



**NOTICE OF MEETING and AGENDA**  
June 26, 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, June 26, 2014**  
10:30 a.m.  
**Boston Convention and Exhibition Center**  
415 Summer Street, Room 102B  
Boston, MA

**PUBLIC MEETING - #126**

1. Call to order
2. Approval of Minutes
  - a. June 10-13, 2014
  - b. June 12, 2014
3. Workforce Development and Supplier Diversity - Jill Griffin, Director
  - a. Community College Institute Update
  - b. Department of Professional Licensure Application Process Update
  - c. Penn Operations Diversity Report - VOTE
  - d. Draft Workforce and Vendor Statistical Report
4. Racing Division – Jennifer Durenberger, Director
  - a. Administrative Update
    - i. Reschedule Suffolk Racing Dates
  - b. The Standardbred Owners of MA – Request for Recognition - VOTE
5. Administration – Derek Lennon, CFAO
  - a. General Update
  - b. FY15 Budget Follow up Discussion - D. Lennon, CFAO - VOTE
6. Ombudsman Report – John Ziemba
  - a. Master Licensing Schedule – Region C - K. Wells, Investigations and Enforcement Bureau, Director - VOTE
7. Legal Division – Catherine Blue, General Counsel
  - a. ATM Banking Rules Update – T. Grossman, Deputy General Counsel
  - b. Surveillance and Administrative Search Regulations – K. Wells, Director and Bruce Band, Assistant Director and Gaming Agents Division Chief - Investigations and Enforcement Bureau - VOTE



Massachusetts Gaming Commission

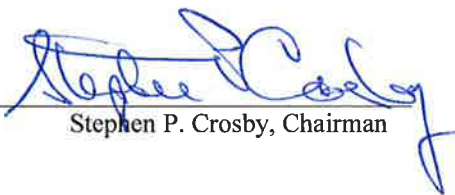
8. Region A

a. City of Chelsea Request for Hearing – C. Blue, General Counsel - VOTE

9. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at [www.massgaming.com](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).

6/24/14  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** June 24, at 10:30 a.m.



Massachusetts Gaming Commission



## **MASSACHUSETTS GAMING COMMISSION MEETING**

June 26, 2014  
10:30 a.m.

**Boston Convention and Exhibition Center**  
415 Summer Street, Room 102-A  
Boston, MA



Massachusetts Gaming Commission



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## Meeting Minutes

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**Date/Time:** June 10-13, 2014

**Place:** MassMutual Center (June 10, 11, and 13)  
1277 Main Street  
Springfield, MA

Hynes Convention Center (June 12)  
900 Boylston Street, Room 200  
Boston, MA 02138

**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 June 10, 2014**

See transcript page 2-18.

10:03 a.m. Chairman Crosby opened the 123rd public meeting and provided an overview of the process for making the final determination for the Category 1 Region B license award.

### **Suitability**

See transcript page 18-26.

10:19 a.m. Director Wells presented the IEB's findings relative to the suitability of qualifiers Said Nasr Esfahani and Michael Christopher Mathis.

10:22 a.m. *Motion made by Commissioner McHugh that the Commission accept and approve and adopt the report of Director Wells with respect to the qualifications of both of the new qualifiers. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

10:23 a.m. Director Wells provided an update on the overall suitability of Blue Tarp Redevelopment, LLC and that it is her recommendation to the Commission that the applicant remains suitable.

### **Building and Site Design**

See transcript pages 26-122.

10:27 a.m. Commissioner McHugh presented his team's evaluation of the building and site design components of the Category 1 Region B application.

Note: Copies of the presentations made at 123rd Commission meeting can be found on the Commission's website at [www.massgaming.com](http://www.massgaming.com)

11:24 a.m. The Commission took a brief recess.

11:36 a.m. Commissioner McHugh continued his presentation.

12:43 p.m. The Commission took a recess for lunch.

### **Finance**

See transcript pages 2-81.

2:08 p.m. Commissioner Zuniga presented his team's evaluation of the financial components of the Category 1 Region B application.

3:41 p.m. The Commission took a brief recess.

### **Mitigation**

See transcript pages 81-130.

3:53 p.m. Commissioner Cameron presented her team's evaluation of the mitigation components of the Category 1 Region B application.

4:48 p.m. Meeting recessed until Wednesday, June 11, 2014.

### **Call to Order June 11, 2014**

See transcript pages 2-4.

10:13 a.m. Chairman Crosby reconvened the 123rd public meeting. The Commission discussed additional information from applicants and staff addressed issues discussed during the prior day.

### **Economic Development**

See transcript pages 4-62.

10:17 a.m. Commissioner Stebbins presented his team's evaluation of the economic development components of the Category 1 Region B application.

11:16 a.m. The Commission took a brief recess.

### **Overview**

See transcript pages 62-96.

11:29 a.m. Chairman Crosby presented his team's evaluation of the overview components of the Category 1 Region B application.

12:02 p.m. The Commission took a recess for lunch.

### **Deliberation**

See transcript pages 96-206.

1:09 p.m. The Commission began deliberations of the materials presented.

2:25 p.m. *Motion made by Commissioner Stebbins that, after careful assessment and review of Blue Tarp Redevelopment's RFA-2 application for a Category 1 license in Region B, the Commission offer the Region B Category 1 license to Blue Tarp Redevelopment, LLC, doing business as MGM Springfield, with the conditions stated, provided that the applicant accept those conditions and report back to the Commission of its acceptance, at which point the Commission would make a formal and final award. Motion seconded by Commissioner McHugh. The motion passed unanimously.*

2:28 p.m. The Commission took a brief recess.

3:04 p.m. General Counsel Blue provided an overview of the procedure going forward. Jed Nosal, on behalf of Blue Tarp Redevelopment, LLC, presented the applicant's comments.

3:16 p.m. The Commission took a brief recess.

3:37 p.m. The Commission agreed to make several changes to the agreement to award a license.

4:05 p.m. Meeting recessed until Thursday, June 12, 2014.

### **Call to Order June 12, 2014**

See transcript pages 5-9.

10:58 a.m. Chairman Crosby reconvened the 123rd public meeting.

10:58 a.m. General Counsel Blue presented to the Commission the final version of the agreement to award a license to Blue Tarp Redevelopment. Jed Nosal and Michael Matthis stated that MGM is in agreement with the document as written.

11:01 a.m. Meeting recessed until Friday, June 13, 2014.

### **Call to Order June 13, 2014**

See transcript pages 2-9.

10:00 a.m. Commissioner McHugh reconvened the 123rd public meeting. Chairman Crosby was not present.

10:01 a.m. The Commission took a brief recess.

10:30 a.m. Chairman Crosby entered the meeting. Mayor Sarno provided ~~a few~~ introductory remarks.

### **License Award Agreement**

See transcript pages 9-18.

10:41 a.m. Mr. Murren, on behalf of the applicant, presented his acceptance of the terms of the license award agreement.

10:49 a.m. *Motion made by Commissioner McHugh that the Commission enter into an agreement to award the Region B/Category 1 Gaming License to Blue Tarp reDevelopment, LLC on the terms and conditions contained in the agreement that the Commissioners will sign this morning and make a permanent part of the record of this meeting provided that Blue Tarp reDevelopment, LLC accepts those terms and manifests that acceptance by signing the same document. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

10:52 a.m. Meeting adjourned.

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

1. Massachusetts Gaming Commission June 10-13, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission evaluation team presentations.
3. Agreement To Award A Category 1 License To Blue Tarp Redevelopment, LLC

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary



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## Meeting Minutes

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**Date/Time:** June 12, 2014 – 10:30 a.m.

**Place:** Hynes Convention Center  
900 Boylston Street, Room 200  
Boston, MA 02138

**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.

10:33 a.m. Commissioner McHugh opened the 124th public meeting. Chairman Crosby was not present at the start of the meeting.

10:34 a.m. The Commission took a brief recess.

### Region A Fundamental Inconsistency Petitions

See transcript pages 3-4.

10:37 a.m. Ombudsman Ziemba introduced the fundamental inconsistency petitions for region A and stated that Somerville has withdrawn its petition. With Somerville's withdrawal of its petition, there are no fundamentally inconsistent petitions for Commission consideration.

10:38 a.m. The Commission took a brief recess.

10:57 a.m. Chairman Crosby joined the meeting.



### **Approval of Minutes**

See transcript pages 4-5

10:57 a.m. Commissioner McHugh presented the minutes for May 29, 2014.

*Motion made by Commissioner McHugh that the minutes of May 29, 2014 be accepted subject to any mechanical or typographical corrections that may later be made. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*

10:58 a.m. Meeting temporarily adjourned.

11:01 a.m. Chairman Crosby reconvened the meeting.

### **Administration**

See transcript pages 9-139.

11:07 a.m. Executive Director Day provided an administrative update relative to licensing, registrations, and hiring.

11:12 a.m. Executive Director Day provided an update on the Commission's budget.

11:14 a.m. Executive Director Day and Ed Burke presented the high performance project and explained the phases involved in the process.

11:24 a.m. Director Lennon provided an update on Commission finances, efforts to shift work away from contracts and toward full time employment, and the revenue that the Commission anticipates.

11:34 a.m. Director Lennon provided an update on the Commission's travel and finance policies and feedback received from consultants.

11:37 a.m. Director Lennon and Director Glennon provided an overview of the proposed central management system.

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

12:22 p.m. Ombudsman Ziemba presented the updated licensing schedule for Region C and the status of potential applicants in that region. The Commission discussed options for extending the deadline to receive more applications.

12:57 p.m. The Commission took a recess for lunch.

1:46 p.m. Executive Director Day, Director Glennon, and Attorney Shtatnov presented the discussion of how to account for slot machines with multiple gaming positions. The Commission agreed to cap the total number of electronic table games with multiple

gaming positions operated by a Category 2 gaming licensee at 2% of authorized slot machines and to ask for public comment before making a final determination on the issue at the June 26 public meeting.

- 2:07 p.m. Executive Director Day and Attorney Lillios addressed a possible update to the gaming vendor secondary regulations to alleviate some of the hardship associated with the application process.
- 2:28 p.m. *Motion made by Commissioner McHugh that the Commission adopt on an emergency basis the amendments to the regulations in 205 CMR 134 as set out in the meeting packet and simultaneously move forward with the regular promulgation process, subject to any amendments to the packet materials to deal with the names of principals of subcontractors that the Commission just discussed. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

### **Licensing Division**

See transcript pages 139-144.

- 2:29 p.m. Attorney Lillios requested that the Commission delegate authority to the Director of the IEB to determine petitions for waiver of qualification by institutional investors. The Commission requested that the Director of the IEB periodically report any waivers to the Commission.
- 2:34 p.m. *Motion made by Commissioner Stebbins that the Commission delegate the authority to the IEB for determining petitions for waiver of qualification by institutional investors. Motion seconded by Commissioner Cameron. The motion passed unanimously.*

### **Legal Division**

See transcript pages 144-154.

- 2:34 p.m. Attorney Lillios requested that the Commission delegate authority to General Counsel Blue and Attorney Lillios to act as hearing officers on racing matters as authorized by 801 CMR.
- 2:44 p.m. *Motion made by Commissioner McHugh that the Commission delegate to General Counsel Blue and Counsel Lillios the power to act as hearing officers in Racing Division hearings provided that General Counsel Blue does not act as a hearing officer when the Commission is represented by a staff attorney under her supervision. Motion seconded by Commissioner Cameron. The motion passed unanimously.*
- 2:45 p.m. Meeting adjourned.

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

1. Massachusetts Gaming Commission June 12, 2014 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission May 29, 2014 Meeting Minutes
3. Summary of Somerville Objections to Wynn BFAO
4. Fundamental Inconsistency Petition
5. Massachusetts Gaming Commission Central Management System Presentation
6. Penn National May 22, 2014 Letter Regarding Central Server Issues
7. Massachusetts Gaming Commission Scope of Work to Create a High Performance Organization
8. Massachusetts Gaming Commission 5/21/2014 Licensing Schedule Update
9. Massachusetts Gaming Commission Slot Machines and Gaming Positions Presentation
10. Penn National May 22, 2014 Letter Regarding 205 CMR 143.01(3)
11. 205 CMR 134

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary

# Massachusetts Casino Careers Training Institute



Massachusetts  
Gaming  
Commission  
June 26, 2014

# The Workforce Challenge

- *Partner to support net job gain to employ 7,000-8,000 people in the Commonwealth over the next 1-3 years. (Slot Casino and 2 Resort Casinos, not including third Resort Casino)*
- *Projected over 25,000 people will attend career awareness sessions and apply for positions*
- *70-80% of the jobs will require a high school or GED credential with some additional training*
- *2,000-2,500 of the jobs will be in gaming occupations that do not currently exist in the Commonwealth*



# The Massachusetts Casino Careers Training Institute

**Massachusetts Community College Presidents signed a Memorandum of Agreement to establish the Community College role within the Casino Careers Training Institute (CCTI).**

- Three training sites, with one for each gaming region, sharing best practices statewide
- Community colleges will collaborate within their region
- Collaboration with regional workforce and community based organizations system is emphasized
- Agreement to use common curriculum from national leader Atlantic Cape Community College
- Skills training in multiple disciplines to create career pathways



# MCCTI Partnering

- Workforce Development Briefing Meetings
- Career Awareness Sessions
- Skill Assessments
- Employability and Training Advisement and Referral
- Gaming and Non-Gaming Training
- Placement and/or Audition Services



# Recent Highlights

- Hosting of Career Awareness Sessions
- Launch of MCCTI.ORG Website
- Career Center Partnering
- Introduction to Casino Operations Courses
- Culinary & Hospitality Training Programs
- Creation of Career Pathway Maps
- Adult Basic Education Collaboration
- Gaming Training School Development



# Regional Partner Updates



- Bristol CC & Massasoit CC
  - Penn National Gaming
- Holyoke CC & Springfield Tech CC
  - MGM
- Bunker Hill CC & North Shore CC
  - Boston: Mohegan Sun and Wynn Resorts

# Massachusetts Casino Careers Training Institute



**Question  
and  
Observations**



DEVAL L. PATRICK  
GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING  
AND ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts  
Division of Professional Licensure  
Office of Private Occupational School Education  
1000 Washington Street • Boston • Massachusetts • 02118

BARBARA ANTHONY  
UNDERSECRETARY OF OFFICE  
OF CONSUMER AFFAIRS AND  
BUSINESS REGULATION

MARK R. KMETZ  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

**NOTICE: Updates to the License Renewal Application Process  
September 10, 2013**

The Division of Professional Licensure (DPL) and the Office of the State Auditor (OSA) have updated and streamlined the license renewal application procedures for private occupational schools.

Please be advised that, **effective September 30, 2013**, private occupational schools must adhere to the following new procedures when biennially renewing their DPL license:

1. All private occupational schools must submit to OSA the financial information it requires under M.G.L. c. 112, § 263(d) **at least ninety (90) days prior to the expiration date of the school's license.**
2. All private occupational schools must submit to DPL the renewal applications it requires under M.G.L. c. 112, § 263(e) **at least sixty (60) days prior to the expiration date of the school's license.**
3. All private occupational schools must submit to DPL, with the renewal application, **the entire renewal fee** as required by M.G.L. c. 112, § 263(e) and 801 CMR 4.02.

Schools previously were required to submit only the base fee component of the renewal fee with their license renewal application, and were billed later for any balance due. Under the new procedure, all schools must submit with the application the entire renewal fee, including both the base fee component and the applicable percentage of Annual Adjusted Gross Revenue (AAGR). Under the current fee structure, this change will affect only those schools with an AAGR greater than \$1,000,000. Please see new Renewal Fee Calculation Worksheet (revised 9/2013).

As noted above, the new procedures become effective September 30, 2013. Therefore, all schools with licenses set to expire December 31, 2013 must comply with these requirements.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Rachael Phinney, Board Counsel, at 617-727-9715.





DEVAL L. PATRICK  
GOVERNOR

Commonwealth of Massachusetts  
**Division of Professional Licensure**  
**Office of Private Occupational School Education**  
1000 Washington Street • Boston • Massachusetts • 02118

BARBARA ANTHONY  
UNDERSECRETARY OF OFFICE  
OF CONSUMER AFFAIRS AND  
BUSINESS REGULATION

GREGORY BIALECKI  
SECRETARY OF HOUSING  
AND ECONOMIC DEVELOPMENT

MARK R. KMETZ  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

## INITIAL AND RENEWAL LICENSE APPLICATION AND CHECKLIST

Notice to Applicant:

In order to expedite the processing of your application, we encourage you to attend a free Licensing 101 session, registration for which is available at [www.mass.gov/dpl/schools](http://www.mass.gov/dpl/schools) (click on Information for Schools).

Please review and complete the checklist below to be sure all necessary documents have been submitted. Please include the checklist as part of your application and attach the necessary documents in the order given below. We cannot process incomplete applications nor can we return any originals that you send, so please keep copies for yourself. We look forward to evaluating your application.

- 
- Application and Checklist (this document is the application and checklist)
  - Attachment A: Check or money order enclosed payable to the Commonwealth of Massachusetts
  - Attachment B: Renewal Fee Calculation Worksheet (renewal applications only)
  - Attachment C: Private Occupational School Licensure Affidavits; completed, signed, and dated
  - Attachment D: Revenue Enforcement and Protection Affidavit (REAP); completed, signed, and dated
  - Attachment E: Ownership Documentation
  - Attachment F: Ownership List
  - Attachment G: Building inspection approval report; completed, signed, and dated; with use group code, for each branch
  - Attachment H: Fire Inspection approval report; completed, signed, and dated; for each branch
  - Attachment I: Enrollment Agreement
  - Attachment J: Course Calendar
  - Attachment K: Policy Statements
  - Attachment L: Fee Schedule
  - Attachment M: Program and Course Approval Form
  - Attachment N: Detailed Course List (initial application only)
  - Attachment O: Instructional Equipment List, for each branch
  - Attachment P: Instructor List, including Instructor Approval Forms and documentation for all new Instructors
  - Attachment Q: Employee List
  - Attachment R: Sales Representatives List, if applicable
  - Attachment S: School Branch List, if applicable
  - Attachment T: Program/Course Catalogue
  - Attachment U: Federal Student Aid Approval Letter, if applicable
  - Attachment V: Accreditation Letter, if applicable
  - Attachment W and X: Lease and Floor Plan, for each location (initial applications only)
  - Attachment Y: Surety (new applicants) or Change in Surety (renewal applicants) in the amount determined by the State Auditor

Address all correspondence to:

MASSACHUSETTS DIVISION OF PROFESSIONAL LICENSURE  
**Office of Private Occupational School Education**

1000 Washington Street, Suite 710, Boston, MA 02118-6100

phone: 617-727-5811

fax: 617-727-9932

email: [occupational.schools@state.ma.us](mailto:occupational.schools@state.ma.us)

website: [www.mass.gov/dpl/schools](http://www.mass.gov/dpl/schools)



TELEPHONE: (617) 727-5811

FAX: (617) 727-9932

TTY/TDD: (617) 727-2099

<http://www.mass.gov/dpl/schools>

**APPLICATION FOR INITIAL LICENSE OR RENEWAL OF APPLICATION**

The information requested in this application must be furnished by the school owner or by an officer authorized to act on behalf of the school. DPL cannot accept incomplete applications. Please note that schools applying for an initial license may not advertise, recruit, enroll students, or operate until licensed by DPL.

**Application is hereby made for the following license, and enclosed is a check or money order (Attachment A) for: (check one)**

**o Initial License.** (See *Schedule of Filing Fees for the Office of Private Occupational School Education* for the appropriate amount.)

If applying for an initial license, financial statements must be submitted to the Office of the State Auditor before submitting this application to the DPL. The Auditor’s forms with instructions for completion are available from the Office of the State Auditor, Division of Proprietary Schools at 617-727-6200: <http://www.state.ma.us/sao/schools.htm>. The Auditor will determine whether the applicant is financially qualified to apply for a private occupational school license. In addition, the Auditor determines the amount of surety the school must hold; and, the school must submit proof surety to DPL in the form of a bond, letter of credit, or certificate of deposit prior to its opening date. Sample forms and instructions are available on the DPL website.

Financial application was submitted to the State Auditor on (date): \_\_\_\_\_.

**o Renewal of License #**\_\_\_\_\_. As Attachment B, attach the Renewal Fee Calculation Worksheet available on the DPL website. The Office of the State Auditor will send you forms to complete and submit to the Auditor regarding your financial status. If the Auditor deems a change in the amount of surety is necessary, proof of the change must be submitted to DPL in the form of a bond rider, or amended letter of credit or certificate of deposit within thirty (30) days of the Auditor’s letter. Renewals will not be issued until surety is in effect. DPL cannot issue or renew a license to operate without the State Auditor’s certification of financial solvency and the requisite surety in effect. Yearly financial application was submitted to the State Auditor on (date): \_\_\_\_\_.

**School Information:**

1. Name of Company \_\_\_\_\_

2. Operating Name of School (d/b/a) \_\_\_\_\_

3. Address of Main Campus (responsible for compiling application)

\_\_\_\_\_

4. Telephone No. \_\_\_\_\_ 5. Fax No. \_\_\_\_\_

6. Email address \_\_\_\_\_ 7. Website Address \_\_\_\_\_

8. Type of School. (check one)      oProfit      oNon-Profit

**9. Type of Ownership.** (check one)    Individual    Partnership    Corporation    LLC    LLP  
Franchise

**10. Ownership Documentation.** As Attachment E, attach the applicable ownership documentation.

- a) Corporations must submit certified copies of their Articles of Incorporation.  
 (Note: Corporations that are operating (not as schools) and now want to offer courses must amend their articles of organization with the Secretary of State’s Office. Please enclose a copy of the certified amendment.)
- b) LLCs must submit certified copies of their Articles of Organization.
- c) Partnerships must submit a notarized copy of their partnership agreement and Articles of Organization.
- d) Individual owners must submit consent to do business from the city/town clerk.
- e) All schools that are doing business under a name other than the business’s name must submit a certified copy of the d/b/a (doing business as) certificate from the city/town clerk for *each* location.
- f) Franchises must submit an executed copy of their franchise agreement.

**11. Ownership List.** As Attachment F, using the form available on the DPL website, submit a list of all principals, owners, officers, and members of the school. Owners shall include holders of 25% or more of stock for privately held corporations, or, in the case of an LLC, a 25% or more share of ownership as outlined in an operating agreement or other such schedule. This information must also be provided for any business holding entity. Pursuant to Chapter 106 of the Acts of 2012, DPL may have access through the Department of Criminal Justice Information Services to data about convictions and pending criminal cases of all school principals, owners, directors, officers, and members of the business entity, as appropriate for the organizational ownership of the school.

**12. Building Inspection Report and Use Group.** As Attachment G, enclose a copy of the school’s current Certificate of Inspection, or use the Building Inspection Report Form available on the DPL website. **The report must include the Building Use Group in accordance with 780 CMR 304 or 305, the regulations for building codes.** If the use group is not present on your inspection report, call your local building inspector’s office for a determination of the Use Group. The Use Group code determines how often your facility must be inspected and will therefore inform DPL of how often to require building inspections (e.g., annual, biennial) from you; some schools may no longer be required to submit annual building inspection reports.

