 12:51 PM

I am so glad that the design of the new facility will be classic contemporary, reminiscent of some of the old cast iron buildings of the Greater Boston region. This new facility will be extremely beneficial to the area. It will help eradicate the polluted mass left behind by Monsanto.

James Colameta  
[jcolameta@kleinfelder.com](mailto:jcolameta@kleinfelder.com)  
40 Jefferson Ave  
Everett, Massachusetts 02149

Sent Thu 5/15/2014 12:50 PM

To Whom it May Concern:

I'm writing today because I believe the external and internal aspects of the Wynn project are the best for Massachusetts. I'm a frequent visitor to the area and know the quality that the Wynn project will bring to the area. The development site itself currently is a desolate, contaminated brownfield that will be transformed into an environmentally and economically revitalized area. The proposed site improvements will integrate and promote pedestrian and bicycle connections with the adjacent pedestrian facilities to the northwest and southeast of the development site.

I urge you to approve this site above all others.

Thank you,

Courtney Fryxell  
[cfryxell@gmail.com](mailto:cfryxell@gmail.com)  
8814 Jackdaw St  
Highlands Ranch, CO 80126

Sent Thu 5/15/2014 12:50 PM

Wynn will turn a blight on that corner of our world I to a gorgeous facility. With a park like environment and another way for is to enjoy the mystic river, I totally trust Wynn to make their grounds as beautiful as anything around. Imagine the awesome connection with Assembly Square! All that area that we were told as kids to stay away from, it's not safe back there will be a fascinating area and being much revenue to our cities

Linda Benasky  
[a2girlsmom@aol.com](mailto:a2girlsmom@aol.com)  
15 Wellington road  
Medford, Ma 02155

Sent Thu 5/15/2014 12:50 PM

I am a big fan of the Wynn plan over others in the area.

James Palmisano  
[jim@382com.com](mailto:jim@382com.com)  
143 Granville Ave Ext  
Malden, Massachusetts 02148

Sent Thu 5/15/2014 12:45 PM

Absolutely love the design plan for the Wynn Resort and Casino. It will revitalize the area and bring many new jobs to our area.

The outside grounds look amazing and bring people together to enjoy a 5 star resort and casino.

I can't wait for the answer and hopefully get this project moving very soon.

--

Janice Cambria  
[jcambria@agero.com](mailto:jcambria@agero.com)  
24 Silver Road  
Everett, MA 02149

Sent Tue 5/27/2014 12:56 PM

Just like the Wynn developments rose out of the desert so will Wynn Everett. In fact, it will be like a Phoenix rising but instead of the desert it will be a brownfield. Wynn Everett will compliment and mirror the surrounding development along the Mystic River both in Charlestown and in Somerville  
Frank Parker

[Frankp617@comcast.net](mailto:Frankp617@comcast.net)

28 Freeman Ave  
Everett, Ma 02149

Sent Tue 5/27/2014 9:07 PM

The Wynn Resort in Everett is going to be amazing! I have seen the model and it looks spectacular! The Wynn Resort in Everett will feature comprehensive external signage designed to direct guests safely and efficiently to the integrated resort's gaming and non-gaming amenities. I am excited about this. Wynn is committed to making the Wynn Resort in Everett the company's most environmentally advanced integrated destination casino resort on a design and ongoing operational basis. I can't believe they will finally be cleaning up a location in Everett that has desperately needed it! I am glad to have someone like Wynn take on this challenge and make it happen.

The design of the Wynn Resort in Everett will incorporate substantial water conservation measures to reduce potable water demands on the Everett/MWRA water supply system.

The small details will feel familiar, reminiscent of some of the old cast iron buildings of the Greater Boston region.

I am looking forward to seeing this Resort become a reality!

Rainy Sachetta-Leonard

[Rainysach@comcast.net](mailto:Rainysach@comcast.net)

5 Lillian Drive  
North Reading, MA 01864



# PLAINRIDGE PARK CASINO

## PROJECT SUMMARY SCHEDULE

SUBMITTED TO MGC

MAY 27, 2014







# PRELIMINARY SCHEDULE REVIEW

By Perry Associates LLC



Massachusetts Gaming Commission  
Oversight Project Manager  
Slots Parlor Plainville  
May 29, 2014

# Plainridge Park Casino Project

Plainville, MA

## PRELIMINARY BASELINE SCHEDULE REVIEW May 2014

### Executive Summary

This report provides Owner's Project Manager (OPM) review comments on Penn National's, preliminary baseline schedule submission for the Plainridge Park Casino Project in Plainville, Massachusetts.

The preliminary baseline schedule presented by Penn National appears achievable, but is also aggressive, which is reflected in limited float. It contains major construction activities and construction related milestones in a logical sequence that accounts for known variables such as normal winter weather conditions.

However, final approval is contingent on the schedule containing important non-construction related activities and milestones. For instance, activities requiring MGC approval, baseline traffic studies (with time durations), and the acquisition of permits.

The OPM will work with Penn National to incorporate these items into the schedule which will result in a comprehensive management tool. It is our intent to complete this effort in time for Penn to present the final schedule to the Commission at the June 26, 2014, MGC Public Meeting.

## Purpose of the Review

The purpose of the OPM's review of Penn National's schedule is to assist the MGC in determining whether the baseline schedule is achievable and reasonable. Furthermore, we intend to monitor the Licensee's progress, to recognize any potential impacts to the schedule, to assist Penn National in the resolution of such impacts, and to keep the MGC informed of all major schedule related issues.

## Critical Path Analysis

The critical path is the sequence of activities that, if delayed, will delay project completion. Identification of the critical path is important to ensuring an on-time completion because it focuses attention on those activities that will, if delayed, impact project completion.

The Critical Path of the Preliminary Baseline schedule begins with issuance of the Clubhouse Permit Package. The Critical Path then continues through the Gaming Building Demolition, Design, Finishes, and concludes with Gaming Building Certificate of Occupancy on June 11, 2015. In parallel, MassDOT Inspection and Sign-off of roadway work is expected by June 11, 2015. The MA General Gaming Play Date, Certification & Approval of Casino is expected during the week of June 19, 2015 and Opening Day is expected to be June 26, 2015. Final Completion and Project Close-Out continues through August 7, 2015.

Please refer to Appendix A for the critical path report.

## Milestone Analysis

The table below shows some key milestone dates:

Activity ID	Description	Preliminary Baseline Completion Date
PPCGB-MS-0010	Issue Gaming & Simulcast Building Assembly Permit (Plainville ISD)	May 1, 2014
PPC-MS-0020	Substantial Completion Acceptance Of Garage Structure by PENN NATIONAL	May 7, 2014
PPCOSI-MS-0020	MassDOT Issues MEPA Section 61 Findings	May 15, 2014
PPCGB-MS-0180	Simulcast Building Fire Proofing / Shell Structure / RTUs	May 20, 2014

PPCPG-MS-0020	Parking Garage Interior Fit - Out Documents - First Floor Administrative Offices	May 30, 2014
PPCGB-MS-0020	Issue Gaming Building Core Shell Permit (Plainville ISD)	May 30, 2014
PPCSB-MS-0010	Issue Simulcast Building Demolition Permit (Plainville ISD)	June 3, 2014
PPCG-MS-0030	Gaming Building MEP Design Documents	June 20, 2014
PPCOSI-MS-0030	Off Site Improvement Design Documents	July 7, 2014
PPCGB-MS-0040	Gaming Building Interior Fit - Out Documents – Permit - Construction	July 31, 2014
PPCGB-MS-0060	Simulcast Building Demolition / Interior Fit-Out Documents	July 31, 2014
PPCGB-MS-0100	Design Details For State Slot Monitoring System	Aug 15, 2014
PPCGB-MS-0050	Issue Gaming Building Interior Fit-Out Permit (Plainville ISD)	Aug 25, 2014
PPCOSI-MS-0040	Off Site Road Improvement Permitting	Sept 15, 2014
PPCGB-MS-0120	Design For Critical Gaming Systems	Oct 15, 2014
PPCGB-MS-0130	Design For Surveillance System	Oct 15, 2014
PPCGB-MS-0080	Issue Parking Garage Certificate Of Occupancy (Plainville ISD & FD)	Feb 5, 2015
PPCSB-MS-0020	Surveillance Room Ready	April 1, 2015
PPCGB-MS-0070	Issue Gaming & Simulcast Building Certificate Of Occupancy (Plainville ISD & FD)	June 15, 2015
PPCGB-MS-0110	Opening Day	June 26, 2015

## MGC Actions

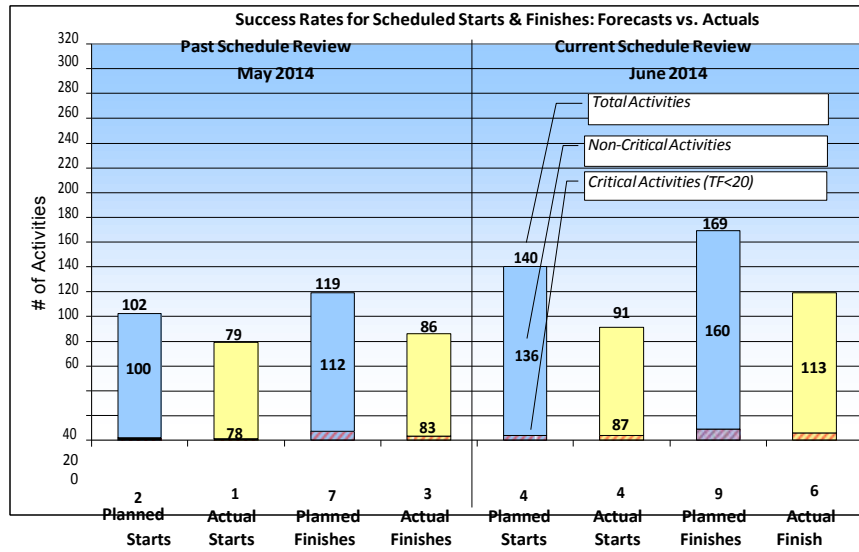
Currently there are no MGC actions included within the Preliminary Baseline schedule as submitted. Please note that the OPM will work with Penn National to identify activities where MGC action is required, which will be included and reported within subsequent schedule submissions.

## Schedule Performance

An analysis of the activities included within the Preliminary Baseline schedule indicates the following:

	Number	Percent
Total Activities	906	
Completed	230	25%
In Progress	55	6%
Not Started	621	69%

Subsequent reports will be focused on a month to month progress review that will include a comparative analysis of the start and finish dates of planned work to actual dates which may indicate how well a project is performing to its plan. This analysis will be presented in the form of success rates for scheduled starts and finishes of planned activities, within a table similar to that as shown below:



## Additional Comments

Below are additional comments pertinent to the development of a robust schedule. The OPM will work with Penn National to incorporate these comments into the Project schedule.

- **Milestones:** Several Milestones have already been identified. It is recommended that a Start and Finish Milestone be added for each major element of work for high level reporting purposes. Suggested additional Milestones are: MassDOT required actions i.e. realignment of roadways and signal work, Gaming Hall, Renovation of the existing building, Certificates of Occupancy, and Open for Business and Operation.
- **Submittals:** It is recommended to add the Program required submittals as identified in M.G.L. c. 23K and pertinent regulation from 205 CMR.
- The scheduling reporting cycle is monthly. The activity durations should be broken down in sufficient detail to permit accurate progress measurement.
- **Cost Loading:** Although the Preliminary Baseline schedule as submitted did not include cost loading, a separate cash flow analysis was provided for only the Turner Construction Company scope of work. However, an overall program cash flow analysis which includes all costs to be incorporated in to the program needs to be provided.
- **Resource Loading:** Although the Preliminary Baseline schedule as submitted did not include resource loading, a manpower analysis was provided for the Turner Construction Company scope of work.
- Recommend the Data Date occur on the non-work day of Sunday
- Each time the Data Date is changed, recommend to maintain the baselines, named for the data date, by adding the baseline to the current project file. This allows schedule analysis as the project is actualized.
- When scheduling the progress activities the schedule option should be set on Retained Logic and Early Start.
- There are 64 Activities with Constraints. Recommend that constraints kept to a minimum, such as the start/finish milestones, so as to allow actual progress to drive the float and critical path. The Required-On-Job (ROJ) dates for subcontractors and materials should be logically driven by activities in the schedule and not constrained.
- There are 39 Activities without Predecessors or Successors. Recommend that only the Project Start and Finish Milestones have open ends. All other activities and milestones should be logically tied in the schedule.



## Conclusion

The initial baseline schedule presented is a schedule that is still being developed. As a design-build project, much of the project design is on-going which, in turn, impacts the level of design and construction activity detail included within the schedule. In addition, although Penn National has included some of the licensee requirements as included in the Category 2 License and 205 CMR 135, additional non-design and construction activities need to be included. The OPM will work with Penn National to identify and incorporate the additional activities to be included in the baseline schedule in order to create an effective management tool that is suitable for our approval.





## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Chairman Crosby and Commissioners Cameron, McHugh, Stebbins and Zuniga  
**From:** Rick Day and Derek Lennon  
**CC:** Public Meeting Packet 5/29/2014  
**Date:** 5/27/2014  
**Re:** FY15 Initial Budget Recommendations

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#### Summary:

The Massachusetts Gaming Commission's (MGC) initial Fiscal Year (FY) 2015 budget projections include \$24.5M for gaming operations and \$4.8M for racing operations for a total of \$29.3M. At the commission's request we completed an analysis comparing the projected FY 15 costs of the MGC's gaming operations to those of two other states. As FY 2015 is the first budget that will be assessed on the gaming licensees the comparison is intended to provide a frame of reference regarding the reasonableness of MGC's budget in relation to peer agencies. The analysis demonstrates that while Massachusetts is still in start-up mode and our contracted costs are disproportionate to salaries, the MGC's costs are comparable to the Pennsylvania and Michigan Gaming Control Boards.

The MGC, under 205 CMR 121.00 will assess licensees the difference between its budget and anticipated revenues in FY15. The MGC's gaming operations costs are projected to be \$24.5M, and net revenues are anticipated to equal \$4.1M, which would leave an assessment of \$20.4M to be divided up among the licensees.

The Racing Division's budget is funded through a portion of wagering. While the landscape of racing in Massachusetts is not stable, the Division's budget was built using prior year revenue projections deflated at the average rate of decline experienced from FY12-FY13.

For the first time, the MGC's budget is presented at the Division/Bureau functional level. FY15 will begin the process of each division being assigned a budget, that budget being



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established in the Commonwealth's accounting system, and expenditures tracked against that budget. Some of the more significant anticipated costs of each division/bureau are described later in this memo.

### Gaming Operations Comparison:

The MGC is committed to establishing a comprehensive regulatory environment for gaming in Massachusetts, but is also aware of the licensee's competitive business environment. Therefore, the MGC compared its FY15 budget projections to the current budgets for the Michigan Gaming Control Board (MGCB), and the Pennsylvania Gaming Control Board (PGCB). It is difficult to do an exact comparison between gaming commissions/control boards. In an effort to normalize the budgets, this analysis concentrated on the total projected budget, number of full time equivalents (FTEs), cost of FTEs (inclusive of fringe benefits), and total contracted costs. The analysis also looked at what costs of providing a regulatory environment are built into each entity's budget as opposed to funded through a separate item, but still assessed on the industry. A few other characteristics were looked at for comparison purposes such as how many operations are monitored, whether there is a full or part-time commission, and the total amount of revenue generated for state purposes. The final comparison was the percentage change in the consumer price index for the region over a 30 year time period to put in Massachusetts dollars the relative cost of the regulatory environment in Pennsylvania and Michigan.

	Massachusetts		Michigan		Pennsylvania	
<b>Headquarters</b>	Boston		Detroit		Harrisburg	
<b>Budget</b>	24,500,000.00		24,500,000.00		36,900,000.00	
<b>FTEs</b>	73.00		116.00		315.00	
<b>Cost of FTEs</b>	6,500,000.00		10,000,000.00		30,100,000.00	
<b>Contracted Costs</b>	18,000,000.00		14,500,000.00		6,800,000.00	
<b>Characteristic Comparison</b>		<b>Included in Agency Budget</b>		<b>Included in Agency Budget?</b>		<b>Included in Agency Budget?</b>
<b>State Police</b>	1,800,000.00	Yes	4,000,000.00	Yes	22,500,000.00	No
<b>Attorney General</b>	800,000.00	Yes	1,300,000.00	Yes	1,000,000.00	No
<b>Department of Revenue*</b>	-	NA	-	NA	2,500,000.00	No
<b>Problem Gambling</b>	3,900,000.00	Yes	960,000.00	Yes	8,200,000.00	No



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<b>Centralized Monitoring System</b>	1,600,000.00	Yes	-	NA	7,000,000.00	No
<b>Full Time Commission</b>	2,000,000.00	Yes	-	NA	1,020,000.00	Yes
<b>Part Time Commission</b>	-	NA	8,000.00	Yes	-	NA
<b>Operations Monitored</b>	3.00		3.00		12.00	
<b>CPI % Change since 1984 Natl Avg 124%</b>	140%		113%		131%	
<b>Total Revenue Generated</b>	300,000,000.00		115,000,000.00		1,400,000,000.00	
<b>Total Amount Spent on Regulatory Control</b>	<b>24,500,000.00</b>		<b>24,500,000.00</b>		<b>69,900,000.00</b>	
<b>Cost of Regulatory Control in MA Dollars</b>	<b>24,500,000.00</b>		<b>30,380,000.00</b>		<b>74,793,000.00</b>	

The Massachusetts gaming commission's regulatory control budget is derived from a combination of reimbursements for investigative costs, per slot machine annual fees, licensing division fees and an assessment on each licensee for their proportional share of the difference between the commission's anticipated expenditures and the aforementioned revenues. In Michigan, the MGCB's regulatory control budget is derived from an annual assessment of \$11+M on each of the three licensees. The total assessment began at \$25M when the legislation was passed and grows annually tied to the Detroit CPI. The current total assessment is in excess of \$33M. The PGCB's regulatory control budget is derived from an assessment of 1.5% of each operator's gross gaming revenue (GGR) and revenues from their licensing division and their gaming laboratory. The 1.5% funds more than just the PGCB's budget, and Pennsylvania is actually operating at ~2% of GGR, but has built up a reserve in their regulatory control fund from previous fiscal years and has used this surplus to keep the assessments at 1.5%.

