



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #198**

August 18, 2016
10:00 a.m.

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



Massachusetts Gaming Commission

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



NOTICE OF MEETING and AGENDA

August 18, 2016

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

Thursday, August 18, 2016

10:00 a.m.

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

PUBLIC MEETING - #198

1. Call to order
2. Approval of Minutes
 - a. August 1, 2016
3. Commissioner's Updates
 - a. September Meeting Schedule
4. Ombudsman Report – John Ziemba
 - a. General Update
 - b. Wynn Quarterly Report
 - c. Plainridge Park Casino Quarterly Report
 - d. Springfield Community Mitigation Grant – Parking – **VOTE**
5. Racing Division – Alex Lightbown, Director of Racing/Chief Veterinarian
 - a. Horse Racing Committee Recommendation – Start of Split – **VOTE**
6. Investigations and Enforcement Bureau – Karen Wells, Director
 - a. Licensing Regulation Amendments – C. Blue, General Counsel and P. Connelly, Director of Licensing and L. Lillios, Chief Enforcement Counsel – **VOTE**
 - b. Wynn Key Gaming Executive Licenses – **VOTE**
 - c. MGM Qualifier Suitability Determinations – **VOTE**



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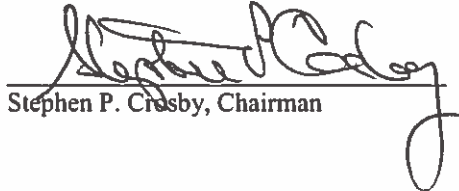
8. Legal Division – Catherine Blue, General Counsel

- a. Small Business Impact Statement - 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives and Labor Organizations (fingerprinting and non-gaming vendors) – VOTE
- b. Small Business Impact Statement - 205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls, 205 CMR 144.00: Approval of Slot Machines and Electronic Gaming Equipment and Testing Laboratories, and 205 CMR 145.00: Possession of Slot Machines (slot machines) – 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 “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

8/15/16
DATE


Stephen P. Crosby, Chairman

Date Posted to Website: August 16, 2016 at 10:00 a.m.



Massachusetts Gaming Commission

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



Meeting Minutes

Date/Time: August 1, 2016 – 10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts

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

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

Call to Order

See transcript page 2

10:00 a.m. Chairman Crosby called to order the 196th Commission meeting. He noted that this meeting is a follow up to the Commission meeting held last week. He noted that the racing license applicant [Middleboro Agricultural Society] will address the legal issues.

Racing Division

See transcript pages 3-73

10:01 a.m. Attorney Michael Morizio, representing the Middleboro Agricultural Society, stated that they heard the Commission was going to deny their request and George Carney had no interest in trying to go in a direction that the Commission was not wanting or willing to go. He stated that Mr. Carney has a passion for horseracing and has been in the industry for many years. He stated that he was surprised last week that the Commission staff believed that the law did not authorize the Commission to fund certain expenses and he is back at the Commission this week to address the legal issues. He noted that one way in which the Commission could exercise their discretion is to allow the horsemen to use the money to fund track expenses.

10:07 a.m. Chairman Crosby clarified for Attorney Morizio that the Commission's decisions are made in public and to disregard any rumors at the statehouse, and this is not about whether the Commission wants or doesn't want to do something for

horseracing, it's about what the law will permit us to do and then we'll exercise our discretion.

[10:09 a.m.](#) Commissioner Macdonald inquired if there was any precedent for horsemen to use their money for track expenses. Attorney Morizio stated that what the horsemen did with their money after running a race has never been subject to the Commission's jurisdiction.

[10:12 a.m.](#) Commissioner Cameron stated that she finds it hard to believe the characterization that they were surprised about the staff's position when there have been many meetings. She stated that she would have expected a memorandum for the staff to review. She also noted that they are requesting a large amount of money for only 15 days of racing. She stated that what is being requested, for all costs to be paid by the fund, is not done at other tracks. She stated that we need to be concerned about setting a precedent. She stated that we have a responsibility to make sure we use the money wisely.

Attorney Morizio responded that they are not creating a new precedent and the funds are not just for 15 days of racing, but for 4 months of stabling and training.

Attorney Robert Scarano, representing MassTHA (Massachusetts Thoroughbred Horsemen's Association), stated that the Commission doesn't have to worry about precedent with the other tracks because the other tracks have takeout from the handle and simulcast, they have monies available to them. He stated that the Commission has the discretion to allow the horsemen to use the money for expenses because it's consistent with what the fund is intended to do – to assist and promote racing.

[10:24 a.m.](#) William Lagorio, President of MassTHA, stated that he agrees it's a lot of money being requested but that the money will be also used for stabling and training. He cited backside operating expenses at other tracks. He noted that the expenses requested are in line with the rest of the country. He stated that nothing passed in the legislature that would help the horsemen go forward. He stated that he puts his faith in the Commission. He stated that \$1.4 million will put people back to work.

[10:31 a.m.](#) Commissioner Zuniga stated that he respects their efforts and that their analysis of the costs may be reasonable, but they may not be legal. He stated that he doesn't believe that the Commission has the authority to disburse monies from the Race Horse Development Fund into operational expenses. He stated that the fund was not established to fund administrative or private activity; it was to increase the quality of the product.

Attorney Morizio suggested that the Commission fund the purses for \$3.9 million and after the purses are paid, the horsemen can pay their expenses. He stated that what the horsemen do with the horsemen's funds afterwards is not a funding by the Commission, but it's a transaction between the horsemen and another party to make their industry work.

[10:38 a.m.](#) General Counsel Catherine Blue noted that money under 128A and 128C is not tax money, it is money that comes from doing business as a race meeting licensee. She also stated that a race meeting licensee is a business. She also noted that the Race

Horse Development Fund money comes out of tax money the Commonwealth assesses on the slots. She noted that this money is specifically allocated to purses, breeders, and health and welfare benefits. She also noted that this fund model is used in other jurisdictions. She stated that this is a business asking us to fund their expenses and the Commission should take into consideration that we have other tracks that may come back and ask for assistance with their expenses.

[10:48 a.m.](#) Commissioner Cameron stated that she has always wanted to do something to help racing but she is concerned about unintended consequences. She doesn't feel like she has good information in front of her to make a decision, it's just a verbal argument.

[10:54 a.m.](#) Executive Director Edward Bedrosian, Jr commented on the process and stated that he feels that the Commission needs a written proposal to make a determination on the issues raised. Commissioner Cameron requested that Mr. Lagorio prepare a written memo that outlines the changes they brought before the Commission.

[11:03 a.m.](#) Commissioner Stebbins stated that he would like to see a written proposal and he worries about setting a precedent. He stated that the original application came in with simulcasting and now it doesn't include it. He also noted that there needs to be a focus on the next step so that we are not in the same situation next year.

[11:04 a.m.](#) Commissioner Macdonald noted that the staff's position on this issue was part of the publically distributed materials before the July 21st meeting and therefore, it should not have been a surprise to the Brockton organization. He stated that we put off the meeting to provide Brockton an opportunity to address this matter. He stated that he did his homework and he was looking forward to hearing what the argument was on the other side. He stated that there is only an oral proposal before them and that sends a weak signal to him as to what the lawful authority is behind all of this. He stated that he is not adverse, if it's the sense of his colleagues, to further postpone this matter. He stated that based upon his experience and the record to date, the applicant has failed in its burden to address the issues that were identified on July 21st.

[11:14 a.m.](#) Chairman Crosby asked how long they would need to put together a written proposal. Mr. Lagorio stated he would need about a week. Chairman Crosby stated that we will check to see if we can do a special meeting next week.

11:15 a.m. The Commission took a brief recess.

11:25 a.m. The meeting resumed.

[11:25 a.m.](#) Chairman Crosby stated that the horseracing simulcast statute will lapse at noon today unless the Governor signs the bill to extend the existing law for a year. We are trying to check in with the Governor's Office to see what they are going to do. He also noted that we will pick up where we left off at the last meeting with Ombudsman John Ziemba.

Ombudsman

See transcript pages 74-127

- [11:26 a.m.](#) Ombudsman John Ziemba presented on the 2016 Transportation Planning Grant applications. He provided an overview of Malden's request for \$100,000 to assess parking capacities and pedestrian safety. The Commissioners discussed Malden's grant application.
- 11:34 a.m. The Commission took a brief recess.
11:35 a.m. The meeting resumed.
- [11:35 a.m.](#) Chairman Crosby noted that the [simulcast] legislation will be signed.
- [11:36 a.m.](#) *Commissioner Cameron moved that the Commission approve and accept Malden's request for assistance from the 2016 Community Mitigation Fund. Motion seconded by Commissioner Macdonald. Commissioner Zuniga opposed the motion. Chairman Crosby, Commissioners Cameron, Stebbins and Macdonald approved the motion. The motion passed 4 to 1.*
- [11:37 a.m.](#) Ombudsman Ziemba presented on specific impact grants. He provided an overview of the specific impact grant application from the Hampden County Sheriff's Department. He stated that they are requesting assistance with its relocation of the acclaimed Western Mass Correctional Alcohol Center. He stated that the facility was within the site of the planned casino. He recommended that the Commission fund the first year of the lease assistance and commit no more than \$2 million over the lifetime of the lease. He stated that the Sheriff's Department would need to reapply each year for subsequent lease assistance. The Commissioners discussed the grant application.
- [11:45 a.m.](#) *Commissioner Stebbins moved that the Commission approve a total of \$280,000 for FY17 lease cost for the Western Mass Correctional Alcohol - - Correctional Addiction Center as presented in the packet. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*
- [11:47 a.m.](#) Ombudsman Ziemba provided an overview of the specific impact grant application from Springfield to assist Caring Health Center for additional costs as a result of construction related parking. He noted an issue related to the prohibition of public money or property from aiding nonpublic institutions. He recommended funding for the valet program and noted that further work needs to be done on the application. The Commissioners discussed the grant application.
- [12:13 p.m.](#) *Commissioner Stebbins moved that the Commission approve an initial amount up to \$150,000, subject to staff review and recommendations, as to implementing the pilot valet program, and that the staff work with the City of Springfield, MGM, related businesses, any other local government authorities, to come back with a more complete plan, hopefully, within two months, and that initial - - additional funding be discussed at that point. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[12:14 p.m.](#) Chairman Crosby noted that the Governor did sign the bill and simulcasting and horseracing will continue for another year.

[12:15 p.m.](#) Ombudsman Ziemba provided an update on the Gaming Policy Advisory Committee (“GPAC”). He stated that they have been successful with conducting public safety subcommittee meetings but they have had difficulty with the community mitigation advisory committee meetings because municipal employee representatives have a conflict of interest. He stated that communities are working to replace their employee representatives with nonemployee representatives. He noted that they have been working with the state ethics commission to pass legislation that would allow municipal employees to sit on the GPAC committees without violating the conflict of interest law. He also noted that they are working to get additional members on the GPAC committee because they have been unable to get a quorum. He reported that licensees are having difficulty finding representatives to sit on the committee because employee representatives may violate the conflict of interest law.

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

12:24 p.m. The meeting resumed.

Administrative Update

See transcript pages 127-142

[12:24 p.m.](#) Executive Director Edward Bedrosian Jr. noted that the Commission had, during the previous meeting, tabled the discussion of the Executive Director’s annual review procedures and the two procedural options.

[12:24 p.m.](#) General Counsel Catherine Blue reminded the Commission of the two options for the Executive Director’s review: (1) having each Commissioner bring their own personal notes to a future Commission meeting, and then discussing them together and creating a review, or (2) having each Commissioner complete a review and send it to the General Counsel, who will then compile the reviews into a single form, offered for discussion at a future meeting. General Counsel Blue addressed the Commission’s concerns with the two options regarding the open meeting law.

The Commission decided to use the second option for the Executive Director’s review.

Commissioner’s Update

See transcript pages 142-173

[12:36 p.m.](#) Chairman Crosby discussed with the Commission some items of interest, including: a briefing session with the senate and house chairs of economic development and emerging technologies; the upcoming G2E conference in September; The East Coast Gaming Conference he attended on May 25-26, which discussed online gaming, Daily Fantasy Sports, E-Sports, and being more proactive in these areas; a conference on June 6-10 at UNLV discussing different gaming revenue and data mining issues; a West Virginia conference he attended with Executive Director Bedrosian regarding the duty of care owed to gamblers; a few articles regarding “skins” betting; and the possibility of implementing a program for giving licensees awards for recognition of certain achievements.

- [12:52 p.m.](#) Commissioner Zuniga discussed with the Commission his attendance at the National Council on Responsible Gaming, where he discussed “skins” betting and E-Sports, and noted the high regard given to MGC by other guests.
- [12:55 p.m.](#) Commissioner Cameron discussed with the Commission a previous illegal gambling conference she attended which discussed mobile-phone in-game betting, and a NCLG panel where the MGC was highly regarded for its educational forums.
- [12:59 p.m.](#) Commissioner Stebbins discussed with the Commission some items of interest including: his presence at NCLG presentations regarding e-sports and pari-mutuel betting; the recent dedication of the Holyoke Culinary Training Institute which he attended; and the Vendor Diversity Summit.
- [1:02 p.m.](#) Commissioner MacDonald discussed with the Commission the opening of the Culinary Training Institute in Holyoke. Commissioner MacDonald also noted the recent U.S. District Court decision pertaining to the Taunton citizen’s litigation and a related D.C. Circuit Court decision.

Other Business Not Reasonably Anticipated

See transcript pages 173-177

- [1:12 p.m.](#) Chairman Crosby noted that the Commission is not planning to take any immediate action in Region C as a result of the District Court decision. Executive Director Bedrosian noted that the staff has been receiving inquiries regarding the District Court decision and the Commission’s reaction.
- [1:15 p.m.](#) Chairman Crosby noted that the next Commission Meeting will be held on Wednesday, August 10th at a time to be determined. The meeting will continue the discussion regarding the racing [Middleboro Agricultural Society] decision and other matters that may arise.
- [1:15 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated August 1, 2016
2. Massachusetts Gaming Commission, Memorandum dated July 19, 2016, regarding Middleboro Agricultural Society’s Request for Race Horse Development Funds
3. Letter from Robert Kelly, President of the Middleboro Agricultural Society, to Dr. Alexandra Lightbown, Director of Racing at the Massachusetts Gaming Commission, dated July 18, 2016, regarding Recognition and Purse Agreement and Budget, with attachments
4. Horse Racing Public Comments, emails with various dates
5. Letter from Senator Michael Brady to the Massachusetts Gaming Commission, dated July 20, 2016, regarding local aid payments and Brockton Fairground’s request for Race Horse Development Funds
6. Letter from Representative Gerard Cassidy to the Massachusetts Gaming Commission, dated July 19, 2016, regarding horse racing in Brockton

7. Letter from George Brown, Massachusetts Thoroughbred Breeders Association, to the Massachusetts Gaming Commission, received July 15, 2016, regarding the Horse Racing Committee and the Race Horse Development Fund Split
8. Massachusetts Gaming Commission, Memorandum dated July 28, 2016, regarding 2016 Mitigation Fund Application Review, with attachments
9. Massachusetts Gaming Commission, Membership of Gaming Policy Advisory Committee
10. Game-Maker Valve Moves to Choke Off \$7.4 Billion Gambling Market, Joshua Brustein and Eben Novy-Williams, dated July 13, 2016
11. eSports and Skin Gambling: The Elephant in the Room, Mark McGuinness, dated July 11, 2016

/s/ Catherine Blue
Catherine Blue, Assistant Secretary

DRAFT

No Documents

No Documents



Wynn Boston Harbor

QUARTERLY REPORT AS OF June 30, 2016

Wynn Boston Harbor

PERMITTING

Permitting – State

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

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

Chapter 91 (DEP) – **Received on August 3, 2016**

Water Quality Certification (DEP) – **Submitted September 8, 2015, Approval Received January 22, 2016**

Massachusetts Contingency Plan (DEP) – **Phase I submitted May 2015; Phase II submitted December 2015**

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

Massachusetts Historical Commission – **Review Completed**

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

Permitting – Federal and Local

Federal

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

U.S. Army Corps of Engineers (Section 10 and 404) –
**Submitted September 15, 2015, Anticipated
August 2016**

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

Local

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

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

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

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

Wynn Boston Harbor

Design

Design

Foundation and Garage

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

Hotel Tower

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

Podium

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

Site and Maritime Wynn's design team has completed the design development for the site and maritime and is under review by the City of Everett

Wynn Boston Harbor

CONSTRUCTION (NEW SLIDE!)