**13. Fire Inspection Report.** As Attachment H, enclose a copy of the school’s current Certificate of Inspection, or use the Fire Inspection Report Form available on the DPL website.

**14. Enrollment Agreement.** As Attachment I, enclose an Enrollment Agreement on school letterhead that complies with M.G.L. c. 255, §13K (please check the sample enrollment agreement on the DPL website to be sure you are using the most up to date language).

**15. Course Calendar.** As Attachment J, enclose a course calendar for the current year detailing when each course will be offered.

**16. Policy Statements.** As Attachment K, enclose on school letterhead, or marked within the school catalogue (if using catalogue, please note page numbers in chart below), policies for the following:

Policy	Page #
a. attendance pursuant to 603 CMR 3.11;	

b. grading pursuant to 603 CMR 3.11;	
c. satisfactory progress pursuant to 603 CMR 3.11;	
d. school rules and regulations;	
e. guidance and counseling policies;	
f. job placement;	
g. school calendar (showing dates of courses, days off or any other breaks); and	
h. student complaint resolution process pursuant to 603 CMR 3.18.	

- 17. Fee Schedule.** As Attachment L, using the form provided on the DPL website, indicate the charges for tuition, books, supplies, equipment, laboratory use, etc.
- 18. Program/Course Approval Form.** As Attachment M, using the form provided on the DPL website, for each program and/or course for which the school will be separately charging.
- 19. Detailed Course List.** As Attachment N, using the form provided on the DPL website (initial applicants only).
- 20. Instructional Equipment List.** As Attachment O, using the form provided on the DPL website, submit a list of equipment available for instructional purposes.
- 21. Instructors, Employee, and Sales Representatives Lists.** Please submit these lists as Attachments P, Q, and R using the forms available on the DPL website. Include **all** presently employed instructors, employees, and sales representatives. Pursuant to Chapter 106 of the Acts of 2012, DPL may have access through the Department of Criminal Justice Information Services to data about convictions and pending criminal cases of all school principals, owners, directors, officers, and members of the business entity, as appropriate for the organizational ownership of the school.
- 22. Branch List.** As Attachment S, using the form provided on the DPL website.
- 23. Student Enrollment.** (Renewal applications only) From (month/year) \_\_\_\_\_ to \_\_\_\_\_  
Number of students enrolled as of date of report: \_\_\_\_\_  
Student/Instructor ratio for this period: \_\_\_\_\_
- 24. Program or Course Catalogue.** As Attachment T, enclose a copy of the school's catalogue.
- 25. Federal Student Aid Approval.** As Attachment U, enclose a copy of approval letter.
- 26. Accreditations Approval(s).** As Attachment V, enclose a copy of approval letter(s).
- 27. Lease and Floor Plan.** As Attachments W and X, enclose a copy of the fully executed lease agreement and a copy of the floor plan.
- 28. Surety.** As Attachment Y, initial applicants must enclose the original surety document in the amount determined by the State Auditor. Renewal applicants must submit proof of continuation or any increase in surety as determined by the State Auditor.

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The information contained within this application is, to the best of my knowledge, true and factual. This application contains no misrepresentations or falsehoods. Misrepresentations or falsehoods shall be sufficient cause for denial, suspension, or revocation of the license.

Signed under the penalties of perjury.

---

Signature\*

---

Date

---

Title

---

School

\*This document must be signed by the owner, director, or authorized agent.



School: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment F**  
**OWNERSHIP LIST**

Pursuant to G.L. c. 62C, § 47A, the Division of Professional Licensure (DPL) is required to obtain the social security number for each principal, owner, officer, director and member of the school and forward it to the Department of Revenue (DOR). The DOR will ascertain whether each is in compliance with the tax laws of the Commonwealth. In addition, effective 8/1/12, pursuant to Chapter 106 of the Acts of 2012, DPL may have access through the Department of Criminal Justice Information Services to data about convictions and pending criminal cases of all school principals, owners, directors, officers, and members of the business entity, as appropriate for the organizational ownership of the school.

Initial License Applicant: Must provide CORI Forms for all principals, owners, officers, directors, and members of the business entity.

Renewal License Applicant: Principals, owners, directors, officers, and members of the business entity are not subject to CORI at this time.

List **all** principals, owners, directors, officers, and members of the school.

Name	Social Security #	Date of Birth	Title	Home Address and Telephone Number	CORI Form Attached



DEVAL L. PATRICK  
GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING  
AND ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Office of Private Occupational School Education**  
1000 Washington Street • Boston • Massachusetts • 02118

BARBARA ANTHONY  
UNDERSECRETARY OF OFFICE  
OF CONSUMER AFFAIRS AND  
BUSINESS REGULATION

MARK R. KMETZ  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

**SCHOOL EMPLOYEE INFORMATION**

Each prospective school employee must complete this document. The school must submit the fully executed document with the CORI Notification Acknowledgement Form to DPL prior to hire.

1. \_\_\_\_\_  
FIRST NAME MI LAST NAME

2. \_\_\_\_\_  
ADDRESS CITY/TOWN ZIP CODE

3. \_\_\_\_\_  
TELEPHONE EMAIL

4. \_\_\_\_\_  
DATE OF BIRTH PLACE OF BIRTH MAIDEN NAME/OTHER NAME

5. SOCIAL SECURITY NUMBER: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Pursuant to G.L. c. 62C, § 47A, DPL is required to obtain your social security number and forward it to the Department of Revenue. The Department of Revenue will use your social security number to ascertain whether you are in compliance with the tax laws of the Commonwealth.

6. Has any disciplinary action been taken against you by a licensing or certification board located in the United States or any other country or foreign jurisdiction?

Yes  No

If yes, please state the details (Use a separate sheet if necessary): \_\_\_\_\_

\_\_\_\_\_

7. Are you the subject of pending disciplinary actions by a licensing board located in the United States or any other country or foreign jurisdiction?

Yes  No

If yes, please state the details. (Use a separate sheet if necessary.): \_\_\_\_\_

\_\_\_\_\_



8. Have you ever voluntarily surrendered or resigned a professional license to a licensing or certification board in the United States or any other country or foreign jurisdiction?

Yes  No

If yes, please state the details (use a separate sheet if necessary): \_\_\_\_\_

\_\_\_\_\_

9. Have you ever applied for and been denied a professional license in the United States or any other country or foreign jurisdiction?

Yes  No

If yes, please state the details (use a separate sheet if necessary): \_\_\_\_\_

\_\_\_\_\_

10. Have you ever been convicted of a felony or misdemeanor in the United States or any other country or foreign jurisdiction (other than a traffic violation for which a fine of less than \$100.00 was assessed)?

Yes  No

If yes, please state the details (use a separate sheet if necessary): \_\_\_\_\_

\_\_\_\_\_

Pursuant to Chapter 106 of the Acts of 2012, DPL may have access through the Department of Criminal Justice Information Services to data about convictions and pending criminal cases of all school principals, owners, directors, officers, and members of the business entity, as appropriate for the organizational ownership of the school. Those records and other Federal and professional records may be checked as part of the licensing process. No records are automatic disqualifiers; you will be given an opportunity to explain any possible disqualifiers.

11. I further attest that, pursuant to G.L. c. 62C, § 49A, to the best of my knowledge and belief, I have complied with all the required laws relating to taxes, reporting of employees and contractors, and child support.

I understand that this information is supplied certify, under pains and penalties of perjury, and that failure to provide accurate information may be grounds for the Massachusetts Division of Professional Licensure to deny me the right to be licensed, or to suspend or revoke a license issued to me.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Current Date

\_\_\_\_\_  
Printed Name of Applicant



DEVAL L. PATRICK  
GOVERNOR

Commonwealth of Massachusetts  
Division of Professional Licensure  
Office of Private Occupational School Education  
1000 Washington Street • Boston • Massachusetts • 02118

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SECRETARY OF HOUSING  
AND ECONOMIC DEVELOPMENT

MARK R. KMETZ  
DIRECTOR, DIVISION OF  
PROFESSIONAL LICENSURE

**CORI NOTIFICATION ACKNOWLEDGMENT FORM**  
**FOR SCHOOL EMPLOYEES**

**Notice and Instruction Sheet for CORI Acknowledgement Form**

Effective August 1, 2012, oversight responsibilities for private occupational schools (also known as “proprietary schools”) transferred from the Department of Elementary and Secondary Education (DESE) to the Division of Professional Licensure (DPL) pursuant to Chapter 106 of the Acts of 2012. The new law grants DPL the authority to conduct criminal background checks for purposes of licensure and investigations on owners, staff, and employees.

Please complete the attached CORI notification acknowledgement form and return it with this letter immediately to the school. Any delay in completing and returning this form will delay the processing of your school’s approval to hire you and/or its license application.

Upon receipt of this acknowledgment form, DPL will request and review your criminal record. If it is necessary for you to appear before DPL to answer questions about your CORI data, you will receive notification in advance. If after receipt and review of the criminal records it is not necessary for you to appear before DPL, DPL will continue processing the school’s request to employ you.

**CORI ACKNOWLEDGEMENT**

I acknowledge that pursuant to Chapter 106 of the Acts of 2012, DPL may have access through the Department of Criminal Justice Information Services to data about convictions and pending criminal cases of all school principals, owners, directors, officers, and members of the business entity, as appropriate for the organizational ownership of the school. As an applicant for licensure and/or employment, I understand a criminal record check will be conducted, to review applicable convictions and pending criminal case information only, and it will not necessarily disqualify me.

**APPLICANT INFORMATION**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Maiden Name or Alias (if applicable): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Last Six Digits of Your Social Security # (Mandatory): XXX- \_\_\_\_ - \_\_\_\_\_



Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

The information entered above is true and accurate to the best of my knowledge and is signed under the pains and penalties of perjury.

Applicant Signature: \_\_\_\_\_

NOTARY

STATE OF \_\_\_\_\_ )

)

)

COUNTY OF \_\_\_\_\_ ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the foregoing document, and acknowledged to me that (he) (she) signed it voluntarily and freely for the uses and purposes therein set forth.

Dated: \_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

Print Name of Notary: \_\_\_\_\_

# GAMING SCHOOL CERTIFICATION FORM



**Applicant:** \_\_\_\_\_

**GAMING SCHOOL CERTIFICATION FORM  
APPLICATION INSTRUCTIONS**

This certification form is to be completed by a person who wishes to do business as a gaming school who will offer a course of instruction designed to prepare an individual for employment at a gaming establishment as a dealer, slot machine technician, or surveillance personnel, in accordance with 205 CMR 137.01(1). Copies of the application can be obtained on the Commission's website: [www.massgaming.com](http://www.massgaming.com). You may also request this form be mailed to you by calling the Commission's office at 617.979.8400.

Please review and complete the information provided on the Gaming School Certification Form.

**Completing a Gaming School Certificate Form:**

1. This application form is to be completed by any person who wishes to do business as a gaming school.
2. Read each question carefully prior to answering. Answer every question completely and be sure not to leave blank spaces. If a question does not apply to you, indicate "Does Not Apply" in response to that question. If there is nothing to disclose in response to a particular question, state "None" in response to that question. **Note: The Commission will not accept your application unless you provide a response to every question.**
3. All entries on this form, except signatures, must be typed or printed in block lettering using dark ink. If the application is not legible, it will not be accepted. **Note: The Commission will not accept your application if it is illegible or if you have modified any of the questions or pre-printed information on this form.**
4. If you need any additional space to answer any question(s), supply the required information on an attachment page and clearly identify which question(s) you are answering.
5. All requested attachments that apply to the applicant must be labeled with the specific attachment number and attached in order to the back of the form.
6. All required documentation must be submitted at the time of the filing this form. The applicant is under a continuing duty to notify the Commission within ten (10) days if there is a change of the information provided to the Commission.
7. All authorizations and releases must be signed by the applicant or its designated representative or signatory.

**Before submitting this form to the Commission, the applicant should check that:**

1. You have answered every question completely.
2. You have initialed and dated each page of this application (except for the cover and signature pages) in the spaces provided.
3. You have signed the Attestation statement included in this application form.
4. You have signed the Statement of Truth statement included in this application form.
5. All attachments required for this application are labeled with the correct title and attachment numbers and are attached to the application form filed with the Commission.
6. You retain a completed copy of this application form for your own records.

**Filing the form with the Commission:**

1. A complete application form for a Gaming School Certification consists of this application, all exhibits and the fee. Once your application is accepted, it becomes the property of the Commission and may not be withdrawn without the permission of the Commission.
2. **The fee for a Gaming School Certification is \$100.00 and it is non-refundable. Please make your check payable to: Commonwealth of Massachusetts.**

Initials/Date \_\_\_\_\_

**PLEASE PRINT OR TYPE THE ANSWERS TO THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED  
IF ITEMS ARE NOT APPLICABLE, INDICATE "NONE" OR "NOT APPLICABLE"  
DO NOT LEAVE ANY QUESTIONS UNANSWERED**

**PART 1: NAME AND ADDRESS OF GAMING SCHOOL**

Name of School (Do Not Abbreviate)

Name as Appears on the certificate of Incorporation, Charter, By-Laws, Partnership Agreement or other Official Documents

D/B/A or Trade Name(s)

Street Location (Number and Street) City State Zip Code

Mailing Address – if different (P.O. Box, City, State, Zip Code)

Telephone Number Fax Number (if available) Website (URL)

**PART 2: LIAISON BETWEEN APPLICANT AND THE MASSACHUSETTS GAMING COMMISSION**

Name and Title

Home Address (Number and Street) City State Zip Code

Home Telephone Number Day or Work Telephone Number with Extension

Cell Number Fax Number (if available) E-mail Address

Initials/Date \_\_\_\_\_



### PART 3: WHERE WILL COURSES BE HELD

Check if address is the same as in Part 1. If not, provide as an attachment labeled **attachment to Part 3** the locations where classes will take place.

### PART 4: CURRICULUM

Provide as an attachment labeled **attachment to Part 4**, a copy of the curriculum outlining the particulars of all courses to be offered, in accordance with 205 CMR 137.02, and approved by either Division of Professional Licensure in accordance with M.G.L. c. 122 §263 and 230 CMR, Massachusetts Department of Labor and Workforce Development or the Massachusetts Department of Elementary and Secondary Education.

### PART 5: LICENSURE

Provide as an attachment labeled **attachment to Part 5**, either a copy of licensure issued by the Division of Professional Licensure in accordance with M.G.L. c. 122 §263 and 230 CMR or proof of approval by either the Massachusetts Department of Labor and Workforce Development or the Massachusetts Department of Elementary and Secondary Education.

### PART 6: GAMING EQUIPMENT

Provide as an attachment labeled **attachment to Part 6**, an itemized list of all gaming equipment in accordance with 205 CMR 137.05 that you will be utilizing.

### PART 7: PLACEMENT OF STUDENTS

Upon request from the Commission, you shall provide a list of students that have enrolled in your gaming school, in accordance with 137.01(3)(h). On this list, you shall include the following: student's name, address, and email; the name of the course that they successfully completed training in; and the gaming establishment that they were hired for employment in the Commonwealth of Massachusetts.

Initials/Date \_\_\_\_\_

**ATTESTATION AND STATEMENT OF TRUTH**

**Attestation**

I, \_\_\_\_\_, hereby state that under the pains and penalties of perjury I have  
(Print Name)  
read, reviewed, and understand 940 of the CMR 3.10: Private Home Study, Business, Technological Social Skills and Career  
Schools Correspondence and Other.

**Statement of Truth**

I, \_\_\_\_\_, hereby state under the pains and penalties of perjury that:  
(Print Name)

1. The information contained herein and accompanies this application is true and accurate to the best of my knowledge and understanding.
2. I personally supplied and/or reviewed the information contained in this form.
3. I understand and read the English language or I have had an interpreter read, explain and record the answer to each and every question on this application form.
4. Any document accompanying this application that is not an original document is a true copy of the original document.
5. I am aware that if any of the foregoing statements made by me are false or misleading this application may be denied.

I understand if I have questions regarding this form, I should ask an employee of Licensing.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Type, Stamp or Print Name)

\_\_\_\_\_  
(Date)



**PENN NATIONAL**  
GAMING, INC.

May 28, 2014

Ms. Jill Griffin  
Director of Workforce, Supplier, and Diversity Development  
Massachusetts Gaming Commission  
84 State Street, 10th Floor  
Boston, MA 02109

Dear Jill:

Condition 8 of the Massachusetts Category 2 license award letter for Springfield Gaming and Redevelopment, LLC (SGR) required us to submit for Commission approval a plan to develop an affirmative marketing program to identify contracting and casino purchasing opportunities for MBE, WBE and VBE vendors. Similarly, Condition 15 of the Award Letter required us to develop and submit for Commission approval a plan to assess licensee requirements and to identify local vendors. To meet these two conditions we have developed the attached *Purchasing Practices Plan for Local and Traditionally Disadvantaged & Diverse Businesses*. We respectfully request Commission review and approval of this Plan.

Additionally, Condition 13 of the award letter required SGR to develop a plan to identify and market employment opportunities to under and unemployed residents of the Commonwealth. To meet this condition and to promote the general diversity of our workforce, we have developed the attached *Strategic Plan to Engage & Recruit the Diverse, Under & Unemployed Workforce Population*. We respectfully request Commission review and approval of this Plan.

Penn and SGR are committed to promoting vendor and employment opportunities to the diverse community that we will be serving. As a new industry to the Commonwealth, we will also work to actively recruit employees and vendors from the local area and to promote employment opportunities to the under and unemployed area population.

We welcome further input and discussion with the Commission and its staff on these two plans.

If you have any questions or would like to discuss further, feel free to contact me at 610-401-2946.

Sincerely,



---

Jim Baldacci  
Deputy Chief Compliance Officer

cc: Catherine Blue  
Todd Grossman  
Frank Donaghue



**Plainridge Park Casino  
Purchasing Practices Plan for Local and Traditionally  
Disadvantaged & Diverse Businesses**

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## **Introduction**

In accordance with license conditions #8 and 15, Penn National Gaming Inc. (Penn) has developed this comprehensive diversity and local purchasing plan for the ongoing procurement of goods and services for the operations of Plainridge Park Casino in Plainville, Massachusetts. The plan is designed not only to provide equal opportunity to traditionally disadvantaged groups but also to promote the support of local businesses within the Commonwealth of Massachusetts. This plan will be implemented by engaging in aggressive outreach, recruitment, and training to identify qualified local and minority, women's, and veteran owned businesses, and will provide them the opportunities to apply for contracts with us.

While the Plan refers frequently to Minority Business Enterprise (“MBE”), Women Business Enterprise (“WBE”) and Veteran Business Enterprise (“VBE”) companies, the inclusive diversity philosophy of Plainridge Park Casino is intended to be more far reaching than simply the inclusion of minorities, women and veterans. We will have an equal focus on the use of local businesses from our host community of Plainville, our designated surrounding communities, and throughout the Commonwealth.

Setting realistic goals are important benchmarks for gauging the success of our affirmative action efforts. The Commonwealth of Massachusetts’ own procurement goals for state agencies are 6% minority, 12% WBE and 3% VBE as set forth in the Operations Services Division (OSD) memo dated October 1, 2013, “Changes to Supplier Diversity Program Policies and Plan Effective October 1, 2013.” We feel that these goals are appropriate for Plainridge Park Casino as well, based in part on the research we completed in the process of developing this plan. That research included:

- The 2010 disparity study titled, “Race, Sex and Business Enterprise: Evidence from the Commonwealth of Massachusetts: Volume II,” prepared for the Division of Capital Asset Management;
- The American Gaming Association’s (“AGA”) industry guidelines for inclusion and exclusion of goods and services procurement; and
- The American Gaming Association’s “Gaming Industry: Spend Diversity Snapshot 2008.

Timely, effective and continuing outreach efforts are critical to our ongoing program. As a result, Penn has already begun its outreach efforts, including:

- Participating in multiple meetings with the Massachusetts Gaming Commission’s (MGC) Vendor Advisory Team;
- Outreach to the Massachusetts Supplier Diversity Office (SDO) and the Greater New England Minority Supplier Development Council (GNEMSDC) to develop a communications network to alert their members to specific opportunities;

**DRAFT Submitted to MGC 5-28-14 – Plainridge Park Casino Purchasing Practices Plan for Local and Traditionally Disadvantaged & Diverse Businesses**

- Outreach to the Massachusetts Small Business Development Center Network Southeast Regional Office;
- Communication with the Veterans Business Owners Initiative in both Bedford and Worcester;
- Communication with the United Regional Chamber of Commerce, the leading business organization in our immediate community;
- Communication with the NAACP New England Area Conference;
- Communication with the Boston Minority Business Development Agency (MBDA) Business Center;
- Hosted Vendor Information Fairs on November 13, 2013 and March 25, 2014;
- Attended United Regional, Taunton Area, and Cranberry County Chambers of Commerce Business to Business Expo on October 19, 2013; and
- Attended the 5<sup>th</sup> Annual supplier Diversity Best Practices Forum, sponsored by the Boston MBDA, GNEMSDC, and Center for Women and Enterprise, on November 21, 2014.



## EXECUTIVE SUMMARY

### Purpose

This Plan describes Plainridge Park Casino's strong commitment to ensure diversity and opportunity for local businesses in the ongoing procurement of goods and services for the facility operations. The Plan emphasizes our commitment to diversity and local purchasing as it relates to our vendors, our business partners and our community. In sum, we appreciate and respect diversity in all aspects of our business operations and we look forward to supporting and participating in the local community as we build a regional and statewide engine of economic growth.

### Diversity Committee

Penn and its corporate and property management team will establish a diversity committee for the purposes of this plan's implementation. The diversity committee will include, but not be limited to, the following:

- Lance George (General Manager, Plainridge Park Casino)
- Michael Randazzo (Corporate Vice President of Purchasing for Penn)
- The property's purchasing officer, to be named at a later date

In addition to our internal team, we will also invite two members, on a rotating basis, to represent any of the following: local business organizations, minority business organization, veteran business organizations and/or women business organizations. Our desire is for these two members to serve as the following:

- Resources to identify businesses within these categories to apply for contract opportunities with Plainridge Park Casino,
- To assist in developing remedial plans should we find ourselves falling short of the goals set forward in this document; and
- Provide expertise and guidance on how we can better assist these businesses in being able to do business with us and future casino industry members in the Commonwealth.

A designated member of the internal diversity committee will also be the liaison to the MGC's Vendor Advisory Committee and the primary contact for the MGC's Director of Workforce, Supplier and Diversity Development will be Michael Randazzo until a property-level person is identified to fulfill this ongoing role. Member(s) of the committee will also participate in the meetings of the MGC's Vendor Advisory Committee on a regular basis and will also look to source diverse and local businesses from these members as well.

## DEFINITIONS

Diversity refers to the variety of backgrounds and characteristics found in society today; thus it embraces all aspects of human similarities and differences. While we support diversity as an inclusion concept, reality compels us to focus considerable attention on addressing issues related to those individuals and groups that have historically been adversely affected. For purposes of the Plan, diversity specifically focuses on differences among people with respect to age, sex, culture, race, ethnicity religion, color, disability, national origin, ancestry, sexual orientation and veteran status.