Massachusetts is projected to spend \$24.5M in FY15, which is the same amount Michigan is projecting to spend on its casino/gaming oversight, and Pennsylvania is projecting to spend ~\$36.9M for its operations. Massachusetts differs from both Pennsylvania and Michigan in that its ratio of FTE costs in comparison to contractual costs is much lower. Massachusetts is heavily reliant on contracted assistance to set up the commission, where MGCB and PGCB have gone through that process and are now in a regulatory role, which by nature is more FTE cost driven. Massachusetts is similar to Michigan in that the costs of the state police the attorney general's office, and problem gambling are built into the commission's budget, where as in Pennsylvania, the gaming regulatory costs of the state police and the attorney general's office are direct appropriations to those agencies out of the 1.5% GGR fund, and problem gambling is appropriated from the tax assessment on slot revenue.



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MGC is similar to Pennsylvania in that it has full-time commission/board and is expecting to have a central monitoring system for slots (VLT/EGM) operations while Michigan has a part-time board that does not receive salaries, and does not have the costs of a central monitoring system assessed on its licensees. However, the cost of the central monitoring system in Pennsylvania is not included in the PGCB's appropriation from the 1.5% assessment on GGR, but is rather appropriated to the Pennsylvania department of revenue out of the 1.5% GGR assessment fund.

The total cost to provide regulatory control of commercial casino and slot operations in Massachusetts for FY15 is projected to be \$24.5M. The FY14 total commercial casino regulatory control budgets for Michigan and Pennsylvania are \$24.5M and \$69.9M respectively. The MGC is anticipating within the next couple of months to have three licensees, which is the same as Michigan, while Pennsylvania currently has 12 licensees and is expecting to increase to 14 within the next 12 months. The final analysis conducted was to look at the inflation in the consumer price index (CPI-U) for the Boston, Detroit and Philadelphia areas to compare the cost of doing business in Michigan and Pennsylvania to what it would cost in Massachusetts. From 1984-2013, the CPI-U for the country rose by 124%. In the Boston area it increase by 140%, in Philadelphia it increased by 131% and in Detroit it increased by 113%. Using the CPI-U index increases Boston grew 7% more than Philadelphia and 24% more than Detroit over the same time period. In Boston dollars, the \$24.5M needed to regulate Michigan would equal ~\$30.4M, and the \$69.9M needed to regulate Pennsylvania would equate to \$74.8M.

#### **Assessment on Licensees:**

Chapter 23K § 56 (a)-(c) define how the MGC will fund its annual costs. This chapter was further defined through 205 CMR 121.00. The finance office has met with each division/bureau head within the MGC and developed spending and revenue projections that are realistic representations of what will be needed in FY15 to operate the commission, as well as what can be expected for revenue based on the commission's current fee structures. These requests were then reviewed by the CFAO, the Executive Director, and the Treasurer of the commission. The short table below represents at a macro level the anticipated spending for gaming regulatory operations for FY15 and the corresponding flows of revenue. It is important to note that the MGC retained \$17.5M of the \$25M category 2 license fee to fund a portion of its FY14 operations. The remaining --- was transferred into the licensing fund to be distributed per section 93 of the Acts of 2011. The commission is anticipating carrying \$14M of those funds into FY15



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to begin operations until assessments are received. There is a corresponding \$17.5M transfer line out of the Gaming Control fund and back into the Community Mitigation fund (CMF) scheduled for the last quarter of FY15 to fully fund the (CMF). This schedule was described in a memorandum presented to the commission on April 20, 2014.

By taking the projected spending less the net revenues projected for FY15, the commission will utilize 205 CMR 121.01 3(c) to assess ~\$20.4M on licensees as shown in the chart below.

Appropriation	Appropriation Name	Cost Category	Annual Projection
10500001	Mass. Gaming Commission	AA-REGULAR EMPLOYEE COMPENSATION	\$4,975,166.60
		BB-REGULAR EMPLOYEE RELATED EXPEN	\$80,900.00
		CC-SPECIAL EMPLOYEES	\$131,412.50
		DD-PENSION & INSURANCE RELATED EX	\$1,348,548.83
		EE-ADMINISTRATIVE EXPENSES	\$503,569.71
		GG-ENERGY COSTS AND SPACE RENTAL	\$633,157.52
		HH-CONSULTANT SVCS (TO DEPTS)	\$6,060,200.00
		JJ-OPERATIONAL SERVICES	\$2,935,016.31
		KK-EQUIPMENT PURCHASE	\$161,500.00
		LL-EQUIPMENT LEASE-MAINTAIN/REPAR	\$33,458.00
		MM-PURCHASED CLIENT/PROGRAM SVCS	\$35,000.00
		PP-STATE AID/POL SUB	\$3,841,814.00
		UU-IT Non-Payroll Expenses	\$3,816,811.00
<b>Cost Projections Total</b>			<b>\$24,556,554.47</b>
Appropriation	Appropriation Name	Revenue Description	Annual Projection
10500001	Mass. Gaming Commission	Employee License Fees Gaming	\$82,500.00
		Employee License Fees Non-Gaming	\$12,000.00
		Employees License Fees Key Gaming	\$197,500.00
		Gaming Control Fund Beginning Balance	\$14,000,000.00
		Gaming Vendor Primary	\$900,000.00
		Gaming Vendor Secondary	\$150,000.00
		Grant Collections	\$700,000.00
		Region A Slot Machine Fee	\$1,860,000.00
		Region B Slot Machine Fee	\$1,800,000.00
		Region C Phase 1 Investigation Collections	\$400,000.00
		Region C Phase 2 Category 1 Collections	\$800,000.00



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Slots Parlor Slot Machine Fee	\$750,000.00
Transfer of Licensing Fees to CMF	(\$17,500,000.00)
<b>Revenue Projections Total</b>	<b>\$4,152,000.00</b>
<b>Assessment (Cost Projections-Revenue Projections)</b>	<b>\$20,404,554.47</b>

The Racing Division's budget is found below in the FY15 Budget Structure section under item 10500003 as its funding is generated through specific revenue percentages of wagering and fees/assessments. A complete list of the MGC's spending and revenue by appropriation is attached to this document (Attachment A).

#### **FY15 Budget Structure:**

Beginning in FY15, the MGC will be allocating funds to each division/bureau and tracking contractual commitments, expenditures and salaries against each division/bureau budget. The commission will be using the expense budget feature in the Massachusetts Management and Accounting Reporting System (MMARS) to establish these budgets and automate the process of keeping track of budget to actual expenditures and commitments.

Each appropriation (eight digit number assigned in the accounting system that expenditures are tracked against and revenue is assigned to) will have expense budgets set up so that the MGC can verify at any point that the approved spending levels will not exceed the approved budget. Below is a summary of each division/bureau proposed budget. Immediately following the table are highlights of significant spending in each division/bureau. Attachment B to this document provides an object class level budget for each division/bureau. Divisions/bureaus were required to build budget requests at the object code level, but for purposes of entering budgets into the state accounting system, budgets will be loaded at the object class level.

Appropriation	Appropriation Name	Unit	Unit Name	Budget
10500001	Mass. Gaming Commission	1000	Finance and Administration	\$3,428,116.61
		1100	Human Resources	\$674,368.25
		1200	Legal	\$2,267,059.19
		1300	Executive Director	\$891,627.69
		1400	Information Technology	\$4,610,559.20



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		1500	Commissioners	\$2,039,811.63
		1600	Workforce and Supplier Diversity	\$354,818.84
		1700	Problem Gambling	\$3,946,825.16
		1800	Communications	\$320,214.01
		1900	Ombudsman	\$983,525.05
		5000	Investigations and Enforcement Bureau	\$4,436,072.70
		7000	Licensing Division	\$603,556.14
<b>10500001 Total</b>		<b>12</b>		<b>\$24,556,554.47</b>
10500002	MGC - Racing Stabilization Trust Fund	3000	Racing Division	\$743,988.10
10500003	MGC Mass Racing Development and Oversight Trust	3000	Racing Division	\$2,060,548.31
10500013	MGC Plainridge Racecourse Capital Improvement Trust	3000	Racing Division	\$125,000.00
10500021	MGC Sterling Suffolk Promotional Trust	3000	Racing Division	\$146,000.00
10500022	MGC Sterling Suffolk Capital Improvement Trust	3000	Racing Division	\$527,000.00
10500140	MGC Payments to Cities/Towns for Local Share Racing Tax Rev	3000	Racing Division	\$1,150,000.00
<b>Grand Total:</b>				<b>\$29,309,090.88</b>

### *10500001 Gaming Control Trust Fund*

Funds 12 divisions and bureaus. Each division/bureaus salaries and fringe benefits are built into the figures in the chart above. For the purposes of this memorandum, only major contractual expenditures are listed below. Further detail is listed in attachment B:

- Division of Finance and Administration—office space lease, build out and moving costs ~\$750K, oversight project monitoring ~\$1.7M, parking \$85K, supplies \$55K.
- Human Resources Division—office wide overtime allocation (excluding state police) \$100K, raises and benefits on raises for entire office ~\$200K.
- Legal Division—outside counsel (labor counsel, litigation counsel, general assistance) \$800K, and \$800K MOU with Attorney General’s Office.
- Executive Director—high performing agency \$480K.



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- Information Technology Division—licensing system phase 1 completion and phase 2 build out \$1.2M, central management system \$1.75M, hardware and software \$200K, IT consulting expertise \$250K.
- Commissioners—space for public meetings, stenography of public meetings and miscellaneous costs \$150K, review of region C applications \$800K.
- Workforce and Supplier Diversity—grants for small business training and development in licensed regions, English for speakers of other languages \$130K.
- Problem Gambling Division—responsible gaming branding, education and staffing of on-site centers \$540K, SEIGMA core baseline study and Magic cohort study \$3M.
- Communications—website design, streaming of public meetings, and media subscriptions \$50K.
- Ombudsman—grants to host and surrounding communities \$700K
- Investigations and Enforcement Bureau—investigations of license applicants (vendor and employee) and region C applicants \$1.1M, MOU with state police for investigative troopers, OT and travel, recruit class for slots parlor and troopers for slots parlor \$1.75M, fingerprint costs \$225K, industry best practices training of gaming agents, state troopers and financial investigators \$250K.
- Licensing Division—supplies and equipment for licensing badges and finger print machines \$80K.

There are several items that are very hard to predict and are best estimates. The cost of a central monitoring system projected in FY15 at \$1.7M figure is not a full year cost, and we have not yet put out a competitive procurement. The MGC is set to move into new office space at some point in FY15, but we have not fully negotiated a new lease as of this memorandum. We have projected moving and costs of desks and work stations, but those are once again just estimates. The phase 2 licensing system cost is an estimate and not based on any work papers, the cost of investigations and application reviews for region C are estimates, but revenue neutral, similar to the grants under the Ombudsman’s office. The state police costs for new troopers for the opening of the slots parlor are estimates based on an opening in the last quarter of FY15.



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*10500003 Racing Development and Oversight Trust Fund*

Appropriation	Appropriation Name	Cost Category	Annual Projection
10500003	MGC Mass Racing Development and Oversight Trust	AA-REGULAR EMPLOYEE COMPENSATION	\$457,788.33
		CC-SPECIAL EMPLOYEES	\$717,758.00
		DD-PENSION & INSURANCE RELATED EX	\$136,907.98
		EE-ADMINISTRATIVE EXPENSES	\$30,290.00
		FF-FACILITY OPERATIONAL EXPENSES	\$1,000.00
		HH-CONSULTANT SVCS (TO DEPTS)	\$120,000.00
		JJ-OPERATIONAL SERVICES	\$244,400.00
		LL-EQUIPMENT LEASE- MAINTAIN/REPAR	\$7,650.00
		MM-PURCHASED CLIENT/PROGRAM SVCS	\$266,000.00
		NN-INFRASTRUCTURE:	\$1,000.00
		UU-IT Non-Payroll Expenses	\$77,754.00
		<b>Cost Projections Total</b>	<b>\$2,060,548.31</b>
Appropriation	Appropriation Name	Revenue Description	Annual Projection
10500003	MGC Mass Racing Development and Oversight Trust	Plainridge Assessment	\$146,236.00
		Plainridge Commission Live	\$7,630.72
		Plainridge Commission Simulcast	\$469,462.74
		Plainridge Daily License Fee	\$54,600.00
		Plainridge Occupational License	\$5,235.00
		Racing Oversight and Development Balance Forward	\$1,200,000.00
		Raynham Assessment	\$120,958.00
		Raynham Daily License Fee	\$48,900.00
		Raynham Raynham Commission Simulcast	\$469,462.74
		Suffolk Assessment	\$465,577.00
		Suffolk Commission Live	\$37,449.74
		Suffolk Commission Simulcast	\$190,764.78
		Suffolk Daily License Fee	\$54,300.00
		Suffolk Occupational License	\$50,400.00
		Suffolk TVG Commission Live	\$4,086.95
		Suffolk TVG Commission Simulcast	\$140,085.58



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Suffolk Twin Spires Commission Live	\$1,724.52
Suffolk Twin Spires Commission Simulcast	\$79,219.27
Suffolk Xpress Bet Commission Live	\$1,147.43
Suffolk Xpress Bet Commission Simulcast	\$40,056.08
Transfer to General Fund 10500140	(\$1,150,000.00)
Wonderland Assessment	\$17,229.00
Wonderland Daily License Fee	\$13,180.00
<b>Revenue Projections Total</b>	<b>\$2,467,705.55</b>
<b>Variance (Revenue Projections-Cost Projections)</b>	<b>\$407,157.24</b>

This item funds the operations of the Racing division. The majority of funding from this appropriation is payroll related ~\$680K. In addition, the racing division spends between \$450K and \$600K on seasonal salaries during the live racing season. Other costs of the division are drug and laboratory testing \$200K, purchased client services for economic hardship payments, eight pole payments, and the jockey guild \$165K, and independent financial services \$100K.

#### *Racing Capital Improvement and Promotional Trust Funds*

The racing division has historically spent ~\$650K annually from the harness horse and racing horse capital improvement trust funds. Revenue for these funds are generated through a portion of the total amount wagered at each track. Projects approved from these funds must be approved by the commission. Payments are made as funds become available in the trust funds.

#### *10500140 Payments to Cities and Towns for Local Share of Racing Tax Revenue*

This item is a state appropriated item that the MGC must reimburse the general fund for expenses from it. Funds from this item go directly to race tracks and represent a percentage of pari-mutuel taxes.

#### **Conclusion:**

Staff is proposing an FY15 MGC budget of \$29.3M. \$24.5M is to support commercial casino and slot parlor operations and \$4.8M to support the racing division. Staff seeks



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the commission's guidance on either developing further spending recommendations or approving this version for the Massachusetts Gaming commission's budget. If this version were to be approved, the MGC will assess \$20.4M on the slot and casino licensees in FY15.

For FY15 the following recommendations are made regarding assessments and fees:

- The commission should delay assessing the costs until the region A and B licenses are awarded;
- The commission should assess licensees their full year share of the assessment regardless of when the actual license is awarded and accepted; and
- The commission should assess the \$600/slot machine fee for the full year cost regardless of when the license is awarded and accepted.