June 2016



August 2016











PROUDLY BUILT BY
BOSTON

IRONWORKERS LOCAL 7







Wynn Boston Harbor

Off-site infrastructure

Off-Site Infrastructure

25% Design Completed

AECOM and Howard/Stein-Hudson Associates, Inc. have completed 25% design on all off-site infrastructure

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

Sullivan Square/Rutherford Avenue

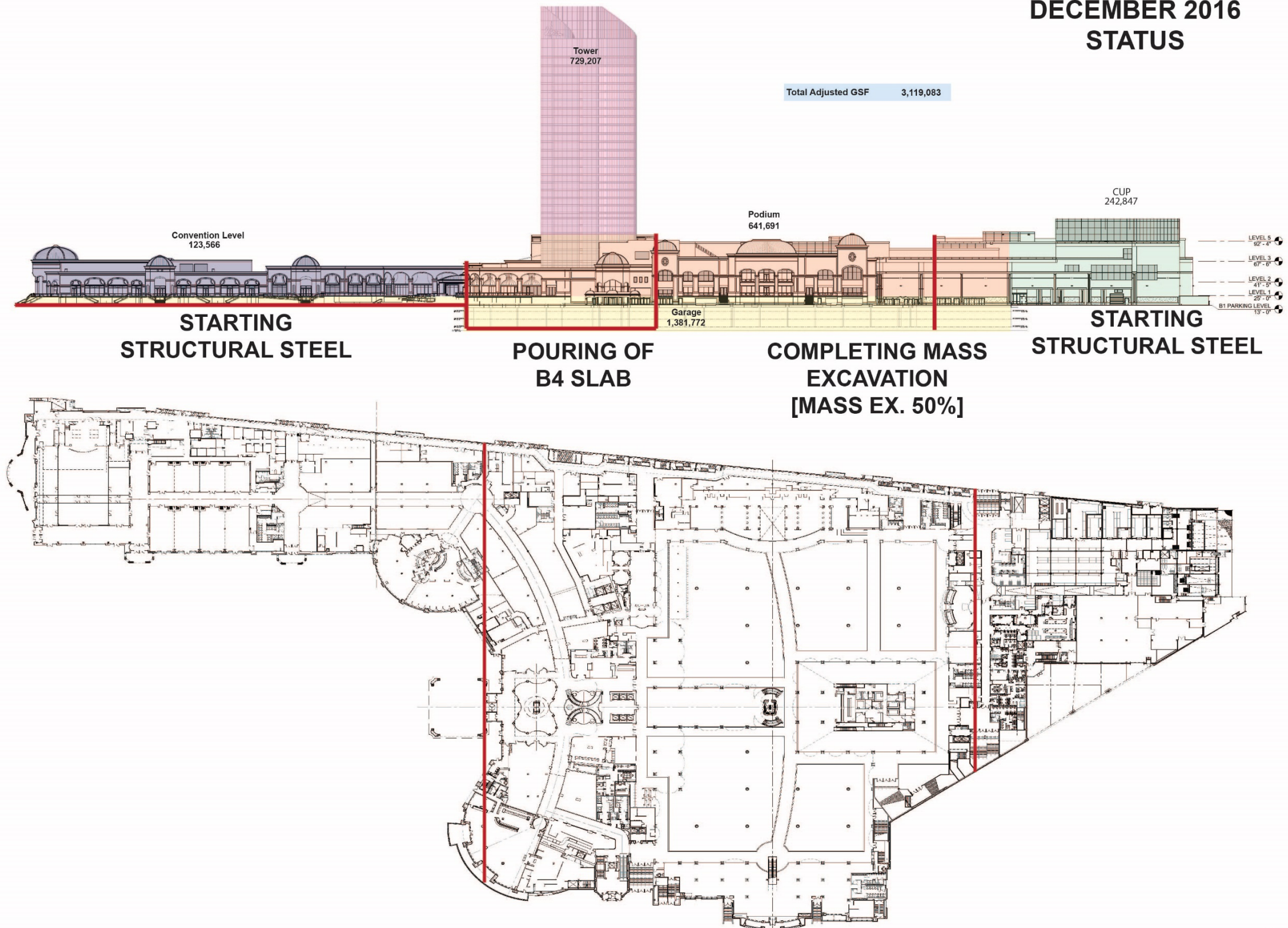
Wynn has received comments from the City of Boston on its design for Sullivan Square/Rutherford Avenue mitigation and is preparing a response

Meetings with the Lower Mystic Regional Working Group

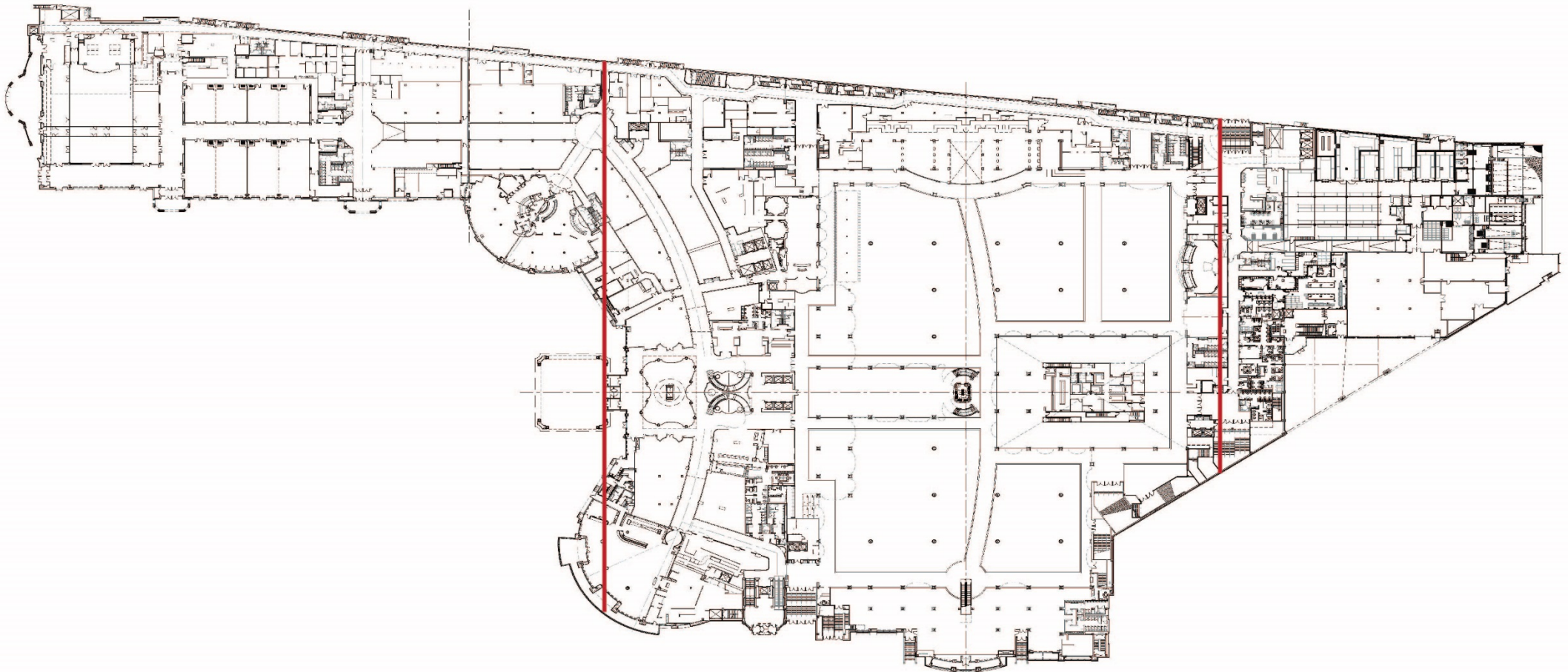
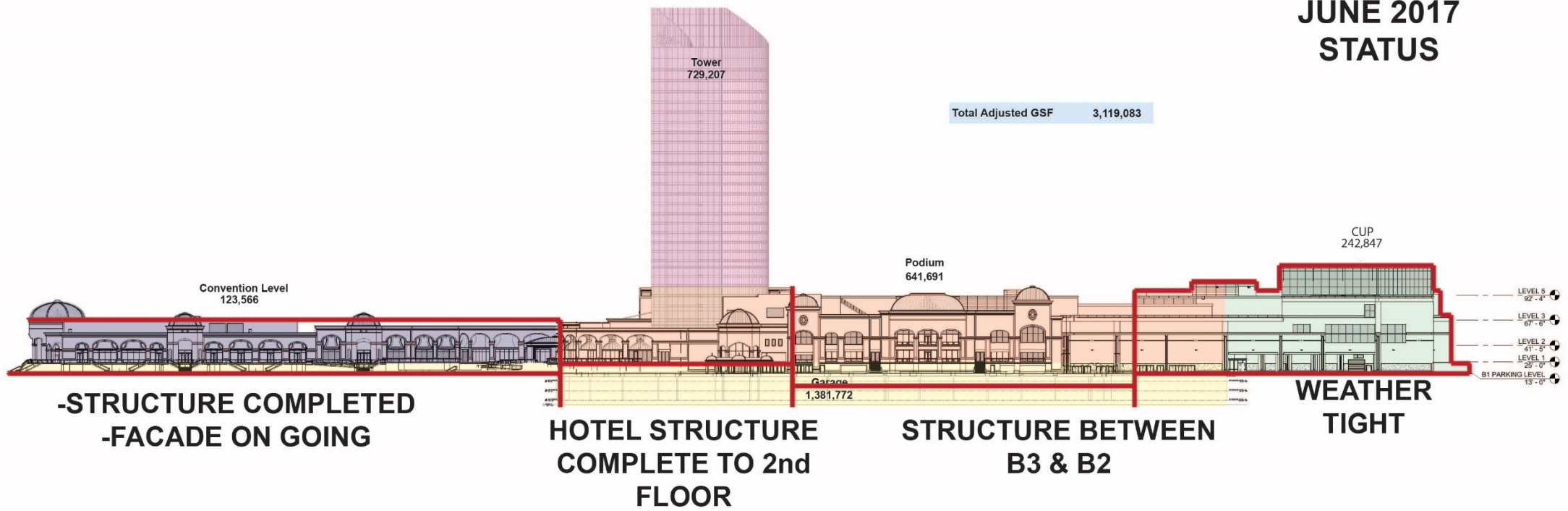
Wynn Boston Harbor

Project Schedule

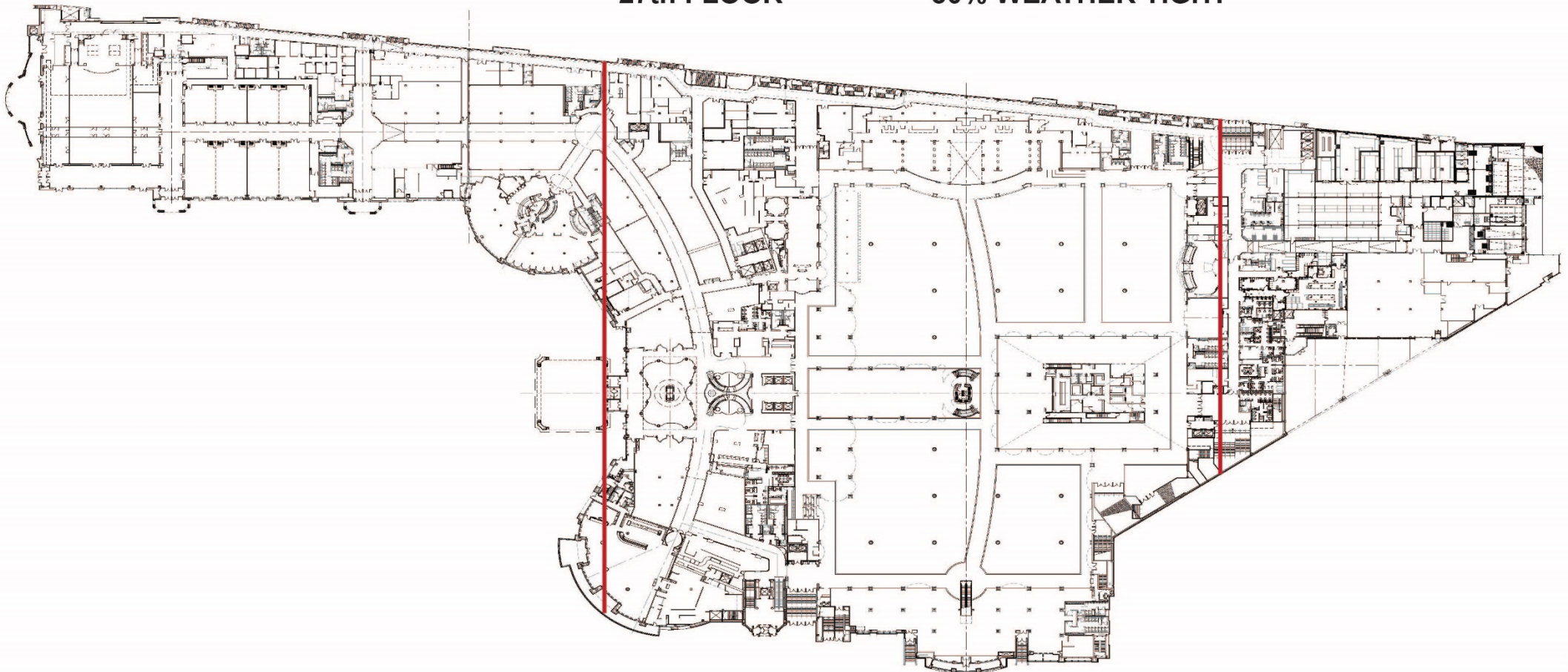
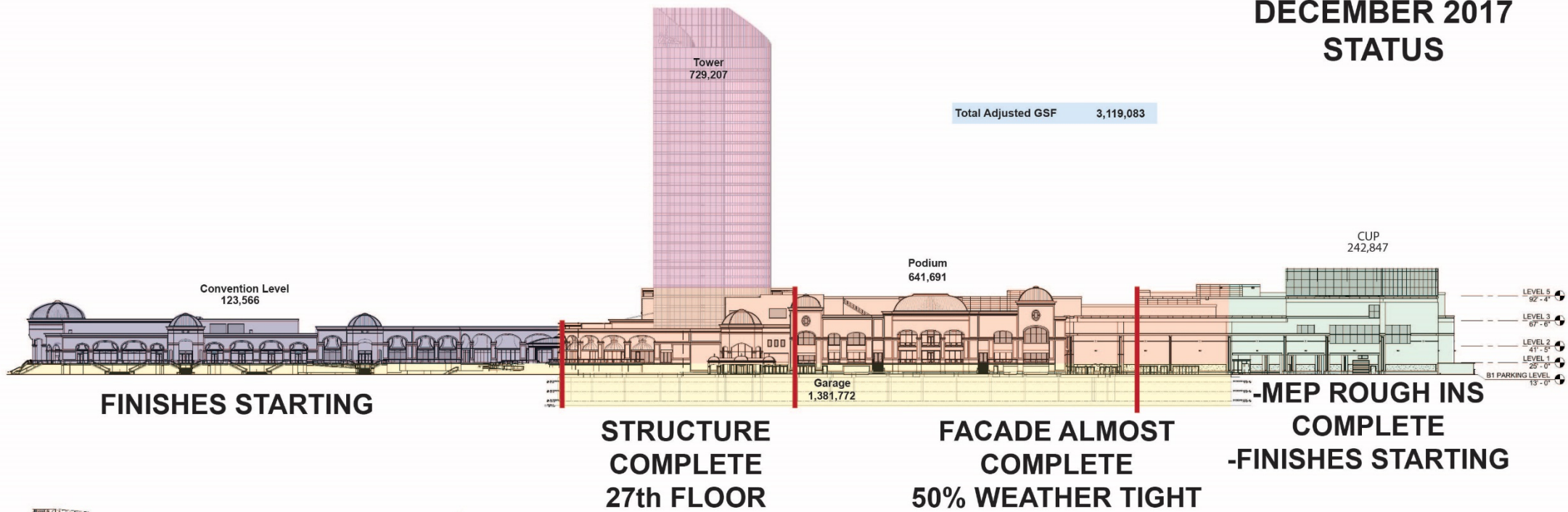
DECEMBER 2016 STATUS