### **Operations-related Procurement Program**

The operations-related procurement program applies to the purchasing of the fixtures, furniture and equipment to outfit the facility and non-excluded (see definition of “exclusion” below) goods and services following the completion of construction.

### **Definition of Minority**

A *minority* is an individual who is a member of the following ethnic groups: African American, Asian American, Hispanic American, and Native American.

### **Definition of Women**

*Women* are persons who are identified or who identify as being of the female gender. Participation goals are set for all women, regardless of race or ethnicity.

### **Definition of Veteran**

A *veteran* is anyone who has served in the United States Armed Forces and has been honorably discharged.

### **Definition of Minority Business Enterprise (“MBE”)**

*Minority business enterprise* or “MBE”, for the purpose of receipt of services from SDO, means a business enterprise that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians, American Indians, Eskimos, and Aleuts. For purposes of section 61 and of section 40N of chapter 7, the term “minority owned business” shall have the same meaning as “minority business enterprise”<sup>\*</sup> and as defined by the certifying agencies listed on page 8 of this document.

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<sup>\*</sup> As defined in the Commonwealth of Massachusetts General Laws, Part I, Title II, Chapter 7, Section 58. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter7/Section58>

**Definition of Women Business Enterprise (“WBE”)**

*Women business enterprise* or “WBE”, for the purpose of receipt of services from SDO means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion rights. For purposes of section 61 and of section 40N of chapter 7, the term “women owned business” shall have the same meaning as “women business enterprise”<sup>\*</sup> and as defined by the certifying agencies listed on page nine of this document.

**Definition of Veteran Business Enterprise (“VBE”)**

*Veteran business enterprise* or “VBE”, a business enterprise that is both owned and controlled by 1 or more veterans, as defined in section 7 of chapter 4, who has invested in an ongoing business free of conversion rights.<sup>\*</sup>

**Exclusion Spend**

The *Exclusion Spend* is defined by the American Gaming Association’s “Diversity in Spending” as the total spend in goods and services minus:

- Where a monopoly in a particular market or industry exists;
- The good or service is government regulated; and/or
- Is not and never will be a biddable option for the gaming industry

The AGA’s “Diversity in Spending” document contains the full list of exclusion and inclusion spend categories and is attached to this document as “Exhibit A.”

**Definition of Vendor**

A vendor is an individual or business that provides goods and services to the project but are not considered design and construction trades. These goods and services include but are not limited to, couriers, printers, waste management, office and janitorial supplies, janitorial services, food and beverage services, etc.

**Definition of Local Vendor**

A local vendor is any business located within the Commonwealth of Massachusetts with preference given to businesses located within our host and designated surrounding communities.

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<sup>\*</sup> As defined in the Commonwealth of Massachusetts General Laws, Part I, Title II, Chapter 7, Section 58. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter7/Section58>

<sup>\*</sup> As defined in the Commonwealth of Massachusetts General Laws, Part I, Title II, Chapter 7, Section 58. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter7/Section58>

**Certifying Agencies**

This project will recognize and accept certifications from the following certifying bodies:

- Massachusetts Supplier Diversity Office (SDO);
- Greater New England Minority Supplier Development Council (GNEMSDC);
- Women’s Business Enterprise National Council (WBENC);
- Vendor Information Pages Verification Program located at [www.VetBiz.gov](http://www.VetBiz.gov)
- And, when applicable, as verified by the MGC’s Division of Licensing

## **Implementation of the Plan**

### ***Supplier Selection Criteria***

Suppliers will be considered based on the following criteria, as adopted from the AGA’s standards for the gaming industry:

- Ability for the supplier to meet specifications and standards
- Product and service quality
- Competitive prices
- Dependable delivery
- Quality control methods and practices
- Technical abilities and leadership
- Financial reliability
- Compatibility with existing products
- Adequate facilities and resources
- Spare parts availability
- Warranty, insurance, and bonding provisions
- Proven performance and experience

In addition to our aggressive outreach and recruitment activities, we will also implement two additional policies regarding minority, women, veteran and local business opportunities with Plainridge Park Casino:

1. Any contract put out to bid that is equal to or exceeds \$5,000 must include at least one MBE/WBE/VBE bid and at least one bid from a Massachusetts-based vendor.
  - a. If one or both of these groups is absent from the bid process, Plainridge Park Casino will provide, in writing, an accounting of efforts made to seek these companies for the bid opportunity to the MGC’s Vendor Advisory Committee and why a bid was not received from one or both of these groups.
2. MBE/WBE/VBE and local, Massachusetts-based will be eligible to participate in Penn’s fast pay program. This program provides payment to these vendors within 7 to 10 days upon completion of services or upon delivery of goods.

A copy of the AGA’s “Diversity in Spending” document is attached to this document as Addendum 1.

### ***Communications Strategy***

The project will use multiple avenues of communications to advertise vendor opportunities on an ongoing basis. We will use a combination of traditional paid media, earned media, social media and partner organizations to advertise vendor opportunities with the casino. To date, we have hosted vendor information fairs prior to and post granting of the Category 2 Gaming License, and advertised for each appropriately. We will work with and communicate through partner organizations (such as The

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Massachusetts Supplier Diversity Office, The Greater New England Minority Supplier Development Council, the local office of Minority Business Development Agency Center, the local office of the United States Small Business Administration, the Veteran Business Owner’s Initiative, the Town of Plainville and our designated surrounding communities, the United Regional Chamber of Commerce, the NAACP New England Area Conference, MGC Vendor Advisory Team members and through the MGC’s communications team and their online and social media portals) to advertise vendor fair events and contract opportunities with the casino.

***Reporting Schedule***

As required pursuant to License Condition #8 and Chapter 23K, Subsection 21 of the Massachusetts Gaming Statutes, Penn is required to provide an annual report on performance of the facility’s procurement program as it compares to the goals set in this document once the facility is open for business. However, we will provide these reports on a quarterly basis for the first full year of operations to ensure that the program is on track. These reports will track progress with the goals established in this plan.

**COMMITMENT**

Plainridge Park Casino and Penn are committed to developing a high performance, inclusive work environment that reflects the diversity of our community. We will strive to create a company culture where all ideas and all contributions are valued no matter how or from whom they may originate. We will actively seek out contractors and vendors from traditionally disadvantaged groups to build and supply the facility. Our commitment to making inclusiveness the foundation for our culture is driven not only from our desire to enhance our community, but also because such commitment supports a sound business strategy.



## AMERICAN GAMING ASSOCIATION

### **Diversity in Spending**

The commercial casino industry has been a long-time proponent of diversity in all aspects of its business, from internal hiring and human resources policies to purchasing and contracting practices. The commercial casino industry and the companies that comprise it are engaged in a variety of initiatives to fulfill this commitment.

The AGA's diversity programs are overseen by the AGA Diversity Task Force. Created in 2000, the task force promotes inclusion in all aspects of the commercial casino industry. It conducts workshops for industry professionals, suppliers, and minority, women, and disadvantaged business enterprises (MWDDBE); collects data on industry diversity; and creates and organizes programs designed for industry-wide implementation.

The success of the industry's diversity efforts is measured in two reports:

[Gaming Industry: Employment Diversity Snapshot](#) and  
[Gaming Industry: Spend Diversity Snapshot](#).

In November 2006, the Purchasing and Contracting subcommittee of the AGA Diversity Task Force launched a Tier II Diversity Reporting Program for suppliers. The program requires companies who supply the commercial casino industry with goods and services to report on their own diversity practices in the areas of purchasing and contracting. The program does not mandate a diversity threshold that suppliers have to meet, but the Diversity Task Force informed suppliers that companies doing a better job with diversity would be more attractive business partners for casino companies.

Enclosed are purchasing parameters that were an outcome of the Purchasing and Contracting subcommittee.

## Addendum 1

### **Hard Exclusions**

#### Definition:

- Monopoly in a particular market or industry;
- Government regulated; and/or
- Is not and never will be a biddable option for the gaming industry

#### Spend Categories in this area

- Aircraft Fuel
- Customer Comps
- Customer Refunds
- Employee-related Expenses
- Payroll
- Reimbursements
- Directors Fees
  - Fees to Parent Companies
  - Fines
  - Gaming Fees (ex. participation games, table game leases)
  - Garnishments
  - Government Agencies
  - Inter-company (internal) payments
  - Licenses
  - Litigations/Risk Settlements
  - Mail Pay (Sports Book)
  - Permits
  - Petty Cash
  - Postage
  - Regulatory Fees
  - Settlements
  - Taxes
  - Travel Agency Commissions

### **Hard/Soft Exclusions (hard today but potential exists for the inclusion of diversity in the future)**

#### Definition:

- Not biddable today due to current market conditions (i.e. lack of maturation in supplier base)
- Long term area for exploration – fertile area for collaboration with a mature company

#### Spend Categories in this area

- Credit card fees
- Accounting fees
- Alcoholic Beverages
- Bank fees
- Employee Benefits
- Express Mail



## Addendum 1

- Gaming Equipment companies
- Gasoline
- Insurance and Claims
- Loans/Interest
- Utilities
- Workman's Compensation

### **Soft Exclusions**

#### Definition:

- Not biddable because decisions purely based on market conditions and/or factors

#### Spend Categories in this area

- Rent – what the facility sits on (i.e. land, boat/barge)
- Entertainment – entertainers selected based on anticipated draw of customers to casino
- Independent Agents – junket operators
- Inter-casino payments (ex. Caesar's purchases show tickets to an event at MGM)
- Leased retail enterprises

### **Excluded from Purchasing denominator only**

#### Definition:

- Purchasing has no effect and/or control over how dollars are allocated so exclude from Purchasing denominator
- Able to include spend and diversity requirements in a separate area of the business

#### Spend Categories in this area

- **Philanthropy**
  - Donations
  - Non-profit
- **Construction**
  - Industry specific sourcing – Purchasing organization's don't specialize and attract specialists in this area
  - Pertains to architectural costs of building the building

### **Spend Categories currently excluded but now need to be included:**

- Busses
- Drug Tests and Physicals
- Dues and Subscriptions
- Freight
- Gasses (ex. sterno, pyrotechnic, etc.)
- Legal Fees
- Lobbyists
- Non-goods and services

## Addendum 1

- Out of country vendors
- Seminars and Training
- Shipping or Courier
- For-profit sponsorships
- Temporary Services
- External Travel Agencies

### Inclusions

#### Definition:

- Non-monopoly in a market or industry;
- non-government regulated; and/or
- the commodity is a biddable option.

#### Sample Products & Services

- **Food**  
Meat, Poultry, Seafood, Dairy Products, Dry Goods, Produce, Frozen Products, Bakery Items, Canned Goods, Condiments, Ethnic Foods, Specialty Items.
- **Beverage**  
Tea, Liquor, Domestic & Imported Wines, Beer, Water, Coffee.
- **General Equipment & Supplies**  
Housekeeping Equipment & Supplies, Office Supplies & Equipment, Audio Visual Equipment, Banquet Equipment, Computer Equipment, Cleaning Equipment, Security/Surveillance Equipment, Cell Phones/Radios/Beepers, Marina Equipment, Signage, Food & Beverage Equipment.
- **Gaming Equipment & Supplies**  
Casino Equipment, Casino Supplies, Slot Signage
- **FF&E**  
Artwork, Carpet, Drapery, Furniture, Glass/Mirror, Upholstery, Wall Coverings, Wood Flooring, Tile.
- **Operating Inventories**  
China, Glassware, Flatware/Holloware, Linen, Uniforms, Cleaning Chemicals, Guest Room Amenities, Food & Beverage Disposables, Hotel Supplies, Kitchen Supplies.
- **Engineering/Facilities**  
Facilities/Engineering Supplies, General Maintenance Supplies, Repairs & Maintenance.
- **Retail**  
Accessories, Apparel, Art, Cosmetics/Fragrances, Gifts, Jewelry, Lingerie, Logo Apparel, Men's Wear, Toys & Games, Shoes, Souvenirs, Swimwear, Gifts/Specialty Items.

## Addendum 1

- **Construction / Contracting**  
Concrete, Demolition, Drywall, Electrical, Landscaping, Life Safety, Mechanical, Millwork, Painting, Reinforced Steel, Structural Steel, Construction Equipment.
- **General Services**  
Consulting, Staffing, Decorating, Advertising, Printing, Repairs & Maintenance, Freight, Janitorial.

### **Supplier Selection Criteria**

- Ability to meet specifications and standards
- Product and service quality
- Competitive prices
- Dependable delivery
- Quality control methods and practices
- Technical abilities and leadership
- Financial reliability
- Compatibility with existing products
- Adequate facilities and resources
- Spare parts availability
- Warranty, insurance, and bonding provisions
- Proven performance and experience



**Plainridge Park Casino Strategic Plan  
To Engage & Recruit the Diverse, Under & Unemployed  
Workforce Population**

**Table of Contents**

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## **Introduction**

Penn National Gaming Inc. (Penn) has developed this comprehensive Workforce Diversity Plan for ongoing development of its workforce at Plainridge Park Casino in Plainville, Massachusetts. The plan is designed not only to provide equal opportunity to individuals identified in traditionally disadvantaged groups but also to promote a workforce that is reflective of our surrounding community. This plan will be implemented by engaging in aggressive outreach, recruitment and training in order to identify motivated and qualified individuals to join our team.

The inclusive diversity philosophy of Plainridge Park Casino is intended to be more far reaching than simply the inclusion of minorities, women and veterans. As part of our commitment to our local host and surrounding communities, we have also set an aggressive local hiring goal that will also serve to address local unemployed and underemployed challenges.

**Penn National Gaming’s Equal Opportunity Policy**

To give equal employment and advancement opportunities to all employees and applicants, the Company makes employment decisions based on each person’s performance, qualifications, and abilities. We do not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, national origin, age, disability, sexual orientation, or any other characteristic protected by law. In addition, the Company will make reasonable accommodations for qualified individuals with known disabilities.

The Equal Employment Opportunity policy covers all employment practices, including selection, job assignment, compensation, discipline, separation of employment, and access to benefits and training.

## **Outreach & Communications**

Developing relationships with community and state-based organizations is integral in our ability to succeed in hiring a local and diverse workforce that is reflective of the community and region around us.

Penn National's team has already taken an aggressive approach to begin collaboration with several of these organizations and educational institutions. We began this process prior to licensure by hosting an Employment Information Fair on November 13, 2013, and advertised the event in the area publications and via social media. Approximately 200 potential applicants from Plainville and the designated surrounding communities attended the Fair. In addition to this first event, Penn officials (to date) have met with representatives from:

- The Massachusetts Department of Labor and Workforce Development and its related departments including,
  - Department of Career Services
  - Department of Workforce Development
  - Its local career center agencies, including the Greater New Bedford Career Center
- Careers Training Institute. Penn was one of the first signatories to their Memorandum of Understanding for gaming operators across the Commonwealth.
- Bristol Community College
- Massasoit Community College
- Veterans, Inc.
- Vet.org
- Employment & Training Resources
- Massachusetts Gaming Commission's Office of Workforce Development & Diversity
- New England Area Conference NAACP

Further, we are in discussions with a woman-veterans organizations to participate in an upcoming job opportunities and education fair.

We conducted these early meetings with the goal of:



**DRAFT Submitted to MGC 5-28-14 – Plainridge** Park Casino Strategic Plan  
To Engage & Recruit the Diverse, Under & Unemployed Workforce Population

- Identifying existing educational institutions with programs that allow graduate skillsets to transfer to the needs of our facility;
- Identifying educational institutions where we can foster longer term partnerships in existing career training programs (such as culinary programs);
- Identifying organizations in both the education and workforce development communities that have an existing communications portal that can provide job advertising services;
- Engaging organizations that have existing or can create partnering opportunities for events like job information sessions and job fairs;
- Understanding local demographics, available labor pool and challenges with recruiting qualified team members, understanding under and unemployed dynamic in the local area.

We will continue our relationships with these organizations while pursuing relationships with others with the goal of reaching as broad a group of potential employees as possible during our initial hiring phase as well as throughout the ongoing operations at Plainridge Park Casino.

In addition to these communication and professional training partnerships, we will also conduct a broader advertising program for our hiring program that will include paid media advertising in local and minority-specific publications as well as targeted online and social media advertising.

Tapping into the resources available through the MA Department of Labor and Workforce Development will be key for recruiting of our entire workforce, but will be critical for providing opportunities for under and unemployed individuals. In the coming months, we will be conducting workshops with staff from our local career centers educating them on the gaming industry and available opportunities that will exist at Plainridge. These centers will act as a critical talent pipeline for talent for our recruiting needs, particularly for our ability to tap into the under and unemployed populations.

Along with training the staff at the Regional Career Centers, we will be conducting job information sessions/job fairs in all of our host communities, various career centers, as well as Massasoit and Bristol Community Colleges. The goal of these meetings is to educate potential employees on the various positions within the casino and qualifications for employment at the casino.

Penn will also establish an offsite career center for the purposes of creating a central location for our hiring program. Applicants can submit resumes there or online and interviews will be conducted at this office throughout the hiring timeframe. A separate career center area will be housed in the permanent facility, allowing

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To Engage & Recruit the Diverse, Under & Unemployed Workforce Population

ongoing access by interested individuals seeking employment and career opportunities.

## **Goals**

Penn National Gaming is a diverse company with twenty-seven operations in eighteen states and Canada. Penn National actively pursues a straightforward workforce diversity philosophy: our workforce should reflect the community around us.

We have incorporated two specific goals for our hiring program at Plainridge Park Casino:

1. To hire 90% of our workforce from our host and designated surrounding communities; and
2. That 10% of our workforce be comprised of individuals from ethnic minority groups.

Approximately 52% of Penn National Gaming's workforce is represented by women. We will also provide additional consideration for members of the veterans community.

Should we, after exhausting all efforts to reach our 90% local hiring goal, fall short of that goal, we would expand our scope in concentric circles, within the Commonwealth of Massachusetts, from our facility location to incorporate neighboring towns and cities, including the Greater Boston area. Additional recruitment focus will be given to towns and cities within these concentric circles that have a higher than average unemployment rate.

## **Training and Advancement Opportunities**

Penn National Gaming has implemented a successful recruitment and training program throughout the country. For many of our employees, the opportunity they begin with is not just a job but also the start of a very successful career. We believe that our training and advancement programs will be the very catalyst to bolster the Commonwealth's goal to have our industry positively impact the unemployed and underemployed members of our communities.

### **Education Begins at Career Centers/Community Colleges**

As described above, Penn National Gaming officials have already begun their discussions with local career centers in an effort to understand the needs of the un/under-employed community as well as to educate these agencies about the types of jobs we will have available. In order to have a longer-term impact, we don't see each job as just a "job" but as the opportunity for long-term careers in our company and the industry as a whole. Our workshops with local career center staff will include an effort to educate them about the long-term paths available for various skillsets and career goals for individuals seeking employment with our company.

Through the Consortium, we have started to forge a great relationship with both Massasoit and Bristol Community College and will look to partner with them regarding training opportunities for employees. These training opportunities include, but are not limited to programs in culinary, surveillance and slot tech repair.

The CATCH institute at Bristol will not only be a great recruiting source for our culinary talent, but can also serve at a training ground for those who want to advance their careers.

We anticipate this to an ongoing relationship that grows and develops with our workforce.

### **Red Carpet Service Training**

Penn National Gaming is known for its top-notch hospitality and the high quality service of its employees. Each employee undergoes our Red Carpet Service training, starting from the first day and onward throughout his or her employment.

### **It Doesn't Stop There**

It is our goal to develop our team members to take on positions of greater responsibility and promote internally whenever possible. As part of our engagement and performance management strategy, our managers are encouraged to have

continued conversations with their team members to discuss training needs as well as potential career pathing opportunities. We help individuals achieve *the next level* through our various supervisory and management training programs. It is our goal to develop bench strength from within the existing team member population. All open positions are posted internally first, to identify any internal talent prior to looking externally to fill open positions.

### **Promoting Education**

In addition to our internal training programs, we will also provide a tuition assistance program for interested and eligible employees. This program offsets the costs associated with our team members who seek to pursue two-year, four-year or even graduate degrees. We also will explore, based on workforce needs and demand, the option of bringing classes onsite to Plainridge in partnership with Bristol and Massasoit.

## **COMMITMENT**

Plainridge Park Casino and Penn are committed to developing a high performance, inclusive work environment that reflects the diversity of our community. We will strive to create a company culture where all ideas and all contributions are valued no matter how or from whom they may originate. We will actively seek out team members from traditionally disadvantaged groups to build an entertainment facility our community and the Commonwealth will be proud of. Our commitment to making inclusiveness the foundation for our culture is driven not only from our desire to enhance our community, but also because such commitment supports a sound business strategy.

# Demographic Data

## Penn National Gaming/Plainville Demographic Data - Host and Surrounding Community Profile

<b>Plainville - Host Community</b>	
Total Population	8,264
Male	4,046
Female	4,218
Population by Race	
White	94.2%
Black	1.1%
American Indian	0.1%
Asian	3.1%
Hispanic	1.8%

North Attleborough	
Total Population	28,712
Male	13,993
Female	14,719
Population by Race	
White	92.5%
Black	1.5%
American Indian	0.2%
Asian	3.5%
Hispanic	2.4%

Mansfield	
Total Population	7,360
Male	3,625
Female	3,735
Population by Race	
White	92.6%
Black	2.6%
American Indian	0.1%
Asian	2.8%
Hispanic	2.1%

Wrentham	
Total Population	10,955
Male	5,400
Female	5,555
Population by Race	
White	97.1%
Black	0.6%
American Indian	0.2%
Asian	1.0%
Hispanic	1.2%

Foxborough	
Total Population	5,625
Male	2,722
Female	2,903
Population by Race	
White	90.3%
Black	2.8%
American Indian	0.2%
Asian	4.1%
Hispanic	2.4%

The box which contains the name of the town in boldface is the host community of the facility. The other boxes contain demographic information regarding the communities that border the licensed facilities and provide a significant number of potential employees to facilities. The demographic data contained in the community profiles was obtained from the 2010 U.S. Census Bureau data files.

**Griffin, Jill (MGC)**

MA Gaming Diversity  
Coalition

**From:** Warren Bacon <wbacon@BOSTONMBDACENTER.COM>  
**Sent:** Monday, June 23, 2014 10:46 AM  
**To:** Griffin, Jill (MGC)  
**Subject:** Fwd: Comments on Penn Diversity Plan are due today  
**Attachments:** image001.png; image002.png; image003.png; image004.png; image005.png

Jill,

- 1) On employment, the coalition is consensus that 90% local employment does not support a diverse workforce. Need to expand the area.
- 2) Disagreement with the classification of "exclusions" for spend categories in the AGA attachment. There are diverse businesses in many of those areas, such as payroll and employee benefits, etc.
- 3) Don't see any focus on strategic alliances between smaller local diverse businesses and/or larger diverse businesses.