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# Budget to Revenue

BFY	Approp	Category	Description	Amount
2015	10500001	Mass. Gaming Commission		
		Budget		
			AA-REGULAR EMPLOYEE COMPENSATION	\$4,975,166.60
			BB-REGULAR EMPLOYEE RELATED EXPEN	\$80,900.00
			CC-SPECIAL EMPLOYEES	\$131,412.50
			DD-PENSION & INSURANCE RELATED EX	\$1,348,548.83
			EE-ADMINISTRATIVE EXPENSES	\$503,569.71
			GG-ENERGY COSTS AND SPACE RENTAL	\$633,157.52
			HH-CONSULTANT SVCS (TO DEPTS)	\$6,060,200.00
			JJ-OPERATIONAL SERVICES	\$2,935,016.31
			KK-EQUIPMENT PURCHASE	\$161,500.00
			LL-EQUIPMENT LEASE-MAINTAIN/REPAR	\$33,458.00
			MM-PURCHASED CLIENT/PROGRAM SVCS	\$35,000.00
			PP-STATE AID/POL SUB	\$3,841,814.00
			UU-IT Non-Payroll Expenses	\$3,816,811.00
		<b>Category Total:</b>		\$24,556,554.47
		Revenue		
			Gaming Control Fund Beginning Balance	\$14,000,000.00
			Gaming Employee License Fees	\$82,500.00
			Gaming Service Employee Initial License	\$75.00
			Grant Collections	\$700,000.00
			Key Gaming Employee	\$197,500.00
			Non-Gaming Vendor	\$12,000.00
			Region A Slot Machine Fee	\$1,860,000.00
			Region B Slot Machine Fee	\$1,800,000.00
			Region C Phase 1 Investigation Collections	\$400,000.00
			Region C Phase 2 Category 1 Collections	\$800,000.00
			Slots Parlor Slot Machine Fee Phase II Slot	\$750,000.00
			Subcontractor ID Initial License	\$200.00
			Temporary License Initial License	\$100.00
			Transfer of Licensing Fees to CMF	(\$17,500,000.00)
			Vendor Gaming Primary	\$900,000.00
			Vendor Gaming Secondary	\$150,000.00
			Veterans Initial License	\$100.00
		<b>Category Total:</b>		\$4,152,475.00
		<b>Appropriation Total:</b>		(\$20,404,079.47)
	10500002	MGC - Racing Stabilization Trust Fund		
		Budget		
			TT-LOANS AND SPECIAL PAYMENTS	\$743,988.10
		<b>Category Total:</b>		\$743,988.10
		Revenue		
			Greyhound Balance Forward Simulcast	\$1,356,728.58
			Plainridge Greyhound Import Cap to Stab Simulcast	\$18,508.66

BFY	Approp	Category	Description	Amount	63
	10500002	MGC - Racing Stabilization Trust Fund			
		Revenue			
			Plainridge Greyhound Import Promo to Stab Simulcast	\$15,219.17	
			Raynham Greyhound Import Cap to Stab Simulcast	\$51,216.95	
			Raynham Greyhound Import Promo to Stab Simulcast	\$28,321.06	
			Wonderland Greyhound Import Cap to Stab Simulcast	\$19,417.04	
			Wonderland Greyhound Import Promo to Stab Simulcast	\$8,819.95	
		<b>Category Total:</b>		\$1,498,231.41	
		<b>Appropriation Total:</b>		\$754,243.31	
	10500003	MGC Mass Racing Development and Oversight Trust			
		Budget			
			AA-REGULAR EMPLOYEE COMPENSATION	\$457,788.33	
			CC-SPECIAL EMPLOYEES	\$717,758.00	
			DD-PENSION & INSURANCE RELATED EX	\$136,907.98	
			EE-ADMINISTRATIVE EXPENSES	\$30,290.00	
			FF-FACILITY OPERATIONAL EXPENSES	\$1,000.00	
			HH-CONSULTANT SVCS (TO DEPTS)	\$120,000.00	
			JJ-OPERATIONAL SERVICES	\$244,400.00	
			LL-EQUIPMENT LEASE-MAINTAIN/REPAR	\$7,650.00	
			MM-PURCHASED CLIENT/PROGRAM SVCS	\$266,000.00	
			NN-INFRASTRUCTURE:	\$1,000.00	
			UU-IT Non-Payroll Expenses	\$77,754.00	
		<b>Category Total:</b>		\$2,060,548.31	
		Revenue			
			Plainridge Assessment	\$146,236.00	
			Plainridge Daily License Fee	\$54,600.00	
			Plainridge Occupational License	\$5,235.00	
			Plainridge Racing Development Oversight Live	\$7,630.72	
			Plainridge Racing Development Oversight Simulcast	\$469,462.74	
			Racing Oversight and Development Balance Forward	\$1,200,000.00	
			Raynham Assessment	\$120,958.00	
			Raynham Daily License Fee	\$48,900.00	
			Raynham Racing Development Oversight Simulcast	\$469,462.74	
			Suffolk Assessment	\$465,577.00	
			Suffolk Commission Racing Development Oversight Simulcast	\$190,764.78	
			Suffolk Daily License Fee	\$54,300.00	
			Suffolk Occupational License	\$50,400.00	
			Suffolk Racing Development Oversight Live	\$37,449.74	
			Suffolk TVG Commission Live	\$4,086.95	
			Suffolk TVG Commission Simulcast	\$140,085.58	
			Suffolk Twin Spires Commission Live	\$1,724.52	
			Suffolk Twin Spires Commission Simulcast	\$79,219.27	
			Suffolk Xpress Bet Commission Live	\$1,147.43	
			Suffolk Xpress Bet Commission Simulcast	\$40,056.08	
			Transfer to General Fund 10500140	(\$1,150,000.00)	
			Wonderland Assessment	\$17,229.00	
			Wonderland Daily License Fee	\$13,180.00	

BFY	Approp	Category	Description	Amount	64
	10500003	MGC Mass Racing Development and Oversight Trust			
		Revenue			
			Wonderland Racing Development Oversight Simulcast	\$101,274.60	
		<b>Category Total:</b>		\$2,568,980.15	
		<b>Appropriation Total:</b>		\$508,431.84	
	10500012	MGC Plainridge Racecourse Promotional Trust			
		Revenue			
			Plainridge Import Harness Horse Simulcast	\$12,277.92	
			Plainridge Racing Harness Horse Live	\$15,566.28	
			Raynham Import Plainridge Simulcast	\$3,273.40	
			Suffolk Import Plainridge Simulcast	\$3,900.52	
		<b>Category Total:</b>		\$35,018.12	
		<b>Appropriation Total:</b>		\$35,018.12	
	10500013	MGC Plainridge Racecourse Capital Improvement Trust			
		Budget			
			TT-LOANS AND SPECIAL PAYMENTS	\$125,000.00	
		<b>Category Total:</b>		\$125,000.00	
		Revenue			
			Plainridge Import Harness Horse Simulcast	\$34,102.26	
			Plainridge Racing Harness Horse Live	\$32,810.75	
			Raynham Import Plainridge Simulcast	\$5,588.71	
			Suffolk Import Plainridge Simulcast	\$8,338.81	
		<b>Category Total:</b>		\$80,840.53	
		<b>Appropriation Total:</b>		(\$44,159.47)	
	10500021	MGC Sterling Suffolk Promotional Trust			
		Budget			
			TT-LOANS AND SPECIAL PAYMENTS	\$146,000.00	
		<b>Category Total:</b>		\$146,000.00	
		Revenue			
			Plainridge Import Suffolk Simulcast	\$20,192.91	
			Raynham Import Suffolk Simulcast	\$11,027.28	
			Suffolk Import Running Horse Simulcast	\$62,250.62	
			Suffolk Racing Running Horse Live	\$52,576.62	
		<b>Category Total:</b>		\$146,047.43	
		<b>Appropriation Total:</b>		\$47.43	
	10500022	MGC Sterling Suffolk Capital Improvement Trust			
		Budget			
			HH-CONSULTANT SVCS (TO DEPTS)	\$1,500.00	
			TT-LOANS AND SPECIAL PAYMENTS	\$525,500.00	
		<b>Category Total:</b>		\$527,000.00	
		Revenue			
			Plainridge Import Suffolk Simulcast	\$77,871.42	
			Raynham Import Suffolk Simulcast	\$37,085.11	
			Suffolk Import Running Horse Simulcast	\$223,172.15	
			Suffolk Racing Running Horse Live	\$189,765.71	
		<b>Category Total:</b>		\$527,894.39	
		<b>Appropriation Total:</b>		\$894.39	



BFY	Approp	Category	Description	Amount	65
	10500140	MGC Payments to Cities/Towns for Local Share Racing Tax Re			
		Budget			
			PP-STATE AID/POL SUB	\$1,150,000.00	
		<b>Category Total:</b>		\$1,150,000.00	
		<b>Appropriation Total:</b>		(\$1,150,000.00)	

# QRY--Next Year Budget by Division by Object Class

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding
2015				
	10500001	Mass. Gaming Commission		
		1000 Finance and Administration		
			AA REGULAR EMPLOYEE COMPENSATION	\$406,423.16
			BB REGULAR EMPLOYEE RELATED EXPEN	\$5,000.00
			DD PENSION & INSURANCE RELATED EX	\$112,497.93
			EE ADMINISTRATIVE EXPENSES	\$163,580.00
			GG ENERGY COSTS AND SPACE RENTAL	\$606,157.52
			HH CONSULTANT SVCS (TO DEPTS)	\$1,960,000.00
			JJ OPERATIONAL SERVICES	\$40,000.00
			KK EQUIPMENT PURCHASE	\$100,000.00
			LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$33,458.00
			UU IT Non-Payroll Expenses	\$1,000.00
		<b>Division/Bureau Totals</b>		\$3,428,116.61
		1100 Human Resources		
			AA REGULAR EMPLOYEE COMPENSATION	\$481,323.16
			BB REGULAR EMPLOYEE RELATED EXPEN	\$12,500.00
			CC SPECIAL EMPLOYEES	\$13,650.00
			DD PENSION & INSURANCE RELATED EX	\$101,592.09
			EE ADMINISTRATIVE EXPENSES	\$13,353.00
			HH CONSULTANT SVCS (TO DEPTS)	\$31,700.00
			JJ OPERATIONAL SERVICES	\$20,250.00
		<b>Division/Bureau Totals</b>		\$674,368.25
		1200 Legal		
			AA REGULAR EMPLOYEE COMPENSATION	\$505,215.53
			BB REGULAR EMPLOYEE RELATED EXPEN	\$6,500.00

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding
	10500001	Mass. Gaming Commission		
			DD PENSION & INSURANCE RELATED EX	\$139,843.66
			EE ADMINISTRATIVE EXPENSES	\$15,500.00
			HH CONSULTANT SVCS (TO DEPTS)	\$800,000.00
			JJ OPERATIONAL SERVICES	\$800,000.00
		<b>Division/Bureau Totals</b>		\$2,267,059.19
	1300	Executive Director		
			AA REGULAR EMPLOYEE COMPENSATION	\$250,961.54
			BB REGULAR EMPLOYEE RELATED EXPEN	\$8,000.00
			DD PENSION & INSURANCE RELATED EX	\$69,466.15
			EE ADMINISTRATIVE EXPENSES	\$17,200.00
			HH CONSULTANT SVCS (TO DEPTS)	\$546,000.00
		<b>Division/Bureau Totals</b>		\$891,627.69
	1400	Information Technology		
			AA REGULAR EMPLOYEE COMPENSATION	\$570,224.94
			BB REGULAR EMPLOYEE RELATED EXPEN	\$5,500.00
			DD PENSION & INSURANCE RELATED EX	\$157,838.26
			EE ADMINISTRATIVE EXPENSES	\$46,185.00
			GG ENERGY COSTS AND SPACE RENTAL	\$27,000.00
			UU IT Non-Payroll Expenses	\$3,803,811.00
		<b>Division/Bureau Totals</b>		\$4,610,559.20
	1500	Commissioners		
			AA REGULAR EMPLOYEE COMPENSATION	\$833,029.16
			BB REGULAR EMPLOYEE RELATED EXPEN	\$18,400.00
			DD PENSION & INSURANCE RELATED EX	\$230,582.47
			EE ADMINISTRATIVE EXPENSES	\$103,200.00
			HH CONSULTANT SVCS (TO DEPTS)	\$800,000.00
			JJ OPERATIONAL SERVICES	\$54,600.00

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding
	10500001	Mass. Gaming Commission		
		<b>Division/Bureau Totals</b>		\$2,039,811.63
		1600 Workforce and Supplier Diversity		
		AA	REGULAR EMPLOYEE COMPENSATION	\$149,573.16
		BB	REGULAR EMPLOYEE RELATED EXPEN	\$5,000.00
		CC	SPECIAL EMPLOYEES	\$13,650.00
		DD	PENSION & INSURANCE RELATED EX	\$41,595.68
		EE	ADMINISTRATIVE EXPENSES	\$15,000.00
		PP	STATE AID/POL SUB	\$130,000.00
		<b>Division/Bureau Totals</b>		\$354,818.84
		1700 Problem Gambling		
		AA	REGULAR EMPLOYEE COMPENSATION	\$245,243.55
		BB	REGULAR EMPLOYEE RELATED EXPEN	\$6,000.00
		CC	SPECIAL EMPLOYEES	\$13,650.00
		DD	PENSION & INSURANCE RELATED EX	\$69,465.90
		EE	ADMINISTRATIVE EXPENSES	\$15,651.71
		HH	CONSULTANT SVCS (TO DEPTS)	\$550,000.00
		MM	PURCHASED CLIENT/PROGRAM SVCS	\$35,000.00
		PP	STATE AID/POL SUB	\$3,011,814.00
		<b>Division/Bureau Totals</b>		\$3,946,825.16
		1800 Communications		
		AA	REGULAR EMPLOYEE COMPENSATION	\$193,742.31
		CC	SPECIAL EMPLOYEES	\$13,650.00
		DD	PENSION & INSURANCE RELATED EX	\$53,821.70
		EE	ADMINISTRATIVE EXPENSES	\$15,000.00
		HH	CONSULTANT SVCS (TO DEPTS)	\$42,500.00
		KK	EQUIPMENT PURCHASE	\$1,500.00
		<b>Division/Bureau Totals</b>		\$320,214.01

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding
	10500001	Mass. Gaming Commission		
		1900 Ombudsman		
		AA	REGULAR EMPLOYEE COMPENSATION	\$190,730.77
		DD	PENSION & INSURANCE RELATED EX	\$52,794.28
		HH	CONSULTANT SVCS (TO DEPTS)	\$40,000.00
		PP	STATE AID/POL SUB	\$700,000.00
		<b>Division/Bureau Totals</b>		\$983,525.05
		3000 Racing Division		
		AA	REGULAR EMPLOYEE COMPENSATION	\$0.00
		DD	PENSION & INSURANCE RELATED EX	\$0.00
		<b>Division/Bureau Totals</b>		\$0.00
		5000 Investigations and Enforcement Bureau		
		AA	REGULAR EMPLOYEE COMPENSATION	\$740,134.05
		BB	REGULAR EMPLOYEE RELATED EXPEN	\$14,000.00
		CC	SPECIAL EMPLOYEES	\$76,812.50
		DD	PENSION & INSURANCE RELATED EX	\$205,959.84
		EE	ADMINISTRATIVE EXPENSES	\$77,000.00
		HH	CONSULTANT SVCS (TO DEPTS)	\$1,290,000.00
		JJ	OPERATIONAL SERVICES	\$2,020,166.31
		UU	IT Non-Payroll Expenses	\$12,000.00
		<b>Division/Bureau Totals</b>		\$4,436,072.70
		7000 Licensing Division		
		AA	REGULAR EMPLOYEE COMPENSATION	\$408,565.27
		DD	PENSION & INSURANCE RELATED EX	\$113,090.87
		EE	ADMINISTRATIVE EXPENSES	\$21,900.00
		KK	EQUIPMENT PURCHASE	\$60,000.00
		<b>Division/Bureau Totals</b>		\$603,556.14
	<b>Appropriation Totals</b>			\$24,556,554.47

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding	70
10500002	MGC - Racing Stabilization Trust Fund				
	3000	Racing Division			
		TT	LOANS AND SPECIAL PAYMENTS	\$743,988.10	
		<b>Division/Bureau Totals</b>		\$743,988.10	
	<b>Appropriation Totals</b>			\$743,988.10	
10500003	MGC Mass Racing Development and Oversight Trust				
	3000	Racing Division			
		AA	REGULAR EMPLOYEE COMPENSATION	\$457,788.33	
		CC	SPECIAL EMPLOYEES	\$717,758.00	
		DD	PENSION & INSURANCE RELATED EX	\$136,907.98	
		EE	ADMINISTRATIVE EXPENSES	\$30,290.00	
		FF	FACILITY OPERATIONAL EXPENSES	\$1,000.00	
		HH	CONSULTANT SVCS (TO DEPTS)	\$120,000.00	
		JJ	OPERATIONAL SERVICES	\$244,400.00	
		LL	EQUIPMENT LEASE-MAINTAIN/REPAR	\$7,650.00	
		MM	PURCHASED CLIENT/PROGRAM SVCS	\$266,000.00	
		NN	INFRASTRUCTURE:	\$1,000.00	
		UU	IT Non-Payroll Expenses	\$77,754.00	
		<b>Division/Bureau Totals</b>		\$2,060,548.31	
	<b>Appropriation Totals</b>			\$2,060,548.31	
10500013	MGC Plainridge Racecourse Capital Improvement Trust				
	3000	Racing Division			
		TT	LOANS AND SPECIAL PAYMENTS	\$125,000.00	
		<b>Division/Bureau Totals</b>		\$125,000.00	
	<b>Appropriation Totals</b>			\$125,000.00	
10500021	MGC Sterling Suffolk Promotional Trust				
	3000	Racing Division			
		TT	LOANS AND SPECIAL PAYMENTS	\$146,000.00	

Budget Fiscal Yea	Appropriation	Division/Bureau	Object Class	Recommended Funding
	10500021	MGC Sterling Suffolk Promotional Trust		
		<b>Division/Bureau Totals</b>		\$146,000.00
	<b>Appropriation Totals</b>			\$146,000.00
	10500022	MGC Sterling Suffolk Capital Improvement Trust		
		3000	Racing Division	
			HH CONSULTANT SVCS (TO DEPTS)	\$1,500.00
			TT LOANS AND SPECIAL PAYMENTS	\$525,500.00
		<b>Division/Bureau Totals</b>		\$527,000.00
	<b>Appropriation Totals</b>			\$527,000.00
	10500140	MGC Payments to Cities/Towns for Local Share Racing Tax		
		3000	Racing Division	
			PP STATE AID/POL SUB	\$1,150,000.00
		<b>Division/Bureau Totals</b>		\$1,150,000.00
	<b>Appropriation Totals</b>			\$1,150,000.00
<b>Agency Totals</b>				\$29,309,090.88

## **5(a) – NO DOCUMENTS**





*Division of Racing*

**To:** Stephen Crosby, Chairman  
Gayle Cameron, Commissioner  
Jim McHugh, Commissioner  
Bruce Stebbins, Commissioner  
Enrique Zuniga, Commissioner

**From:** Jennifer Durenberger, Director of Racing 

**Date:** 29 May, 2014

**Re:** **Welfare Initiatives**

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Commissioners:

The Racing Division came before you in mid-April to discuss a number of enhancements to our racing regulatory operations for the 2014 live racing season, and to ask for your assistance with and consideration of certain additional welfare initiatives. By way of review, we presented this to you because we believe Massachusetts racing should not only be at the forefront of medication and veterinary practice reform, but also at the forefront of the movement to demonstrate, through actions and through words, our understanding of the important role we as regulators play as stewards of our industry.