JUNE 2017 STATUS



DECEMBER 2017 STATUS



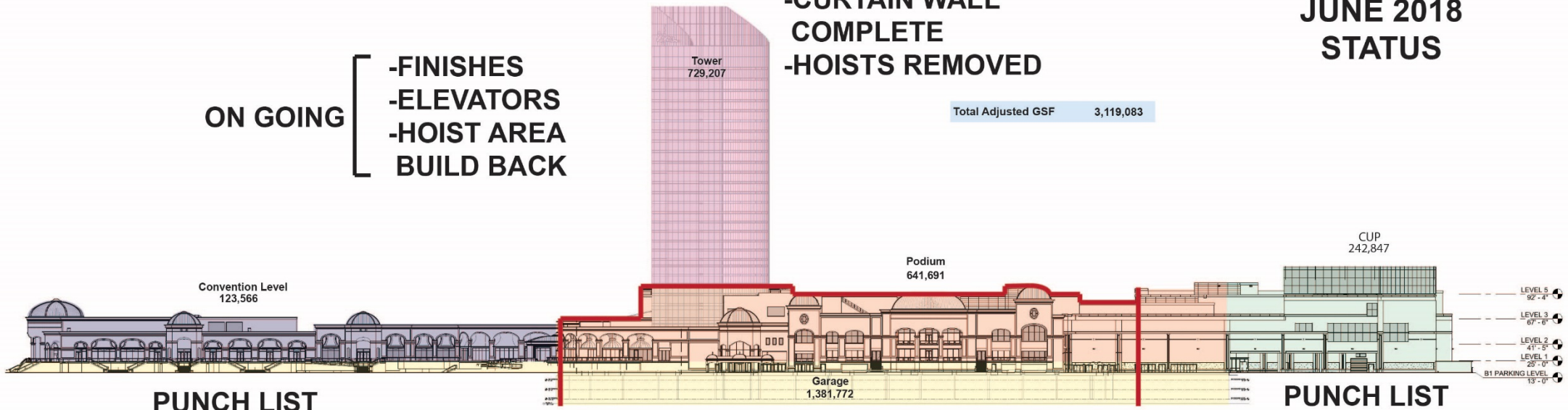
**JUNE 2018
STATUS**

**-CURTAIN WALL
COMPLETE
-HOISTS REMOVED**

ON GOING

**-FINISHES
-ELEVATORS
-HOIST AREA
BUILD BACK**

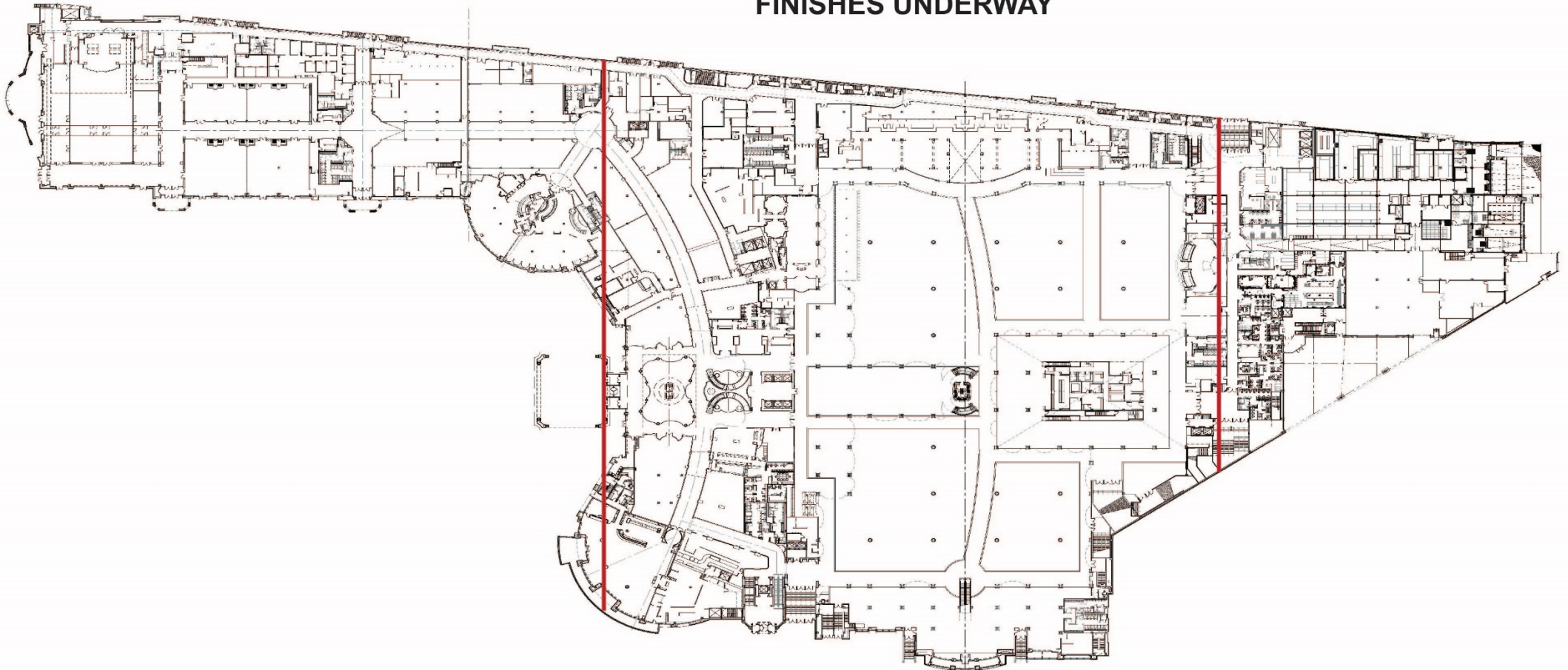
Total Adjusted GSF 3,119,083



PUNCH LIST

PUNCH LIST

FINISHES UNDERWAY



PUNCH LIST/ FFE

Tower
729,207

Total Adjusted GSF 3,119,083

Convention Level
123,566

Podium
641,691

CUP
242,847

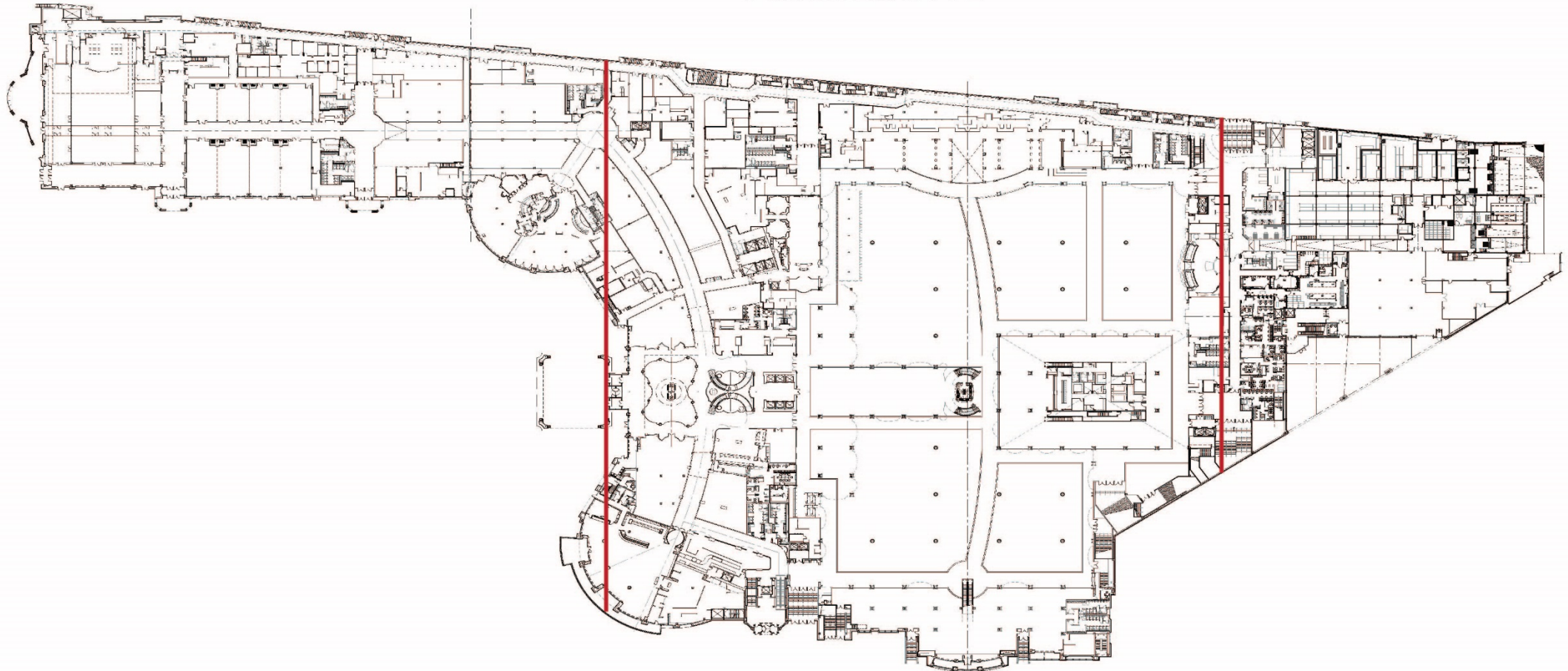
Garage
1,381,772

COMPLETE

COMPLETE

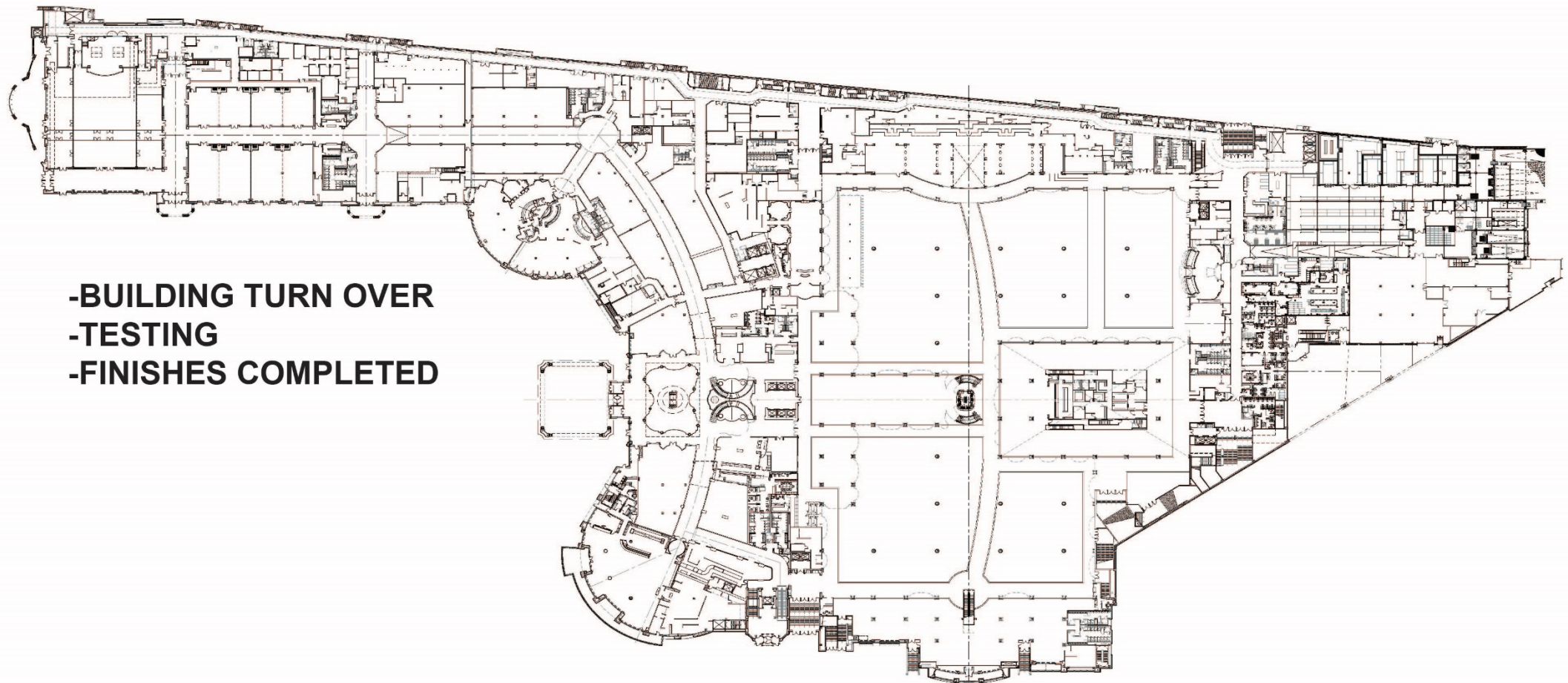
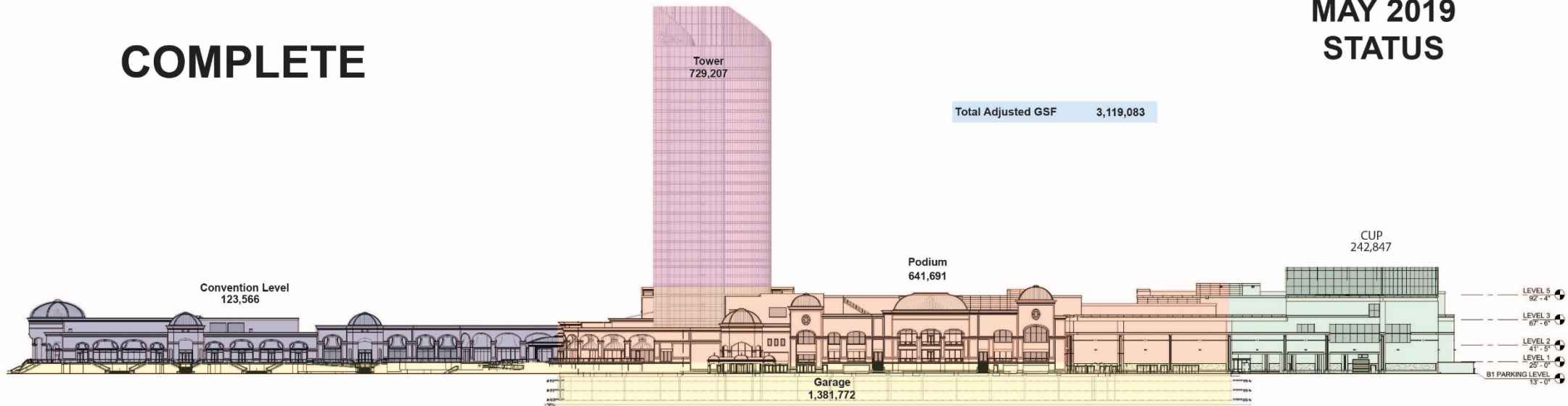
LEVEL 5
92'-4"
LEVEL 3
67'-6"
LEVEL 2
41'-5"
LEVEL 1
25'-0"
B1 PARKING LEVEL
13'-0"