Sent from my iPad

Begin forwarded message:

**From:** "Griffin, Jill (MGC)" <[jill.griffin@state.ma.us](mailto:jill.griffin@state.ma.us)>  
**Date:** June 23, 2014 at 10:11:27 AM EDT  
**To:** "WARREN H. BACON ([wbacon@bostonmbdcenter.com](mailto:wbacon@bostonmbdcenter.com))" <[wbacon@bostonmbdcenter.com](mailto:wbacon@bostonmbdcenter.com)>  
**Subject:** Comments on Penn Diversity Plan are due today

Hi Warren-  
Could you please share what you have. Thanks  
Jill

**Jill Lacey Griffin**

*Director of Workforce, Supplier and Diversity Development*



Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8446 | FAX 617-725-0258  
[www.massgaming.com](http://www.massgaming.com)

*follow us on*





## Griffin, Jill (MGC)

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**From:** patrick gore <gorehamden@yahoo.com>  
**Sent:** Tuesday, June 03, 2014 7:01 PM  
**To:** Griffin, Jill (MGC)  
**Subject:** Re: Plainridge Vendor and Workforce Plans

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jill I notice Penn has referenced Veterans Inc. My concern is if Veterans Inc will be inclusive to Veterans of color in whatever role Veterans Inc will play and with me advocating for a new category which is a MVB. Your thoughts will be appreciated.

Patrick Gore

---

**From:** Griffin, Jill (MGC) <[jill.griffin@state.ma.us](mailto:jill.griffin@state.ma.us)>;  
**To:** Porter, Andre (SEA) <[andre.porter@state.ma.us](mailto:andre.porter@state.ma.us)>; [Bill.Vernon@NFIB.org](mailto:Bill.Vernon@NFIB.org) <[Bill.Vernon@NFIB.org](mailto:Bill.Vernon@NFIB.org)>; Stebbins, Bruce (MGC) <[bruce.stebbins@state.ma.us](mailto:bruce.stebbins@state.ma.us)>; Janey, Greg <[Greg@janeyco.com](mailto:Greg@janeyco.com)>; [cgeehearn@aimnet.org](mailto:cgeehearn@aimnet.org) <[cgeehearn@aimnet.org](mailto:cgeehearn@aimnet.org)>; [cgolonka@massdevelopment.com](mailto:cgolonka@massdevelopment.com) <[cgolonka@massdevelopment.com](mailto:cgolonka@massdevelopment.com)>; Darnell Williams ([dwilliams@ulem.org](mailto:dwilliams@ulem.org)) <[dwilliams@ulem.org](mailto:dwilliams@ulem.org)>; David Polatin <[david.polatin@sba.gov](mailto:david.polatin@sba.gov)>; [fmckinney@gnemsgdc.org](mailto:fmckinney@gnemsgdc.org) <[fmckinney@gnemsgdc.org](mailto:fmckinney@gnemsgdc.org)>; [gmacdonald@aimnet.org](mailto:gmacdonald@aimnet.org) <[gmacdonald@aimnet.org](mailto:gmacdonald@aimnet.org)>; [gnelson@masscec.com](mailto:gnelson@masscec.com) <[gnelson@masscec.com](mailto:gnelson@masscec.com)>; [gparkin@msbdc.umass.edu](mailto:gparkin@msbdc.umass.edu) <[gparkin@msbdc.umass.edu](mailto:gparkin@msbdc.umass.edu)>; Jack Lank <[jack@unitedregionalchamber.org](mailto:jack@unitedregionalchamber.org)>; Jeffrey Ciuffreda <[ciuffreda@myonlinechamber.com](mailto:ciuffreda@myonlinechamber.com)>; [jerry.d.smith@gsa.gov](mailto:jerry.d.smith@gsa.gov) <[jerry.d.smith@gsa.gov](mailto:jerry.d.smith@gsa.gov)>; Jeter, Jesse <[jjeter@ecowdcs.com](mailto:jjeter@ecowdcs.com)>; Griffin, Jill (MGC) <[jill.griffin@state.ma.us](mailto:jill.griffin@state.ma.us)>; Jordan, Mary (AGR) <[mary.jordan@state.ma.us](mailto:mary.jordan@state.ma.us)>; Juan Cofield ([jmcofield@aol.com](mailto:jmcofield@aol.com)) <[jmcofield@aol.com](mailto:jmcofield@aol.com)>; [kchoi@aimnet.org](mailto:kchoi@aimnet.org) <[kchoi@aimnet.org](mailto:kchoi@aimnet.org)>; King, Chris (VET) <[chris.king@state.ma.us](mailto:chris.king@state.ma.us)>; Sylvia, Mark (ENE) <[mark.sylvia@state.ma.us](mailto:mark.sylvia@state.ma.us)>; Griffin, Mary (FWE) <[mary.griffin@state.ma.us](mailto:mary.griffin@state.ma.us)>; [mcamp@icic.org](mailto:mcamp@icic.org) <[mcamp@icic.org](mailto:mcamp@icic.org)>; Hunter, Michael (SEA) <[michael.hunter@state.ma.us](mailto:michael.hunter@state.ma.us)>; Nader Acevedo ([nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)) <[nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)>; Nee, Coleman (VET) <[coleman.nee@state.ma.us](mailto:coleman.nee@state.ma.us)>; [nmartin@massgcc.com](mailto:nmartin@massgcc.com) <[nmartin@massgcc.com](mailto:nmartin@massgcc.com)>; Patrick V Gore ([gorehamden@yahoo.com](mailto:gorehamden@yahoo.com)) <[gorehamden@yahoo.com](mailto:gorehamden@yahoo.com)>; [Raymond.Milano@sba.gov](mailto:Raymond.Milano@sba.gov) <[Raymond.Milano@sba.gov](mailto:Raymond.Milano@sba.gov)>; Nunnally, Reggie (OSD) <[reggie.nunnally@state.ma.us](mailto:reggie.nunnally@state.ma.us)>; [RHNelson@sba.gov](mailto:RHNelson@sba.gov) <[RHNelson@sba.gov](mailto:RHNelson@sba.gov)>; Day, Rick (MGC) <[rick.day@state.ma.us](mailto:rick.day@state.ma.us)>; Robert A. Baker ([bob@sbane.org](mailto:bob@sbane.org)) <[bob@sbane.org](mailto:bob@sbane.org)>; Marlow, Ronald (ANF) <[ronald.marlow@state.ma.us](mailto:ronald.marlow@state.ma.us)>; [srittscher@cweonline.org](mailto:srittscher@cweonline.org) <[srittscher@cweonline.org](mailto:srittscher@cweonline.org)>; Crosby, Steve (MGC) <[steve.crosby@state.ma.us](mailto:steve.crosby@state.ma.us)>; WARREN H. BACON ([wbacon@bostonmbdacenter.com](mailto:wbacon@bostonmbdacenter.com)) <[wbacon@bostonmbdacenter.com](mailto:wbacon@bostonmbdacenter.com)>;  
**Subject:** FW: Plainridge Vendor and Workforce Plans  
**Sent:** Thu, May 29, 2014 2:28:26 PM

MGC Vendor Advisory Team-

Penn National has submitted the attached Vendor and Workforce Plans required by conditions of their license. These Vendor and Workforce Plans pertain to the *operations phase* of the Plainridge Park Casino. I invite you to review the attached documents and provide me comments in writing by June 12, 2014.

## Griffin, Jill (MGC)

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**From:** Warren Bacon <wbacon@BOSTONMBDACCENTER.COM>  
**Sent:** Friday, May 30, 2014 8:53 AM  
**To:** Griffin, Jill (MGC); Porter, André (OSBE); Bill.Vernon@NFIB.org; Stebbins, Bruce (MGC); Janey, Greg; cgeehern@aimnet.org; cgonlonka@massdevelopment.com; Darnell Williams (dwilliams@ulem.org); David Polatin; Dr. Fred McKinney; gmacdonald@aimnet.org; gnelson@masscec.com; gparkin@msbdc.umass.edu; Jack Lank; Jeffrey Ciuffreda; jerry.d.smith@gsa.gov; Jeter, Jesse; Jordan, Mary (AGR); Juan Cofield (jmcofield@aol.com); kchoi@aimnet.org; King, Chris (VET); Sylvia, Mark (ENE); Griffin, Mary (FWE); mcamp@icic.org; Hunter, Michael (MOBD); Nader Acevedo (nacevedo@hacionline.org); Nee, Coleman (VET); nmartin@massgcc.com; Patrick V Gore (gorehamden@yahoo.com); Raymond.Milano@sba.gov; Nunnally, Reggie (OSD); RHNelson@sba.gov; Day, Rick (MGC); Robert A. Baker (bob@sbane.org); Marlow, Ronald (ANF); srittscher@cweonline.org; Crosby, Steve (MGC)  
**Subject:** RE: Plainridge Vendor and Workforce Plans

Thanks Jill,

I do note that I don't agree with the Hard and "Hard/Soft" exclusions listed in the Addendum from AGA. We know of a number of viable MBEs that offer some of these services, and presumably there are WBE/VBEs that would also qualify.

Thanks  
Warren

**From:** Griffin, Jill (MGC) [<mailto:jill.griffin@state.ma.us>]  
**Sent:** Thursday, May 29, 2014 10:28 AM  
**To:** Porter, Andre (SEA); [Bill.Vernon@NFIB.org](mailto:Bill.Vernon@NFIB.org); Stebbins, Bruce (MGC); Janey, Greg; [cgeehern@aimnet.org](mailto:cgeehern@aimnet.org); [cgonlonka@massdevelopment.com](mailto:cgonlonka@massdevelopment.com); Darnell Williams ([dwilliams@ulem.org](mailto:dwilliams@ulem.org)); David Polatin; Dr. Fred McKinney; [gmacdonald@aimnet.org](mailto:gmacdonald@aimnet.org); [gnelson@masscec.com](mailto:gnelson@masscec.com); [gparkin@msbdc.umass.edu](mailto:gparkin@msbdc.umass.edu); Jack Lank; Jeffrey Ciuffreda; [jerry.d.smith@gsa.gov](mailto:jerry.d.smith@gsa.gov); Jeter, Jesse; Griffin, Jill (MGC); Jordan, Mary (AGR); Juan Cofield ([jmcofield@aol.com](mailto:jmcofield@aol.com)); [kchoi@aimnet.org](mailto:kchoi@aimnet.org); King, Chris (VET); Sylvia, Mark (ENE); Griffin, Mary (FWE); [mcamp@icic.org](mailto:mcamp@icic.org); Hunter, Michael (SEA); Nader Acevedo ([nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)); Nee, Coleman (VET); [nmartin@massgcc.com](mailto:nmartin@massgcc.com); Patrick V Gore ([gorehamden@yahoo.com](mailto:gorehamden@yahoo.com)); [Raymond.Milano@sba.gov](mailto:Raymond.Milano@sba.gov); Nunnally, Reggie (OSD); [RHNelson@sba.gov](mailto:RHNelson@sba.gov); Day, Rick (MGC); Robert A. Baker ([bob@sbane.org](mailto:bob@sbane.org)); Ronald Marlow; [srittscher@cweonline.org](mailto:srittscher@cweonline.org); Crosby, Steve (MGC); Warren Bacon  
**Subject:** FW: Plainridge Vendor and Workforce Plans

MGC Vendor Advisory Team-

Penn National has submitted the attached Vendor and Workforce Plans required by conditions of their license. These Vendor and Workforce Plans pertain to the *operations phase* of the Plainridge Park Casino. I invite you to review the attached documents and provide me comments in writing by June 12, 2014.

Penn National Gaming's Vendor and Workforce plans are scheduled to be presented at the MassGaming Commission public meeting on June 26, 2014.

Thank you,

**Jill Lacey Griffin**  
*Director of Workforce, Supplier and Diversity Development*

## Griffin, Jill (MGC)

---

**From:** Wojciechowska, Bogusia <bwojciec@bhcc.mass.edu>  
**Sent:** Thursday, June 12, 2014 5:33 PM  
**To:** Griffin, Jill (MGC)  
**Cc:** Bob LePage; Jeffrey Hayden  
**Subject:** RE: Plainridge Vendor and Workforce Plans

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello:

I recommend the inclusion of the Mass Rehabilitation Commission and Work Inc. (Boston) as part of the 'diversity' initiative. People with disabilities are not included in 'Definitions' (p. 6), but true diversity includes those protected by the ADA.

Regards,

Bogusia

---

**From:** Griffin, Jill (MGC) [<mailto:jill.griffin@state.ma.us>]  
**Sent:** Thursday, May 29, 2014 10:40 AM  
**To:** Rglepage; Robert Griffin; Wojciechowska, Bogusia  
**Subject:** FW: Plainridge Vendor and Workforce Plans

Community College team-

I'd love to hear your thoughts on the attached. Penn National Gaming has submitted the attached Vendor and Workforce Plans required by conditions of their license. These Vendor and Workforce Plans pertain to the *operations phase* of the Plainridge Park Casino. I invite you to review the attached documents and provide me comments in writing by June 12, 2014.

Penn National Gaming's Vendor and Workforce plans are scheduled to be presented at the MassGaming Commission public meeting on June 26, 2014.

Thank you,

**Jill Lacey Griffin**  
*Director of Workforce, Supplier and Diversity Development*

Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8446 | FAX 617-725-0258  
[www.massgaming.com](http://www.massgaming.com)

follow us on



## Griffin, Jill (MGC)

---

**From:** James, Jennifer (EOLWD)  
**Sent:** Thursday, June 19, 2014 7:39 AM  
**To:** Griffin, Jill (MGC)  
**Cc:** Alice Sweeney (ASweeney@DETM.A.ORG)  
**Subject:** FW:  
**Attachments:** Plainridge Diversity Supplier Plan - Submitted 5-28-14.pdf; Workforce Diversity Plan - Draft Submitted 5-28-14.pdf

Hi Jill,

I don't have major comments on the Supplier Diversity Plan. It establishes Diversity Committee and essentially creates a team to operationalize practices with the "right" people at the table. I am sure you had more to add on that one.

I read through the Workforce Plan. My thoughts are below. Before I send to WIBs/OSCCs, read below. My gut read is to require Penn to get the WIBs/OSCCs to the table to co-create this Plan and operationalize practices (similar to Diversity Committee in other Plan). In that case, no need to send to them now for a cursory review. If we cannot go that route, I can send it to them but we may get the same comments (why not include us in development) versus sending in random comments on Plan. Am I off track? Were they part of the process?

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OR

--Require they develop MOUs with the Workforce Investment Boards and its Career Centers. Consider South Shore, Brockton, Bristol, and New Bedford regions that compliment the agreement the developer signed with the Community College Training Institute. (Could be one MOU with all the parties.) [ The generic Training Institute MOU did not detail the type of functions the Career Centers or WIBs might provide.]

-- Establish a Workforce Team (including Penn, Bristol and Massasoit, the WIBs/OSCCs in the area and other stakeholders) to review and discuss ongoing practices (Penn establishes a Diversity Committee in their Supplier Diversity Plan)

A revised Workforce Plan with input or an MOU should at least detail:

--Additional strategies on recruitment (with roles and responsibilities for partners)

--Funding from Penn for ESOL and adult basic education or the provision of these education programs through an existing community resource

--There is no real discussion of their expected hiring needs by job type and the "pipeline" approach to fill it. What is the breakdown of their expected workforce by job type. Which positions are high volume? Which are hard to fill due to job requirements? If the education / training needs for a job type are X, but candidates are more likely to have HS diploma, not speak English etc....what is the planned pipeline to meet job requirements. ESOL, adult basic education, technical training/certificates etc.

-- Penn describes training in culinary, surveillance and slot tech repair. What other job types are critical to their workforce?

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To: James, Jennifer (EOLWD)  
Subject: Re:

Perfect. Have a great vacation!

----- Original Message -----

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Subject: RE:

Hi Jill - I will definitely get you feedback by June 26th. On vacation today, more soon. Jenn

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Sent: Wednesday, June 18, 2014 4:53 PM  
To: James, Jennifer (EOLWD); Sweeney, Alice (DWD)  
Subject: RE:

Jen and Alice-

Did you have any feedback for me on the Penn National Workforce Plan? It would be much appreciated!!

Thanks,  
Jill

From: James, Jennifer (EOLWD)  
Sent: Friday, June 13, 2014 10:58 AM  
To: Griffin, Jill (MGC); Sweeney, Alice (DWD)  
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Hi Jill,

So are we gathering input on both the attached Workforce Diversity Plan and the Diversity Supplier Plan from our WIBs/OSCCs? Did the WIBs/OSCCs contribute to the Workforce Plan?

I just printed out the workforce plan to read myself. This was submitted after they submitted their application materials for licensing, correct?

Jenn

From: Griffin, Jill (MGC)  
Sent: Monday, June 09, 2014 9:52 AM  
To: James, Jennifer (EOLWD); Sweeney, Alice (DWD)  
Subject:

Jen and Alice –

## Griffin, Jill (MGC)

---

**From:** Nader Acevedo <nacevedo@hacionline.org>  
**Sent:** Tuesday, June 17, 2014 3:49 PM  
**To:** Griffin, Jill (MGC)  
**Subject:** Re: Gentle Reminder of my request for comments on Plainridge Vendor and Workforce Plans

Good Afternoon Jill;

I had an opportunity to review the documents you sent and in my opinion they did a good and cover in very detail all my concerns and questions.

Thank you for the opportunity to participate.

**Nader Acevedo | Executive Vice President  
Hispanic American Chamber Institute**  
617.637.6403 Ph | 617.524.5886 Fax  
406 S. Huntington Ave. | Boston | MA | 02130  
[nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)  
[www.hacionline.org](http://www.hacionline.org)

---

**From:** "Griffin, Jill (MGC)" <[jill.griffin@state.ma.us](mailto:jill.griffin@state.ma.us)>  
**To:** "Nader Acevedo ([nacevedo@hacionline.org](mailto:nacevedo@hacionline.org))" <[nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)>  
**Sent:** Friday, June 13, 2014 3:43 PM  
**Subject:** FW: Gentle Reminder of my request for comments on Plainridge Vendor and Workforce Plans

---

**From:** Griffin, Jill (MGC)  
**Sent:** Monday, June 09, 2014 9:57 AM  
**To:** 'andre.porter@state.ma.us'; 'Bill.Vernon@NFIB.org'; 'Bruce.Stebbins@State.MA.US'; CCM Gregory Janey ([greg@janeyco.com](mailto:greg@janeyco.com)); 'cgeehern@aimnet.org'; 'cgonlonka@massdevelopment.com'; Darnell Williams ([dwilliams@ulem.org](mailto:dwilliams@ulem.org)); David Polatin; 'fmckinney@gnemsc.org'; 'gmacdonald@aimnet.org'; 'gnelson@masscec.com'; 'gparkin@msbdc.umass.edu'; Jack Lank; Jeffrey Ciuffreda; 'jerry.d.smith@gsa.gov'; Jeter, Jesse; 'Jill.Griffin@State.MA.US'; Jordan, Mary (AGR); Juan Cofield ([jmcofield@aol.com](mailto:jmcofield@aol.com)); 'kchoi@aimnet.org'; King, Chris (VET); 'Mark.Sylvia@State.MA.US'; 'Mary.Griffin@State.MA.US'; 'mcamp@icic.org'; 'michael.hunter@State.MA.US'; Nader Acevedo ([nacevedo@hacionline.org](mailto:nacevedo@hacionline.org)); Nee, Coleman (VET); 'nmartin@massgcc.com'; Patrick V Gore ([gorehamden@yahoo.com](mailto:gorehamden@yahoo.com)); 'Raymond.Milano@sba.gov'; 'reggie.nunnally@State.MA.US'; 'RHNelson@sba.gov'; 'Rick.Day@State.MA.US'; Robert A. Baker ([bob@sbaner.org](mailto:bob@sbaner.org)); 'Ronald.Marlow@State.MA.US'; 'srittscher@cweonline.org'; 'Steve.Crosby@State.MA.US'; WARREN H. BACON ([wbacon@bostonmbdcenter.com](mailto:wbacon@bostonmbdcenter.com))  
**Subject:** Gentle Reminder of my request for comments on Plainridge Vendor and Workforce Plans

MGC Vendor Advisory Team-

Penn National has submitted the attached Vendor and Workforce Plans required by conditions of their license. These Vendor and Workforce Plans pertain to the *operations phase* of the Plainridge Park Casino. I invite you to review the attached documents and provide me comments in writing by June 12, 2014.

## Griffin, Jill (MGC)

---

**From:** Sweeney, Alice (DWD) <asweeney@detma.org>  
**Sent:** Thursday, June 19, 2014 9:37 AM  
**To:** James, Jennifer (EOLWD); Griffin, Jill (MGC)  
**Subject:** RE:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jill:

Jennifer and I have been looking at this and we both feel the same. I know if I send it out to CCs/WIBs they will ask the question that Jenn posed if they in fact, have not been included. As you know there is no mention of outreaching to them. I know during the last meeting they were about to bring on their General Manager who they said would be calling us all back together. To my knowledge that has yet to happen.

The three WIBs and CCs were from New Bedford, Bristol and Metro S/W.

Alice Sweeney, Director  
Department of Career Services  
19 Staniford Street 1st Floor  
Boston, MA 02114  
(617) 626-6449

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited and may be the subject of legal action. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Thank you.

-----Original Message-----

**From:** James, Jennifer (EOL) [mailto:jennifer.james@massmail.state.ma.us]

**Sent:** Thursday, June 19, 2014 7:39 AM

**To:** Griffin, Jill (MGC)

**Cc:** Sweeney, Alice (DWD)

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To: James, Jennifer (EOLWD); Sweeney, Alice (DWD)  
Subject:

Jen and Alice -

Attached is Penn National's Workforce Diversity Plan and the demographics of Plainville and the surrounding communities. Penn National has committed to hiring 90% of the employees from Plainville (host community) and the surrounding communities of Foxborough, Mansfield, Wrentham, North Attleboro. This has implications for the diversity. They expect to hire about 500 employees.

I would love to hear your quick reactions or comments prior to the MassGaming Commission Meeting on June 26th.

Thanks,  
Jill



DRAFT\_MASSACHUSETTS GAMING COMMISSION DIVERSITY REPORT  
MM/DD/YYYY

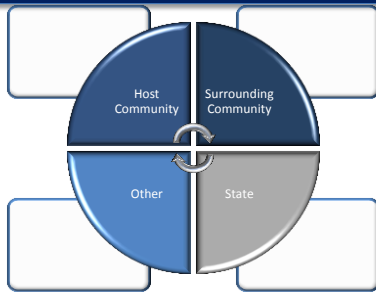


Penn National Gaming received the Commonwealth of Massachusetts's only Category 2 Gaming License to construct a slots parlor at the Plainridge Racecourse in Plainville, MA in February 28, 2014. At this time the Plainridge Racecourse, a Harness Horse racing venue employed \_\_\_ individuals. Construction on the Plainridge Park Casino began on March 14, 2014. The construction phase of the project employed \_\_\_ and spent \_\_\_\_\_\$ (%) with Minority and Women Business Enterprises during construction. The Casino is expected to open in June 2015 offering new employment opportunities to more than 500 individuals.