In particular, we asked that the Commission:

- 1) consider passing a resolution in support of welfare guidelines to be applied to racing in the commonwealth;
- 2) consider the inclusion of an affirmative duty on all licensees to report welfare concerns in our next round of rulemaking; and
- 3) consider whether support of the Racing Regulatory Compact is appropriate.



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As a result of that April discussion, the Racing Division was charged with putting all three questions out for public comment. The public comment period closed on May 7<sup>th</sup>, 2014, and the request and comments are reprinted in Appendix A.

**Summary of public comments:** Three responses were received, each addressing all three request items, from the following entities:

- The International Federation of Horseracing Authorities (“IHFA”);
- The National Thoroughbred Racing Association Safety and Integrity Alliance (“NTRA SIA”); and
- Suffolk Downs.

### *Welfare Guidelines*

#### **Our initial recommendation:**

That the Commission consider the endorsement of a set of welfare guidelines. The Racing Division posted four different regulatory approaches to welfare and requested comment on 1) whether the Commission should endorse a set of guidelines, and if so, 2) what the content of those guidelines should be.

The IFHA first noted that its membership “includes the large majority of horse racing authorities around the world” and that it is charged with promoting “good regulation and best practices between racing authorities.” In the further interest of harmonization, the IFHA encouraged the MGC to “develop welfare guidelines based on the IFHA horse welfare principles” (found in appendix B).

The NTRA SIA first congratulated the Commission on quickly moving up the ladder to become “arguably one of the best” regulated racing states. The NTRA SIA encouraged the MGC to support a set of guidelines that would address the following:

- A mission statement explaining that the well-being of our horses is of utmost importance;
- Responsible breeding, training, and ownership;
- Responsible veterinary care; and
- Responsible aftercare.



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Suffolk Downs also applauded the Commission on its actions to “enhance the standards and protocols under which [Massachusetts] racing is governed.” Suffolk Downs endorsed the Commission’s adoption of welfare guidelines “consistent with those outlined by the International Group of Specialist Racing Veterinarians” (also found in Appendix B).

When it comes to squarely addressing welfare issues in horse racing, there is no doubt that the rest of the world far outpaces the United States. Governing bodies as diverse as the British Horseracing Authority, Trotting South Africa, the Australian Racing Board, the Swedish Trotting Association, the Asian Racing Federation, and Standardbred Canada all subscribe to, endorse, or support a code of welfare or publish welfare guidelines. The majority of these are some close variant of the guidelines established by the International Group of Racing Specialist Veterinarians (“IGSRV”), although Standardbred Canada has taken a slightly different approach. The International Federation of Horseracing Authorities (“IFHA”) has established a set of welfare principles in its International Agreement on Breeding, Racing and Wagering. Though not technically regulatory bodies, domestically, the National Thoroughbred Racing Association, U.S. Trotting Association and Thoroughbred Owners and Breeders Association have all endorsed the American Horse Council (“AHC”) Welfare Code of Practice. These are the four documents reproduced for your review in Appendix B.

**Our current recommendation:**

We recommend that the Commission endorse the welfare guidelines established by the IGSRV, and include a resolution in support of that endorsement for your consideration. These guidelines as developed comport with the IFHA welfare principles and address most of the issues raised in the NTRA SIA’s comments. (We note that the areas of breeding and aftercare are not a prominent feature of the IGSRV guidelines and that the AHC Welfare Code and NTRA SIA Code of Standards each address these issues in more detail. This is likely attributable to the respective entities’ primary areas of focus.)

An endorsement would promote harmonization across international regulatory bodies, as these guidelines or some close variant appear to be majority practice in the rest of the world. We note that Massachusetts may be the first racing jurisdiction in the United States to formally endorse a set of welfare guidelines.



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### *Affirmative Duty*

#### **Our initial recommendation:**

That the Commission support a specific regulation placing an affirmative duty on all racing licensees to report suspected instances of conduct detrimental to welfare as part of the forthcoming regular rulemaking process.

#### **Summary of public comments:**

The IFHA commented that “[i]f a licensed person has a reasonable suspicion of instances of conduct detrimental to horse welfare we would encourage reporting,” while acknowledging well-meant concerns about malicious reporting.

The NTRA SIA commented that it is “in the best interest of all racing participants to take [existing model rules] a step further and include a reporting component.”

Suffolk Downs commented that it “supports in principle” the Commission’s consideration of this duty and that it “welcomes participating in that discussion.”

In ongoing discussions with stakeholders (and indeed during our initial presentation of this idea to the Commission), some concern has been expressed about whether an affirmative duty is appropriate in the first instance, whether that duty is appropriately placed on *all* licensees (as it is under the current ARCI Model Rule scheme) or if it is better confined to only racing officials and their assistants (as it is under current Massachusetts regulations), whether the duty might foster a culture of suspicion, and consideration of the potential for malicious reporting.

Although ample opportunity to discuss these and other issues will be provided during the regular rulemaking process later this summer, I would note the following:

- On when we see affirmative duties: Affirmative duties may be appropriate when, as here, the 'protected class' cannot speak for itself.
- On where that duty appropriately lies: On professionals. This term is *not* confined to veterinarians. I would note that this agency utilizes a standardized



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written and practical test to determine fitness for licensure and issues occupational licenses for trainers once such fitness is satisfactorily demonstrated. One of the model rule responsibilities of a trainer, as found in ARCI Rule 008-020(C)(5) is: "assuring the adequate care, custody, condition, fitness, health, safety and security of horses under his/her care, custody, and control". The trainer *is* the licensed professional responsible for the welfare of the horses in his or her care, should be well positioned to recognize conduct detrimental to welfare, and has an interest in doing so in order to protect the interests of the industry at large. Additionally, vesting the duty to report solely with racing officials and their assistants has significant logistical difficulties. As a practical matter, the only racing officials on the backside during the modern era are the regulatory veterinarians who cannot be expected, with existing resources, to walk past every stall in every barn on a regular basis to do welfare checks. One would expect that, if a report was received, the regulatory veterinarian would be dispatched to investigate and make a determination as to its validity before any licensee would be called in for a hearing, *as is the expected practice under the current system.*

- On where that duty currently lies: Below are two existing ARCI Model Rules, scheduled to be proposed as part of our package this summer. **When read together, an affirmative duty to report already exists under the RCI Model Rules.** The question is whether an additional provision – one placed in immediate proximity to Model Rule 008-010(G)(2) (below) and specifically highlighting attention to welfare - is an appropriate way to demonstrate the industry's commitment to our equine athletes.

ARCI Rule 008-010: (G)(2) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

ARCI Rule 008-010:(AA) A licensee shall report to track security or the stewards



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any knowledge he/she has that a violation of these rules has occurred or may occur.

- On whether the duty might foster a culture of suspicion and the potential for malicious reporting: the current system encourages anonymous complaints, each of which we are obligated to investigate, which we do, and most of which turn out to be nothing. It is always an open question as to whether the anonymous reporter had an entry in the same race or some other personal interest in making the report. For those reports that are not anonymous, stewards and judges are encouraged to never punish a concern reported in good faith but to certainly call in a licensee whose report, after appropriate investigation, appears to have been frivolous. Racetrack culture being what it is, would we really expect a rule like this, if the reporting mechanism required the reporter's name to be attached, to encourage more reports? Or would it encourage the reports we do get to have more merit or basis in fact?

**Our current recommendation:**

The Racing Division will be presenting a package of licensing regulations based in large part on the ARCI Model Rules to the Commission this summer. As part of that package, we do plan to include a regulation specifically highlighting an affirmative duty placed on all racing licensees to report suspected instances of conduct detrimental to welfare. Although not yet finalized, preliminary language appears something like this:

- A. No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.
- B. A licensee shall report to the stewards [or judges] any knowledge he/she has that a violation of [Rule A] has occurred or may occur.



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### *Racing Regulatory Compact*

#### **Our initial recommendation:**

If the Commission is interested in exploring the Racing Regulatory Compact in more depth, the Racing Division is happy to invite members of the steering committee and/or RCI to provide additional information or address the Commission in person.

By way of review, the reality of today's racing business model is that change is imperative. Enabling statutes and their foundation regulations have their roots in a time where the business of racing took place locally and attendance and on-track handle were the only metrics in town. Today, over 90% of wagering occurs through channels of interstate commerce via the broadcast simulcasting of races and through the internet. In addition to the logistical and political difficulties that come with trying to regulate a sport governed by 38 different statutes and in-force rule books, the revenue structure affecting the various stakeholders differs dramatically when that revenue is attributable to an on-track vs. a simulcast wager. The ability of local law and regulation to keep pace with that change has been, of course, largely resource-driven.

In 2009, the Association of Racing Commissioners International undertook a project to explore the idea of an interstate compact designed to facilitate a streamlined, centralized rule-making process for the industry in order to encourage participation and simultaneous adoption and enforcement of those rules. By effectively pooling administrative resources, no member state would be charged with the Herculean task of trying to reform a \$12 billion dollar national business model at the local level, while maintaining state sovereignty over the regulation of wagering and without usurping that member's regular rulemaking process. The project was undertaken with the assistance of the Council on State Governments. Its steering committee consisted of representatives from several commissions and various industry stakeholders. The result was a model document entitled "A New Interstate Compact to Facilitate State Regulation of Racing and Wagering." It is my understanding that, to date, three states have passed legislation adopting the compact. Six are needed for the compact to take effect.



Massachusetts Gaming Commission

**Summary of public comments:**

In the interest of “harmonization between racing authorities,” the IFHA commented in favor of the Commission’s consideration of supporting this compact.

The NTRA SIA noted the “extremely time-consuming and arguably inefficient” existing regulatory rule-making process in many and multiple jurisdictions and noted participation in the compact could help “expedite the process to enact regulatory reform and uniformity... as new information requires...”

Suffolk Downs commented that it supported “the participation of Massachusetts racing in a national regulatory contract [sic].”

**Our current recommendation:**

It is our understanding that this issue is of general interest to the Commissioners and we look forward to scheduling a future discussion. As noted in our initial welfare initiatives memo dated April 17, 2014, beyond operations, the Racing Division views its role as helping this Commission develop its understanding of the context for and the practical realities of the challenges facing this industry and providing you with a creative menu of potential solutions. We stand ready to do whatever we can to help facilitate this goal.



Massachusetts Gaming Commission





*Division of Racing*

**Resolution in Support of Welfare Guidelines for Horseracing, as published by the International Group of Specialist Racing Veterinarians**

WHEREAS, the Massachusetts Gaming Commission is committed to creating and maintaining a regulatory structure that promotes industry best practices in order to protect the integrity of racing and to safeguard the safety and welfare of its many participants.

WHEREAS, the Massachusetts Gaming Commission recognizes the important role regulators play as stewards of our racing industry.

WHEREAS, the Massachusetts Gaming Commission understands the International Group of Racing Specialist Veterinarians has published a set of Welfare Guidelines for Horseracing and that these guidelines have been endorsed by certain international regulatory authorities.

BE IT RESOLVED THAT: the Massachusetts Gaming Commission endorses this set of Welfare Guidelines as they pertain to horse racing in this jurisdiction.

\_\_\_\_\_  
Stephen P. Crosby, Chairman

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Date

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Massachusetts Gaming Commission

# **INTERNATIONAL GROUP OF SPECIALIST RACING VETERINARIANS (IGSRV)**

## ***WELFARE GUIDELINES FOR HORSERACING***

### **INTRODUCTION**

The *International Group of Specialist Racing Veterinarians (IGSRV)* encourages those involved in Horseracing to act responsibly towards horses engaged in the sport. At all times the welfare of the horse remains paramount and should never be subordinated to competitive or commercial influences.

These *Welfare Guidelines for Horseracing* have been produced by the IGSRV to assist individual racing jurisdictions.

These Guidelines may be modified from time to time and the views of anyone interested in horse welfare are welcomed. Particular attention will be paid to new research findings, and the IGSRV encourages further funding and support for welfare studies.

## **WELFARE GUIDELINES FOR HORSERACING**

- 1. At all stages during the preparation and presentation of horses for racing their welfare should take precedence over all other demands.**

### **Good horsemanship**

The housing, feeding and training of racehorses should be compatible with good horsemanship and must not compromise their welfare. Any practices which cause physical or mental suffering, whether in stables, training or racing, should not be tolerated.

### **Training methods**

Training methods which cause fear or impose undue restrictions on the normal behaviour of racehorses should not be used. Horses should only be given training schedules which match their physical capabilities and level of maturity. They should not be subjected to programmes for which they have not been properly prepared.

### **Shoeing**

Horse shoes should be designed and fitted to minimise the risk of injury.

### **Transport**

During transport to and from training grounds and racecourse, full attention should be paid to protecting horses against injuries and other health risks. Vehicles should be well ventilated and regularly maintained and disinfected.

### **Rest Periods**

Long journeys should be planned carefully and horses allowed regular rest periods and access to water. Respiratory problems can often be reduced if horses are able to lower their heads to floor level during rest periods.

## **WELFARE GUIDELINES FOR HORSERACING**

- 2. Horses should be in a fit and healthy condition before being allowed to compete.**

### **Veterinary inspections**

No horse showing symptoms of disease, lameness or other ailment should be raced when to do so would be against its best interests. Whenever there is any doubt, a veterinary inspection should be requested and this should be undertaken before the horse is allowed to race.

### **Immaturity**

Horses mature at widely different rates. Training and racing schedules should be carefully planned to minimise the risk of musculo-skeletal injuries.

### **Surgical procedures**

Any surgical procedures which threaten a horse's welfare, the safety of other horses and riders should not be allowed in racing.

### **Severe or Recurrent Clinical Conditions**

Horses with severe or recurrent clinical conditions, e.g. "bleeders" should, on veterinary advice, be temporarily or permanently excluded from racing.

### **Pregnant Mares**

Mares should not be raced beyond 120 days of pregnancy.

## **WELFARE GUIDELINES FOR HORSERACING**

### **3. Conditions at race meetings should not prejudice horse welfare.**

#### **Surface conditions**

Race tracks and racing surfaces should be designed and maintained to reduce risk factors which lead to injuries. Particular attention should be paid to crossings, uneven racing surfaces and extremes of surface quality.

#### **Steeplechasing and hurdling**

Participation in these races should be restricted to horses with demonstrated jumping ability. Weights to be carried, race distance, number, size and design of fences should all be carefully assessed when planning these races.

#### **Extreme weather**

Common sense should be used when racing in extreme weather. Provision should be made to cool horses quickly after racing in hot and/or humid conditions. Horses which have raced in cold weather should be moved inside as soon as possible.

#### **Misuse of the whip**

Abuse of the whip cannot be condoned, for example, to make a beaten horse run faster, or if a horse is unable to respond, or if a horse is clearly winning. Any post-race whip weals clearly indicate injury.

#### **Medication**

After any veterinary treatment, time should be allowed for full recovery before competition. The main purpose of rules controlling the use of drugs should be to protect the welfare of the horse and the safety of riders. Additionally, these rules should prevent unfair competition and the masking of defects which might be passed on at stud.

#### **Racecourse stabling**

Racecourse stabling should be safe, hygienic, comfortable and well-ventilated. Horses should be able to lie down in comfort without risk of injury. Fresh drinking water, and washing-down water should always be available.