PUNCH LIST/ FFE

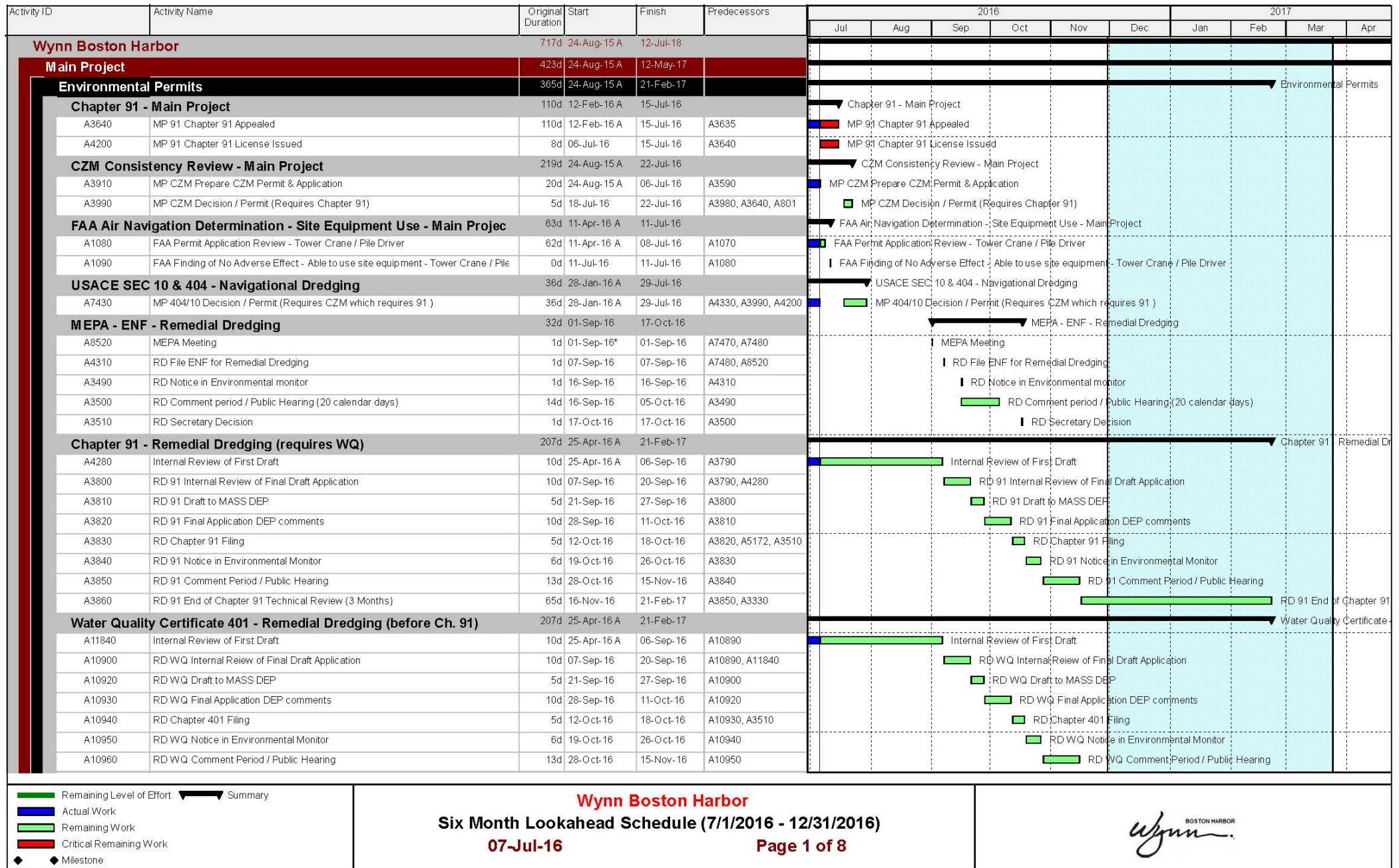


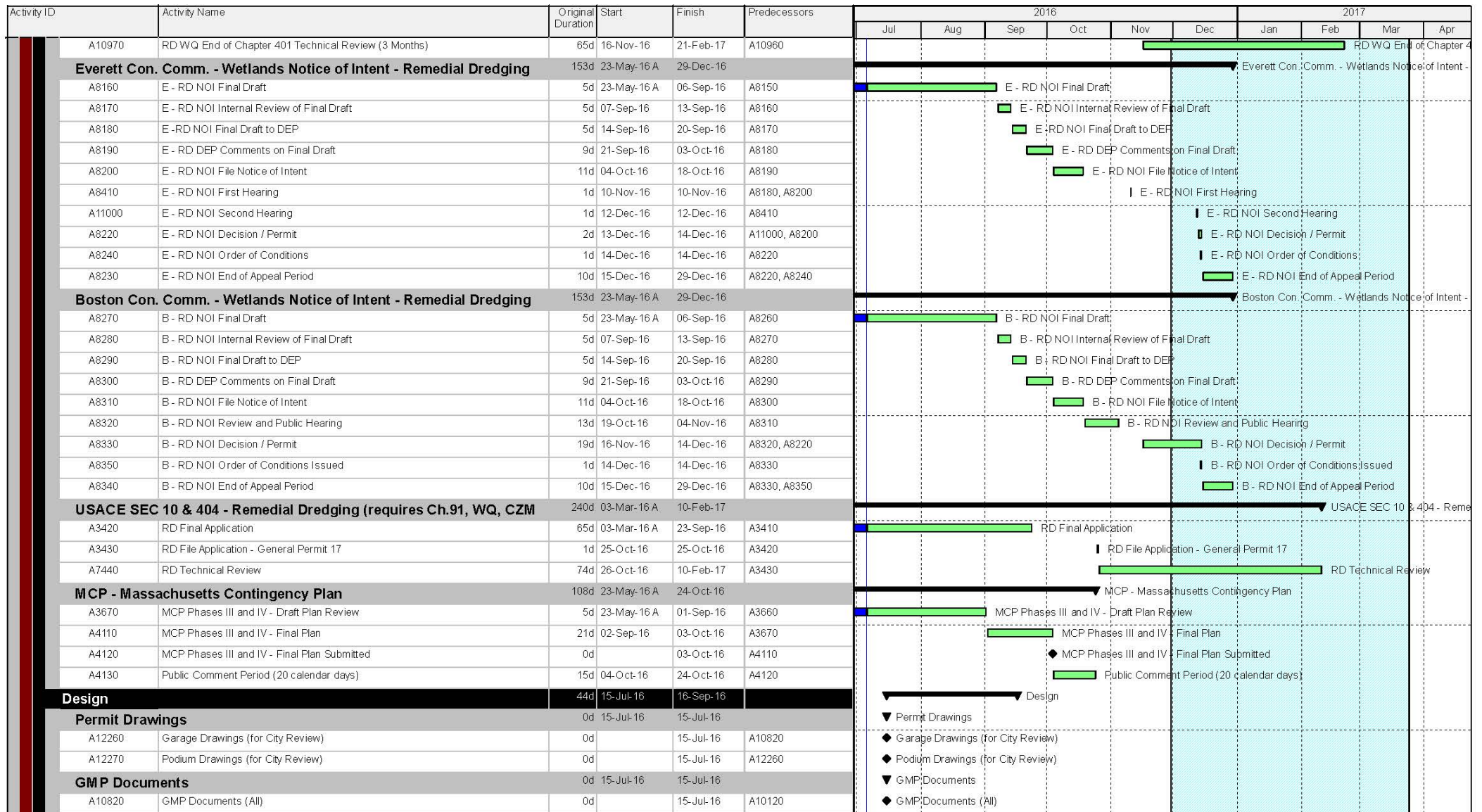
COMPLETE

MAY 2019
STATUS



- BUILDING TURN OVER
- TESTING
- FINISHES COMPLETED

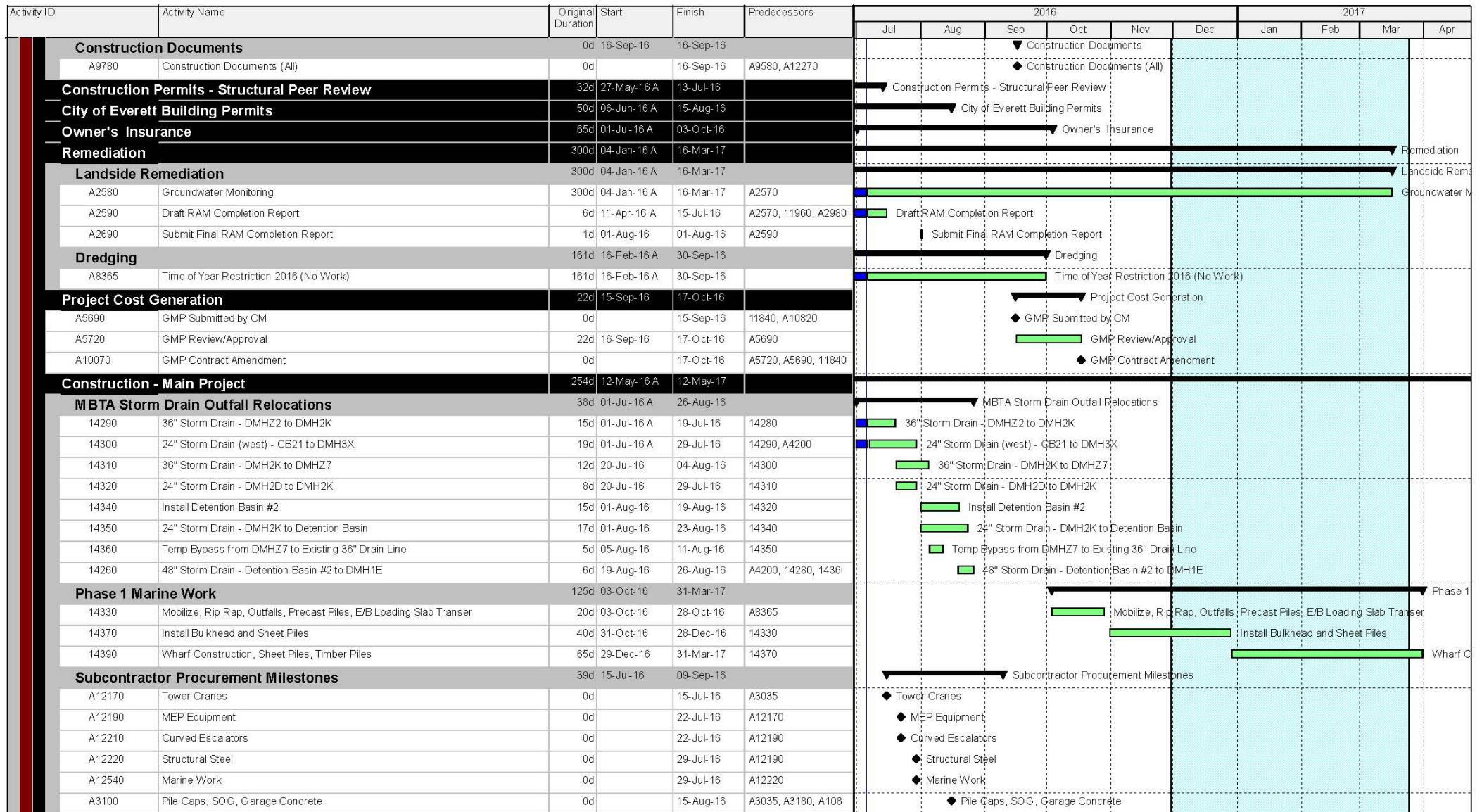




Remaining Level of Effort Summary
 Actual Work
 Remaining Work
 Critical Remaining Work
 Milestone

Wynn Boston Harbor
Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)
07-Jul-16 **Page 2 of 8**

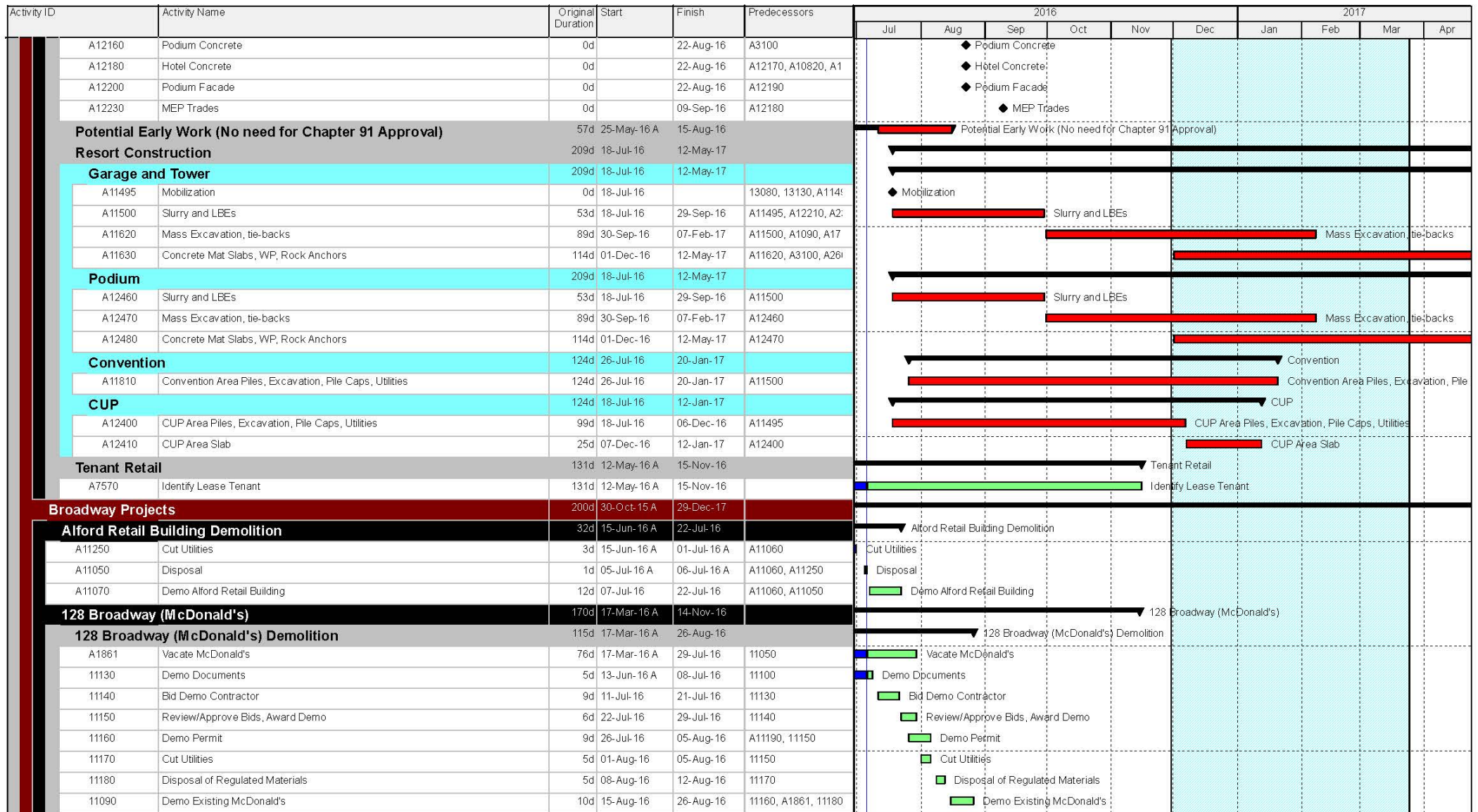




■ Remaining Level of Effort ▬ Summary
■ Actual Work
■ Remaining Work
■ Critical Remaining Work
◆ Milestone