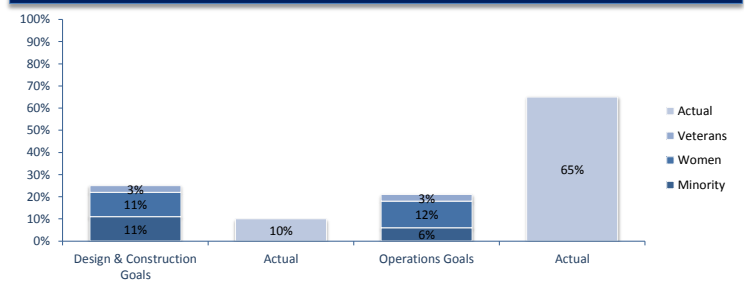
Workforce Goals			
Design & Construction	16% Minority	7% Women	Priority for Veterans
Operations	90% from host and surrounding communities		10% from ethnic minorities

Procurement Goals			
Design & Construction	11% Minority	11% Women	3% Veterans
Operations	6% Minority Business Enterprise	12% Women Business Enterprise	3% Veterans Business Enterprise

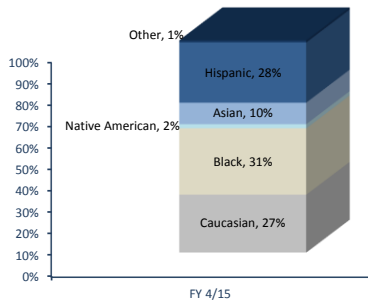
Employment



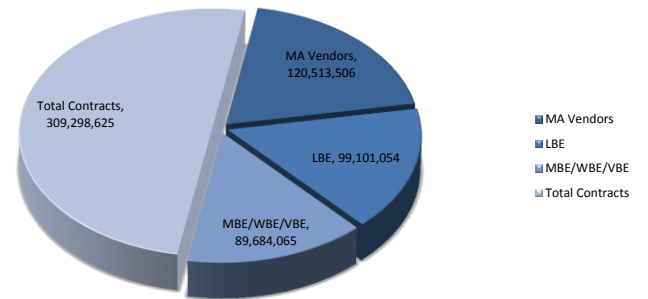
Goals Against Actual



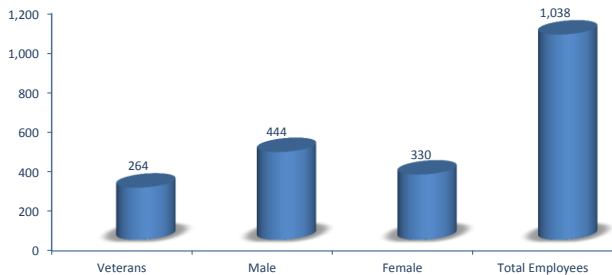
Employment by Race



Non-Gaming Vendors



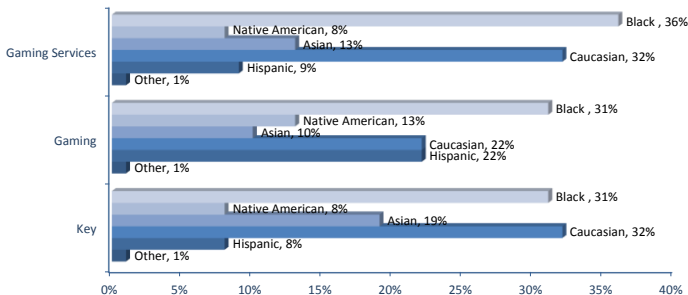
Total Employees



Purchasing During Operations

Year	MA Vendors	LBE	MBE	WBE	VBE	Total Contracts
FY 04/14	\$120,513,506	\$ 99,101,054	\$ 19,329,830	\$ 57,229,675	\$ 13,124,560	\$ 238,944,390
FY 04/15	\$259,565,004	\$ 213,492,704	\$ 32,786,774	\$ 40,647,911	\$ 30,639,000	\$ 505,844,482
FY 04/16	\$373,804,423	\$ 172,553,887	\$ 34,540,980	\$ 58,590,712	\$ 29,899,134	\$ 744,788,872

Employment During Operations



LBE - Local Business Enterprise - are businesses located in the host and surrounding community.

The terms MBE, WBE, and VBE are commonly used to refer to Minority Business Enterprise, Women Business Enterprise, and Veterans Business Enterprise.

CONTACT INFORMATION

**Jill Lacey Griffin**  
 Director of Workforce, Supplier and Diversity Development  
 Massachusetts Gaming Commission  
 E-mail: [JILL.GRIFFIN@STATE.MA.US](mailto:JILL.GRIFFIN@STATE.MA.US)  
 Website: [WWW.MASSGAMING.COM](http://WWW.MASSGAMING.COM)



June 11, 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, July 1, 2014; Tuesday, July 8, 2014; Tuesday, July 15, 2014; Tuesday, July 22, 2014 and Tuesday, July 29, 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

Made in Massachusetts



*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:** 13 June, 2014

**Re:** Request to reschedule live race dates July 1, 8, 15, 22, and 29

---

Gentlemen:

This letter approves the request of Suffolk Downs to cancel its scheduled live racing days on Tuesdays in July (July 1, 8, 15, 22, and 29). 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)



*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:** 26 June, 2014

**Re: Request from Standardbred Owners of Massachusetts**

---

Commissioners –

Massachusetts General Laws c.128 §2(j) states that:

“... [A] representative organization of standardbred breeders and owners approved by the state racing commission, shall, from time to time in consultation with the chairman of the racing commission and the program manager for the equine division of the department of food and agriculture, set the percentages for purses and stallion awards to be awarded to the breeder of a Massachusetts standardbred horse....”

The representative organization of standardbred breeders and owners approved by the state racing commission is further authorized to pay cash purses and stallion awards for stakes races limited to Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the Massachusetts standardbred breeding program at licensed pari-mutuel race meetings authorized by the state racing commission. Such races may be betting or non-betting races and may or may not be scheduled races by the licensee conducting the racing meeting. All races for the standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and stallion awards paid by the representative organization approved by the state racing commission may be paid in such amounts as the representative organization shall determine....”



Massachusetts Gaming Commission

The Standardbred Owners of Massachusetts, Inc. ("SOM") has requested this Commission's recognition and approval as the representative organization for this program. This organization has been administering the Massachusetts Standardbred breeding program and Sire Stakes series in accordance with M.G.L. c.128 continuously since 1992.

It is our recommendation that the Commission recognize SOM for this purpose.



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)



## ***Standardbred Owners of Massachusetts, Inc.***

PO Box 1682  
Plainville, MA  
02762

508-528-1877  
508-528-3933 fax



### **Massachusetts Sire Stakes**

**Edward Nowak**  
**James Hardy**  
**Nancy Longobardi**

*President*  
*Vice President*  
*Secretary/Treasurer*

**Raymond Campbell** *Director*  
**Henry Zola** *Director*  
**Bonnie Rush** *Director*  
**Paul Vacca** *Director*

June 5, 2014

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

Dear Director Durenberger,

Standardbred Owners of Massachusetts, Inc. respectfully requests approval to be recognized as the duly organized representative group of standardbred breeders to administer the Massachusetts Standardbred Breeding program and Sire Stake races in accordance with Massachusetts General Law Chapter 128, sec. 2(j) for the upcoming 2014 season.

SOM, Inc. is a non-profit Massachusetts Corporation in good standing and has continuously administered the Massachusetts Breeding and Sire Stakes program since 1992.

Sincerely,

Nancy Longobardi  
Secretary / Treasurer

cc: Massachusetts Department of Agricultural Resources / Standardbred Breeding Program  
Plainridge Racecourse / Steve O'Toole - GM

## **BY-LAWS**

### **Standardbred Owners of Massachusetts, Incorporated**

#### **PURPOSES**

The purpose of Standardbred Owners of Massachusetts, Incorporated is to promote the business of Standardbred horse breeding and racing in the Commonwealth of Massachusetts in order to improve the Standardbred race horse and to foster and actively participate in such programs as will insure to the benefit of the members. To this end, the Standardbred Owners of Massachusetts, Incorporated shall encourage the funding and the holding of restricted stakes races as provided in existing and proposed Massachusetts Legislation. Standardbred Owners of Massachusetts, Incorporated shall, at all times, strive to promote the breeding of quality Massachusetts Standardbred race horses and to improve the breed. It shall further endeavor to promote the holding of restricted non stakes races for Massachusetts bred Standardbred horses.

#### **ARTICLE 1**

##### **Offices**

The principal office shall be located in the Commonwealth of Massachusetts.

#### **ARTICLE 2**

##### **Annual Meetings of Members**

1. All meetings of members for the election of Directors shall be held in the Commonwealth of Massachusetts, such places to be fixed by the Board of Directors.
2. Annual meetings of members shall be held within ninety (90) days after the Sire Stake Finals for the purposes of electing a Board of Directors and transacting proper business brought before the meeting. The Board of Directors shall be elected by a plurality.
3. Written notice of the annual meeting stating the date, time and location shall be given to each voting member not less than twenty-one (21) days before the date of the meeting.



### **ARTICLE 3**

#### **Special Meetings of Members**

1. Special Meetings of members may be called at any time or for any purpose by the Board of Directors only.
2. Special Meetings of members for any purpose other than the election of Directors may be held at such time and place within the Commonwealth of Massachusetts as shall be stated in the notice of the meeting.
3. Written notice of a Special Meeting, stating the time, place and purpose shall be given to each member entitled to vote, at least ten (10) days before the date of such meeting.

### **ARTICLE 4**

#### **Quorum and Voting Rights of Members**

1. A minimum of twenty-five percent (25%) of the members, in good standing and entitled to vote, represented in person only, shall constitute a quorum at all meetings of the members for the transaction of business except as otherwise provided by statute or by the Articles of Organization. If however, such a quorum shall not be present at any meeting of the members; those members present in person shall have the power to adjourn the meeting from time to time, without notice other than an announcement at the meeting, until a quorum shall be present. At such adjourned meeting at which a quorum shall be present any business may be transacted which might have been transacted at the meeting as originally notified.
2. If a quorum is present, the affirmative vote of a majority of the members represented at the meeting shall be the act of the corporations members as a whole unless the vote of a greater number of members is required by law or the Articles of Organization. All matters submitted to vote at Special Meeting shall be voted by a closed ballot only.
3. Each member in good standing shall be entitled to one vote on each matter submitted to a vote at a meeting of members.
4. Any action required to be taken at a meeting of the members may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by all the members entitled to vote with respect to the subject matter thereof.



## 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 June 26, 2014  
**Date:** June 22, 2014  
**Re:** FY15 Budget Recommendation and Update

---

#### Summary:

We presented a proposed initial fiscal year 2015 (FY15) budget recommending spending of \$29.3M (\$24.5M for gaming operations and \$4.8M for racing operations) on May 29, 2015. The May 29<sup>th</sup> presentation recommended that ~\$20.4M in gaming operations would need to be assessed on licensees in FY15. Staff noted during the meeting that due to a miscalculation in the slots revenue for Region A, that number would likely increase. The Commission asked staff to do the following:

- Review contracted costs and see where full time staff are more efficient;
- Conduct comparison research between jurisdictions that use central management systems and those that do not;
- Meet with the slot parlor licensee to review the proposed FY15 budget; and
- Post the FY15 budget recommendations for public comment.

After reviewing the information requested, the current FY15 budget recommendation remains at \$29.3M in spending, but due to the adjustment of the slot fee the assessment on gaming licensees has increased by ~\$377K, and is now \$20.78M.

#### Status Updates:

On June 12, the Commission received an update on the FY15 budget development. Staff shifted \$380K out of consulting categories and into additional FTEs in the investigations and enforcement bureau and the legal division. These shifts were budget neutral in FY 15 as the employees will still need significant training, but are expected to decrease



Massachusetts Gaming Commission

costs in subsequent fiscal years. Also discussed at the June 12<sup>th</sup> meeting was the topic of a central management system. Staff has committed to producing a cost analysis for three different models of monitoring slots operations, as well as research into the advantages and disadvantages of each. MGC staff will be traveling to Ohio in early July to visit the Ohio Casino Control Commission and Penn’s Columbus Ohio property to learn about the model of having direct access to the operator’s slot monitoring system.

Assuming a determination date of September 12<sup>th</sup> for the Region A licensee, the revenue anticipated for Region A slots fees was reduced by ~\$377K. This reduction is the pro-rated amount for the \$600/slot fee referenced in 205 CMR 121.00. This reduction in revenue resulted in a corresponding increase in the assessment to licensees for gaming operations. Below is a table that shows anticipated spending and revenue by appropriation for the MGC.

**FY15 MGC Proposed Budget**

<b>Appropriation</b>	<b>Appropriation Name</b>	<b>Budget</b>	<b>Revenue</b>	<b>Variance (Revenue - Budget)</b>
10500001	Mass. Gaming Commission	24,556,554.47	3,775,379.00	(20,781,175.47)
10500002	MGC - Racing Stabilization Trust Fund	743,988.10	1,498,231.41	754,243.31
10500003	MGC Mass Racing Development and Oversight Trust	2,060,548.31	2,568,980.15	508,431.84
10500012	MGC Plainridge Racecourse Promotional Trust	-	35,018.12	35,018.12
10500013	MGC Plainridge Racecourse Capital Improvement Trust	125,000.00	125,000.00	-
10500021	MGC Sterling Suffolk Promotional Trust	146,000.00	146,047.43	47.43
10500022	MGC Sterling Suffolk Capital Improvement Trust	527,000.00	527,894.39	894.39
10500140	MGC Payments to Cities/Towns for Local Share Racing Tax Rev	1,150,000.00	1,150,000.00	-
<b>Grand Total</b>		<b>29,309,090.88</b>	<b>9,826,550.50</b>	

The Commission received no formal public comments regarding the FY15 budget recommendations. Staff has met with representatives from Penn national to discuss the FY15 budget recommendations. Penn has shared its experiences and some possible alternatives to working with a central management system, as well as alternative staffing patterns. Staff has committed to review the material and continue to explore solutions that do not compromise the integrity of the regulatory environment. In



response to the Commission's direction staff will form a working group that includes representatives of licensees to review future annual budget recommendations prior to presenting to the Commission.

**Conclusion:**

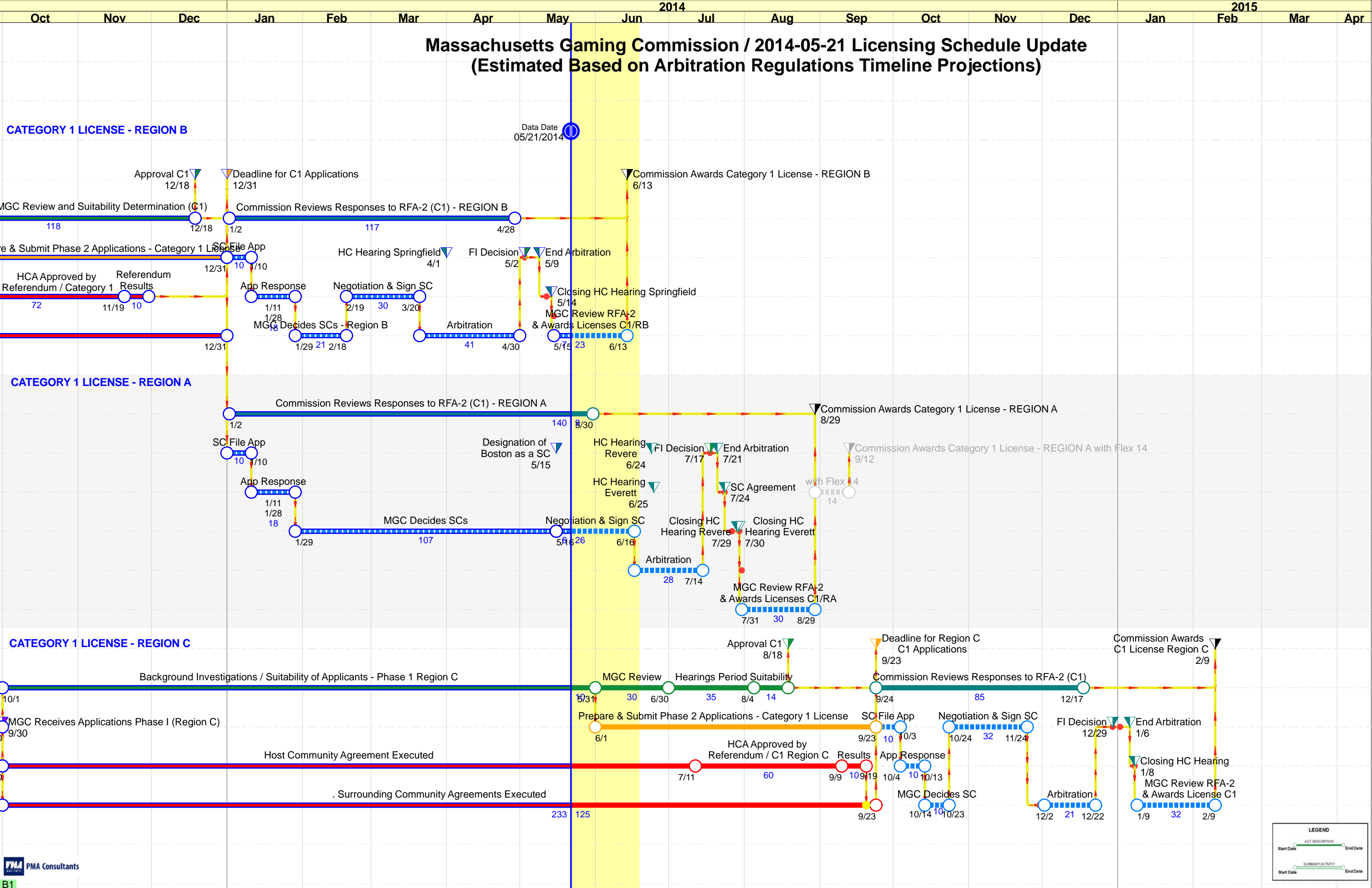
The Commission's fiscal year begins on July 1<sup>st</sup>. Staff has sought public input as well as met with the slot parlor licensee for comments on the proposed FY15 budget. Staff recommends the following:

- Approve a \$29.3M FY15 budget
  - Include in the budget the anticipated cost for the central management system and the cohort study, but do not allow the MGC expenditures without the Commission's approval.
- Assess \$20.78M on licensees
  - Bill the assessment in six month intervals based on anticipated need for those six months.
  - Region B has already been billed its first six month installment as well as its full year fee for approved slot machines. The Slot Parlor will be billed shortly after approval of the budget. Region A is pending a license determination.
- Bill the slot parlor the full year cost of the \$600/approved slot machine fee at the beginning of the fiscal year 2015.
- Bill Region A the \$600/approved slot machine fee prorated based on the date of determination of the license.



Massachusetts Gaming Commission

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



**LEGEND**

- ACT DESCRIPTION (Green line with markers)
- SUMMARY ACTIVITY (Blue line with markers)

## HOST COMMUNITY AGREEMENTS - REGION C

Application Dates	10 days back	60 days back	90 days back
Tuesday, September 23, 2014	Friday, September 12	Monday, July 14	Saturday, June 14
Friday, October 17, 2014	Monday, October 6	Thursday, August 7	Tuesday, July 8
Monday, November 17, 2014	Thursday, November 6	Saturday, September 6	Friday, August 8

Election Date 10-days Before Certification Period (Election + 10 days)

### Additional Potential Region C RFA-2 Application Dates

	Friday, January 30, 2015	Friday, February 27, 2015	Friday, March 27, 2015
Potential Region A Award Date			
Friday, September 12, 2014	140 days	168 days	196 days
Potential Region C RFA-1 Date			
Friday, October 10, 2014	112 days	140 days	168 days
Potential Region C Award Date			
	Friday, June 19, 2015	Friday, July 17, 2015	Friday, August 14, 2015

### Current Region C Expected Schedule

RFA- 1 Application Date	Monday, September 30, 2013
Expected Suitability	Monday, August 18, 2014
RFA-2 Application Date	Tuesday, September 23, 2014
Region C Award	Monday, February 09, 2015

**COMMENT LETTERS FOR TIME PERIOD ENDING 6/23/2014**  
**SUMMARY OF ISSUES**

<b>Date</b>	<b>Comment Letter Received From</b>	<b>Timeline Variance</b>	<b>Other</b>
6/16/2015	Paul Robillard Via MGC Comments	1. Southeastern Mass has waited long enough. We need the jobs and need them without further delay. 2. Keep the current deadline but ask the gaming industry for some preliminary interest at less than current commitments require. 3. I see no advantage of waiting any longer when you already have three competitors for the region.	This would be a test of the water to determine if there is any interest. You may find that no one (or perhaps very few) want to take the chance of the Tribe finally getting approval and therefore the competitive consequences. Perhaps do as New York is doing, require a large deposit, perhaps \$10 million fully refundable, as a good faith show of interest. Casino developers can easily and quickly make that kind of decision. Refund the deposit if they do not move forward
6/17/2014	Dan Rourke Via MGC Comments	So yes, allow for additional bidders with a deadline of 3/1/15.	It is absurd to believe that the federal government will place the land in trust for the Taunton location. If so, it could take years after all the appeals. So yes, allow for additional bidders with a deadline of 3/1/15.
6/19/2014	Walter J. Sullivan, Jr., PretiFlaherty on behalf of Clairvest Group Inc. & Claremont Companies	The Group requests that, along with opening Region C to new applicants, it extend the filing of the RFA-2 until March, 2015.	As such, to ensure competition and be convinced that awarding a resort-casino in Region C is beneficial to the region and the Commonwealth, the Group requests that the Commission exercise its authority and re-release phase 1 application for Region C.  As such, we strongly believe it is appropriate for Region C to have a lower required capital expenditures than the other regions, and that lowering the required capital expenditure by including subparts 1, 2, and 3 in 205 CMR 122.4 in the variance request would significantly entice more competition for the region.
6/20/2014	Jonathan M. Silverstein on behalf of City of New Bedford	However, due to the complexity of these discussions and the procedures requirements to support such a project, the City again submits that a short extension of the RF A-2 deadline is necessary and would allow the City to reach agreement with an applicant and for that applicant to submit a compelling phase 2 application to the Commission.  The City urges the Commission to take this modest but effective step to further the goals of the Expanded Gaming Act and the interests of the people of the City, Region C and the Commonwealth.	Importantly, extending the deadline to a date subsequent to November 14, 2014 would also permit host communities, if they so chose, to hold their referendum elections during the November 4 general election (since votes in cities may not be certified until 10 days after an election). This would maximize voter participation in an issue of significant public interest.  Opening the process to new phase 1 applicants and/or extending the phase 2 deadline beyond this year could threaten the commercial viability of Region C.