#### **Starting gates/barriers**

Horses should be adequately prepared so as to be familiar with loading procedures. Barriers should be properly designed and safe. Aids to loading should be limited to encouraging a horse without causing alarm or fear.

## **WELFARE GUIDELINES FOR HORSERACING**

- 4. Every effort should be made to ensure that horses receive proper attention after they have raced, and that they are treated humanely when their racing careers are over.**

### **Veterinary treatment**

When a horse is injured during a race, jockeys should dismount and the horse should be collected by ambulance whenever necessary. Veterinary expertise should always be available on the racecourse. If required the horse should be transported to the nearest referral centre for further assessment and therapy. Injured horses should be given full supportive treatment before transport.

### **Racing injuries**

The incidence of injuries sustained in racing and training should be monitored. Track conditions, frequency of racing, immaturity, and any other risk factors, should be carefully examined to indicate ways to minimise severe injuries.

### **Euthanasia**

If injuries are sufficiently severe the horse may need to be destroyed on humane grounds. Euthanasia should be undertaken as soon as possible with the sole aim of minimising suffering.

### **Retirement**

Owners should make every effort to ensure that their horses are sympathetically and humanely treated when they leave racing. Racehorses should be permanently identified and registered, so that their welfare in retirement can be monitored.

Andrew Higgins (UK)  
Ron Jensen (USA)  
Peter Symons (Australia)  
Barry Williams (UK)

**Appendix A**  
**Request for Public Comment**

**Request**

**Comments Received**

**International Federation of Horseracing Authorities**  
**National Thoroughbred Racing Association Safety and Integrity Alliance**  
**Suffolk Downs**

# Appendix A



## NEWS & EVENTS

### All

- Press Releases
- Meeting Notifications & Agendas
- Meeting Archives
- Community Calendar
- Live Stream and Video
- Reports & Publications
- MGC in the News

### Requests for Public Comments

- Archive: Requests for Public Comments

## Archive: Requests for Public Comments

### A Request Seeking Public Comment: Horse Racing Welfare

At its April 17, 2014 public meeting, the Massachusetts Gaming Commission entered into a discussion of welfare as it pertains to racing. The memorandum used as a basis for that discussion can be found [here](#). Appendix A, the "Horses First" guiding principle of the Racing Division, may be found [here](#).

The Commission seeks public comment on the following questions:

1. Should the Commission endorse a set of welfare guidelines governing horse racing in the Commonwealth of Massachusetts and, if so, what should the content of those guidelines address? Please click [here](#) for Appendix B – four sets of welfare guidelines currently in use in other jurisdictions.
2. Should the Commission consider pledging an affirmative duty on each of racing's participants to report suspected instances of conduct detrimental to horse welfare in its next set of rule changes? (This issue will be considered in more detail during the regular rulemaking process coming up this summer.)
3. Should the Commission consider whether Massachusetts should participate in a national racing regulatory compact? Please click [here](#) for Appendix C information about the compact and its draft language.

Those who wish to submit written comments may do so by sending an email to [publiccomment@gaming.mt.com](mailto:publiccomment@gaming.mt.com) with "Horse Welfare" in the subject line. Comments must be received no later than **May 7th at 5:00pm**.

## RELATED CONTENT

### Massachusetts Gaming Commission

34 State Street, 10th Floor  
 Boston, MA 02109  
 Phone: 617-979-6400  
 Fax: 617-725-0253

[www.massgaming.com](http://www.massgaming.com)

### Request a Speaker

Designated speakers from the Commission welcomes the opportunity to share with interested organizations information and updates related to matters of extended gaming including the licensing process, the increased economic and job opportunities, community mitigation issues and the overall mission of MGC.

[Request a Speaker](#)



## Durenberger, Jennifer (MGC)

---

**From:** Timothy Morris <tmorris@timhmorris.co.uk>  
**Sent:** Tuesday, May 06, 2014 1:04 PM  
**To:** MGCcomments (MGC)  
**Cc:** Durenberger, Jennifer (MGC)  
**Subject:** Reply from IFHA to Massachusetts Gaming Commission request for comments on initiatives on horse welfare

Dear Commissioners

At its April 17, 2014 public meeting, the Massachusetts Gaming Commission entered into a discussion of welfare as it pertains to racing. The Commission is seeking public comment on the following questions:

1. Should the Commission endorse a set of welfare guidelines governing horse racing in the Commonwealth of Massachusetts and, if so, what should the content of those guidelines address?
2. Should the Commission consider placing an affirmative duty on each of racing's participants to report suspected instances of conduct detrimental to horse welfare in its next set of rule changes?
3. Should the Commission consider whether Massachusetts should participate in a national racing regulatory compact?

More information on these proposals was found at : <http://massgaming.com/news-events/requests-for-public-comments/>

The International Federation of Horseracing Authorities (IFHA) promotes good regulation and best practices between racing authorities. The IFHA's membership includes the large majority of horse racing authorities around the world.

The [IFHA's Horse Welfare Committee](#) has reviewed this information, discussed them within its technical leadership, and respectfully offers these comments in reply to these questions.

1. Should the Commission endorse a set of welfare guidelines governing horse racing in the Commonwealth of Massachusetts and, if so, what should the content of those guidelines address?  
 The IFHA considers horse welfare of primary importance and promotes harmonization between racing authorities via the International Agreement on Breeding, Racing and Wagering. We would therefore encourage the Massachusetts Gaming Commission to develop welfare guidelines based on the [IFHA horse welfare principles](#).
2. Should the Commission consider placing an affirmative duty on each of racing's participants to report suspected instances of conduct detrimental to horse welfare in its next set of rule changes?

The second of the [IFHA horse welfare principles](#) include the racing authority taking its share of responsibility for horse welfare. An important part of the implementation of such an obligation is regulation away from the racetrack, and in particular out of competition testing. Such testing, involving visits in racing stables, can also be utilised to assure horse welfare. The IFHA has [very recently added out of competition testing](#) to its International Agreement on Breeding, Racing and Wagering.

If a licensed person has a reasonable suspicion of instances of conduct detrimental to horse welfare we would encourage reporting. We would recognize the concerns on malicious reporting, note that the adoption of such a Rule is a judgement for the Massachusetts Gaming Commission based on its

local assessment of needs and risk, but also we also do understand this affirmative duty requirement has already garnered enough support in the US to be already adopted as a National Model Rule.

3. Should the Commission consider whether Massachusetts should participate in a national (US) racing regulatory compact?

The IFHA promotes harmonization between racing authorities and would therefore encourage the Massachusetts Gaming Commission to participate in the US regulatory compact to promote the process and delivery of harmonisation.

With best wishes

Professor Tim Morris  
Chair, IFHA Horse Welfare Committee  
[tmorris@timhmorris.co.uk](mailto:tmorris@timhmorris.co.uk)

**Durenberger, Jennifer (MGC)**

---

**Subject:** FW: Horse Welfare

**From:** Mike Ziegler [mailto:mziegler@ntra.com]  
**Sent:** Tuesday, May 06, 2014 2:25 PM  
**To:** MGCcomments (MGC)  
**Subject:** Horse Welfare

May 6, 2014

The Massachusetts Gaming Commission

Stephen Crosby, Chairman  
Gayle Cameron, Commissioner  
Jim McHugh, Commissioner  
Bruce Stebbins, Commissioner  
Enrique Zuniga, Commissioner

Via E-mail: [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us)

Re: Public Comment Regarding Horse Racing Welfare

Dear Commissioners of the Massachusetts Gaming Commission:

Before I respond to the request for public comment regarding horse welfare regulation in Massachusetts, I would like to congratulate the entire racing industry in Massachusetts, including the Commission and its staff, the tracks, and the horsemen, for setting an example of what can be done in racing if the parties involved wish to cooperate and implement change. Massachusetts has moved quickly from one of the least regulated states to arguably one of the best. For that, the NTRA Safety & Integrity Alliance thanks you for all your hard work.

It is with pleasure that I provide the following responses to the Massachusetts Gaming Commission request for public comment regarding the adoption of regulations geared toward enhancing the welfare of the horse in your state:

***1. Should the Commission endorse a set of welfare guidelines governing horse racing in the Commonwealth of Massachusetts and, if so, what should the content of those guidelines address?***

A set of welfare guidelines would help take the care and well-being of the horses under the care of horsemen in Massachusetts to a new level and would ensure that they are cared for at every touch point in their lives, from breeding to training to racing and after their careers are over. Without question, the Commission should support a set of guidelines that include some, if not all, of the following standards:

- An overarching mission statement explaining that the well-being of our horses is of utmost importance
- Responsible Breeding
- Responsible training
- Responsible ownership, viewing the horse as an animal not a commodity
- Responsible veterinary care
- Responsible aftercare following a career in racing, breeding or both

**2. Should the Commission consider placing an affirmative duty on each of racing's participants to report suspected instances of conduct detrimental to horse welfare in its next set of rule changes?**

In order to enhance the safety of the horse and the integrity of racing, the Commission should not hesitate to adopt an affirmative duty regulation similar in nature to the following Model Rule:

**ARCI-008-010 General Provisions**

**G. Protection of Horses**

(1) Each person licensed by the Commission shall do all that is reasonable and within his/her power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

(2) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

It is in the best interest of all racing participants to take it a step further and include a reporting component.

**3. Should the Commission consider whether Massachusetts should participate in a national racing regulatory compact?**

The regulatory rule-making process in many, if not most, racing jurisdictions is extremely time consuming and arguably inefficient. The national racing regulatory compact could help expedite the process to enact regulatory reform and uniformity faster as new information requires racing to do so. The Commission should participate in order to make future reforms take place seamlessly.

I am happy to entertain any requests for information from the NTRA Safety & Integrity Alliance.

Very truly yours,

Michael Ziegler, Executive Director  
**National Thoroughbred Racing Association (NTRA)**  
**Safety and Integrity Alliance**  
**(O) (859) 422-2668 (C) (859) 230-3533**



May 6, 2014

Massachusetts Gaming Commission

Re: Request for Public Comment, Horse Welfare

Via email

Suffolk Downs takes seriously its responsibility is to ensure that the racing environment here as safe as possible for both our equine and human athletes and we applaud the actions taken by the Massachusetts Gaming Commission over the last few years to enhance the standards and protocols under which racing here is governed. As an operator, we have welcomed the MGC's adoption of model rules, injury reporting, and the implementation of new, more rigorous testing and oversight standards, many of which we had advocated for with your predecessor agency.

In short, we share the MGC's commitment that Massachusetts be at the forefront in areas of integrity, safety and welfare.

As such, Suffolk Downs endorses the Commission's adoption of a set of welfare guidelines governing horse racing in the Commonwealth. Upon initial review, we support policy consistent with those outlined by the International Group of Specialist Racing Veterinarians and look forward to discussion with the Commission and stakeholders on this issue. Suffolk Downs also supports in principle the Commission's consideration of placing an affirmative duty upon racing's participants to report suspected instances of conduct detrimental to horse welfare and welcomes participating in that discussion as well.

In addition, Suffolk Downs supports the participation of Massachusetts racing in a national regulatory contract.

Sincerely,

Chip Tuttle  
Chief Operating Officer

## **Appendix B**

### **Welfare Codes, Principles and Guidelines**

#### **International Group of Specialist Racing Veterinarians Welfare Guidelines**

#### **Standardbred Canada Horse Welfare Statement**

#### **International Federation of Horse Racing Authorities Welfare Principles**

#### **American Horse Council Welfare Code of Practice**

# **INTERNATIONAL GROUP OF SPECIALIST RACING VETERINARIANS (IGSRV)**

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## **WELFARE GUIDELINES FOR HORSERACING**

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When a horse is injured during a race, jockeys should dismount and the horse should be collected by ambulance whenever necessary. Veterinary expertise should always be available on the racecourse. If required the horse should be transported to the nearest referral centre for further assessment and therapy. Injured horses should be given full supportive treatment before transport.

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### **Euthanasia**

If injuries are sufficiently severe the horse may need to be destroyed on humane grounds. Euthanasia should be undertaken as soon as possible with the sole aim of minimising suffering.

### **Retirement**

Owners should make every effort to ensure that their horses are sympathetically and humanely treated when they leave racing. Racehorses should be permanently identified and registered, so that their welfare in retirement can be monitored.

Andrew Higgins (UK)  
Ron Jensen (USA)  
Peter Symons (Australia)  
Barry Williams (UK)



Published on Standardbred Canada (<http://www.standardbredcanada.ca>)

## Horse Welfare Statement

As a member of Standardbred Canada, it is your right and your responsibility to uphold the welfare, regardless of value, of horses you own or use or have in your care, and to ensure they are not subjected to abuse, neglect or mistreatment. STANDARDBRED CANADA is committed to:

- Upholding the welfare of horses, regardless of value, as a primary consideration in all activities.
- Requiring that horses be treated with kindness, respect and the compassion they deserve, and that they never be subjected to mistreatment.
- Ensuring that owners, trainers, drivers and their agents use responsible care in the handling, treatment and transportation of their horses, as well as horses placed in their care for any purpose.
- Providing for the continuous well-being of horses by encouraging routine inspection and consultation with health care professionals and competition/industry officials to achieve the highest possible standards of nutrition, health, comfort, sanitation and safety a matter of standard operating procedure.
- Continuing to support scientific studies on equine health and welfare.
- Increasing education in training and horsemanship practices.
- Requiring owners, trainers, drivers and grooms to know and follow their sanctioning organization's rules and to work within industry regulations in all equine activities and businesses.
- Reviewing, revising and developing rules and regulations that protect the welfare of horses.
- The standard by which conduct or treatment will be measured is that which a reasonable person, informed and experienced in generally accepted equine practices, would determine to be neither cruel, abusive nor inhumane.

### Animal Welfare & Standards

Standardbred Canada is dedicated to the humane treatment and welfare of horses. The cruel, abusive or inhumane treatment of a horse by any owner, trainer, driver, groom or other person must not be tolerated anywhere, under any circumstances.

- Cruelty can be defined as intentionally causing pain or unnecessary discomfort to a horse. The standard by which such conduct or treatment will be measured, is that which a reasonable person, informed and experienced in generally accepted training and racing procedures, would determine to be cruel, excessive or inhumane.
- Cruelty to a racehorse in competition must not be tolerated. Racetracks may consider further action such as prohibiting violators from further participation in racing. It is recommended every racetrack publish a statement in its program regarding its position on the abuse of horses and its commitment to the humane treatment and welfare of horses, with the penalties to be imposed for confirmed abuse of horses at the racetrack.

### Codes of Practice

Standardbred Canada endorses the Recommended Codes of Practice for the Care and Handling of Equines published by the National Farm Animal Care Council and can be accessed by clicking [here](#) or by visiting [www.nfacc.ca](http://www.nfacc.ca).

## International Federation of Horseracing Authorities

### INTERNATIONAL AGREEMENT ON BREEDING, RACING AND WAGERING

#### RACE HORSE WELFARE

The IFHA, in its role to promote good regulation and best practices internationally across horseracing, recognises the central role played by the horse itself and so the importance of its welfare. The Federation, recognising the diversity of cultural, political and legislative and other perspectives that underpin approaches to animal welfare around the world, has therefore adopted a number of broad principles of racehorse welfare that would be implemented by the Federation's members into detailed local outputs to assure racehorse welfare :

#### Principles :

1. Cruelty to racehorses is not tolerated by Horseracing Authorities.
2. Horseracing Authorities by implementing, publishing, monitoring and enforcing appropriate policies, Rules and by other activities, in so far as this is in their direct or indirect control, should assure that the participants in horseracing themselves meet their responsibilities to provide suitable care for the racehorse before, during and also after racing.
3. Reasonable steps should be taken to prevent unnecessary pain and distress of racehorses by ensuring adequate care, a suitable diet, the ability to exhibit normal behaviour, appropriate housing, controlling practices and therapies used in racing and training, and by protection from injury and disease.
4. In the context of these responsibilities of participants in horseracing for racehorse care it is recognised that properly conducted euthanasia can be a humane option for racehorses ; for example for individual horses with severe acute or severe chronic injuries, or where care would be inadequate, and where therefore pain and distress is likely to be the result.
5. Whilst horseracing carries risks, reasonable steps should be taken to prevent avoidable risks and research ways of reducing the risks that are currently unavoidable, and to share this information between Horseracing Authorities and participants in horseracing.



## NATIONAL WELFARE CODE OF PRACTICE

### Welfare Code of Practice American Horse Council

#### Introduction

American society has grown away from its agrarian roots of only a few generations ago. The horse, which was once a staple of American agriculture and general transportation, is now used primarily for breeding, competition, sport, recreation and entertainment, although there are still many horses used for work on farms and ranches, and in urban areas and exhibitions.

The horse industry is committed to the safety, health, care and welfare of all horses and to always “Put the Horse First.”

We address equine welfare and responsible care (1) by supporting a uniform Code of Practice regarding the responsible breeding, training, competing, care, use, enjoyment, health, transportation, and retirement of horses; and (2) by initiating communication with the public, the media, federal and state officials and within the horse community regarding these issues.

#### Our Commitment to all Horses and the Horse Industry

*WE ARE COMMITTED* to the dignity, humane care, health, safety and welfare of horses in all our activities and care. These are our highest priorities. We are the stewards of our horses and must be firm in the standards and practices that guide us. Our first principle is:

The welfare, safety and stewardship of the horse is the guiding principle in the decision-making process for all segments for the horse industry.