Wynn Boston Harbor
Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)
07-Jul-16 **Page 3 of 8**





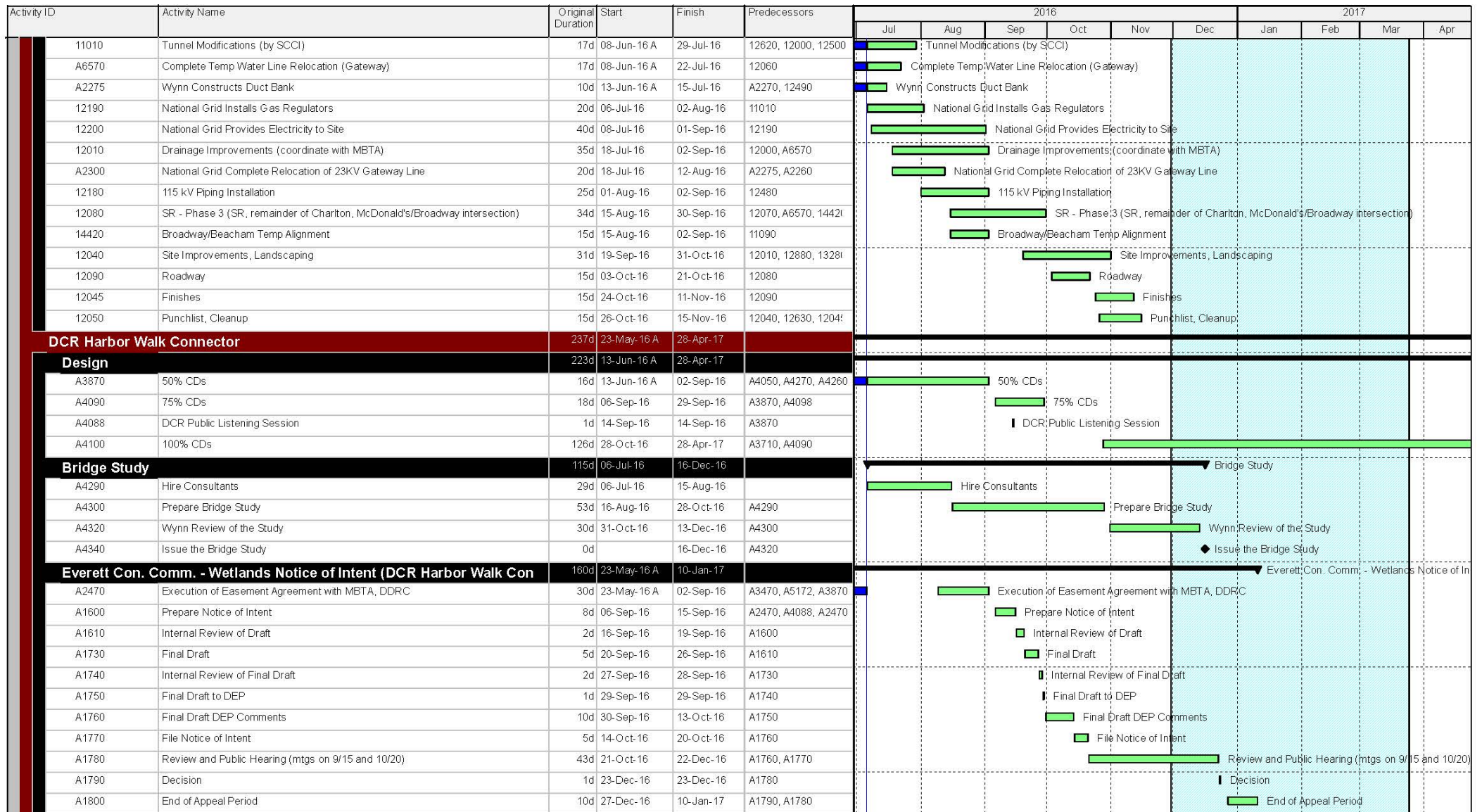
■ Remaining Level of Effort ▼ Summary
■ Actual Work
■ Remaining Work
■ Critical Remaining Work
◆ Milestone



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016					2017						
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr		
13260	Demo Complete	0d		26-Aug-16	11090, 11920			◆ Demo Complete									
New McDonald's		75d	01-Aug-16	14-Nov-16			New McDonald's										
11080	Construction (New McDonald's, Utilities, Parking) - 100 days	74d	01-Aug-16	11-Nov-16	11060, A1861, 1112C		Construction (New McDonald's, Utilities, Parking) - 100 days										
11110	New McDonald's Open	0d		14-Nov-16	11760, 11080, 13260					◆ New McDonald's Open							
38 Broadway (Mobil) Demolition		95d	01-Mar-16 A	31-May-17													
A1863	Terminate Mobil Lease	60d	01-Mar-16 A	31-May-17	A1860												
A7690	Environmental Investigation	15d	02-Jun-16 A	15-Jul-16	A1860, A7710, A1863		Environmental Investigation										
A7860	GZARAM Plan (Check with GZA)	10d	18-Jul-16	29-Jul-16	A7690		GZARAM Plan (Check with GZA)										
48 Broadway (Dunkin Donuts) Demolition		167d	30-Oct-15 A	29-Dec-17													
A1870	Terminate Dunkin Donuts Lease	167d	30-Oct-15 A	29-Dec-17	A1860												
A8400	Environmental Investigation	25d	06-Jul-16	09-Aug-16	A8390, A8420, A1870		Environmental Investigation										
MBTA Loading Dock and New Gatehouse		236d	30-Oct-15 A	30-Sep-16			MBTA Loading Dock and New Gatehouse										
12905	Finalize License	5d	30-Oct-15 A	05-Jul-16 A			Finalize License										
12860	Prepare Construction Documents	75d	30-Oct-15 A	13-Jul-16			Prepare Construction Documents										
12910	Finalize Easement	75d	30-Oct-15 A	01-Aug-16	14380		Finalize Easement										
12890	Issue Bid Documents	2d	14-Jul-16	15-Jul-16	12860, 12860, 12910		Issue Bid Documents										
13010	MBTA Review	10d	14-Jul-16	27-Jul-16	12860		MBTA Review										
12900	Bid/Award Contractor	7d	18-Jul-16	26-Jul-16	12890		Bid/Award Contractor										
12870	Pre-bid Meeting	1d	20-Jul-16	20-Jul-16	12860		Pre-bid Meeting										
12850	Loading Dock Construction	32d	02-Aug-16	15-Sep-16	12890, 12900, 12870		Loading Dock Construction										
12920	Move Storage Building	32d	02-Aug-16	15-Sep-16	12900		Move Storage Building										
12975	Build New Gatehouse	43d	02-Aug-16	30-Sep-16	12900		Build New Gatehouse										
12880	Loading Dock Operational	0d		15-Sep-16	12850, 13290					◆ Loading Dock Operational							
13280	MBTA New Entrance Operational	0d		30-Sep-16	12975, 13300, 12920					◆ MBTA New Entrance Operational							
Service Road and Utilities Projects		623d	26-Jan-16 A	12-Jul-18													
Preferred Utility Relocations Options		17d	22-Jun-16 A	15-Jul-16			Preferred Utility Relocations Options										
Verizon Relocation through Santilli Circle (for Gateway)		17d	22-Jun-16 A	15-Jul-16			Verizon Relocation through Santilli Circle (for Gateway)										
13130	Relocate FIRE ALARM on Poles	8d	22-Jun-16 A	15-Jul-16	13080		Relocate FIRE ALARM on Poles										
13080	Relocate T/D Lines	8d	06-Jul-16	15-Jul-16	13090, 13100, 13120		Relocate T/D Lines										
Gateway 23Kv Electrical Line Preconstruction		163d	26-Jan-16 A	01-Aug-16			Gateway 23Kv Electrical Line Preconstruction										
A2270	Finalize License	60d	26-Jan-16 A	05-Jul-16 A	A2310		Finalize License										
A2280	Finalize Easement	60d	27-Jan-16 A	01-Aug-16	A2270		Finalize Easement										
115Kv High Tension Tower Relocation		541d	23-May-16 A	12-Jul-18													
A2350	National Grid Complete Engineered Documents	541d	23-May-16 A	12-Jul-18	A2410												
Service Road Construction		127d	18-May-16 A	15-Nov-16			Service Road Construction										
12060	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas	32d	18-May-16 A	29-Jul-16	12170, A9560, A8510		SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas										
12070	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonald's	51d	18-May-16 A	12-Aug-16	12060		SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonald's										

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

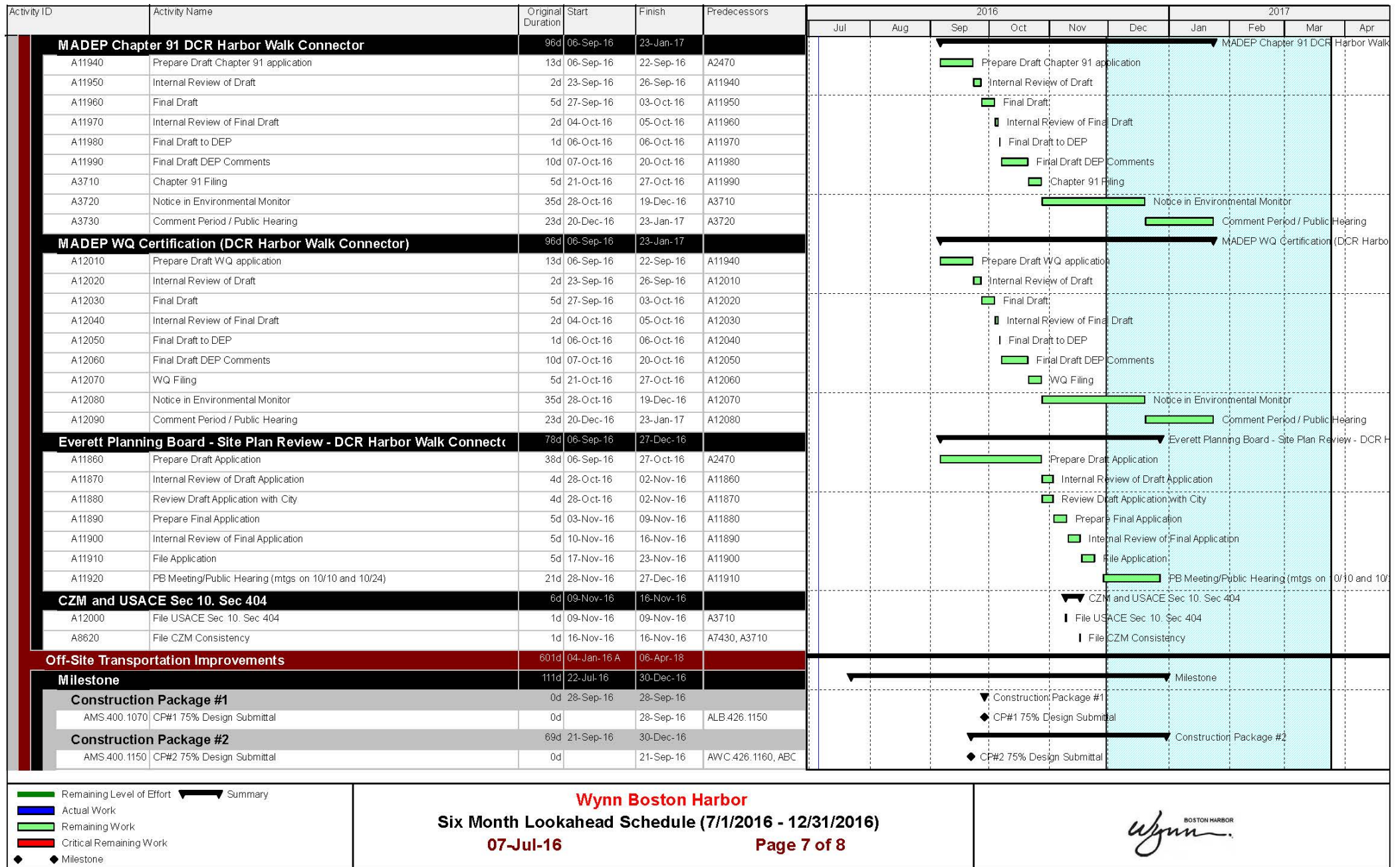
Wynn Boston Harbor
Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)
07-Jul-16 **Page 5 of 8**

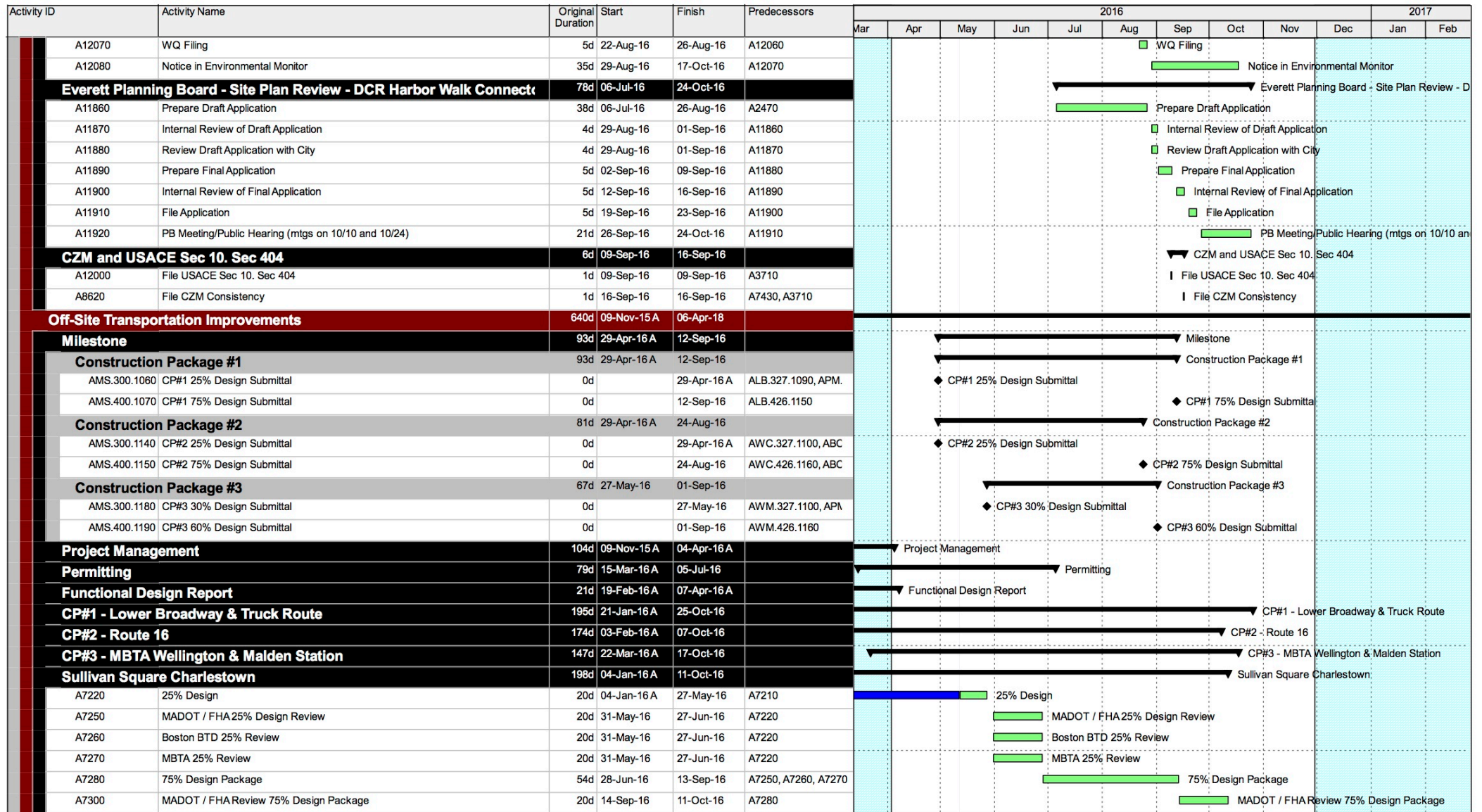


Remaining Level of Effort Summary
 Actual Work
 Remaining Work
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 Milestone