For Extension  
 Against Extension  
 Other Dates

**COMMENT LETTERS FOR TIME PERIOD ENDING 6/23/2014**  
**SUMMARY OF ISSUES**

<b>Date</b>	<b>Comment Letter Received From</b>	<b>Timeline Variance</b>	<b>Other</b>
6/20/2014	Timothy McManus Via MGC Comments	<b>Yes extend the deadline:</b> Two reasons it would increase competition allowing for more favorable agreements to be negotiated with the communities involved. Secondly it would allow for the losing casino operator from region A to possibly submit an application saving time and money on vetting them.	I believe that the initial fees and application cost should be reduced in Region C for the applicant who is effected by this change. If the loser in Region A were to apply there cost should also be drastically reduced in a new application request or waived entirely.
6/20/2014	Kenneth Fiola, Jr., Executive Vice President Fall River Office of Economic Development	please accept this letter <b>in support of such an extension</b> noting the City of Fall River anticipates the ability to meet the proposed deadline. With regard to the potential of lowering the Region C application fee and/or lowering the minimum \$500 million destination resort development requirement , please be advised that we believe it is important that the minimum \$500 million development requirement be maintained. However, we will be opened to reducing the Region C application fee as a means to attract additional development teams.	We fully understand that Region C, by virtue of the potential establishment of an Indian gaming facility, is different and more complex than Regions A & B. However, despite these challenges and complexities we believe it is important to maintain a minimum \$500 million destination resort construction requirement so as to ensure the quality of a Region C facility is comparable to that of Regions A & B. To the extent that the Massachusetts Gaming Commission wishes to think outside the box to attract additional casino developers, it may be prudent to seek legislative relief with regard to the overall tax structure as it pertains to Region C gaming in the event that the Wampanoag Tribe is able to take land into trust for gaming purposes. To the extent that you believe this approach has any merit, we would be happy to convene a meeting of the Region C legislature to determine their appetite for such a measure.
6/23/2014	Robert M. Koczera State Representative, Eleventh Bristol District VIA MGC Comments	I am writing to urge the Gaming Commission to <b>extend the application deadline</b> for a resort casino license in Region C, Southeastern Massachusetts, to March 23, 2015. Extending the deadline would maximize the benefit to the Commonwealth by encouraging competition. Competition is key to the success of the casino law. Competition will ensure that the commission will choose the best project, thereby maximizing employment opportunities in the region and the revenue generated to the Commonwealth. An extension ensures fairness and opportunity.	An extension of the deadline in Region C would facilitate competition in the region by enabling the unsuccessful bidder in Region A to consider a site in Region C and pursue the process of making an application for the Region C license.
6/23/2014	Mary Tufts 1170 Summer Street Bridgewater, MA VIA MGC Comments	<b>Stop expanding the deadline for region C.</b>	

For Extension  
 Against Extension  
 Other Dates

**COMMENT LETTERS FOR TIME PERIOD ENDING 6/23/2014**  
**SUMMARY OF ISSUES**

<b>Date</b>	<b>Comment Letter Received From</b>	<b>Timeline Variance</b>	<b>Other</b>
6/23/2014	Cezar A. Froelich, Taft Stettinius & Hollister LLP Gaming counsel to the City of Taunton	There is nothing that has come before the Commission other than the opinion of several "experts" that could reasonably lead the Commission to conclude that the Tribe will not have its application approved by the Department. <b>On behalf of the City we respectfully request that the Commission follow the lead of the market and decline to extend the Region C RFA-2 application deadline.</b>	However, as is typically the case, such experts are no match for the market which, based on the steady progress of the Tribe in moving forward on its land in trust application, together with the existing market saturation around Region C, has concluded that a commercial casino in Region C is not economically viable. <b>That conclusion makes it highly unlikely that any extension of the Region C RF A-2 deadline will positively impact a commercial casino bidder's decision to undertake the effort and spend the money required to vie for a Region C license.</b>
6/23/2014	Michael Dutton, Town Manager for the Town of Bridgewater	<b>For reasons enumerated below, and without making any judgment concerning the political wisdom or viability of gaming generally, I encourage the MGC to approve an extension to the application deadline and to make changes to the capital contribution requirements to the extent allowed by law.</b> <b>By extending the application deadline to a future date far enough in the future, the MGC will be allowing more gaming companies to review the business potential of Region C, encouraging additional companies to submit Phase 1 applications, and generally broadening the pool of qualified applicants.</b>	I urge the Commission to make alterations either to the amount of required capital contribution or to the definition of capital contribution so that more of a developer's expenses may be considered as an offset to the threshold. By making this change, the MGC will be encouraging more competition in the southeast region which will help ensure that the best possible proposals are submitted.

For Extension  
 Against Extension  
 Other Dates

**COMMENT LETTERS FOR TIME PERIOD ENDING 6/23/2014**  
**SUMMARY OF ISSUES**

<b>Date</b>	<b>Comment Letter Received From</b>	<b>Timeline Variance</b>	<b>Other</b>
6/23/2014	Barry M. Gosin, KG New Bedford LLC	<p>A relaxation of the September 23rd date for applicants to file their completed casino applications would be reasonable. Unlike the filing of a RFA-1 application, which determines who is eligible to file a comprehensive casino application, an extension of the September 23'd date for filing completed Phase 2 applications would not be prejudicial to any applicant. As stated above, the pool of potential applicants for Region C was set as of September 30, 2013, and an extension of the date by which the comprehensive application is due would not give an advantage to any of those applicants (assuming the date chosen applied to all who are eligible). KG believes that an extension of ninety (90) days would be appropriate.</p>	<p>Allowing new applicants to late file a RFA-1 Application would be unfairly prejudicial to existing applicants.</p> <p>Including land costs and carried interest costs in the calculation of the \$500 million minimum capital investment would improve the competitive environment in Region C. With regard to the capital investment in a casino, Region C suffers certain disadvantages compared t Region A and Region B. Most notable are the potential impact of the Mashpee tribal casino in Taunton, the late start (compared to Regions A and B) for Region C competition from neighboring states, and substantially different demographics.</p> <p>Including both in the calculation of the minimum capital investment for Region C will enhance the competitive environment by making any casino investment in Region C more attractive. These costs are commonly considered to be part of project budgets and may allow an applicant to prepare a budget that takes into account the unique circumstances in Region C. In addition, it may encourage existing, qualified applicants to consider the region. These potential Region C applicants already have invested significant funds in other regions in projects that did not successfully make it through the licensing process. One way to entice these qualified applicants to consider Region C would be to include land costs and carried interest and related financing costs in the calculation of the \$500 million minimum capital investment.</p>

# TOWN OF BRIDGEWATER

OFFICE OF THE  
TOWN MANAGER

Michael M. Dutton  
Town Manager



508.697.0919  
mdutton@bridgewaterma.org

Academy Building, 66 Central Square  
Bridgewater, MA 02324

June 23, 2014

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

Via: Electronic Means Only

Re: **Massachusetts Gaming Commission's Request for Public Comment Regarding Region C to Extend the Filing Application and Expand the Definition of Capital**

Dear Chair Crosby:

I am the Town Manager for the Town of Bridgewater, an oft-discussed site for the development of a gaming facility in southeast Massachusetts, Region C.

The Massachusetts Gaming Commission (MGC) has requested comments concerning two possible changes to the Region C licensing process. First, a possible extension to the current application deadline, and second, an alteration of the capital contribution requirement for the winning applicant. For reasons enumerated below, and without making any judgment concerning the political wisdom or viability of gaming generally, I encourage the MGC to approve an extension to the application deadline and to make changes to the capital contribution requirements to the extent allowed by law. I believe these changes will help the cities and towns in Region C by improving the quality of applications.

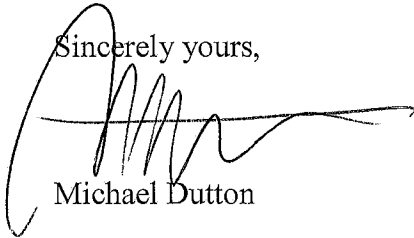
Under the current timeline the MGC has set forth, any potential gaming proposal would need to be well advanced within the region. As of today, I am unaware of any potential applicant which has developed a timeline within any southeast community which would result in a Host Community Agreement and a positive ballot vote by September 23. Whether potential applicants have been dissuaded from pursuing Region C due to possible tribal competition, or due to the awkward timing of the other Regions' license awards is largely irrelevant. More important for the Commonwealth is that the Region C license be awarded to the applicant who presents the best possible proposal. If the Town of Bridgewater is, in fact, a potential site for a gaming facility, I would hope that the voters of Bridgewater could have the opportunity to cast a vote upon a very well vetted, well developed proposal. By extending the application deadline to a future date far enough in the future, the MGC will be allowing more gaming companies to review the business potential of Region C, encouraging additional companies to submit Phase 1 applications, and generally broadening the pool of qualified applicants.

Region C is a unique region which has already been affected by the possibility of a tribal casino in Taunton. Arguably, viable applicants have been reluctant to commit to the sizable capital contribution amounts necessary to qualify for a MGC license. Potential applicants in Region C must contend with the possible competition of a tribal casino which has yet to be clearly defined, either in terms of market share, gaming opportunities, or facility size. I urge the Commission to make alterations either to the amount of required capital contribution or to the definition of capital contribution so that more of a developer's expenses may be considered as an offset to the threshold. By making this change, the MGC will be encouraging more competition in the southeast region which will help ensure that the best possible proposals are submitted.

Again, I emphasize that by making this request I am advocating for Region C, and for the voters of any city or town in the region that may be a host community. I am not making any statement concerning gaming generally.

Thank you for your considered approach to gaming in the Commonwealth and for soliciting comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Michael Dutton', with a long horizontal flourish extending to the right.

Michael Dutton

cc: Senator Marc Pacheco  
Representative Angelo D'Emilia  
Bridgewater Town Council  
Greg Guimond, Bridgewater Town Planner

**KG NEW BEDFORD LLC**  
125 Park Avenue  
New York, NY 10021

June 23, 2014

Chairman Stephen Crosby and Commissioners  
Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

***Re: Region C Timeline***

Dear Chairman Crosby and Commissioners:

KG New Bedford LLC (“KG”) is pleased to respond to the Commission’s request for comments on 1.) whether new applicants should be allowed to compete for the Region C license; 2.) whether the current RFA-2 (“Phase 2”) application deadline of September 23, 2014, should be extended; and 3.) ways to improve the competitive environment in Region C.

KG has been working persistently on a casino proposal in Region C since 2008 and has expended millions of dollars in furtherance of its efforts, including payment of the \$400,000 RFA-1 application fee to the Commission by its due date, September 30, 2013. KG’s primary business is the redevelopment of urban industrial sites to generate new jobs and economic development opportunities known in the real estate industry as “adaptive reuse.” KG has been working diligently to partner with an appropriate casino operator to bring a world class gaming facility to New Bedford on a currently unused, contaminated, industrial site. KG is very close to concluding a comprehensive partnership agreement with a casino operator and an experienced casino developer. We look forward to proceeding with the RFA-2 application process.

***Allowing new applicants to late file a RFA-1 Application would be unfairly prejudicial to existing applicants.*** The pool of potential applicants for the Region C casino is comprised of KG and potentially those Region A, Region B, and Slot-Parlor applicants who timely filed RFA-1 applications and paid the \$400,000 application fee. The filing of these Phase 1 applications by September 30, 2013 was a pre-requisite to be eligible to file a comprehensive Phase 2 casino application. Unlike the Phase 2 applications, which are site specific, Commission rules allow Phase 1 applicants to later identify a site and determine the details of their casino applications. Each of these entities followed the Commission’s rules and made business decisions based on the facts known to them at the time. Some of these decisions proved successful, others did not. But they were all made based upon the information then available, and subject to a definitive and well known set of rules, regulations and timeframes. Allowing new applicants now, who did not timely pay or take the other steps required to compete for the Region C license, would be unfair

to those applicants who filed on time. Moreover, KG points to Commission precedent that argues against allowing late filed RFA-1 applications. In January, 2013, the Commission received similar requests from three potential applicants and the Mayor of Chicopee. Each requested that it be allowed to file applications after the Commission's RFA-1 deadline. Those requests were denied. KG suggests that the Commission's procedure should be consistent and late filing of RFA-1 applications not be allowed for Region C just as they were not allowed in the other regions.

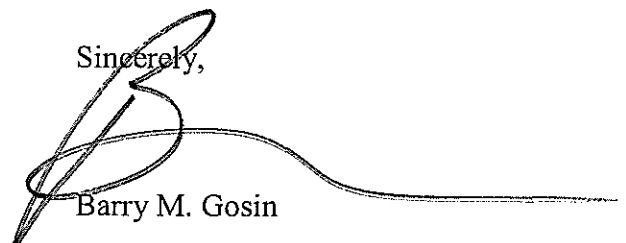
*A relaxation of the September 23<sup>rd</sup> date for applicants to file their completed casino applications would be reasonable.* Unlike the filing of a RFA-1 application, which determines who is eligible to file a comprehensive casino application, an extension of the September 23<sup>rd</sup> date for filing completed Phase 2 applications would not be prejudicial to any applicant. As stated above, the pool of potential applicants for Region C was set as of September 30, 2013, and an extension of the date by which the comprehensive application is due would not give an advantage to any of those applicants (assuming the date chosen applied to all who are eligible). KG believes that an extension of ninety (90) days would be appropriate.

*Including land costs and carried interest costs in the calculation of the \$500 million minimum capital investment would improve the competitive environment in Region C.* With regard to the capital investment in a casino, Region C suffers certain disadvantages compared to Region A and Region B. Most notable are the potential impact of the Mashpee tribal casino in Taunton, the late start (compared to Regions A and B) for Region C competition from neighboring states, and substantially different demographics.

Present Commission regulations exclude “[c]osts associated with the purchase or lease or optioning of land where the gaming establishment will be located ...” 205 CMR 122.04 (1), and “[c]arried interest costs and other associated financing costs.” 205 CMR 122.04 (3). Including both in the calculation of the minimum capital investment for Region C will enhance the competitive environment by making any casino investment in Region C more attractive. These costs are commonly considered to be part of project budgets and may allow an applicant to prepare a budget that takes into account the unique circumstances in Region C. In addition, it may encourage existing, qualified applicants to consider the region. These potential Region C applicants already have invested significant funds in other regions in projects that did not successfully make it through the licensing process. One way to entice these qualified applicants to consider Region C would be to include land costs and carried interest and related financing costs in the calculation of the \$500 million minimum capital investment.

Thank you for the opportunity to submit these comments. I look forward to working with the Commission through the Phase 2 application process.

Sincerely,

A handwritten signature in black ink, appearing to be 'Barry M. Gosin', with a long horizontal line extending to the right from the end of the signature.

Barry M. Gosin

**Cezar M. Froelich**

Direct Dial: (312) 836-4002  
Direct Facsimile: (312) 527-9897  
E-mail: cfroelich@taftlaw.com

Shefsky has joined  
**& Froelich Taft/**  
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www.taftlaw.com

6/23/2014 10:00

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June 23, 2014

**VIA FACSIMILE**

Mr. Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

**Re: *Region C Timeline***

Dear Chairman Crosby:

We are gaming counsel to the City of Taunton, Massachusetts (the "City") and are writing to you on its behalf in connection with the Region C timeline on which you have requested public comment.

Fifteen months ago Mayor Tom Hoyer had the opportunity to deliver his remarks to the Massachusetts Gaming Commission during a public session at which he expressed his objection to the Commission's proposal to open Region C to commercial casino bidders. The purpose of this letter is not to rehash those objections. However, in the Mayor's remarks he questioned whether any casino bidder would be willing to submit a proposal for a casino in Region C while the Tribe is continuing with its land in trust process. The fact that the Commission is considering a second extension to its Region C RFA-2 application deadline confirms Mayor Hoyer's original skepticism as to the viability of a commercial casino in Region C.

In deciding to open Region C to commercial casino bidders, the Commission took testimony from various experts, many of whom assured the Commission that the Mashpee Wampanoag Tribe (the "Tribe") would never be successful in its quest to improve the lives of its tribal members through the development of its "First Light" casino project in the City. However, as is typically the case, such experts are no match for the market which, based on the steady progress of the Tribe in moving forward on its land in trust application, together with the existing market saturation around Region C, has concluded that a commercial casino in Region C is not economically viable. That conclusion makes it highly unlikely that any extension of the Region C RFA-2 deadline will



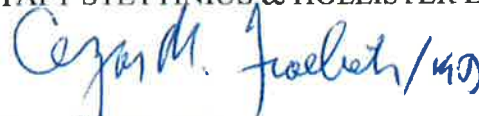
Mr. Stephen Crosby  
Massachusetts Gaming Commission  
June 23, 2014  
Page 2

positively impact a commercial casino bidder's decision to undertake the effort and spend the money required to vie for a Region C license.

The winds are squarely behind the Tribe's efforts to have its land in trust efforts approved. The City is greatly encouraged by the recent legal opinion issued by the Solicitor for the U.S. Department of the Interior clarifying the Department's position on the Carcieri decision. There is nothing that has come before the Commission other than the opinion of several "experts" that could reasonably lead the Commission to conclude that the Tribe will not have its application approved by the Department. On behalf of the City we respectfully request that the Commission follow the lead of the market and decline to extend the Region C RFA-2 application deadline.

Very truly yours,

TAFT STETTINIUS & HOLLISTER LLP

A handwritten signature in blue ink that reads "Cezar M. Froelich / 40".

Cezar M. Froelich

CMF:dja/1293082\_1

cc: Mayor Tom Hoyer  
Jason D. Buffington, Esq.

## Thurlow, Mary (MGC)

---

**From:** Bresilla, Colette (MGC) on behalf of MGCcomments (MGC)  
**Sent:** Monday, June 23, 2014 12:13 PM  
**To:** Ziemba, John S (MGC)  
**Cc:** Thurlow, Mary (MGC)  
**Subject:** FW: Region C Timeline

Hi John,

FYI.

Thank you,

Colette Bresilla

*Receptionist*

Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8493 | FAX 617-725-0258

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

follow us on



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**From:** Mary Tufts [mailto:ndlissummer@comcast.net]  
**Sent:** Monday, June 23, 2014 12:10 PM  
**To:** MGCcomments (MGC)  
**Subject:** Region C Timeline

Below are my comments regarding the Region C schedule:

To the Massachusetts Gaming Commission,

The unthinkable has happened.

A casino has shut its doors in Mississippi. A struggling billion dollar casino in Atlantic City received millions in taxpayer incentives, only to go bankrupt earlier this month. Most of New Jersey's casinos have filed for bankruptcy. Delaware has proposed lowering taxes on and bailing out its casinos, and has added sports betting to prevent to prevent layoffs.

Pennsylvania has efficiently carpet bombed the Northeast with 11 casinos since 2006. Maryland legalized casinos in 2008, Massachusetts in 2011, and New York voted to expand gambling last year.

All in all, 26 casinos have been built in the Northeast since 2004, with proposals for seemingly more every day.

The repercussions of this building boom are now being felt here in New England. Both Connecticut casinos have eliminated thousands of jobs in recent years, and Foxwoods recently closed one of its gaming floors, ironically named "The Rainmaker Casino". Rhode Island added table games at Twin River, and investors hope to upgrade Newport Grand with more slots and table games to better compete with Massachusetts.

Meanwhile, gambling revenues are down all over the country.

And the threat of Internet gambling looms on the horizon.

They say that Albert Einstein defined insanity as doing the same thing over and over again and expecting a different result. But it doesn't take a genius to understand that a pie can only be sliced so thin before it starts to fall apart.

The gambling market has become so saturated that the lucrative returns assumed and promised back when Massachusetts began debating legalized gambling are never going to be realized.

Turns out the gambling industry is not a golden goose. It has limitations like every other competitive industry.

I've heard both the Governor and MGC Chairman Crosby state that the gambling law doesn't necessarily require that Massachusetts build three casinos and a slots parlor. If so, then why does the MGC continue to push for that very number? And why in Region C - already so close to the Connecticut and Rhode Island casinos and Plainville slots parlor, with a tribal casino still on the table, and other proposals on the table in the not-very-far-off Boston area.

Especially troubling is that the MGC appears to be wooing developers to the region. *Is that really the job of a regulator?*

If developers aren't anxious to expand here, perhaps they have a good reason.

Why does it appear that the Gambling Industry continually receives concessions from both lawmakers and regulators?

In 2007 Middleboro voted to approve an agreement for a tribal casino, but in a separate vote, voted that they didn't want a casino at all. But the board of selectmen happily signed the agreement anyway and within a month the tribe's chairman would be in jail.

The Governor repeatedly refused to meet with regional casino task forces that represented millions of Massachusetts citizens, but met frequently with the tribe and various casino lobbyists.

For years, Massachusetts citizens would sign in FIRST to speak at legislative hearings, only to be kept waiting for hours, all day or into the night to speak, well after the press had left. At one hearing where I had signed in first, I watched as gambling lobbyists were given the floor earlier and allowed unlimited time to speak, while I was gavelled to silence as soon as my three minutes were up.

Because of casinos, I have personally created web sites, written newsletters, traveled across the state, held signs, attended meetings, testified before committees, maintained databases, protested,

maintained a blog, created videos, struggled with Federal Indian law, wrote to my elected officials, survived threats, educated voters, collected signatures and have repeatedly squared both politicians and the press. For over seven years.

There are no casino proponents, nobody clicking on a poll or answering a survey, no editorial board, anonymous commenter, casino owner, gambling lobbyist or gaming 'expert', who has maintained the passion and perseverance that I, and my colleagues around the state have demonstrated and continue to demonstrate on this issue.

And yet, we can't get a fair shake. Our voices aren't counted. Everything is always done for the sake, and the ultimate benefit of the industry. And the powers that be shake their heads in wonder at why the general public has lost faith in them.

Why is it important to me that you do not extend the deadline in region C?

In 2007 an old friend from Middleboro asked me to come to a meeting about a casino proposed near his home. He would become part of the opposition movement there, but soon had to step back. I was later told that the stress of the casino fight has sent him to the hospital on a couple of occasions.

And that's what it's like.

While I realized you hear differently from proponents and gambling industry insiders, for many of us, the thought of a casino near one's home or business, fighting billionaires, pleading with tone-deaf politicians and dealing those who believe a casino is their personal pot at the end of the rainbow can be an incredibly taxing, financially draining and emotionally devastating experience. And I know because since the casino scare in Middleboro near my home, my own town has seen it's own never-ending share of casino proposals, and proposal in towns nearby.

I am surrounded.

When does it end?

For many of us who don't live in the affluent cities and towns that *will never see a casino proposal*, it is more than our property values at stake. It is the life we choose to live, the values we share, our quality of life and the place we raise our children.

Please stop giving the gambling industry more chances to divide our communities, turn neighbor against neighbor, feed into low expectations, and force surrounding towns to beg at the trough for handouts.

Stop expanding the deadline for region C.

Sincerely,  
Mary Tufts  
1170 Summer Street  
Bridgewater, MA

June 23, 2015

Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> Floor  
Boston, MA 02109

I am writing to urge the Gaming Commission to extend the application deadline for a resort casino license in Region C, Southeastern Massachusetts, to March 23, 2015.

Extending the deadline would maximize the benefit to the Commonwealth by encouraging competition. Competition is key to the success of the casino law. Competition will ensure that the commission will choose the best project, thereby maximizing employment opportunities in the region and the revenue generated to the Commonwealth. An extension ensures fairness and opportunity.

Region C has been disadvantaged compared to other regions because of the one-time preference given for a federally recognized Massachusetts tribe to obtain land in trust by the federal government. The Commission made the right decision in pursuing a commercial license for Region C. However, interest in Region C was diminished. Since licenses for Regions A and B have not yet been awarded it is in the best interest of the Commonwealth to extend to next year the Region C deadline to provide sufficient time for qualified bidders to select a site and undertake the process in Region C.

An extension of the deadline in Region C would facilitate competition in the region by enabling the unsuccessful bidder in Region A to consider a site in Region C and pursue the process of making an application for the Region C license.