*WE ARE COMMITTED* to promoting responsible breeding practices and to produce better horses, not just more horses.

*WE ARE COMMITTED* to responsible training techniques. All training should be done with the maturation and ability of the horse considered. Horses should be prepared for competition with proper training and conditioning methods. Excessive disciplining methods, whether in stables, training areas, or during competition, will not be tolerated.

*WE ARE COMMITTED* to educating owners, trainers, veterinarians, competitors, exhibitors and recreational riders to ensure that they know and respect their horse’s abilities and limits, and their own, so as to not push the horse or themselves beyond their ability level.

*WE ARE COMMITTED* to making all competitions fair and ensuring all competitors an equal opportunity to succeed. Performance-enhancing drugs, practices or equipment have no place in competitions or exhibitions. Effective drug testing by accredited laboratories is essential to the safety and welfare of our horses and the public support of competitions, with appropriate penalties levied for violations. The welfare of the horse must take precedence over the demands or expectations of owners, breeders, trainers, sellers, buyers, organizers, sponsors, officials, or spectators.

*WE ARE COMMITTED* to the welfare of the horse as paramount during competition. The horse industry should invest in the infrastructure, environment and facilities to provide a safe environment for all horses in all activities, whether breeding, competing, or simply riding. Any facilities that house horses should be committed to the appropriate care and treatment of all horses while in their facility, and should be designed with the environment and the intended use of the horse in mind.

*WE ARE COMMITTED* to minimizing injuries to horses during training, competition, use, or work. Whenever possible injury data should be collected, documented and reported to the governing body of the competition or any other injury database for analysis in order to ensure a safer environment.

*WE ARE COMMITTED* to the continual review, evaluation and improvement of all rules, regulations, policies and practices in all equine activities, based on science (where indicated). When warranted, they should be refined or changed. This includes existing practices to ensure they are not being perceived as acceptable, particularly if new research has called them into question.

*WE ARE COMMITTED* to providing continuing education on all activities involving horses and eliminate inhumane practices as well as strengthening sanctions for non-compliance.

*WE ARE COMMITTED* to educating all people who own or work with horses to ensure they are knowledgeable in the proper husbandry, care, and handling of horses. Each horse should be observed frequently to ensure that they are healthy. In consultation with a veterinarian, all such individuals should develop a sound health care program, appropriate to the facilities, environment and needs of the horses.

*WE ARE COMMITTED* to providing an environment in which anyone aware of equine cruelty or neglect is willing to report it to the proper local, state or federal authorities. Should an incident occur at an event it should be reported to judges, stewards, responsible authorities or the sanctioning organization.

*WE ARE COMMITTED* to improving the health and welfare of horses through scientific research, collaboration, advocacy and the development of appropriate rules. The industry should continue to support and work with the many individuals, universities, veterinarians and foundations doing and funding equine health and welfare research in order to reduce injuries and improve health.

*WE ARE COMMITTED* to horse owners and caretakers ensuring horses in their care are current on vaccinations and following best practices to minimize infection and disease. When a disease outbreak occurs horse owners and events must act quickly and responsibly, monitor the horses, report the outbreak to, and cooperate with, veterinarians, authorities, facility management and all stakeholders to bring a rapid resolution to the outbreak.

*WE ARE COMMITTED* to ensuring that our horses will have an opportunity to transition to additional careers, uses or activities as the need arises. When necessary, owners and veterinarians may have to consider end-of-life decisions. The welfare, safety and dignity of the horse must continue to be the guiding principle in deciding how and when to provide a humane death.

*WE ARE COMMITTED* to being transparent about our activities in order to ensure the public, the media, federal, state and local officials and the various segments of the horse community understand what we do, why we do it, and support it.





## National Welfare Code of Practice

Submitted by admin on Thu, 02/02/2012 - 17:54

In the summer of 2009, the AHC hosted the "The Welfare of the Horse" forum in Washington, DC. as part of the AHC's National Issues Forum. The Forum featured speakers from segments of the horse community as varied as competition, sport, work and entertainment. Speakers and panelists discussed the many welfare and safety initiatives that various segments of the horse industry have in place or are instituting.

Many associations have undertaken studies, reviews, and initiatives that indicate their commitment to the welfare of their horses. The Welfare Code of Practice is simply a continuation of that effort and is not intended to replace or pre-empt those activities or any rules and regulations specific to a particular segment of the industry.

### Background

The AHC drafted the [Welfare Code of Practice \(/sites/default/files/AHC%20Welfare%20Code%20of%20Practice.pdf\)](#) in fall of 2009. The Code outlines in generic terms what it means for an organization to be committed to the responsible breeding, training, care, use, enjoyment, transport and retirement of horses.

Organizations supporting the Code address equine welfare and responsible care: (1) by supporting a uniform Code of Practice regarding the responsible breeding, training, competing, care, use, enjoyment, health, transportation, and retirement of horses; and (2) by initiating communication with the public, the media, federal and state officials and within the horse community regarding these issues.

### National Endorsements of the Welfare Code of Practice

Currently, the [AHC's Welfare Code of Practice \(/sites/default/files/AHC%20Welfare%20Code%20of%20Practice.pdf\)](#) has been adopted by forty-eight (48) different national groups. They include:

- American Association of Equine Practitioners
- American Association of Professional Farriers
- American Competitive Trail Horse Association
- American Endurance Ride Conference
- American Paint Horse Association
- American Quarter Horse Association
- American Riding Instructors Association
- American Saddlebred Horse Association
- American Warmblood Registry
- Appaloosa Horse Club
- Arabian Horse Association
- California Professional Horsemen's Association
- Canadian Association of Professional Farriers
- Certified Horsemanship Association
- Equine Assisted Growth and Learning Association (EAGALA)
- EQUUS Foundation, Inc.
- Florida Thoroughbred Breeder's and Owner's Association
- Harness Horsemen International
- HorseSafetyUSA.com
- International Walking Horse Association
- Kansas Horse Council
- Kentucky Horse Council
- Kentucky Thoroughbred Association
- League of Agricultural and Equine Centers
- Maryland Horse Council
- Masters of Foxhounds Association
- Michigan Horse Council
- Minnesota Horse Council
- Missouri Quarter Horse Association
- National Cutting Horse Association
- National Reined Cow Horse Association
- National Thoroughbred Racing Association
- National Walking Horse Association
- North American Short Pony Registry
- North American Trail Ride Conference
- Pal-O-Mine Equestrian Center

- Pennsylvania Equine Council
- Professional Association of Therapeutic Horsemanship (PATH) International
- Pinto Horse Association of America
- The Pyramid Society
- Tennessee Walking Horse Breeders & Exhibitors Association
- Texas Quarter Horse Association
- Thoroughbred Owners and Breeders Association
- U.S. Dressage Federation
- U.S. Eventing Association
- U.S. Equestrian Drill Team
- U.S. Equestrian Federation
- U.S. Trotting Association

**AHC Position**

The AHC encourages all members of the equine industry to support and endorse the Welfare Code of Practice as yet another indication to the public, the media, federal and state officials and the horse community that the industry "Puts the Horse First."

[View AHC's National Welfare Code of Practice Here \(/sites/default/files/AHC%20Welfare%20Code%20of%20Practice.pdf\)](http://www.horsecouncil.org/sites/default/files/AHC%20Welfare%20Code%20of%20Practice.pdf)

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## **5(c) – NO DOCUMENTS**



May 22, 2014

Jennifer Durenberger, Director of Racing  
 Massachusetts Gaming Commission  
 Racing Division  
 84 State Street, 10<sup>th</sup> Floor  
 Boston, MA 02109

Dear Dr. Durenberger:

Suffolk Downs requests permission to cancel the live racing cards scheduled for the following dates:

Tuesday, June 3, 2014; Tuesday, June 10, 2014; Tuesday, June 17, 2014; and Tuesday, June 24, 2014.

The current horse population is not adequate yet for us to begin a four-day per week live schedule.

We have already conferred with the New England HBPA regarding this matter.

Thank you for your consideration.

Sincerely,

Sam Elliott  
 Vice President of Racing

SE:jf

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





*Division of Racing*

**To:** Sam Elliott, Vice President of Racing, Suffolk Downs  
Chip Tuttle, COO, Sterling Suffolk Racecourse, LLC

**From:** Jennifer Durenberger, Director of Racing

**Date:** 27 May, 2014


**Re:** Request to reschedule live race dates June 3, 10, 17, and 24

---

Gentlemen:

This letter approves the request of Suffolk Downs to cancel its scheduled live racing days on Tuesdays in June (June 3, 10, 17, and 24). These cancellations are approved with the specific condition that they be rescheduled later in the racing season as the horse supply and racing conditions permit. As you know, M.G.L. c.128C §2 requires an association to conduct 100 days of live racing and 900 races in order to conduct simulcast wagering.

Regards,

  
Jennifer Durenberger  
Director of Racing

★ ★ ★ ★ ★

Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 141.00: SURVEILLANCE OF THE GAMING ESTABLISHMENT

Section

- 141.01: Approval of Surveillance System
- 141.02: Commission Access to the Surveillance System
- 141.03: CCTV Equipment
- 141.04: Areas to be Monitored and Recorded
- 141.05: Requirements of the Surveillance System Plan
- 141.06: Notice to the Commission of Changes
- 141.07: Recording transmission outside of the Gaming Establishment
- 141.08: Independence of the Surveillance Department
- 141.09: Access to the Monitoring Room

141.01: Approval of Surveillance System

(1) In accordance with 205 CMR 138.01(4)(c), all gaming licensees must submit a plan to the commission for a system of effective closed circuit television (“CCTV”) surveillance of the gaming establishment. No gaming licensee may open for gaming without the commission’s approval of its CCTV surveillance plan as part of its system of internal controls. The surveillance plan must adequately address, at a minimum, all elements included in 205 CMR 141.00.

(2) Nothing in 205 CMR 141.00 shall be construed so as to limit a gaming licensee’s use of advanced technology or new technology, provided that if the gaming licensee intends to utilize any new technology not identified in its initial proposal submitted in accordance with 205 CMR 138.01(4)(c), it shall submit for commission approval the changes to its system of internal controls to incorporate the use of any such new technology in accordance with 205 CMR 138.01(3).

(3) The term *commission* in 205 CMR 141.00 shall include staff assigned to the IEB and any other designated staff of the commission.

141.02: Commission Access to the Surveillance System

A surveillance plan must provide for the commission to be afforded access to the CCTV system and its transmissions including, at a minimum:

- (1) Use of and unfettered access, by way of keycard or other similar mechanism, to the monitoring room in the gaming establishment and all materials therein;

- (2) Ability of commission to direct employees of the gaming establishment to vacate the monitoring room in the event that such presence would, in the determination of the commission, compromise the integrity of an investigation;
- (3) Monitors located within the commission office in the gaming establishment which are capable of accessing all video and audio and still photography available to the gaming licensee, with the ability for the commission to independently control any camera;
- (4) Ability of the commission or its designated staff to access the CCTV system and its transmissions remotely outside of the gaming establishment;
- (5) Recording(s) or photographs(s) to be made by the gaming licensee at the direction of the commission; and
- (6) Integration of a priority system preventing staff of the gaming establishment from controlling a segment of the system when being utilized by the commission or its staff.

#### 141.03: CCTV Equipment

A surveillance plan must provide for the utilization of a CCTV surveillance system which includes at a minimum the following equipment and specifications:

- (1) Light sensitive cameras, with lenses of sufficient magnification to allow for the reading of information on gaming chips, playing cards, dice, tiles, slot machine reel symbols, slot machine credit meters, and employee credentials and with 360 degree pan, tilt and zoom (“PTZ”) capabilities without camera stops to effectively and clandestinely monitor in detail and from various vantage points;
- (2) Equipment and supplies as may be required by the commission, taking into consideration current developments in electronic and computer technology, for the effective performance of the activities to be conducted therein including, without limitation:
  - (A) A communication system capable of monitoring all gaming establishment security department activities; and
  - (B) If computerized monitoring systems are used by the gaming licensee in its gaming operations, view-only terminals which allow access to all information concerning cage, slot, and table games operations;
- (3) High definition digital recording equipment which:
  - (A) Permits the preservation and viewing of transmissions produced by all cameras;
  - (B) Is capable of the superimposition of time and date stamping on each recording;
  - (C) Possesses the ability to identify and locate a particular event that was recorded;
  - (D) Reproduces events in color, unless otherwise approved by the commission;
  - (E) Records all images on a hard drive or server;

- (F) Locks such that access to the erase and reformat functions, and system data files is restricted to employees specifically authorized for those purposes;
  - (G) Provides uninterrupted recording of surveillance during playback or copying;
  - (H) Is capable of copying original images while maintaining the original native format and that can store the images at a rate of not less than 30 frames per second;
  - (I) Will record images at a minimum resolution of 320 x 240 and display during playback at a minimum resolution of 640 x 480;
  - (J) Will store images in a format that is readable by the commission's equipment;
  - (K) Will store images in a format such that they can be verified and authenticated; and
  - (L) Is equipped with an uninterruptible power source to allow a proper system shutdown.
  - (M) Films at 4 CIF (Common Intermediate Format) minimum 704 x 576 pixels resolution;
  - (N) Films at 30 frames per second (real time recording) for all required filming, all operator observed activity, and all events requested by the commission;
  - (O) Films at 4 frames per second for all facial recognition recordings including complimentary kiosk machines, self-redemption machines, change booths, and access to the surveillance server.
- (4) Recording media, which shall be replaced immediately upon the manifestation of any significant degradation in the quality of the images or sound; and
  - (5) Audio capability in the soft count room.
  - (6) Watermarking and encryption systems shall be explained in detail as part of the surveillance plan.

141.04: Areas to be Monitored and Recorded

- (1) A surveillance plan must provide, at a minimum, for the effective monitoring of the following areas of the gaming establishment in detail and from various vantage points:
  - (A) The gaming area, including, but not limited to effective and clandestine observation of:
    - (1) Slot machine play;
    - (2) Table game play including:
      - (A) One or more fixed or PTZ cameras focused over each gambling table, covering the entire table layout, provided that each table is viewable by at least 3 PTZ cameras;
      - (B) A sufficient number of cameras to monitor players and dealers at each gambling table that are:
        - (1) Dedicated to each table; and
        - (2) Able to determine the card and chip values for winning hands.
    - (3) Each simulcast window that is open for business;



- (4) Operations conducted in cashier cages, and the offices ancillary thereto, to include coverage sufficient to observe the face of each patron transacting business at each cage and satellite cage window from the direction of the cashier; and to include a fixed camera over each money drawer;
- (5) Operations conducted at slot booths;
- (6) All processes conducted in count rooms, within which there must be audio capability;
- (7) Movement and storage of cash, gaming chips, and all other representatives of value, cards, dice, tiles, and any other equipment used in table games, drop boxes, slot drop boxes and slot drop buckets within the gaming establishment;
- (8) All entrances and exits to and within the gaming area; and
- (9) The operation of gaming voucher redemption machines and gaming voucher systems and electronic transfer credit systems.

(B) The following locations, persons or transactions:

- (1) A slot machine that is connected to a progressive payout meter displaying a potential payout of \$35,000 or more;
- (2) Such main bank areas where gross revenue functions are performed as may be required by the commission;
- (3) The execution of fills and credits at the chip bank;
- (4) The collection of drop boxes, slot drop boxes, and slot cash storage boxes;
- (5) Any armored car collection or delivery of cash for which security escort or surveillance coverage is required;
- (6) The inspection and distribution to gaming pits of cards, dice and tiles;
- (7) Each transaction conducted at an automated bill breaker, voucher/coupon redemption and jackpot payout machine, as well as each replenishment or other servicing of any such machines;
- (8) The count area or count room;
- (9) Counting of dealer tips in accordance with 205 CMR 138.18 and the policies and procedure submitted in accordance therewith.

(C) The non-gaming area, including, but not limited to the effective and clandestine observation of:

- (1) Any location within the gaming establishment wherein any armored car collection or delivery of cash occurs;
- (2) Parking areas of the gaming establishment; and
- (3) Public areas of the gaming establishment including outside the entrances to the gaming area.

(E) Any other area so directed by the commission

- (2) The gaming licensee shall submit for approval the ratio between the number of surveillance operators and the square footage of areas to be covered.
- (3) Cameras shall be positioned:
  - (A) In a manner that will prevent them from being obstructed, tampered with, or disabled; and
  - (B) Behind a smoked dome, one-way mirror, or similar materials that conceal the camera from view.