Wynn Boston Harbor
Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)
07-Jul-16 **Page 6 of 8**



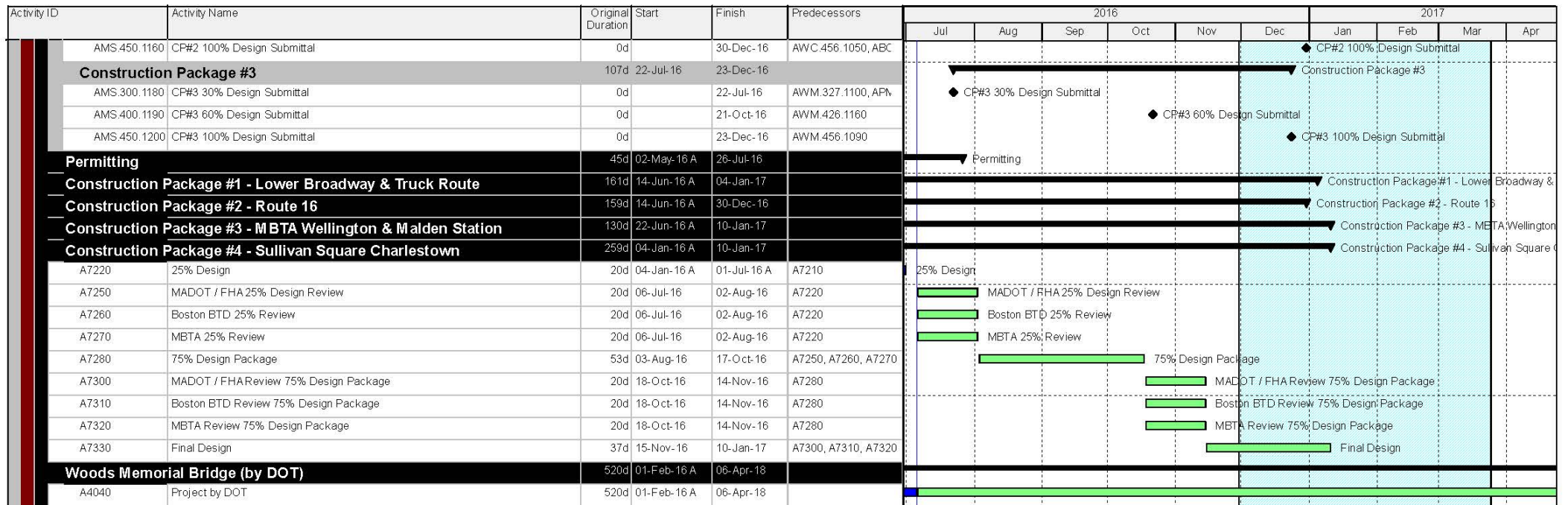





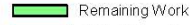




■ Remaining Level of Effort ▼ Summary
■ Actual Work
■ Remaining Work
■ Critical Remaining Work
◆ Milestone

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





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

Wynn Boston Harbor
Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)
07-Jul-16 **Page 8 of 8**



Wynn Boston Harbor

Project Resources / diversity

Building a Diverse and Local Workforce

Engaging the Building Trades

- Met with 22 union locals
- Attendance at Building Trades Training Directors
- Ongoing work with Building Trades

Engaging the Community: Connecting Career Seekers with Building Trades Careers

- Co-Founder of Massachusetts Girls in Trades
- Ongoing work with local One-Stop Career Centers
- Monthly Building Trades Application Opportunities Notifications
- 7 Building Trades Career Fairs planned for September
- Established walk-on application process
- On-site office-hours
- Personal referrals
- Collaboration with Building Pathways, YouthBuild, Operation Exit
- Ongoing engagement with community members and community groups

Diverse and Local Contractors/Consultants

- 150+ bid packages to facilitate access by smaller-scale contractors
- June 2015 M/W/VBE Networking Breakfast
- February 17th Trades Partnership Event
- Veteran-owned business outreach
- Bi-weekly business opportunities notifications
- Suffolk's Trade Partnership Series
- Local Food Vendor program

Tracking, Enforcement, and Encouragement

- Weekly internal diversity meetings
- Diversity reported and discussed at weekly Project Team meeting attended by area Project Managers, site superintendent, and Project architect
- Diversity is the responsibility of ALL project team members
- FC Background turnstile system facilitates “real-time” monitoring
- LCP Tracker certified payroll reporting
- Pre-construction compliance meetings with all sub-contractors
- Diversity requirements in ALL bid documents and contracts
- Quarterly recognition and award program to applaud sub-contractors that achieve outstanding diversity performance

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

MBE

10 contract awards:

\$3,993,657

% of total contracts: **7.5%**

% in contract pipeline: **10.0%**

Goal: **7.9%**

WBE

10 contract awards:

\$2,389,758

% of total contracts: **4.5%**

% in contract pipeline: **7.0%**

Goal: **10.0%**

VBE

3 contract awards:

\$3,352,717

% of total contracts: **6.3%**

% in contract pipeline: **6.3%**

Goal: **1.0%**

SUMMARY

23 total M/W/VBE contracts:

\$9,736,132

% of total contracts: **18.3%**

% in contract pipeline: **23.3%**

Goal: **18.9%**

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

MBE

7 contract awards:

\$7,981,527

% of total contracts: **5.6%**

Goal: **5.0%**

WBE

17 contract awards:

\$6,199,257

% of total contracts: **4.4%**

Goal: **5.4%**

VBE

6 contract awards:

\$1,171,968

% of total contracts: **0.8%**

Goal: **1.0%**

SUMMARY

30 total M/W/VBE contracts:

\$15,352,752

% of total contracts: **10.8%**

Goal: **11.4%**

Minority, Women and Veteran Workforce Participation for Construction Phase

Minority

30 workers:

3,832.0 hours

% of total work hours:

16.8%

Goal: **15.3%**

Women

11 workers:

1,830.5 hours

% of total work hours: **8.0%**

Goal: **6.9%**

Veteran

9 workers:

1,727.0 hours

% of total work hours: **7.6%**

Goal: **3.0%**

Wynn Boston Harbor

Community events and outreach

Events/Outreach

Meet with Everett Public Schools

April 5, 2016, Everett

Social Capital Inc.

April 6, 2016, Boston

UMASS Hospitality School Awards Dinner

April 12, 2016, Boston

Everett Chamber of Commerce Model Viewing Reception

April 19, 2016 Medford

Chelsea Chamber of Commerce Breakfast

April 20, 2016, Chelsea

Everett United Meeting

April 20, 2016, Everett

Everett Chamber of Commerce Board Meeting

April 21, 2016 Everett

Events/Outreach

Charlestown Working Theatre

April 22, 2016, Charlestown

Urban League Awards Gala

April 22, 2016, Boston

Everett/Malden Spring Clean-up

April 23, 2016, Everett, Malden

Mystic River Watershed Association Site Tour

April 25, 2016, Everett

Boston Harbor Celebration Gala

April 25, 2016, Boston

Gentle Giant Rowing Club

April 27, 2016, Somerville

Boston Harbor Now

April 28, 2016, Boston

Kwong Kow Chinese School Centennial Gala

April 29, 2016, Boston

Regional Chamber of Commerce Quarterly Meeting

⁴⁷
May 4, 2016, Chelsea

Events/Outreach

ROCA Inc.

May 3, 2016, Chelsea

Youth Build Boston, Madison Park – Safety Stand Down

May 3, 2016, Dorchester

One Everett

May 9, 2016, Everett

Friends of the Malden River

May 9, 2016, Malden

Greater Boston Chamber of Commerce

May 10, 2016, Boston

Boys and Girls Club

May 10, 2016, Boston

El Planeta Powermeter 100

May 10, 2016, Boston

Mystic River Watershed Association Herring Run & Paddle

May 15, 2016, Somerville

Events/Outreach

South Cove Manor Annual Meeting and Dinner

May 17, 2016, Boston

Annual Massachusetts Womens Veterans Conference

May 21, 2016, Worcester

Girls in Trades Evening at the Carpenters Training Center

May 25, 2016, Millbury

E Club Dinner

May 26, 2016, Everett

Medford Vocational School Government Affairs Breakfast

May 31, 2016, Medford

Environmental League of Massachusetts

May 31, 2016, Boston

Urban League Annual Job Fair

June 2, 2016, Boston

Local Food Vendor Informational Session

June 6, 2016, Malden

Events/Outreach

Chinatown Community Organization Luncheon

June 7, 2016, Boston

BC Executive Club Lunch

June 8, 2016, Boston

Everett Chamber of Commerce Board Meeting

June 16, 2016, Everett

Malden Chamber of Commerce and Triangle Bowling Tournament

June 16, 2016, Malden

Medford Chamber of Commerce Luncheon

June 21, 2016, Medford

Massachusetts Supplier Diversity Series

June 22, 2016, Dorchester

Building Pathways Info Session

June 28, 2016, Everett

Tour of Pine Street Inn

June 30, 2016, Boston

Wynn Boston Harbor

questions



Wynn Boston Harbor

Monitoring of Project Construction and Licensee Requirements 205 CMR 135

Quarterly Report Massachusetts Gaming Commission as of June 30, 2016



Monitoring of Project Construction and Licensee Requirements

Quarterly Report as of June 30, 2016

1.0 Project at a Glance

The Wynn Boston Harbor (the “Project”) is an approximately \$2.1 billion luxury resort that will transform a blighted section of the City of Everett, Massachusetts adjacent to the Mystic River, into a world-class destination. The Project will contribute hundreds of millions of dollars, including tens of millions of dollars in infrastructure contributions to the City of Everett, the region, and the Commonwealth of Massachusetts. The Project will be constructed on the contaminated site of a former chemical manufacturing plant totaling approximately 33.9 acres (the “Project Site”).



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

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

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

In August 2015, Wynn selected Charter Contracting Company, LLC, a Massachusetts limited liability company, as its remediation contractor. Remediation of the Project Site commenced in October 2015, and final completion documentation is anticipated to be filed in August 2016.

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

In accordance with MEPA, following the receipt of its Secretary's Certificate, Wynn has been working with various state agencies to obtain "Section 61 findings," a determination made by an agency of the Commonwealth describing the environmental impact, if any, of the Project and a finding that all feasible measures have been taken to avoid or minimize said impact. Wynn received its Section 61 findings from the following agencies on the dates set forth below:

Massachusetts Water Resources Authority:	January 12, 2016
Massachusetts Port Authority:	January 21, 2016
Massachusetts Department of Transportation & Department of Conservation and Recreation:	April 5, 2016
Massachusetts Gaming Commission:	April 25, 2016

2.0 Cost of Construction and Capitalization of Gaming Licensee

Pursuant to 205 CMR 135.02(5)(a) and (b), please see Appendix 1 for a sworn certification regarding (a) the total estimated cost of construction of the Project and related infrastructure improvements and (b) the capitalization of the Wynn for the quarter ending June 30, 2016.

3.0 Design and Construction Contracts

Pursuant to 205 CMR 135.02(5)(c), please see Appendix 2 for a list of all design and construction contracts executed for the quarter ending June 30, 2016 to design and construct the gaming establishment and related infrastructure improvements.

4.0 Progress of Construction

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

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

4.1 Federal Permits.

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

4.2 State Permits.

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

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

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

Massachusetts Water Resources Authority:	January 12, 2016
Massachusetts Port Authority:	January 21, 2016
Massachusetts Department of Transportation & Department of Conservation and Recreation:	April 5, 2016
Massachusetts Gaming Commission:	April 25, 2016

On August 24, 2015, Wynn filed its Chapter 91 License Application for the Project with the Massachusetts Department of Environmental Protection ("MassDEP") to obtain license authorization for the development of portion of the Project on private filled and flowed tidelands. Pursuant to M.G.L. c. 21A, § 18(d)(2), (3) and (6), MassDEP and Wynn entered into a Memorandum of Agreement regarding Project specific schedule and fees for the Project (the "Fast Track Agreement").

Pursuant to the schedule set forth in the Fast Track Agreement, the comment period for Wynn's Chapter 91 License Application began on September 9, 2015 and concluded on October 9, 2015. On September 24, 2015, MassDEP held a public meeting at Everett City Hall for the purpose of receiving comments on Wynn's Chapter 91 License Application. The meeting was well attended and the comments received were all positive. Following the meeting, written comments were submitted to MassDEP for its consideration.

Wynn received its "Written Determination" from MassDEP on January 22, 2016. On February 11, 2016, Mayor Joseph A. Curtatone, in his capacity as Mayor of the City of Somerville ("Somerville"), filed a "Notice of Claim" with the Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, requesting an adjudicatory hearing with respect to the Written Determination. On February 18, 2016, the Office of Appeals and Dispute Resolution of MassDEP issued a Scheduling Order pursuant to which a hearing on Somerville's appeal was set for June 2, 2016. As a direct result of this appeal, Wynn was unable to commence construction activities within those portions of the Project Site that are subject to Chapter 91.

Wynn, Somerville and the DEP participated in the adjudicatory hearing on June 2, 2016. MassDEP's presiding officer is anticipated to issue a recommended decision in July 2016. MassDEP's commissioner will issue a final decision following the receipt of the recommended decision.

4.3 Local Permits.

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

The service road Application Site Plan Review and Special Permit was submitted to the City of Everett Planning Board for review in January 2016. On May 5, 2016, the Everett Planning Board issued the Site Plan Approval for the Service Road.