Finally the casino legislation was passed by the legislature to provide employment opportunities throughout the state as well as generate revenue for the commonwealth, an extension would further the intent of the law and the Commission's mandate to encourage competition to ensure the best deal for the state.

I strongly urge the Commission to extend the deadline for the Region C resort casino license.

**Robert M. Koczera**  
*State Representative*  
*Eleventh Bristol District*

6/20/2014 ✓



Mr. Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> Floor  
Boston, MA 02109

Subject: Region C Schedule Extension

Dear Mr. Crosby:

In light of the Massachusetts Gaming Commission's comments regarding the possibility of extending the Region C gaming application deadline to March 2015, please accept this letter in support of such an extension noting the City of Fall River anticipates the ability to meet the proposed deadline. With regard to the potential of lowering the Region C application fee and/or lowering the minimum \$500 million destination resort development requirement, please be advised that we believe it is important that the minimum \$500 million development requirement be maintained. However, we will be opened to reducing the Region C application fee as a means to attract additional development teams.

We fully understand that Region C, by virtue of the potential establishment of an Indian gaming facility, is different and more complex than Regions A & B. However, despite these challenges and complexities we believe it is important to maintain a minimum \$500 million destination resort construction requirement so as to ensure the quality of a Region C facility is comparable to that of Regions A & B. To the extent that the Massachusetts Gaming Commission wishes to think outside the box to attract additional casino developers, it may be prudent to seek legislative relief with regard to the overall tax structure as it pertains to Region C gaming in the event that the Wampanoag Tribe is able to take land into trust for gaming purposes. To the extent that you believe this approach has any merit, we would be happy to convene a meeting of the Region C legislature to determine their appetite for such a measure.

Thank you for your time and attention in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Kenneth Fiola, Jr., Esq.  
Executive Vice President

One Government Center, Fall River, Massachusetts 02722-7700  
508.324.2620  
508.675.1497  
Fax: 508.677.2840

## Thurlow, Mary (MGC)

---

**From:** Ziemba, John S (MGC)  
**Sent:** Friday, June 20, 2014 3:59 PM  
**To:** Crosby, Steve (MGC); Cameron, Gayle (MGC); McHugh, James (MGC); Stebbins, Bruce (MGC); Enrique Zuniga; Day, Rick (MGC); Blue, Catherine (MGC); Wells, Karen (MGC)  
**Subject:** Fwd: Region C Schedule Extension  
**Attachments:** Region C Schedule Extension.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Kenfiolajr" <[kenfiolajr@aol.com](mailto:kenfiolajr@aol.com)>  
**To:** "Ziemba, John S (MGC)" <[John.S.Ziemba@MassMail.State.MA.US](mailto:John.S.Ziemba@MassMail.State.MA.US)>  
**Subject: Region C Schedule Extension**

Attached please find a letter to Stephen Crosby regarding the Region C schedule extension. If you have any questions or would like to discuss the matter further, please do not hesitate to contact me.

Best,

Kenneth Fiola, Jr. Esq.  
Executive Vice President  
Fall River Office of Economic Development  
508-965-4942 (c)  
508-324-2620 (o)  
508-677-2840 (f)

## Thurlow, Mary (MGC)

---

**From:** Bresilla, Colette (MGC) on behalf of MGCcomments (MGC)  
**Sent:** Friday, June 20, 2014 1:23 PM  
**To:** Ziemba, John S (MGC)  
**Cc:** Thurlow, Mary (MGC)  
**Subject:** FW: Extending RFA 2 for region C

Hi John,

FYI.

Thank you,

Colette Bresilla  
*Receptionist*

Massachusetts Gaming Commission  
84 State Street 10th Floor  
Boston, MA 02109  
TEL 617-979-8493 | FAX 617-725-0258  
[www.massgaming.com](http://www.massgaming.com)

follow us on



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**From:** Timothy McManus [<mailto:badge17@comcast.net>]  
**Sent:** Friday, June 20, 2014 12:49 PM  
**To:** MGCcomments (MGC)  
**Subject:** Extending RFA 2 for region C

Yes extend the deadline: Two reasons it would increase competition allowing for more favorable agreements to be negotiated with the communities involved. Secondly it would allow for the losing casino operator from region A to possibly submit an application saving time and money on vetting them. I believe that the initial fees and application cost should be reduced in Region C for the applicant who is effected by this change. If the loser in Region A were to apply there cost should also be drastically reduced in a new application request or waived entirely.





**KOPELMAN AND PAIGE, P.C.**  
*The Leader in Municipal Law*

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

June 20, 2014

**Jonathan M. Silverstein**  
jsilverstein@k-plaw.com

BY ELECTRONIC MAIL  
AND BY FIRST CLASS MAIL

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

Re: City of New Bedford Comments on Region C Timeline

Dear Chairman Crosby and Members of the Commission:

Please accept this letter as the response of the City of New Bedford (“City”) to the Commission’s request for public comment on whether the Commission should “extend its current September 23, 2014 Region C RFA-2 application date.” Reference is made to the City’s prior comment letter on this subject, dated March 17, 2014. The City suggests that the RFA-2 deadline for Region C should be extended to enable current applicants additional time to negotiate agreements with host communities and to allow the required referendum election to be held at the general election on November 4, 2014.

The City continues to have productive discussions with applicants interested in developing a category 1 gaming facility in the City. However, due to the complexity of these discussions and the procedures requirements to support such a project, the City again submits that a short extension of the RFA-2 deadline is necessary and would allow the City to reach agreement with an applicant and for that applicant to submit a compelling phase 2 application to the Commission.

Importantly, extending the deadline to a date subsequent to November 14, 2014 would also permit host communities, if they so chose, to hold their referendum elections during the November 4 general election (since votes in cities may not be certified until 10 days after an election). This would maximize voter participation in an issue of significant public interest.


Extending the deadline to a date in November of this year will not significantly delay award of a category 1 license in Region C. However, the City respectfully urges the Commission not to continue the deadline four additional months, to March of next year. A critical factor in attracting strong and economically viable proposals for Region C is the potential for a commercial casino to be developed as soon as possible and prior to the potential development of a tribal gaming facility in Taunton. Opening the process to new phase 1 applicants and/or extending the phase 2 deadline beyond this year could threaten the commercial viability of Region C.

**KOPELMAN AND PAIGE, P.C.**

Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
June 20, 2014  
Page 2

With minor adjustments to the Region C schedule to allow potential host communities to vote on gaming establishment proposals up through the November 4, 2014 election, the competitive environment in Region C would be significantly enhanced, without substantially delaying the Commission's review of applications or potential award of a Category 1 license for the region. The City urges the Commission to take this modest but effective step to further the goals of the Expanded Gaming Act and the interests of the people of the City, Region C and the Commonwealth.

Thank you for your consideration. Please do not hesitate to contact me if I or the City can provide any further information regarding this matter.

Very truly yours, (CR4-6/20/14)  
  
Jonathan M. Silverstein

JMS/jam  
cc: Hon. Jonathan F. Mitchell

493894/20112/0003

Walter J. Sullivan, Jr.  
wsullivan@preti.com  
Direct Dial: (617) 226-3882

June 19, 2014

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

**Re: Clairvest Group Inc. and Claremont Companies, Inc. Response to Massachusetts Gaming Commission's Request for Public Comment Regarding Region C - Allow New Applicants to Compete - Extend the Filing of the RFA-2 Application to March, 2015 - Expand the Definition of Capital Expenditure to Ensure Competitiveness in Region C**

Dear Chair Crosby:

Clairvest Group Inc. ("Clairvest") and Claremont Companies, Inc. ("Claremont"), collectively "The Group," submits this response to the Commission's request for public comment regarding Region C.

Clairvest is a Canadian-based private equity management firm that was founded in 1987. It invests its capital and capital from private equity funds in entrepreneurial corporations, and manages approximately \$1.4 billion. To date, Clairvest has made investments in 38 different companies, and has been invested in 20 individual gaming establishments in the jurisdictions of British Columbia, Alberta, New Brunswick, Indiana, New Jersey, Illinois and three provinces in the country of Chile. It has the capital and expertise required to build a first class resort-casino in Massachusetts.

Claremont is a privately owned real estate company headquartered in Bridgewater, Ma. During its 46 year history Claremont has invested, developed and managed luxury apartments, hotels, retail and office properties nationwide. Together with Clairvest it has the development expertise to build a first class destination resort casino.

**A. ALLOW NEW APPLICANTS TO COMPETE FOR THE REGION C RESORT-CASINO LICENSE**

As we stated in our previous letter to the Commission, the Group had planned, together with an approved applicant, to submit a Phase 2 application for the Region C license to build a resort-casino in Bridgewater, Massachusetts, at the intersection of two major highways, Route 24 and Interstate Route 495. However, based on the Commission's recent decision regarding the variance request with respect to capital investment, the applicant decided not to compete for the category 1 license for Region C. The Group wants to compete for the resort-casino license, as

Stephen Crosby, Chair  
Massachusetts Gaming Commission  
June 19, 2014  
Page 2

it has the resources and what it believes to be the best location to make the development a success.

The Group believes there currently are no viable applicants for a casino license in Region C to whom the Commission could award a resort-casino license. The Commission is given the authority not to award a license in a region, "if the commission is not convinced that there is an applicant that both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is proposed to be located and to the commonwealth, no gaming license shall be awarded in that region." M.G.L. c. 23K, sec. 19. Further, to ensure that the Commission is convinced in the awarding of a resort-casino in Region C, the Commission, as it as previously said, needs competition. As such, to ensure competition and be convinced that awarding a resort-casino in Region C in beneficial to the region and the Commonwealth, the Group requests that the Commission exercises its authority and re-release phase 1 application for Region C.

**B. EXTEND THE FILING DATE FOR THE RFA-2 FOR REGION C TO MARCH, 2015**

The Group requests that, along with opening Region C to new applicants, it extend the filing of the RFA-2 until March, 2015. If the Commission is to open Region C to new applicants, it must first issue an RFA-1, giving enough notice to potential applicants that the Region C has been reopened and for a potential applicant time to submit the application, which process may take two months to complete. The Commission must then give the IEB time to investigate the applicant and its qualifiers and make a recommendation to the Commission that the applicant and its qualifiers are suitable to hold a resort-casino in Massachusetts. Thereafter, the Commission may hold an adjudicatory hearing to make a determination that the applicant and its qualifiers are qualified to hold a resort-casino license in Massachusetts. This process would bring the Commission to the end of November, 2014.

Using March 20, 2015 as the submission date for filing the RFA-2 application, the election would have to be held no later than March 10, 2015. The Expanded Gaming Act requires a certified vote be filed with RFA-2 application. The town/city clerk can not certify the election until 10 days after the election.

The Expanded Gaming Act requires that the city or town hold an election regarding the executed host community agreement and the location of the proposed resort-casino not more than ninety days or less than sixty days after the request for an election by the applicant. For the sixty days, depending whether the city or town held its election on a Saturday or a Tuesday, would require the applicant to make said request on January 7th or the 9th, 2015. If the request were to be made ninety days out, the request would have to be made on December 8th or 10th, 2014.

PRETI FLAHERTY

Stephen Crosby, Chair  
Massachusetts Gaming Commission  
June 19, 2014  
Page 3

Based on the aforementioned timeline, the Group believes that a March date is reasonable in order to meet the requirements outlined in the Expanded Gaming Act and the Commission's regulations.

**C. EXPAND THE DEFINITION OF CAPITAL EXPENDITURE TO ENUSRE COMPETITION**

As the Commission is aware, Mass Gaming & Entertainment filed a request for a variance, requesting that 4 items that the Commission has excluded as capital expenditures be included as capital expenditures. The request related to subparts 1, 2, 3, and 4 in 205 CMR 122.4. The reasons for the request are stated in a letter submitted by Attorney Donnelly on behalf of Mass Gaming & Entertainment that is attached hereto as "Exhibit A" and incorporated herein by reference. The Commission only approved one of the requests, subparagraph 4, for a variance that allows the applicant to count costs associated with designing, improving or constructing the infrastructure outside the boundaries of the gaming establishment. Due to the Commission's ruling with regards to the variance, Mass Gaming & Entertainment made the decision to no longer compete for the Region C resort-casino license. The Group believes that including the other requested variances would significantly increase competition for this region, as it would reduce the required capital investment for this license and make the investment in the region more appealing to investors and operators. As stated in the letter by Mass Gaming & Entertainment, Region C carries with it a unique risk that is not present in the other regions. Specifically, the risk that a tribal casino may open in Region C at some point in the future requires that Region C applicants consider the possibility of another full resort casino in their region, a casino with the major competitive advantage of paying no gaming taxes. While no one knows whether a tribal casino will ever be built, Region C applicants must still take the potential impact from such a significant increase in competition into account when determining an appropriate capital budget for Region C. As such, we strongly believe it is appropriate for Region C to have a lower required capital expenditures than the other regions, and that lowering the required capital expenditure by including subparts 1, 2, and 3 in 205 CMR 122.4 in the variance request would significantly entice more competition for the region.

Thank you for your consideration of this request. If you have any questions or concerns regarding the request, please do not hesitate to contact me. The Group is planning on attending the Commission meeting on June 26, 2014, to answer any questions that the Commission may have regarding the aforementioned comments.

Sincerely,



Walter J. Sullivan, Jr.

WJS/dc  
Enclosure

**DONNELLY CLARK** attorneys at law

Donnelly & Clark, a professional LLC

March 14, 2014

Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> Floor  
Boston, MA 02109

Dear Massachusetts Gaming Commission,

On behalf of Mass Gaming & Entertainment, LLC, we respectfully submit the following as my client considers its interest in pursuing the Category 1 license in Region C:

- 1) A request for a variance from regulation 205 CMR 122, pursuant to 205 CMR 102.3(4); and
- 2) Comments on the Region C application timeline.

Chapter 23k of An Act Establishing Expanded Gaming in the Commonwealth, Chapter 194 of the Acts of 2011 (the "Act") is fundamentally designed to obtain the greatest possible benefits from licensing gaming establishments in the Commonwealth by selecting successful applicants through a competitive selection process. Further, Chapter 23k, Section 1(10) states that the Commission's authority shall be construed broadly to implement Chapter 23k. Adopting the requested variance and adjustment of the application timeline will advance the purposes of Chapter 23k by 1) encouraging competition for the Category 1 license in Region C and 2) promoting the sustainable financial viability of the Region C gaming establishment.

**Part 1: Request for a Variance from Regulation 205 CMR 122**

We are requesting a variance from the Commission's regulation (which would apply to all applicants for a Category 1 license in Region C) concerning how the amount of capital investment is calculated. We believe that certain items excluded from the calculation pursuant to 205 CMR 122.04 should be included to be consistent with industry norm for what would count towards a project budget and to right-size the investment for the size and risks of the Region C market. Our specific request is explained further at the end of this Part 1.

**Background:**

Section 10(a) of the Act reads in part:

*Section 10. (a) The commission shall set the minimum capital investment for a category 1 license; provided, however, that a gaming licensee shall make a capital investment of not less than \$500,000,000 into the gaming establishment which shall include, but not be limited to, a gaming area, at least 1 hotel and other amenities as proposed in the application for a category 1 license; and provided further, that the commission shall determine whether it will include the purchase or lease price of the land where the gaming establishment will be*

*located or any infrastructure designed to support the site including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues...*

The recited section of the Act calls for a minimum capital investment of \$500 million and permits the Commission to determine whether the cost of land and certain infrastructure improvements will be included in the calculation of the capital investment. Pursuant to 205 CMR 122.04(1) and (4), the Commission has excluded land and off-site infrastructure costs from this calculation. Further, pursuant to the rest of 205 CMR 122.04, the Commission additionally has excluded several other legitimate, and significant, out-of-pocket project costs from this calculation that commonly are considered as part of a project budget, including by lenders for financing purposes.

We have put together a legitimate out-of-pocket project budget of approximately \$700 million, which is well in excess of the \$500 million requirement, but which does not meet the minimum capital investment as limited under 205 CMR 122. Only approximately \$375 - \$400 million of our current preliminary project budget would count towards the minimum capital investment pursuant to 205 CMR 122.

Consequently, although my client is prepared to spend substantially over \$500 million, as required by the Act, in order to satisfy 205 CMR 122, if it were to participate in Region C, it would be forced to spend more than what it believes the Region C gaming establishment can support. Therefore, under the current regulation without a variance, my client likely would decide to not compete for the Category 1 license in Region C because such a high expenditure would not be a financially prudent business decision based on the gaming market in Region C.

Importantly, the Act does not require the calculation of the capital investment to exclude items excluded under 205 CMR 122. The Act explicitly discusses land and certain infrastructure improvements, and gives the Commission the discretion to include or exclude such costs. Further, by omission, the Act does not contemplate the exclusion of certain other legitimate and significant project costs excluded under 205 CMR 122.04.

**Rationale:**

We respectfully provide the following rationales for this requested variance from regulation 205 CMR 122, which rationales correspond to the requirements in 205 CMR 102.3(4) for granting a variance:

**1. Granting the variance is consistent with the purposes of M.G.L. c. 23k.**

Adopting the requested variance will further the purposes of Chapter 23k by a) encouraging competition for the Category 1 license in Region C and b) promoting the sustainable financial viability of the Region C gaming establishment.

Potential applicants interested in Region C, after understanding the consequences of 205 CMR 122, may determine that the required capital investment under the regulation (which exceeds what the Act requires) is too burdensome and carries too much risk, and

therefore, elect to not pursue the Region C license.

Region C poses unique risks, which the applicants for the Category 1 licenses in Regions A and B do not face. Specifically:

- a. Most importantly, a tribal casino may open in Region C, making the Region C applicants the only ones that need to consider the possibility of another full resort casino in their region. Further, the tribal casino would not pay gaming taxes, so it would have a major competitive advantage by having the ability to spend significantly more on marketing and promotions to acquire and retain customers. In addition, a tribal casino would operate under a different set of operating standards and potentially conduct Internet gaming even though commercial operators could not. Although no one knows when a tribal casino will be built, if ever, Region C applicants must take the possible impact on their operations from a tribal casino into account when determining an appropriate capital budget for Region C.
- b. Due to the substantial competition around Region C, the Region C licensee likely will face a smaller market than the licensees in Regions A and B, even before a potential tribal casino opens. The Category 2 licensed facility will be located at Plainridge Racetrack, in very close proximity to Region C. Further, Twin River Casino and Newport Grand Slots in Rhode Island are much closer to Region C than the other regions.<sup>1</sup>

Consequently, the Region C licensee rationally cannot spend as much as the other Category 1 licensees. Overbuilding, or building more for the sake of building more (even if the market does not justify the supply), leads to underutilization and financial distress, which both the Region C licensee and Commonwealth should want to avoid.

**2. Granting the variance will not interfere with the ability of the Commission or the Bureau to fulfill its duties.**

A number of the excluded costs in 205 CMR 122.04, such as land, pre-opening interest expenditure, off-site infrastructure improvements, and upfront mitigation costs are legitimate project costs, which a casino developer or any other type of commercial developer would consider project costs.

Further, with a project budget of over \$500 million, Mass Gaming & Entertainment, LLC can develop, and intends to develop, a world-class gaming destination. It can still deliver the “wow factor”, but it needs to fit the size of the project to the size and risks of the market.

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<sup>1</sup> The Mohegan Sun and Foxwoods casinos in Connecticut are approximately the same distance to Springfield as to the potential Region C locations.



A first-class development which is financially responsible not only allows the Commission to fulfill its duties but helps it to do so. The requested variance would not interfere with the Commission or the Bureau in doing their duties with respect to reviewing the Phase 2 applications and awarding the Category 1 license in Region C to a deserving applicant and project which will be an asset for the region.

3. **Granting the variance will not adversely affect the public interest.**

Granting the variance will not adversely affect the public interest. Conversely, not granting the variance would adversely affect the public interest, especially for the public and communities located in Region C. The region needs economic development, including a catalyst for further employment and tourism, and a truly competitive process to award the Category 1 license in Region C will support those objectives by encouraging better proposals. Furthermore, forcing the licensee in Region C to spend more in capital investment than what the Region may be able to justify puts the financial viability of the gaming establishment at risk, when the sustainable financial health of the gaming establishment will be best for the Region C economy. The Act finds and declares that these are truly important aspects of the Act.

4. **Not granting the variance would cause substantial hardship to the person requesting the variance.**

Not granting the variance would cause substantial hardship since it will discourage Mass Gaming & Entertainment, LLC (and likely other potential applicants) from pursuing the Region C license. To require applicants to spend more than what Region C can support in light of the region's unique risks and competitive dynamics creates a hardship.

For the reasons provided above, we believe that the requirements to grant a variance are satisfied and granting the variance would benefit the Commonwealth.

**Request:**

We request a variance from regulation 205 CMR 122 (to apply to all applicants for a Category 1 license in Region C) such that subparts 1, 2, 3, and 4 in 205 CMR 122.04 are included in the calculation of the capital investment.

We are not requesting that the other subparts of 205 CMR 122.04 be included in the calculation of the capital investment, even though most or all of such costs would generally be accepted as part of a project budget, including by lenders for financing purposes, and all require invested capital.

Part 2: Comments on the Region C Application Timeline

Although it is difficult at this stage to assess the amount of time that will be necessary for applicants in Region C to be ready to submit their RFA-2 applications, we propose a revised RFA-2 application deadline of December 31, 2014, subject to our variance request being resolved by March 31, 2014, which will attract more eligible Phase 1 approved applicants to consider bidding for the Region C license.

Considerable time will be necessary for applicants to complete the following tasks in a thoughtful and comprehensive manner:

1. Negotiate and enter into a host community agreement, and subsequently, for the host community to conduct a public referendum;
2. Negotiate and enter into surrounding community agreements;
3. Obtain zoning approvals;
4. As part of the MEPA process, prepare an Environmental Notification Form (ENF) and receive a scoping certificate from the Executive Office of Energy and Environmental Affairs after a period of public comment; and
5. Prepare the RFA-2 application, which is very comprehensive.

Further, in the event any of the applicants have additional qualifiers in connection with their application in Region C, the Commission will need time to investigate those parties.

We sincerely appreciate your consideration of our variance request and comments on the timeline.

Sincerely,

*/s/ John M. Donnelly*

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John Donnelly

Donnelly Clark

On behalf of Mass Gaming & Entertainment, LLC

## Thurlow, Mary (MGC)

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**From:** Dan Rourke <dan\_rourke@yahoo.com>  
**Sent:** Tuesday, June 17, 2014 2:14 AM  
**To:** MGCcomments (MGC)  
**Subject:** Region C timeline

This email was forwarded to John Z. and copied Mary.

Folks,

It is absurd to believe that the federal government will place the land in trust for the Taunton location. If so, it could take years after all the appeals.

So yes, allow for additional bidders with a deadline of 3/1/15.

Thank you,  
Dan Rourke

## Thurlow, Mary (MGC)

---

**From:** Robillardpn <robillardpn@aol.com>  
**Sent:** Monday, June 16, 2014 2:35 PM  
**To:** MGCcomments (MGC)  
**Subject:** Timeframe Region C

This email was forwarded to John Z. and copied Mary.