#### 141.05: Requirements of the Surveillance System Plan

A surveillance plan must, at a minimum, incorporate the following:

- (1) An adequate emergency power system at all times sufficient to prevent required monitoring from being unreasonably delayed, and a contingency plan to be utilized whenever a power failure occurs that can be used to operate the CCTV system in the event of a power failure. Such power system shall be tested in the presence of the commission at 12-month intervals subject to more frequent re-testing upon failure of a test;
- (2) A preventive maintenance program, implemented by technicians assigned to the surveillance department or, if assigned to another department, subject to the direction and control of the director of surveillance, which ensures that the entire CCTV system is maintained in proper working order and that transparent covers over CCTV system cameras are cleaned in accordance with a routine maintenance schedule. In the event that preventive maintenance to be performed by a technician assigned to another department is required on an emergency basis, the surveillance department shall have priority with respect to personnel resources of such other department to ensure the efficacy of the CCTV system;
- (3) Connection to all gaming establishment alarm systems enabling instant notification of any such alarm and monitoring of any area to which the alarm applies and which provides a visible, audible or combination signal; provided, however, that any robbery or other emergency-type alarm shall be perceptually distinguishable from all non-emergency alarm types in a manner approved by the commission (for example, robbery alarm is the only audible alarm);
- (4) An updated photo library, consisting of photographs that are no more than four years old, of all current employees of the gaming establishment, which photo library shall be available to the commission upon request;
- (5) Provision for an updated operational blueprint depicting all areas of the gaming establishment, and elsewhere where CCTV coverage is available that is readily accessible to all monitoring room personnel and representatives of the commission.
- (6) A surveillance log securely maintained that includes detailed reports of all surveillances conducted. The log shall be maintained by monitoring room personnel and shall be stored securely, in a manner approved by the commission, within the surveillance department. The

surveillance log shall be available for inspection at any time by the commission. At a minimum, the following information shall be recorded in a surveillance log:

- (A) Date and time each surveillance commenced;
  - (B) The name and license credential number of each person who initiates, performs or supervises the surveillance;
  - (C) Reason for surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitored is engaging;
  - (D) The times at which each video or audio recording is commenced and terminated;
  - (E) The time at which each suspected criminal offense is observed, along with a notation of the reading on the meter, counter or device that identifies the point on the video recording at which such offense was recorded;
  - (F) Time of termination of surveillance; and
  - (G) Summary of results of the surveillance.
- (7) Signals from all cameras required in accordance with 205 CMR 141.04 shall be recorded and retained for a minimum of 30 days unless notified by the commission within that period that any such recordings must be retained for any longer period so designated by the commission. and shall be made available for review upon request by the commission. In addition, any such recordings which are determined by the commission to be of potential evidentiary value shall be retained and stored pursuant to commission directives;
- (8) Continuous lighting of all areas, including gaming tables and pits, where CCTV system camera coverage is required by 205 CMR 141.04 that is of sufficient quality to produce clear recordings and still picture reproductions.
- (10) No use of multiplexing and quad recording devices for required surveillance in accordance with 205 CMR 141.04.
- (11) That surveillance room entrances are not visible from the gambling floor;
- (12) That a surveillance employee is present in the room and monitoring activities using the equipment any time the gaming establishment is conducting gambling activities and during the count process.

#### 141.06: Notice to the Commission of Changes

A surveillance plan must provide for notification to the commission upon the occurrence of any of the following:

- (1) CCTV equipment is replaced;
- (2) Slot machine or table game locations are modified (so as to enable the commission to review the new locations for adequate coverage);
- (3) Equipment failure occurs. Notice of such shall be immediately made to the IEB and include the time and cause of the malfunction, if known, the time that the security department was

apprised of the malfunction, and any communications with the security department relating to the malfunction; or

(4) Camera relocation occurs.

#### 141.07: Recording transmission outside of the Gaming Establishment

A surveillance plan must provide limitations on CCTV transmissions that, at a minimum, do not allow transmissions outside the gaming establishment with the exception of:

- (1) Wide-area progressive slot machine systems monitoring;
- (2) Remote access to the system by the commission at an off-site commission office; and
- (3) Such transmissions as may be permitted outside the gaming establishment by written order of the commission.

#### 141.08: Independence of the Surveillance Department

A surveillance plan must provide for the independence of surveillance department employees assigned to monitor the activities of the gaming establishment. Those provisions shall include, at a minimum, that those employees shall be independent of all other departments. These provisions must include the period of time that must lapse before (i) any surveillance department employee who monitored the activities of the gaming establishment may become employed in any department that said employee had monitored, and (ii) any non-surveillance employee who works in the gaming establishment of the gaming licensee can become employed in the surveillance department. Upon petition to the commission and for good cause shown, the gaming licensee may request a relaxation of the time periods herein for individual cases.

#### 141.09: Access to the Monitoring Room

A surveillance plan must provide for limited access to the monitoring room which, at a minimum, shall include:

- (1) That the entrances to the monitoring room not be visible from the gaming area or any other public area;
- (2) Identification by position of each employee allowed access to the monitoring room or any other designated area capable of receiving CCTV transmission. Any person who enters any monitoring room or such designated area who is not a surveillance department employee shall

sign the Monitoring Room Entry Log upon entering the restricted area. The Monitoring Room Entry Log shall be:

- (A) Kept in the CCTV monitoring room;
  - (B) Maintained in a book with bound numbered pages that cannot be readily removed or via an electronic equivalent;
  - (C) Signed by each person whose presence is not expressly authorized in accordance with 205 CMR 141.09(2), with each entry containing, at a minimum, the following information:
    - (1) The date and time of entering into the monitoring room or designated area;
    - (2) The entering person's name and his or her department or affiliation;
    - (3) The reason for entering the monitoring room or designated area;
    - (4) The name of the person authorizing the person's entry into the monitoring room or designated area; and
    - (5) The date and time of exiting the monitoring room or designated area.
- (3) The Monitoring Room Entry Log shall be made available for inspection by the commission at all times.
- (4) For server based monitoring systems, a plan for restricting access to monitoring and recording by unauthorized personnel such as IT personnel and members of management.

REGULATORY AUTHORITY

205 CMR 137: M.G.L. c. 23K, §§4(28), 4(37), 5(9)

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 139.00: CONTINUING DISCLOSURE AND REPORTING OBLIGATIONS OF  
GAMING LICENSEES AND QUALIFIERS

Section

- 139.01: Records regarding company ownership
- 139.02: Accounting records
- 139.03: Standard financial and statistical reports
- 139.04: Monthly and quarterly financial statements
- 139.05: Financial stability filings by a gaming licensee
- 139.06: Annual audited financial statements and other reports
- 139.07: Tax return filings
- 139.08: Minutes of meetings of board and committees
- 139.09: Governing documents
- 139.10: Compliance plan
- 139.11: Securities filings
- 139.12: Audit of gaming licensee operations by commission

139.01: Records regarding company ownership

A gaming licensee and its holding companies shall maintain up to date records regarding the equity structure and ownership of the gaming licensee, including, at a minimum:

- (1) Certified copies of incorporation and formation documents and any amendments thereto.
- (2) By-laws, shareholders agreements, operating agreements, partnership agreement and other relevant corporate documents.
- (3) Current listing of officers, directors, members, partners.
- (4) Minutes of all meetings of shareholders, directors or members.
- (5) Current list of all equity owners, stockholders and stockholders of affiliates.
- (6) Detailed records regarding all capital contributions.
- (7) Detailed records regarding distributions to all equity holders.
- (8) Detailed records regarding all remuneration paid to officers, directors, partners and members.
- (9) Detailed records regarding any equity transfers.
- (10) Detailed records regarding all record holders of any or all classes of publicly traded securities issued by any holding company or by any other affiliated entity which is required to

qualify as a financial source in connection with the gaming licensee's gaming license.

- (11) Any other records as the commission deems appropriate.

139.02: Accounting records

(1) Each gaming licensee shall maintain and submit to the commission for approval, in accordance with 205 CMR 138.01(4)(b), a system of financial accounting that results in the licensee accurately reporting its assets, liabilities, equity, income and expenses.

(2) The system of financial accounting shall comply with generally accepted accounting principles and shall provide adequate detail so as to allow the commission to fully understand the gaming licensee's statement of condition and results of operations. To this extent, the gaming licensee shall submit a proposed chart of accounts which, once approved by the commission, shall represent the gaming licensee's minimum accounts for financial reporting purposes.

(3) The gaming licensee's system of financial accounting shall provide a level of detail so as to report the gaming licensee's drop, win, and hold percentage for each form of gaming activity, the value of complimentary goods or services issued during the accounting period, and such other information that the gaming licensee shall submit to allow the commission to understand the licensee's results of operations.

(4) The gaming licensee shall maintain detailed information and documentation to support all amounts reported to the commission as being the gaming licensee's assets, liabilities, equity, income and expenses.

139.03: Standard financial and statistical reports

(1) Each gaming licensee shall file the following reports of financial and statistical data on a set of standard reporting forms to be prescribed by the commission:

- (a) Pursuant to G.L. c. 23K, § 21(a)(12), a detailed annual statistical report on the number, job titles, benefits and salaries of employees hired and retained in employment at the gaming establishment.
- (b) Pursuant to G.L. c. 23K, § 21(a)(24), an annual detailed statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises in:
  1. Design contracts;
  2. Construction contracts; and
  3. Contracts for every good and service procured by the gaming establishment.

The annual statistical report shall also identify the amounts so contracted as a percentage of the total dollar amounts contracted with and actually paid to all firms.

- (c ) Pursuant to G.L. c. 23K, § 21(a)(23), on a quarterly basis, a detailed statistical report, on the number, gender and race of individuals hired to perform labor as part of the construction of the gaming establishment.
- (d) Pursuant to G.L. c. 23K, § 21(a)(15), on an annual basis, and at other times as directed by the commission, aggregate demographic information with respect to the gaming licensee's customers in a format provided by the commission.

(2) The reports shall be attested to by any of the following: the Chief Executive Officer, Chief Gaming Executive, Chief Financial Officer, Treasurer, Financial Director, Controller, or their functional equivalent.

(3) Annual reports to the commission shall be based on a calendar year, beginning January 1, and ending December 31; Quarterly reports shall be based on calendar quarters ending March 31, June 30, September 30, and December 31 and Monthly reports shall be based on calendar months.

(4) Each report to the commission shall be made in a format acceptable to the commission and electronically filed not later than the following applicable filing date unless the gaming licensee makes a written request for an extension and the extension is granted to the gaming licensee in writing by the commission. Any filing date that falls on a Saturday, Sunday, or Federal or State holiday shall be extended until the next business day. The filing dates shall be as follows:

- (a) Monthly gross gaming revenue tax reports shall be due not later than 9:00 a.m. on the 10th calendar day following the end of the month.
- (b) All quarterly reports for the quarters ended March 31, June 30, and September 30 shall be due not later than the 15th calendar day of the second month following the end of the quarter.
- (c) All quarterly reports for the quarter ended December 31 shall be due not later than March 31 of the following year.
- (d) All annual reports shall be due not later than March 31 of the following year.

(5) To the extent possible, any adjustments resulting from the annual audit required in accordance with 205 CMR 139.06 shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the licensee's quarterly report for the quarter ended December 31 and the commission concludes the adjustments are significant, a revised quarterly report for the quarter ended December 31 may be required from the gaming licensee. The revised filing shall be due within 30 calendar days after notification to the licensee, unless an extension is granted by the commission.

#### 139.04: Monthly and quarterly financial statements



(1) Each gaming licensee shall submit monthly internal financial statements that at a minimum provide detailed income and expense statements within five days of completion and in no event later than the end of the subsequent month.

(2) Each gaming licensee shall submit quarterly unaudited financial reports of the gaming licensee or its holding company when prepared and in no event later than the 15th calendar day of the second month following the end of the quarter.

139.05: Financial stability filings by a gaming licensee

(1) Each gaming licensee shall file, with the commission, a statement that the gaming licensee is in compliance with 205 CMR 139.05(1)(a) through (e); which statement shall accompany each quarterly financial report filed pursuant to 139.04(2):

- (a) Maintenance of a gaming bankroll or equivalent provisions adequate to pay winning wagers to gaming patrons when due. A gaming licensee shall be deemed to have met this standard if it maintains, on a daily basis, a gaming bankroll, or a gaming bankroll and equivalent provisions, in an amount which is at least equal to the average daily minimum gaming bankroll or equivalent provisions, calculated on a monthly basis, for the corresponding month in the previous year. For any gaming licensee which has been in operation for less than a year, such amount shall be determined by the commission based upon the gaming licensee's projections, which shall take into consideration levels maintained by gaming licensee in comparable properties in other jurisdictions.
- (b) Ability to achieve positive EBITDA, measured on an annual basis.
- (c) The ability to pay, as and when due, all local, state and federal taxes, including the tax on gross gaming revenues imposed by M.G.L. c.23K, §55 and any fees imposed under M.G.L. c.23K or 205 CMR.
- (d) The ability to make annual capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5 per cent of the net gaming revenues derived from the establishment or in accordance with a multi-year capital expenditure plan approved by the commission pursuant to 205 CMR.
- (e) The ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect to such debts.

(2) Prior to the end of each calendar year, a gaming licensee shall file with the commission financial projections for the upcoming calendar year in a format acceptable to the commission which will, at a minimum, provide a statement of income, balance sheet, and statement of cash flows.

(3) At the end of each calendar year, each gaming licensee shall file with the commission a detailed analysis with respect to its compliance with subsection 205 CMR 139.05(1) (a) through (e) and provide such other information as the commission shall deem material to a showing of financial stability.

(4) A gaming licensee shall file with the commission copies of any compliance certificates when provided to lenders pursuant to any loans or debt instruments of each gaming licensee, affiliate, or holding company thereof.

(5) A gaming licensee shall file with the commission essential details of any loans, borrowings, installment contracts, guarantees, leases or capital contributions no later than 10 days after the end of the month in which the transaction or event occurs.

(6) Any event of default related to any debt obligation maintained by the gaming licensee, affiliate, or holding company thereof shall be immediately reported to the commission, in writing, along with any plans to address or cure such default.

(7) In the event that the commission determines that a gaming licensee has failed to demonstrate financial stability, the commission may take such action as is necessary to protect the public interest, including, but not limited to:

- a) establishing an appropriate cure period;
- b) imposing reporting requirements in excess of those otherwise mandated by M.G.L. c.23K and 205 CMR;
- c) placing such restrictions on the transfer of cash or the assumption of liabilities as is necessary to insure future compliance with the standards set forth in subsections 205 CMR 139.05(a)(1) through (5);
- d) requiring the maintenance of reasonable reserves or the establishment of dedicated or trust accounts to insure future compliance with financial stability standards;
- e) impose additional license conditions; and/or
- f) revoking the gaming licensee's gaming license.

#### 139.06: Annual audit and other reports

(1) A gaming licensee shall submit to the commission, at its own expense, an annual audit prepared in accordance with generally accepted auditing standards within the United State by an independent certified public accountant attesting to the financial condition of the gaming licensee and disclosing whether the accounts, records and control procedures examined are maintained by the gaming licensee as required M.G.L. c.23K and 205 CMR.

(2) The annual financial statements shall be prepared on a comparative basis for the current and prior calendar year, and present the financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(3) The annual financial statements shall include a footnote reconciling and explaining any

differences between the financial statements included in the gaming licensee's quarterly financial report for the quarter ended December 31 and the audited financial statements, with such footnote, at a minimum, disclosing the effect of such adjustments on:

- (a) Gaming revenues.
- (b) Revenues net of complimentary services.
- (c) Total costs and expenses.
- (d) Income before extraordinary items.
- (e) Net income.

(4) The annual financial statements shall include a study of the gaming licensee's system of internal accounting control, as designed, conducted by the independent certified public accountant, for the purpose of expressing an opinion as to the adequacy of said internal controls, and for the purpose of conducting compliance tests to determine whether material aspects of the system of internal control are in place and being followed. The gaming licensee's independent certified public accountant shall issue a written report, or opinion, as to the adequacy of the licensee's system of internal accounting control, and as to the gaming licensee's level of compliance therewith. In the event that the gaming licensee's independent certified public accountant makes recommendations to improve the system of internal accounting control, or to increase the gaming licensee's level of compliance, the gaming licensee's Chief Financial Officer shall respond, in writing, to the recommendations of the independent certified public accountant and provide the commission with a copy of its response.

(5) One copy of the audited financial statements, together with the management letter or report prepared thereon by the gaming licensee's independent certified public accountant, shall be filed with the commission by April 30 following the end of the calendar year.

(6) In the event the gaming licensee's independent certified public accountant shall resign or be removed as the gaming licensee's principal accountant or auditor, the gaming licensee shall submit a written report to the commission within 20 days of such resignation or removal, signed by its Chief Financial Officer and Chairman of its Audit Committee, outlining the cause or nature of the resignation or removal, stating whether the resignation or removal was related to material differences between the parties as to financial statement presentation issues, disclosures, or the adequacy of the gaming licensee's system of internal accounting control and, if so, a complete and detailed description of the differences for consideration by the commission. The gaming licensee shall submit as an exhibit to this report a letter from the former independent certified public accountant stating whether he or she agrees with the statements made by the gaming licensee in the report submitted to the commission.

#### 139.07: Tax return filings

A gaming licensee, holding company, intermediary company, qualifying subsidiary and entity

qualifier thereof, shall file, with the commission copies of its Federal and State Tax Returns and related forms, at the time such returns are submitted to the taxing authority.