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

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

4.4 Site Remediation.

Prior to the commencement of the remediation, Wynn completed field investigation related including nearly 2,000 samples landside and in the river, and significant laboratory analysis of the samples. On April 8, 2015, Wynn received a petition from residents of the City of Everett requesting that the disposal site be designated as a Public Involvement Plan ("PIP") site in accordance with Massachusetts General Laws (MGL) c. 21E §14(a). This law requires that, upon receiving such a petition, a plan for involving the public in decisions regarding response actions must be prepared and a public meeting held to present the proposed plan. The disposal site was designated as a PIP site on April 28, 2015. The PIP process was used to educate the public on the remediation process and provide a forum for addressing any comments. The PIP process will continue through the completion of the remediation of the site anticipated in August 2016.

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

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

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

Phase 1 remediation of the Project Site was completed in the second quarter of 2016. A total of approximately 10,680 tons of contaminated soil was transported off-site for proper disposal during Phase 1. The soil was transported in lined trailers which were cleaned prior to leaving the Project Site.

A separate RAM Plan has been prepared to address construction-related RAM activities. Response actions to be conducted under this RAM Plan will include the excavation of contaminated soil, the dredging of contaminated sediment, and the placement of clean fill materials at the properties identified in the RAM Plan. On February 17, 2016, a public meeting on the construction-related RAM Plan was held at the Everett City Hall. The public comment period for the construction-related RAM Plan ended on March 9, 2016. No comments were received. On May 2, 2016 the construction-related RAM Plan and a Final Revised Public Involvement Plan was filed.

4.5 Offsite Infrastructure.

As described above, the Secretary's Certificate confirmed that Wynn's traffic analysis and mitigation plans are effective to mitigate the Project's impacts on existing transportation infrastructure. In light of this positive response, an RFP was issued on June 26, 2015 to select a design and permitting team to deliver the offsite roadway and transit station improvements. In November 2015, Wynn entered into an agreement with AECOM USA of America, a Massachusetts corporation ("AECOM"), to provide civil and geotechnical engineering and construction oversight services for off-site infrastructure related to the Project. During first quarter 2016, AECOM completed the applicable Roadway Safety Audits and continued with site surveys and concept design. During the second quarter 2016, site surveys were completed as well as the development of the 25% design plans and functional design reports. On April 26, 2016, Wynn and AECOM staff met with MassDOT, MBTA and DCR transportation officials to discuss the projects and schedule. On June 14, 2016, the 25% design plans and functional design reports were submitted to the City of Everett and their peer review consultant, Weston and Sampson/Thule, at a design briefing meeting.

The 25% design plans and functional design reports were submitted for review to MassDOT at a design briefing meeting held on June 24, 2016. Coordination with the Massachusetts Central Transportation Planning staff commenced regarding the 25% design.

On a separate track, Howard/Stein-Hudson Associates, Inc., Wynn's design team for the Sullivan Square improvements has been working since last year on conceptual designs and will continue to advance the design to 25%. In connection therewith, Wynn is working closely with the City of Boston to advance its filing with the Public Improvements Commission. On July 1, 2016 the Conceptual Design Report was submitted to Boston Transportation Department (BTD) for their review.

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

4.6 Design.

Project design has made significant progress this quarter. The foundation plan is complete and has been peer reviewed. The City of Everett issued the Foundation Permit on May 2, 2016. The hotel tower, podium, site, and interiors are being reviewed by the City of Everett.

4.7 Construction Services.

On January 8, 2016, Wynn entered into an Agreement for Guaranteed Maximum Price Construction Services with Suffolk Construction Company, Inc. ("Suffolk"). Suffolk is currently providing pre-construction services including estimating, design review, value engineering, and preparation for procurement and construction. Suffolk procured the site work, slurry wall/LBE, and curtain wall subcontractors in second quarter 2016 and pre-construction activities commenced at the end of May 2016. Below is a summary of the activities through June 30, 2016:

- Completed pre-excavation and guidewalls in the non-Chapter 91 areas for the slurry wall.
- Completed pre-excavation for the LBE's in the non-Chapter 91 areas.
- Mobilized and set up the slurry wall rigs and plants.
- Started pre-excavation for the precast piles in the non-Chapter 91 areas.

Dust control measures that are in-place include a water truck dedicated full time to the Project Site when work is occurring on the Project Site and covering dirt stockpiles at night with poly (plastic).

4.8 Service Road.

The service road and utilities drawings were prepared and issued on March 31, 2016. Bids were received in early May to allow early construction of this critical work. On May 25, 2016, J. Derenzo Co. was awarded the Service Road and Utility Relocation contract.

As of June 30, 2016 the following utility work was completed for the Service Road:

- Approximately 1,000 linear feet (lf) (45%) NGrid 23kv ductbank including 5 MHs.
- Approximately 900 lf (20%) Verizon ductbank including 3 MHs.
- NGrid and Verizon ductbanks crossings beneath 115 kV lines completed.
- Approximately 125 lf 10" ductile iron water line.
- Approximately 400 lf 18" ductile iron water line.

4.9 Procurement.

Proposals were received for Commissioning, Independent Testing, and Room Controls. Fenaugh Engineering and HAKS were selected for special inspections in June 2016. BR+A was selected for commissioning services in June 2016.

4.10 Owner Controlled Insurance Program ("OCIP").

Wynn has been working with Willis Towers Watson to initiate an Owner Controlled Insurance Program for the Project. This insurance program will be implemented prior to the commencement of construction.

4.11 Project Labor Agreement.

Following the engagement of Suffolk, Wynn and Suffolk re-engaged in discussions with local labor leaders and finalized the draft Project Labor Agreement for the Project. The Project Labor Agreement was executed on May 5, 2016.

4.12 *Construction Management Plan.*

Howard/Stein-Hudson Associates, Inc. prepared a Construction Management Plan (“CMP”) for the purpose of mitigating any adverse impacts to the host and surrounding communities. The CMP was submitted to the City of Everett on April 21, 2016.

5.0 Project Schedule

5.1 *Six Month Look Ahead*

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

5.2 *Project Master Schedule*

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

6.0 Project Resources/Diversity

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



June 30, 2016

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

Dear Commissioners:

In accordance with 205 CMR 135.02(5)(a), please see below for the total estimated cost of construction of the project and related infrastructure improvements and the costs incurred as of June 30, 2016, calculated pursuant to 205 CMR 122.03: *Costs Included in the Calculation of Capital Investment*, and separately identifying detailed costs for design, land acquisition, site preparation and construction and off-site improvements:

MGC Quarterly Report

Appendix 1

(US\$ thousands)

Component	Cost Incurred 6/30/2016	Estimated Remaining Cost	Total Estimated Cost
Construction / on-site development	\$ 39,556	\$ 1,254,598	\$ 1,294,154
Design and engineering	42,733	110,294	153,027
Site preparation	8,606	73,026	81,632
Off-Site Improvements	1,287	36,123	37,410
Land acquisition	54,225	12,523	66,748
Pre-opening	21,711	67,925	89,636
Owner FF&E	1,171	144,614	145,785
Total	\$ 169,288	\$ 1,699,104	\$ 1,868,392

In addition, in accordance with 205 CMR 135.02(5)(b), I direct you to the financial statements of Wynn Resorts, Limited (NASDAQ: WYNN), the parent of Wynn MA, LLC (the "Licensee"), including Wynn Resorts' Quarterly Report on Form 10-Q for the quarter ended March 31, 2016, filed with the Securities and Exchange Commission (the "SEC") on May 6, 2016, which is available at www.sec.gov. As reflected in these financial statements, Licensee has sufficient financial resources in order to meet all expected financial obligations relating to the completion of the Project and related infrastructure improvements associated with the Project.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Cootey', with a stylized flourish extending to the right.

Stephen Cootey
Chief Financial Officer

3131las vegas boulevard south las vegas NV 89109 tel (702) 770 7000

Appendix 2

Design and Construction Contracts

As of June 30, 2016

Reference 205 CMR 135.02(5)(c)

Vendor/Contractor	Date	Services	MGC Status
AECOM	11/4/15	Civil and Geotechnical Eng. – Offsite Infrastructure	NGV092
	1/18/16	Design and Construction Phase Services – MBTA Everett Maintenance Facility	NGV092
Alliance Detective & Security	12/31/15	Site Security	NGV326
Arup USA, Inc.	12/10/14	Fire Protection Consulting	NGV102
Bohler Engineering MA, LLC	06/08/16	Engineering Services – Property Redevelopment - McDonalds	NGV845
Bukhari Design Studio, LLC	7/15/15	Concept and Documentation Services – High Limit Gaming	NGV434
Cashman Dredging & Marine Contracting and Company, LLC	9/2/15	Site Clean-up/Fencing	NGV450
Charter Contracting Company	11/10/15	Site Remediation Services	NGV479
Christopher Gordon		Project Management	NGV226
Cleo Design, LLC	7/15/15	Design Consultant – Staff Dining	NGV500
	7/15/15	Design Consultant – Executive Offices	NGV500
DHA Design Services LTD	9/24/15	Exterior Lighting Design	NGV522
Design Enterprise	9/17/15	Design Consultant – High Limit Gaming	NGV460
Eslick Design Associates	05/22/15	Design Consultant – Site Signage	NGV383
	7/15/15	Design Consultant – Low-Rise and Garage Signage	NGV383
	7/15/15	Design Consultant – High-Rise Signage	NGV383
First Circle Design, Inc.	10/14/15	Design Consultant – Interior Lighting – Meeting & Convention/Gaming	NGV518
Fort Point Associates, Inc.	12/30/14	Planning and Environmental Consulting	NGV075
Foundry Interior Design	10/21/15	Design Consultant – Performance Lounge	NGV535
Gilbane Building Company	01/24/14	Preconstruction Consulting Services	NGV035
GZA GeoEnvironmental, Inc.	11/12/14	Geotechnical and Environmental Services	NGV013

	04/21/16	Geotechnical and Environmental Services – Harbor Walk	NGV013
Hirsch Bedner Associates dba HBA/Hirsch Bedner Associates	02/25/15	Design Consultant – High-Rise Interiors	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – F&B	NGV133
	05/22/15	Design Consultant – Public Areas	NGV133
	05/22/15	Design Consultant – Buffet	NGV133
	05/22/15	Design Consultant – Public Restrooms	NGV133
	05/22/15	Design Consultant – Meeting and Convention	NGV133
Howard/Stein-Hudson Associates, Inc.	12/30/14	Traffic Engineering	NGV079
	4/28/15	Traffic Engineering	NGV079
Harry Feldman, Inc., dba Feldman Land Surveyors	02/06/15	Surveying	NGV071
JBA Consulting Engineers	09/30/15	A/V Engineering Services	NGV642
Jacobs Consultants Inc.	12/04/14	Executive Architect	NGV181
John Lyons Systems - Moonlighting	05/09/16	A/V Engineering Services	NGV805
Lifescapes International, Inc.	02/03/15	Landscape Architect	NGV151
Lighting Design Alliance	10/29/15	Design Consultant – Interior Lighting – Food and Beverage/Public Areas	NGV439
	05/11/16	Design Consultant – Interior Lighting – Meeting and Convention Areas	NGV439
Halifax Security Inc. dba M. Malia & Associates	01/23/15	Security and Surveillance Consulting	NGV123
Michael Hong Architects, Inc.	12/11/14	Architectural Design Services	NGV206
Oguz Cem Yazici	3/23/16	Construction Consultant – Scheduling	NGV801
RF Networks	11/12/15	Communication Systems Specifications	NGV688
Ryan Biggs Clark Davis Engineers	10/29/15	Structural Peer Review of Jacobs Drawings	NGV508
Suffolk Construction Company, Inc.	01/08/16	Construction Management	NGV163
TRC Environmental Corporation	09/30/15	Construction Consultant - Building Demolition	NGV067
Vanasse & Associates, Inc.	02/06/15	Supplemental Final Environmental Impact Report - Transportation	NGV066
Vermuelens, Inc.	02/03/16	Construction Consultant – Construction Cost Analysis	NGC072
Vicente Wolf Associates	05/22/15	Design Consultant – F&B	NGV283

Appendix 3

Permits As of June 30, 2016

Reference 205 CMR 135.02(6)

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

<p>U.S. Army Corps of Engineers (ACOE)</p> <p>Massachusetts General Permit issued January 10, 21 2010, modified November 13, 2012; pursuant to 33 CFR Part 330</p>	<p>Massachusetts General Permit (GP) 17</p>	<p>Sediment Remediation: Anticipated submittal October 2016</p>	<p>Massachusetts General Permit ("GP") includes 41 general conditions for all activities and identifies 23 differentiated GPs based on activity. GP 17 applies to activities that affect the containment, stabilization, or removal of hazardous materials, or toxic waste materials, including court-ordered remedial action plans or related settlements, which are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Under GP 17, work in navigable waters with permanent impacts that meet or exceed the PCN limits on page 4 of the GP of less than or equal to ½ acres, is eligible for review under a PCN.</p>
<p>U.S. Environmental Protection Agency (EPA)</p> <p>Federal Clean Water Act Section 402(p); 33 USC s. 1342(p); 40 CFR 122.26; NPDES Construction General Permit, Effective February 16, 2012</p>	<p>National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) NOI (for stormwater management)</p>	<p>On-site: April 6, 2016</p>	<p>Decision time for CGP and RGP: effective 14 days after NOI submittal to and acknowledged by EPA. When the CGP expires on February 16, 2017, those activities covered by the CGP will likely have to file a NOI under the new CGP.</p>
<p>U.S. Environmental Protection Agency (EPA)</p> <p>Federal Clean Water Act Section 402(a), 33 USC s. 1342(a); 40 CFR 122.28; 314 CMR 4.00; NPDES Remediation General Permit, NPDES Permit No. MAG910000, Effective September 10, 2010</p>	<p>NPDES Remediation General Permit (RGP) (for construction dewatering)</p>	<p>Submitted May 25, 2016</p>	<p>When the RGP expires on September 10, 2015, those activities covered by the RGP will likely have to file a NOI under the new RGP. The new RGP is not yet in place.</p>

State			
Executive Office of Energy and Environmental Affairs Massachusetts Environmental Policy Act; MGL c. 30 ss. 61-62I; 301 CMR 11.00	Massachusetts Environmental Policy Act (MEPA) Review	<u>Project:</u> Certificate on EENF received 11/26/13 Certificate on DEIR received 2/21/14 Certificate on FEIR received 8/15/14 Certificate on SFEIR Received 4/03/15 Certificate on SSFEIR Received 8/28/15 <u>Sediment Remediation:</u> Filing NPC anticipated September 2016	Secretary determines whether a Draft EIR, or Final EIR, as applicable, is adequate within 37 days of notice of availability of the EIR in the Environmental Monitor. A project that has not commenced either construction, or other project development activities (including final design, property acquisition, or marketing), within five years of notice of availability of Final EIR must file a Notice of Project Change. Secretary determines whether a subsequent filing is required. MEPA review is complete if no further filings are required.
Executive Office of Energy and Environmental Affairs MGL c. 21A ss. 2 and 4A; 301 CMR 23.00	Municipal Harbor Plan	Submitted on 10/16/13 Approved on 2/10/14	After publication of proposed Plan in Environmental Monitor and 30 day public comment period, Secretary has 60 days to consult with municipality proposing the Plan and other applicable agencies/entities, and 21 days thereafter to issue a written decision on the MHP.
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways Determination of Applicability	Determination of Applicability re Chapter 91 jurisdictional boundaries received on July 29, 2013	
Massachusetts Department of Environmental Protection (MassDEP) MGL c. 91 ss. 12-14; 310 CMR 9.00	Chapter 91 Waterways License	<u>Project:</u> Submitted August 19, 2015 License Anticipated August, 2016 <u>Sediment Remediation:</u> Submittal Anticipated October 2016	Licenses are issued for a fixed term; the standard term is 30 years but a license may be issued for an extended term (maximum of 99 years) if certain additional requirements are met.
MassDEP MGL c. 21 s. 43; 310 CMR 7.12	Compliance Certification for Stationary Engine	TBD	Required for CHP and generator