1. Southeastern Mass has waited long enough. We need the jobs and need them without further delay.
2. Keep the current deadline but ask the gaming industry for some preliminary interest at less than current commitments require.  
This would be a test of the water to determine if there is any interest. You may find that no one (or perhaps very few) want to take the chance of the Tribe finally getting approval and therefore the competitive consequences. Perhaps do as New York is doing, require a large deposit, perhaps \$10 million fully refundable, as a good faith show of interest. Casino developers can easily and quickly make that kind of decision. Refund the deposit if they do not move forward.
3. I see no advantage of waiting any longer when you already have three competitors for the region.

Paul Robillard

## Thurlow, Mary (MGC)

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**From:** jbk163@comcast.net  
**Sent:** Thursday, April 03, 2014 9:20 AM  
**To:** MGCcomments (MGC)  
**Subject:** COMMISSION: URGENT!!!!!! Comment on License extension for casino in Region C

To Whom It My Concern,

I am a resident of Region C and I am writing to please ask the MGC to extend the gaming license deadline so that New Bedford may get their fair chance at a casino. KG Urban Enterprise has located a site for the casino in New Bedford and it is in a very good spot for both the city and tourists, if it could go forward it would generate quite a bit if revenue for both the city and the state of Massachusetts. It has come to the people's knowledge today that Fall River's Mayor, Will Flanagan, does not want the extension to be allowed so that Fall River has the only bid. To me, that is a bully! He has NO right to try and persuade MGC to deny New Bedford the same economic oppurtunities that he wants Fall River to have. Furthermore, New Bedford's proposed location is in an appropriate spot and the infrastructure New Bedford has will support this casino unlike Fall River's proposed site which is right in back of a large elementary school and right in the middle of a tight residential section with very limited infrastructure to support additional traffic. Please, please consider my comment in your decision today.

Sincerely,  
Lori Mello

## Thurlow, Mary (MGC)

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**From:** MGC Website <website@massgaming.com>  
**Sent:** Tuesday, March 25, 2014 9:47 PM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### Name

CJ Ferry

### Email

[cj.ferry@comcast.net](mailto:cj.ferry@comcast.net)

### Phone

(508)646-9026

### Subject

Extension of Region C Deadline

### Questions or Comments

I wish to express my opinion that the Massachusetts Gaming Commission should extend the deadline for the Region C applications.

Whereas, the State may have a referendum question on abolishing gambling and whereas an uncertainty still exists with the new guidelines that the BIA must apply based upon Executive Orders or directions of th President.

Such an extension would provide all parties in the Southeastern Massachusetts Region C the opportunities to see where the cards may lay. (No Pun)

In complete disclosure, I am a resident of Fall River and we are already seeing the proposed plan by Massachusetts Crossroads LLC be cut by 25 - 50% at this time and their commitment to the proposed project is tenuous at best.

Please feel free to contact me at my email or phone number (508) 646-9026

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 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; and persons 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 or at any place where the subject records are maintained, 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,

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

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)





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June 16, 2014

**Sent by Email to mgccomments@state.ma.us**

Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, MA 02109

Re: Mohegan Sun Massachusetts, LLC's Comments on the Draft Surveillance Regulations, 205 CMR 141.00, and Monitoring and Inspections Regulations, 205 CMR 142.00

Dear Chairman Crosby and Commissioners:

On behalf of Mohegan Sun Massachusetts, LLC ("Mohegan Sun"), thank you for the opportunity to provide comments on the Massachusetts Gaming Commission's Draft Surveillance Regulations, 205 CMR 141.00, and Draft Monitoring and Inspections Regulations, 205 CMR 142.00 (the "Regulations"). Mohegan Sun has commented on a variety of the Commission's proposals and once again welcomes the opportunity to share its thoughts on the Commission's implementation of the Expanded Gaming Act. It is our understanding that a public hearing on the above sections has not yet been scheduled. We would be happy to participate in that hearing or otherwise provide additional comment if there are any observations here for which the Commission would like more information or explanation. We are also commenting under separate cover on the regulations (205 CMR 135.00, 143.00, 144.00, 145.00 101.00, 115.00 and 116.00) which are scheduled for public hearing on June 17, 2014.

Mohegan Sun supports the Commission's needs for ready and prompt access to licensees' surveillance systems, records and monitoring of compliance, and audit and internal control mechanisms reflected in the Regulations, but has some concerns about particular provisions, and accordingly submits the following comments:

**I. Section 141.02 Commission Access to the Surveillance System**

Mohegan Sun appreciates the importance of the Commission's role in monitoring surveillance systems to ensure that licensees are complying with 205 CMR 141.00 and realizes that effective surveillance is critical to the longevity and integrity of a gaming

establishment. At the same time, Mohegan Sun believes that several provisions of the regulations may hinder such effective surveillance rather than aid it.

Section 141.02(2) requires that surveillance plans allow the Commission to direct employees of a gaming establishment to vacate the monitoring room “in the event such presence would, in the determination of the commission, compromise the integrity of an investigation.” Mohegan Sun is concerned that, should a situation arise in which Commission personnel were compromised through coercion or misdirection, the integrity of a gaming establishment’s surveillance operation could be put at great risk with no gaming establishment employees present. Mohegan Sun believes that this section could be improved by allowing the Commission to direct gaming establishment employees not to interfere with any investigation or to remain silent, but allow licensee employees or management with technical expertise to remain in the monitoring room to ensure that the integrity of the monitoring system is not compromised in any way.

Section 141.02(4) allows the Commission to access the CCTV system remotely outside of the gaming establishment. Outside access to a CCTV system, even for the purpose of ensuring effective surveillance, exposes the system to a wide variety of external threats that CCTV systems are meant to avoid. Keeping the CCTV system closed and standalone protects the integrity of the monitoring system. As such, Mohegan Sun feels this provision should be stricken, particularly as the Commission may still have real-time access to CCTV information through on-site personnel, as provided in 141.02(5).

Section 141.02(6) provides for “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.” Mohegan Sun presently accomplishes this goal at its gaming establishments in other jurisdictions through use of a written procedure. The monitoring systems used by Mohegan Sun do not currently have such a regulatory override functionality; further inquiry to the manufacturer would be necessary to determine whether such a priority system is feasible.

## **II. Section 141.05 Requirements of the Surveillance System Plan**

Section 141.05(7) requires 30 day retention of all video recordings required by 205 CMR 141.04. Mohegan Sun believes that 30 day retention is unnecessary for security purposes for many video records and suggests varying levels of required retention based on the potential evidentiary value of footage from different cameras. Mohegan Sun recommends adding the words “or shorter” after the words “for any longer” to specify that the Commission may make separate requirements based on the type of camera coverage.

## **III. Section 141.08 Independence of the Surveillance Department**

This section requires that the surveillance plan provide for time periods that must lapse before surveillance employees may work in another department previously monitored by those employees or before employees from other departments may work in the surveillance department. Mohegan Sun understands the importance of independence of

surveillance employees and the particular risk such employees may pose by reason of their knowledge of surveillance and other systems.

At the same time, the proposed regulation severely limits the ability of the surveillance department to hire personnel that are familiar with the casino's operations and job functions. While the sophistication of surveillance has advanced commensurately with advances in technology, there remains no substitute for knowledge of day-to-day casino operations in effective surveillance. Conduct that may seem wholly unsuspecting to an unfamiliar employee may strike a knowledgeable employee as worthy of concern or further investigation. Because surveillance monitors all areas of a casino and resort, the proposed regulation would make it very difficult to leverage the knowledge of employees for effective surveillance and to provide certain career advancement opportunities.

While Mohegan Sun appreciates that the draft regulation does allow for the relaxation of these time lapses "upon petition to the commission and for good cause shown," in practice this is unlikely to provide the flexibility necessary in hiring and personnel decisions on a day-to-day basis if there is a perception that any lengthy "cooling off" period is necessary before an employee could move from security or another department to surveillance.

As such, Mohegan Sun suggests that time periods required between employment between different departments, if required at all, be kept very short and waivable for cause.

#### **IV. Section 142.00 Regulatory Monitoring and Inspections**

Mohegan Sun understands the importance of monitoring and inspection by the Commission and believes this section establishes a clear and necessary opportunity for the Commission to have ready access to all aspects of a gaming operation. In subsections 142.02(6) and (7), however, the Commission's authority to seize, remove and impound equipment and data, etc., should be modified to clarify that any such action that would disrupt a gaming facility or cause a shutdown of a gaming or related business should only be taken after notice and an opportunity to show cause why such action should not be taken.

Mohegan Sun looks forward to further participating in the Commission's deliberation of these and related issues of importance. Thank you for your consideration, and please let me know if there are any questions.

June 16, 2014  
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Sincerely,



Kevin C. Conroy

cc: Mr. Mitchell Etess  
David Rome, Esq.  
Mr. J. Gary Luderitz

THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION

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In the Matter of City of Chelsea, MA and )  
Wynn MA, LLC Surrounding Community )  
Agreement Arbitration )

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**CITY OF CHELEA OBJECTION TO ARBITRATOR’S FINAL REPORT  
AND REQUEST FOR VACATUR**

**I. INTRODUCTION**

On June 9th, the Arbitrator in the Wynn MA, LLC (hereinafter “Wynn”) and City of Chelsea (hereinafter “Chelsea”) Surrounding Community Agreement Arbitration filed his Final Report with the Massachusetts Gaming Commission (hereinafter the “Commission”). In the Final Report, selecting the Wynn BAFO, the Arbitrator 1) acknowledges a conscious disregard of a relevant, if not dispositive, Commission decision of May 2, 2014; 2) provides no information or definition of what is meant by “statutory or regulatory standard,” yet basis his conclusion on this phrase; 3) considers positive impacts in a way that cancels consideration of negative impacts; 4) substitutes reopener regulations and other general mitigation funds in place of Wynn’s affirmative duty to mitigate negative consequences of their operation; 4) fails to meet the responsibility of the Arbitrator to “Issue a final, binding decision concerning the surrounding community agreement consistent with the Gaming Act and the Commission’s regulations.” (Handbook for Binding Arbitration, p.5).

In selecting the Wynn BAFO through this process that is without support and in fact contrary to Ch. 23k, the 205 CMR 125, and the Handbook, the Arbitrator has created law and clearly exceeded his authority. Chelsea, therefore, respectfully requests the Commission to vacate the Arbitrator’s Final Report. Pursuant to Ch. 30A §10 the City requests a full and fair hearing on this matter and a ruling by the Commission.

**II. STANDARD FOR VACATUR IN ARBITRATION**

While Chelsea acknowledges that the Arbitration process set forth in 205 CMR 125 may not be subject to MGL Ch. 151C - Collective Bargaining Agreements to Arbitrate or MGL Ch. 251 – Uniform Arbitration Act for Commercial Disputes or by the Federal Arbitration Act, the Commission, and the Expanded Gaming Act cannot operate in a vacuum and should be informed by the wisdom of these Acts and the case law regarding vacatur of decisions reached during binding arbitration. Arbitration has long been held to be a voluntary act promoting efficiency in private matters. The same arguable need for efficiency has led to its use in public and governmental matters. However, the compelled arbitration under 205 CMR 125 between Applicants and Surrounding Communities must still balance the need for efficiency with assurance of its goal of a fair and reasonable outcome. The Collective Bargaining Agreements to Arbitrate Law<sup>1</sup>, the Uniform Arbitration Act<sup>2</sup>, and the Federal Arbitration Act<sup>3</sup> all provide for vacatur if an Arbitrator exceeds their authority.

In City of Somerville v. Somerville Municipal Employees Association 451 Mass. 493 (2008) at 497, the Supreme Judicial Court held that whether an award is improper because an arbitrator exceeded his authority is determined on a case-by-case basis. (citing Higher Educ. Coordinating Council/Roxbury Community College v. Massachusetts Teachers' Ass'n/Mass. Community College Council, 423 Mass. 23 , 31-32 (1996)). In Somerville, id. the SJC further held that the determination would be made if the arbitrator's decision materially conflicted with the controlling statute. In the current Arbitrator's Final Report, in the conscious disregard of a relevant Commission decision, by creating an unsupported standard for mitigation by a gaming license applicant, in considering positive impacts to cancel negative impacts, by substituting Wynn's affirmative duty to identify, address, and mitigate negative impacts with the reopening provision and unsupported claims of availability of other mitigation funds, and by failing to issue a final decision consistent with the Gaming Act, the Arbitrator has created law that is materially conflicting with Ch. 23k and in doing so he has exceeded his authority. The Arbitrator's Final Report must be vacated.

### **III. DISREGARD FOR A DISPOSITIVE COMMISSION DECISION**

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<sup>1</sup> MGL Ch. 151C §11 (a)(3) – The Superior Court shall vacate an award if “the arbitrators exceeded their powers”

<sup>2</sup> MGL Ch. 251 §12 (a)(3) – The court shall vacate an award if “the arbitrators exceeded their powers”

<sup>3</sup> FAA Title 9 §10 (a)(4) – Court shall make an order vacating an award... “Where the arbitrators exceeded their powers”

The Handbook for Binding Arbitration provides helpful guidance to parties and arbitrators.<sup>4</sup> Reiterated in the Handbook in the Section titled “Rules Governing Arbitration”<sup>5</sup> the arbitration process is created by and subject solely to the Gaming Act, the Massachusetts Gaming Commission’s (the “Commission”) regulations and “prior Commission decisions regarding surrounding communities.” Additionally, in the Section titled “Considerations of the Arbitrator(s) in Arriving at Final Decision,”<sup>6</sup> arbitrators may consider but are not limited to a list of factors that includes “prior Commission decisions on matters relating to surrounding communities.”

On June 3rd, in support of the selection of the Chelsea BAFO and as requested, Chelsea submitted a closing memorandum to the arbitrator referencing a May 2, 2014 Commission Meeting Transcript containing a decision by the Commission. The Commission Meeting involved the MGM Fundamental Inconsistency Petition (FIP) objecting to provisions in the Longmeadow Best and Final Offer for mitigation payments for impacts that were not “known” or “actual” impacts. The decision in the form of a transcript includes both the deliberation and the vote by the Commission to reject MGM’s argument and FIP. This decision is a matter of significant import, if not dispositive, of the legal question raised by the Arbitrator at the beginning of the closing day of hearings. Chelsea provided the May 2nd Commission decision as dispositive of the issue before the Arbitrator. The Arbitrator, at the beginning of the closing arguments, did ask what standard should be used in making a determination of which BAFO should be selected. While the Arbitrator was aware that the May 2nd Commission decision would provide guidance in his decision, a question remained whether or not the Transcript of the May 2nd Commission Decision constituted at decision for the purposes of the arbitration. At the request of the Arbitrator, the City of Chelsea filed a Memorandum on the Issue on June 5th in support of the use of the Commission May 2nd Decision in Transcript form by the Arbitrator.

In the Arbitrator’s Final Report, the Arbitrator states in a footnote regarding the selection of the BAFO “The parties dispute whether the transcript (The May 2nd Commission Decision) constitutes a “Commission decision” which should be considered in this binding arbitration proceeding, and if so, the meaning of the decision. See Handbook for Binding Arbitration, at 8,

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<sup>4</sup> Handbook for Binding Arbitration – Introduction (p. 2)

<sup>5</sup> Handbook for Binding Arbitration - Rules Governing the Arbitration (p. 5)

<sup>6</sup> Handbook for Binding Arbitration – Considerations of the Arbitrator(s) in Arriving at Final Decision (p. 5)

para 10. In view of the Arbitrator's conclusion above, no determination of the "Commission decision" issue is necessary."

In its Memorandum on the "Commission decision" issue, Chelsea made it clear that the Commission considered the vote taken by the commission on the MGM FIP to be a decision and the transcript the only record thereof.<sup>7</sup> Chelsea also supported this with procedural and substantive law. In the Arbitrator's conscious disregard of a Commission decision as such, and in consciously and purposefully refusing to accept the Commission decision as controlling of his selection, Arbitrator fails to satisfy the "Rules Governing the Arbitration" which states "The Commission's simplified, expedited binding process is created by and subject solely to the Gaming Act, the Commission's regulations and prior Commission decisions regarding surrounding communities." In defense of the Arbitrator's disregard for a commission decision, the Arbitrator substitutes a nebulous conclusion that is unsupported by Chapter 23k, 205 CMR 125, the Handbook, or Commission decisions.

In disregarding a dispositive Commission decision, the Arbitrator fails his responsibility of following the Arbitration guidance that subjects the arbitration process to Commission's prior decisions. The Arbitrator fails in his responsibility to issue a final decision consistent with the Gaming Act itself which gave authority to create the arbitration process to the Commission. Such a Final Report must be vacated by the Commission.

#### **IV. FINAL REPORT IS VOID OF STATUTORY, REGULATORY, OR COMMISSION'S DECISIONS AS BASIS FOR ARBITRATORS CONCLUSION**

The Final Report provides no information or definition of what is meant by the "statutory or regulatory standard" that the Arbitrator claims the Wynn BAFO satisfies. Because the Arbitrator refused to be controlled, informed, or even guided by the Commission's May 2nd deliberation and vote regarding MGM's FIP against Longmeadow's BAFO, he creates a nebulous and conclusory standard that simply states that Chelsea's proposed standard of mitigation for "potential negative consequences" is too remote and that Wynn's proposed standard of mitigation for "known impacts" involves predictions as well. Had the Arbitrator

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<sup>7</sup> The City of Chelsea confirmed with COMMISSION General Counsel Blue in email that the COMMISSION vote May 2nd was a Commission decision and included this information in its memorandum to the Arbitrator, and referenced by the Arbitrator in his Final Report as Footnote 1.



followed the Handbook which states the arbitration process is subject to prior Commission decisions, and had the Arbitrator read and acknowledged that the “known impacts” standard argued by MGM was shot down by the Commission, he could have more accurately determined a standard that accounts for mitigation of “potential negative consequences,” consistent with Ch. 23k and 205 CMR 125.

By refusing to acknowledge that the Commission decision was dispositive on the issue regarding “known impacts,” and in creating a nebulous and conclusory standard that finds its support in the Arbitrator’s own decision making process, the Arbitrator is exceeding his authority and his Final Report should be vacated.

## **V. THE ARBITRATOR CONSIDERS POSITIVE IMPACTS TO CANCEL OUT NEGATIVE IMPACTS**

The Handbook explicitly states on page 8. para 12, “The arbitrator may consider positive impacts, however consideration of positive impacts cannot be used to cancel the consideration of negative impacts.” The Final Report the uses positive regional impacts to offset or cancel out negative impacts specific to Chelsea. In Traffic, the Arbitrator cites to Wynn’s \$40-\$50 million in traffic mitigation regionally. Offsetting Social and Educational concerns, the Arbitrator sets Chelsea’s request for mitigation funds against Wynn’s “preferential treatment to qualified Chelsea residents for contracting, subcontracting and servicing opportunities” in addition to job readiness training programs, as well as Wynn’s efforts to promote responsible gaming. The Arbitrator acknowledges that both sides presented evidence on whether the Wynn casino would improve or exacerbate the difficulties faced by School Administrator’s, yet the Final Report states that the jobs Wynn will bring to Chelsea would alleviate poverty – again referencing a positive to refute Chelsea’s argument that its high susceptibility population will face negative social and educational impacts.

In using the positive impacts evidenced by Wynn to cancel negative impacts evidenced by Chelsea, the Arbitrator fails to follow the Handbook and, moreover, circumvents the purpose of impact mitigation funding. In doing so, he decision conflicts with Ch. 23k, the regulations, and the Handbook and exceeds his authority. The Final Report should be vacated.

**VI. THE ARBITRATOR’S RELIANCE ON REOPENING PROVISIONS AND OTHER FUNDING SOURCES CONFLICTS WITH THE APPLICANTS AFFIRMATIVE DUTY TO MITIGATE NEGATIVE IMPACTS ON SURROUNDING COMMUNITIES**

The Arbitrator substitutes reopening provisions and other funding sources to refute Wynn’s affirmative duty as an applicant to “identify, address, and minimize” negative impacts of their operation. In the Arbitrator’s Final Report, Section 10 “Other Mitigation Sources,” the Arbitrator references 205 CMR 127 regarding reopening of the agreement. In doing so he acknowledges that the regulations to be written regarding negative effects of “unforeseen event” on a community. Chelsea argues that in presenting its case regarding public safety, social and educational issues, and traffic, such negative impacts are not “unforeseen” and in treating them as such the Arbitrator’s Final Report circumvents Ch. 23k which expressly states that Wynn as an applicant “shall demonstrate their commitment to efforts that combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a responsibility to identify, address, and minimize any potential negative consequences of their business operations” (Ch. 23k §1(8)).

Additionally, the Final Report states that “Chelsea may also seek relief by petitioning the Commission for funds available through the Gaming Tax Allocation.” In making this statement, the Arbitrator provides no support from the record that either side proved that any Gaming Tax Allocation money would be available for Chelsea. Moreover, this again substitutes a Gaming Law provision intended to address unanticipated consequences in the place of Wynn’s affirmative duty to mitigate negative impacts on Surrounding Communities.

In substituting reopening regulations and the Gaming Tax Allocation in the place of Wynn’s affirmative duty to mitigate, the Arbitrator is making law that is contradictory with Ch. 23k, 205 CMR 125, and the Handbook. The Arbitrator has exceeded his authority and the Final Report should be vacated.

**VII. THE FINAL REPORT IS INCONSISTENT WITH THE GAMING ACT AND THE COMMISSION’S REGULATIONS**

The Arbitrator's Final Report fails to meet the responsibility of the Arbitrator to "Issue a final, binding decision concerning the surrounding community agreement consistent with the Gaming Act and the Commission's regulations." (Handbook for Binding Arbitration, p.5) Chapter 23k §1(8) specifically states that applicant "shall demonstrate their commitment to efforts that combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a responsibility to identify, address, and minimize any potential negative consequences of their business operations" (Ch. 23k §1(8)). In selecting Wynn's BAFO, the Arbitrator fails to provide any statutory basis for why the Wynn BAFO should be selected, instead opting for a conclusion that the Wynn BAFO satisfies statutory and regulatory requirements when "reading the statute as a whole." If the statute is read as a whole, part of that whole is the responsibility of the applicant to identify, address, and mitigate "potential negative consequences of their business operations." Chelsea's proposed standard of mitigation funds for potential negative impacts is directly from the statute. In creating an unsupported standard, the Arbitrator's decision is inconsistent with the Gaming Act and the Commission's regulations and therefore failing to meet the responsibility of the Arbitrator as set forth in the Handbook. In failing to meet that responsibility, the Arbitrator has exceeded his authority and the Final Report should be vacated.

### **VIII. CONCLUSION**

Chelsea respectfully requests the Commission to vacate the Arbitrator's Final Report. Through conscious disregard of the Commission's prior decisions, the creation of a nebulous and conclusory standard for mitigation funding, the use of positive benefits to cancel negative impacts, substituting reopening regulations and Gaming Tax Allocations in the place of Wynn's affirmative duty to mitigate, and the failure to meet the Arbitrator's responsibility to issue a final decision consistent with the Gaming Law and Commission's Regulations, the Arbitrator has exceeded his authority and the Final Report should be vacated.

**RESPECTFULLY SUBMITTED,**

CITY OF CHELSEA,

By its attorneys,

A handwritten signature in black ink, appearing to read 'Joshua D. Monahan', with a long horizontal flourish extending to the right.

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