#### 139.08: Minutes of meetings of board and committees

(1) A gaming licensee or holding company thereof shall file with the commission copies of the minutes of all board of directors or equivalent governing authority meetings and committee meetings including, without limitation, the audit and compliance committee, by no later than 45 days of the meeting regardless of formal adoption and that upon formal adoption of previously-submitted board and committee minutes, a copy of such final minutes shall be filed with the Commission.

(2) A gaming licensee or holding company thereof shall file, with the Commission, the schedule for its board and committee meetings on an annual basis.

#### 139.09: Governing documents

A gaming licensee or holding company thereof shall file with the commission copies of any amendments to, restatements of, or superseding versions of the governing documents of the gaming licensee or holding company within seven days of formal adoption.

#### 139.10: Compliance plan

A gaming licensee or holding company thereof shall file with the commission copies of any amendments to its written compliance plan within seven days of formal adoption.

#### 139.11: Securities filings

A gaming licensee, holding company, intermediary company, qualifying subsidiary and entity qualifier thereof, shall file with the commission copies of all securities filings submitted to Federal, State, or other domestic or foreign securities regulatory authorities, regarding any of the securities, either in existence or proposed, including, but not limited to, forms S-1, 8-K, 10-Q and 10-K, proxy or information statements and all registration statements filed at the time of filing with such authority.

#### 139.12: Audit of gaming licensee operations by Commission

In accordance with M.G.L. c.23K, §65 the commission shall audit on an annual basis, and at other times the commission determines necessary the accounts, programs, activities, and functions of a gaming licensee and/or any aspect of the gaming establishment. To conduct the audit, authorized officers and employees of the commission shall be given access by the gaming licensee to such accounts at reasonable times and the commission may require the production of books, documents, vouchers and other records relating to any matter within the scope of the audit, except tax returns. All audits shall be conducted in accordance with generally accepted auditing standards established by the American Institute of Certified Public Accountants. In any

audit report of the accounts, funds, programs, activities and functions of a gaming licensee issued by the commission containing adverse or critical audit results, the commission may require a response, in writing, to the audit results. The response shall be forwarded to the commission within 15 days of notification by the commission.

#### REGULATORY AUTHORITY

205 CMR 137: M.G.L. c. 23K, §§4(28), 4(37), 5(9)

DRAFT

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

## 205 CMR 142.000: REGULATORY MONITORING AND INSPECTIONS

## Section

- 142.01: Scope of commission's authority  
 142.02: Monitoring and inspections by commission

142.01: Scope of commission's authority to conduct administrative monitoring and inspections

- (1) The commission may monitor and conduct inspections as set forth in section 142.02 in order to effectuate the purposes of M.G.L. c. 23K.
- (2) The term *commission* in 205 CMR 142.00 shall include staff assigned to the IEB and any other designated staff of the commission.

142.02: Administrative monitoring and inspections

- (1) The commission may inspect the premises approved under a gaming license at any time without prior notice in order to determine licensees' and registrants' compliance with M.G.L. c. 23K and with 205 CMR. Areas subject to inspection shall include, but not be limited to: all public areas; the gaming licensee's gaming area; cages; banks; count rooms; other secure facilities used for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons, and devices or items of value used in wagering; areas used for the counting and storage of dice, cards, chips, and other representatives of value; security and surveillance offices; and areas designated for and used by employees and vendors licensed and/or registered under M.G.L. c. 23K. The commission also may inspect without prior notice, during ordinary business hours or hours when in use, other areas such as gaming establishment executive and administrative offices and human resources offices.
- (2) The commission may, at the gaming establishment, at any time and without prior notice, examine records of a gaming licensee's revenues and procedures and inspect and audit a gaming licensee's and/or a gaming vendor's books, documents, and records, including data maintained in electronic format.
- (3) The commission may, at any time and without prior notice, inspect all equipment and supplies in a gaming establishment.
- (4) The commission may, without prior notice and during ordinary business hours or hours when in use, inspect all equipment and supplies on premises, wherever situated, where gaming equipment is manufactured, stored, sold, or distributed for use in a gaming establishment.

(5) The commission may, without prior notice and during ordinary business hours or hours when in use, inspect, examine, photocopy, and audit all papers, books, and records, including data maintained in electronic format, of any affiliate of a gaming licensee or gaming vendor whom the commission reasonably suspects is involved in the financing, operation or management of the gaming licensee or gaming vendor; provided, however, that the inspection, examination, photocopying, and audit may, at the discretion of the commission take place on the affiliate's premises or elsewhere as deemed practicable by the commission and may, at the discretion of the commission, take place in the presence of the affiliate or its agent.

(6) The commission may seize and remove from the premises of a gaming licensee and impound any equipment, supplies, documents, and records, including data maintained in electronic format, for the purpose of examination and inspection.

(7) Acceptance of a license or certificate of registration issued by the commission constitutes consent for monitoring, examination, inspection, auditing, seizure, impoundment, and removal of items as set forth in 205 CMR 142.02. A licensee or registrant shall cooperate, grant the commission ready access, and make all reasonable efforts to facilitate monitoring and inspections as set forth in 205 CMR 142.02, including providing any necessary security codes and using reasonable efforts to facilitate interviews of licensees and registrants as deemed necessary by the commission. In the event that ready access is not granted, the commission may use reasonable means to gain prompt access.

(8) Nothing in 205 CMR 142.00 shall limit the commission from acting in accordance with any other statutory and/or regulatory authority.

#### REGULATORY AUTHORITY

M.G.L. c. 23K, §§ 1(1), (9); 4(9), (15-18), (20-24)

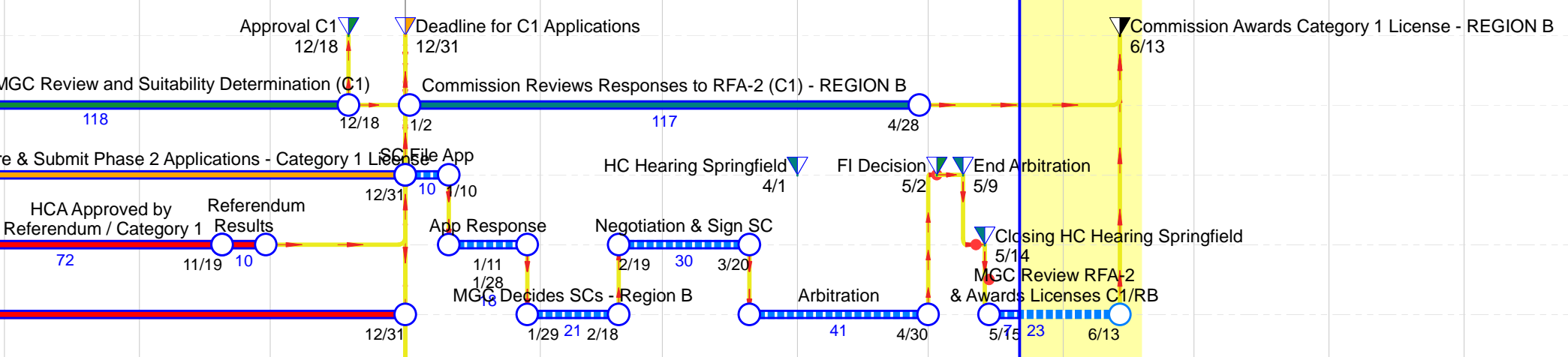
**6(b) – NO DOCUMENTS**

**6(c) – NO DOCUMENTS**

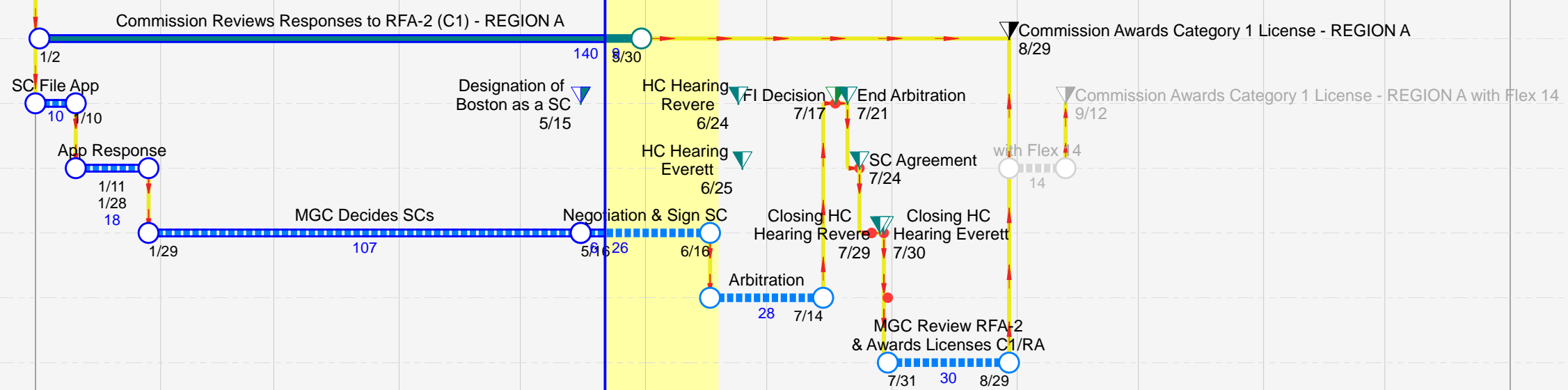


# Massachusetts Gaming Commission / 2014-05-21 Licensing Schedule Update (Estimated Based on Arbitration Regulations Timeline Projections)

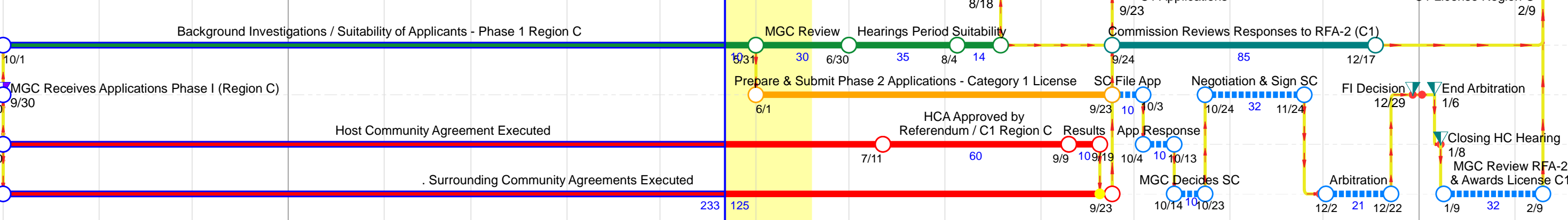
## CATEGORY 1 LICENSE - REGION B



## CATEGORY 1 LICENSE - REGION A



## CATEGORY 1 LICENSE - REGION C



**LEGEND**

- ACT DESCRIPTION (Green line with arrow)
- SUMMARY ACTIVITY (Blue dashed line)

## **7(b) – NO DOCUMENTS**

Before the  
MASSACHUSETTS GAMING COMMISSION

In the Matter of

Request by Wynn MA, LLC & the  
City of Chelsea for a Variance of 205 CMR  
CMR 125.01(6)(c)

**Introduction**

Wynn MA, LLC ("Wynn") and the City of Chelsea ("Chelsea") collectively (the "Parties") hereby petition the Massachusetts Gaming Commission (the "Commission" or "MGC"), for a variance from the regulatory requirements of 205 CMR 125.01(6)(b) related to the Binding Arbitration procedure. The petition is made pursuant to the Commission's broad authority to regulate gaming, M.G.L. c. 23K, § 1(10) and the Commission's regulations regarding waivers of and variances from its regulations, 205 CMR 102.03(4). For the following reasons, the petition should be granted.

**I. Factual Background**

Wynn voluntarily designated Chelsea as a "surrounding community" on January 23, 2013, and the Commission confirmed the designation on March 20, 2014. The 30-day statutory negotiation period for Chelsea and Wynn to reach a surrounding community agreement began on March 20, 2014 and ended on April 22, 2014. The parties were unable to reach a surrounding community agreement by April 22, 2014, and Wynn filed a Notice to Commence Arbitration with the City of Chelsea on April 23, 2014. On April 29, 2014, as required by 205 CMR 125.01(6)(c)3, as amended, Wynn and Chelsea exchanged and submitted to their selected arbitrator, Judge Stephen E. Neel (Ret.), their respective Best and Final Offers ("BAFO(s)")

pursuant to G.L. c. 23K § 15(9). Applying the 20 day time period and the 14 day flex produces a schedule calling for the Arbitrator to submit his report by June 2, 2014.

Chelsea and Wynn are working in good faith to complete the arbitration in accordance with the time table set out by the regulations and the fourteen day flex. But due to preexisting travel commitments of certain witnesses from both Chelsea and Wynn, the hearings did not begin until May 20 and 22, and are scheduled to conclude on May 29. The Arbitrator has requested a closing presentation several days after the presentation of evidence concludes, which is now scheduled for June 5, 2014. The Arbitrator has also requested several days to prepare his report after the June 5 closing presentations. Therefore, Wynn and Chelsea respectfully request a seven (7) day extension to allow the Arbitrator to submit his report to the Commission on June 9, 2014.

## **II. Variance Request**

Wynn and Chelsea request that the Commission grant a variance to the requirements of Section 125.01(6)(c), which provides, in pertinent part, as follows:

### 125.01(6)(c): Binding Arbitration Procedure.

6. Within 20 days after receipt of the parties' submissions under 205 CMR 125.01(6)(c)3., the arbitrator(s) shall conduct any necessary proceedings and file with the commission, and issue to the parties, a report specifying the terms of the surrounding community agreement between the applicant and the community. In reaching the final decision, the arbitrator(s) shall select the best and final offer of one of the parties and incorporate those terms into the report. The arbitrator(s) may make adjustments to the selected best and final offer only if necessary to ensure that the report is consistent with M.G.L. c. 23K.

7. No later than five days after the issuance of the report of the arbitrator(s) as provided in 205 CMR 125.01(6)(c)6, the parties shall sign a surrounding community agreement and file it with the commission in accordance with M.G.L. c. 23K, § 15(9) and 205 CMR 125.01(3) or the arbitrator's report shall be deemed to be the surrounding community agreement between the parties.

The Commission has broad authority to regulate gaming, and its powers "shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter."

M.G.L. c. 23K, § 1(10). The Commission's statutorily authorized regulations permit the variance of Section 125.01(6)(c) requested by Wynn and Chelsea. To grant the variance, the Commission must find that:

1. Granting the variance is consistent with the purposes of the Expanded Gaming Act;
2. Granting the variance will not interfere with the ability of the Commission or its Investigations and Enforcement Bureau ("IEB" or "Bureau") to fulfill its duties;
3. Granting the variance will not adversely affect the public interest; and
4. Not granting the variance would cause a substantial hardship to the person requesting the variance.

205 CMR 102.03(4). Each of those conditions is met.

First, granting the variance is consistent with the purposes of the Expanded Gaming Act because it will allow the parties the necessary time to conclude the binding arbitration procedure that will result in a surrounding community agreement to mitigate the potential impacts from the development of a gaming establishment.

Second, granting the variance will not interfere with the ability of either the Commission or the IEB to fulfill its duties. Wynn and Chelsea are asking for only a seven (7) day extension to allow the Arbitrator to render his report on June 9, 2014.

Third, granting the variance will enhance, not adversely affect, the public interest. The public interest is served by allowing the parties a chance to make the requested closing presentations and affording the Arbitrator several additional days so as to issue a thoughtful

report in choosing which Best and Final Offer (BAFO) will become the surrounding community agreement between Wynn and Chelsea.

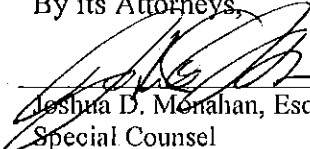
Finally, not granting the variance would cause substantial hardship to Wynn and Chelsea. Chelsea and Wynn are working in good faith to complete the arbitration in accordance with the time table set out by the regulations and the fourteen day flex. Because of preexisting travel commitments of witnesses from both Parties, the hearings have taken longer and the Arbitrator has requested a closing presentation several days after the presentation of evidence concludes and several days to prepare his report. Not allowing the variance may cause the Arbitrator to issue a rushed report, which would undermine the efforts the Parties have made by participating in good faith in the binding arbitration.

#### Conclusion

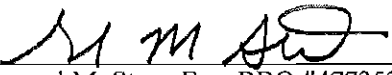
For the reasons stated above, Wynn and Chelsea request that the Commission grant a variance to the time constraints of Section 125.01(6)(c) to allow the Arbitrator to issue his report on June 9, 2014.

Respectfully Submitted,

CITY OF CHELSEA  
By its Attorneys,

  
Joshua D. Monahan, Esq. BBO #688324  
Special Counsel  
Cheryl Watson Fisher, Esq. BBO #560093  
City Solicitor  
City of Chelsea  
500 Broadway  
City Hall Room 307  
Chelsea, MA 02150  
Tel: 617-466-4150

WYNN MA, LLC  
By its Attorneys,

  
Samuel M. Starr, Esq. BBO #477353  
Jennifer M. McCarthy, Esq. BBO #673185  
Caitlin A. Hill, Esq. BBO #684774  
Mintz, Levin, Cohn, Ferris, Glovsky,  
and Popeo, P.C.  
One Financial Center  
Boston, MA 02111  
Tel: 617-542-6000