MassDEP MGL c. 111 ss. 142A-142E; 310 CMR 7.09	Notification of Construction and Demolition	TBD	Effective 10 working days after filing of notification.
MassDEP Section 401 of Federal Clean Water Act, 33 USC s. 1341; Massachusetts Clean Waters Act, MGL c. 21 ss. 26 et seq.; 314 CMR 9.00 (which cites to 310 CMR 4.00)	Water Quality Certification (401)	<u>Project</u> : Submitted September 8, 2015 Approval received January 22, 2016 <u>Sediment Remediation</u> : Submittal Anticipated October 2016	Standard MassDEP technical review period is 120 days (24 days for determination of administrative completeness and 96 days for technical review). No fixed maximum decision time.
MassDEP MGL c. 131 s. 40; 310 CMR 10.00	Wetlands Superseding Order of Conditions	Only in event of appeal of Order of Conditions issued by Everett Conservation Commission	Per 310 CMR 10.05 (7)(f) Issued within 70 days of request for superseding action (unless MassDEP requests additional information).
MassDEP Bureau of Waste Site Cleanup/Massachusetts Contingency Plan (MCP) MGL c. 21E; 310 CMR 40.000	(Submittals by Licensed Site Professional on behalf of Site Owner - do not need DEP approval)	<u>Landside Remediation</u> : Draft RAM Plan provided to DEP in May 2015; PIP process underway <u>Sediment Remediation</u> : Phase II Submitted December 2015 <u>Phase III</u> : Submittal Anticipated December 2016	Agency decision time frame N/A under MCP privatized program.
Massachusetts Water Resources Authority (MWRA) Chapter 372 of the Acts of 1984, s. 8(m); 360 CMR 10.000	Section 8(m) Permit (to cross or construct within an MWRA easement)	<u>Project</u> : Anticipated Submittal September 2016	
Massachusetts Office of Coastal Zone Coastal Zone Management (CZM) 301 CMR 20.00, M.G.L. c. 21A, §§2 and 4A Coastal Zone Management Act of 1972, 16 U.S.C. 1451 et seq., 15 CFR §§ 923 and 930	Federal Consistency Certification	<u>Project</u> : Submitted December 2015 <u>Sediment Remediation</u> : Anticipated Submittal October 2016	

Massachusetts Historical Commission (MHC) MGL c. 9 ss. 26 et seq.; 950 CMR 71.00	Review of project relative to potential effects on State Register historic/ archaeological resources.	Review Completed	Within 30 days of receipt of a completed Project Notification Form or ENF, the MHC will determine whether further information is needed and/or consultation is needed because the project may affect State Register properties. Beyond initial period, no other maximum decision times apply.
Board of Underwater Archaeological Resources (BUAR) M.G.L. c. 6, ss. 179 and 180; 312 CMR 2.00	Review of waterside activities	<u>Project</u> : Review Completed <u>Sediment Remediation</u> : Anticipated review concurrent with MEPA NPC	
Massachusetts Department of Transportation (MassDOT) MGL c. 81 s. 21, 720 CMR 13.00	Non-Vehicular Access Permit - Off-site roadway improvements	TBD	MassDOT completes technical reviews of the Access Permit application in 75 business days (35 business days following receipt of the 25% design submission, 20 business days following receipt of the 75%/100% design submission, and 20 business days following receipt of the PS&E submission.) Following technical review and approval, Section 61 Finding, and completion of MHC review and Mass. Wetlands Protection Act permitting, the MassDOT permit is issued 5 to 7 business days following final design approval.
Massachusetts Department of Transportation (MassDOT) MGL c. 40 s. 54A	Consent to issuance of building permit for construction on land formerly used by railroad company	<u>Project</u> : Approval issued May 2, 2016	
Massachusetts Department of Transportation (MassDOT) MGL c. 161A s. 5(b)	MBTA Land Disposition and Easement Agreements	Anticipated Summer 2016	

Local			
City of Boston (Off-site Roadway) Public Improvement Commission (PIC) Boston Transportation Department (BTD) Revised Ordinances of City of Boston of 1961, Ch.21, Sect. 36	Approvals	Filed January 30, 2015	
Everett Planning Board M.G.L. 40A, as amended, and Everett Zoning Ordinance, Section 28A, Resort Casino Overlay District (RCOD) in Lower Broadway Economic Development District (LBEDD)	Site Plan Review	<u>Project</u> : Approval Received October 14, 2015 Access Road: Approval Received May 5, 2016	Site Plan Review decisions shall be issued within 180 calendar days after filing of a completed application. Everett Zoning Ordinance, Sec. 28A(10)(B)(iii). Everett has accepted expedited permitting processes for Priority Development Sites pursuant to MGL c. 43D. All lots located in the LBEDD and RCOD are Priority Development Sites, Everett Zoning Ordinance Section 28A(10)(B).
Everett Conservation Commission Everett City Charter, c. 2, Article III, Division 7, Section 2-252 M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Project</u> : Order of Conditions issued September 24, 2015 <u>Landside Remediation</u> : Order of Conditions Issued 2015 <u>Sediment Remediation</u> : Submittal Anticipated September/October 2016	Decision time (about 42 days plus duration of public hearing which may consist of more than one ConComm meeting): - A public hearing must be held within 21 days of receiving NOI. - Orders of Conditions issued within 21 days of the close of the public hearing. Orders of Conditions are valid for 3 years unless extended.
Everett Fire Department Rev. Ordinance 1976, Pt.2, Ch.7, §33 Everett City Charter, Chapter 8, Article I, §2-252 M.G.L. c. 148 §10A	Review of Plans Fire Suppression System Installation Fuel Storage Permit LP Gas Storage Permit Underground Storage Tank Removal Permit (Commercial)	TBD	

Everett Health Department M.G.L. c. 140	Food Establishment Permit Application	TBD	Permits are annual, and expire May 31st of each year.
Everett Licensing Commission Victualler License: M.G.L. c. 140	Alcohol License Common Victualler License	TBD	
Everett Public Works Sewer: M.G.L., c. 83; Everett City Charter, Chapter 15 Water: Everett City Charter, Chapter 20	Sewer Connection Permit Water Connection Permit	TBD TBD	
Everett Building Department State Building Code, 780 CMR 105.3.1	Building Permit <ul style="list-style-type: none"> • Plumbing • Gas • Electrical • Wire • Trench • Mechanical • Foundation 	Foundation Permit May 2, 2016	30 days from submission of completed application. Specific permits (plumbing, gas, etc.) to be requested and issued at various times during construction period within 30 days following application
Boston Conservation Commission M.G.L. c. 131 §40; 310 CMR 10.00	Wetlands Order of Conditions	<u>Sediment Remediation:</u> Submittal Anticipated September/October 2016	

Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016						2017			
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Wynn Boston Harbor			717d	24-Aug-15 A	12-Jul-18										
Main Project			423d	24-Aug-15 A	12-May-17										
Environmental Permits			365d	24-Aug-15 A	21-Feb-17	Environmental Permits									
Chapter 91 - Main Project			110d	12-Feb-16 A	15-Jul-16	Chapter 91 - Main Project									
A3640	MP 91 Chapter 91 Appealed	110d	12-Feb-16 A	15-Jul-16	A3635	MP 91 Chapter 91 Appealed									
A4200	MP 91 Chapter 91 License Issued	8d	06-Jul-16	15-Jul-16	A3640	MP 91 Chapter 91 License Issued									
CZM Consistency Review - Main Project			219d	24-Aug-15 A	22-Jul-16	CZM Consistency Review - Main Project									
A3910	MP CZM Prepare CZM Permit & Application	20d	24-Aug-15 A	06-Jul-16	A3590	MP CZM Prepare CZM Permit & Application									
A3990	MP CZM Decision / Permit (Requires Chapter 91)	5d	18-Jul-16	22-Jul-16	A3980, A3640, A801	MP CZM Decision / Permit (Requires Chapter 91)									
FAA Air Navigation Determination - Site Equipment Use - Main Project			63d	11-Apr-16 A	11-Jul-16	FAA Air Navigation Determination - Site Equipment Use - Main Project									
A1080	FAA Permit Application Review - Tower Crane / Pile Driver	62d	11-Apr-16 A	08-Jul-16	A1070	FAA Permit Application Review - Tower Crane / Pile Driver									
A1090	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile	0d	11-Jul-16	11-Jul-16	A1080	FAA Finding of No Adverse Effect - Able to use site equipment - Tower Crane / Pile									
USACE SEC 10 & 404 - Navigational Dredging			36d	28-Jan-16 A	29-Jul-16	USACE SEC 10 & 404 - Navigational Dredging									
A7430	MP 404/10 Decision / Permit (Requires CZM which requires 91)	36d	28-Jan-16 A	29-Jul-16	A4330, A3990, A4200	MP 404/10 Decision / Permit (Requires CZM which requires 91)									
MEPA - ENF - Remedial Dredging			32d	01-Sep-16	17-Oct-16	MEPA - ENF - Remedial Dredging									
A8520	MEPA Meeting	1d	01-Sep-16*	01-Sep-16	A7470, A7480	MEPA Meeting									
A4310	RD File ENF for Remedial Dredging	1d	07-Sep-16	07-Sep-16	A7480, A8520	RD File ENF for Remedial Dredging									
A3490	RD Notice in Environmental monitor	1d	16-Sep-16	16-Sep-16	A4310	RD Notice in Environmental monitor									
A3500	RD Comment period / Public Hearing (20 calendar days)	14d	16-Sep-16	05-Oct-16	A3490	RD Comment period / Public Hearing (20 calendar days)									
A3510	RD Secretary Decision	1d	17-Oct-16	17-Oct-16	A3500	RD Secretary Decision									
Chapter 91 - Remedial Dredging (requires WQ)			207d	25-Apr-16 A	21-Feb-17	Chapter 91 - Remedial Dredging									
A4280	Internal Review of First Draft	10d	25-Apr-16 A	06-Sep-16	A3790	Internal Review of First Draft									
A3800	RD 91 Internal Review of Final Draft Application	10d	07-Sep-16	20-Sep-16	A3790, A4280	RD 91 Internal Review of Final Draft Application									
A3810	RD 91 Draft to MASS DEP	5d	21-Sep-16	27-Sep-16	A3800	RD 91 Draft to MASS DEP									
A3820	RD 91 Final Application DEP comments	10d	28-Sep-16	11-Oct-16	A3810	RD 91 Final Application DEP comments									
A3830	RD Chapter 91 Filing	5d	12-Oct-16	18-Oct-16	A3820, A5172, A3510	RD Chapter 91 Filing									
A3840	RD 91 Notice in Environmental Monitor	6d	19-Oct-16	26-Oct-16	A3830	RD 91 Notice in Environmental Monitor									
A3850	RD 91 Comment Period / Public Hearing	13d	28-Oct-16	15-Nov-16	A3840	RD 91 Comment Period / Public Hearing									
A3860	RD 91 End of Chapter 91 Technical Review (3 Months)	65d	16-Nov-16	21-Feb-17	A3850, A3330	RD 91 End of Chapter 91									
Water Quality Certificate 401 - Remedial Dredging (before Ch. 91)			207d	25-Apr-16 A	21-Feb-17	Water Quality Certificate									
A11840	Internal Review of First Draft	10d	25-Apr-16 A	06-Sep-16	A10890	Internal Review of First Draft									
A10900	RD WQ Internal Reiew of Final Draft Application	10d	07-Sep-16	20-Sep-16	A10890, A11840	RD WQ Internal Reiew of Final Draft Application									
A10920	RD WQ Draft to MASS DEP	5d	21-Sep-16	27-Sep-16	A10900	RD WQ Draft to MASS DEP									
A10930	RD WQ Final Application DEP comments	10d	28-Sep-16	11-Oct-16	A10920	RD WQ Final Application DEP comments									
A10940	RD Chapter 401 Filing	5d	12-Oct-16	18-Oct-16	A10930, A3510	RD Chapter 401 Filing									
A10950	RD WQ Notice in Environmental Monitor	6d	19-Oct-16	26-Oct-16	A10940	RD WQ Notice in Environmental Monitor									
A10960	RD WQ Comment Period / Public Hearing	13d	28-Oct-16	15-Nov-16	A10950	RD WQ Comment Period / Public Hearing									

Remaining Level of Effort

Actual Work

Remaining Work

Critical Remaining Work

Milestone

Summary



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016						2017			
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
A10970	RD WQ End of Chapter 401 Technical Review (3 Months)	65d	16-Nov-16	21-Feb-17	A10960										
Everett Con. Comm. - Wetlands Notice of Intent - Remedial Dredging			153d	23-May-16 A	29-Dec-16										
A8160	E - RD NOI Final Draft	5d	23-May-16 A	06-Sep-16	A8150										
A8170	E - RD NOI Internal Review of Final Draft	5d	07-Sep-16	13-Sep-16	A8160										
A8180	E -RD NOI Final Draft to DEP	5d	14-Sep-16	20-Sep-16	A8170										
A8190	E - RD DEP Comments on Final Draft	9d	21-Sep-16	03-Oct-16	A8180										
A8200	E - RD NOI File Notice of Intent	11d	04-Oct-16	18-Oct-16	A8190										
A8410	E - RD NOI First Hearing	1d	10-Nov-16	10-Nov-16	A8180, A8200										
A11000	E - RD NOI Second Hearing	1d	12-Dec-16	12-Dec-16	A8410										
A8220	E - RD NOI Decision / Permit	2d	13-Dec-16	14-Dec-16	A11000, A8200										
A8240	E - RD NOI Order of Conditions	1d	14-Dec-16	14-Dec-16	A8220										
A8230	E - RD NOI End of Appeal Period	10d	15-Dec-16	29-Dec-16	A8220, A8240										
Boston Con. Comm. - Wetlands Notice of Intent - Remedial Dredging			153d	23-May-16 A	29-Dec-16										
A8270	B - RD NOI Final Draft	5d	23-May-16 A	06-Sep-16	A8260										
A8280	B - RD NOI Internal Review of Final Draft	5d	07-Sep-16	13-Sep-16	A8270										
A8290	B - RD NOI Final Draft to DEP	5d	14-Sep-16	20-Sep-16	A8280										
A8300	B - RD DEP Comments on Final Draft	9d	21-Sep-16	03-Oct-16	A8290										
A8310	B - RD NOI File Notice of Intent	11d	04-Oct-16	18-Oct-16	A8300										
A8320	B - RD NOI Review and Public Hearing	13d	19-Oct-16	04-Nov-16	A8310										
A8330	B - RD NOI Decision / Permit	19d	16-Nov-16	14-Dec-16	A8320, A8220										
A8350	B - RD NOI Order of Conditions Issued	1d	14-Dec-16	14-Dec-16	A8330										
A8340	B - RD NOI End of Appeal Period	10d	15-Dec-16	29-Dec-16	A8330, A8350										
USACE SEC 10 & 404 - Remedial Dredging (requires Ch.91, WQ, CZM			240d	03-Mar-16 A	10-Feb-17										
A3420	RD Final Application	65d	03-Mar-16 A	23-Sep-16	A3410										
A3430	RD File Application - General Permit 17	1d	25-Oct-16	25-Oct-16	A3420										
A7440	RD Technical Review	74d	26-Oct-16	10-Feb-17	A3430										
MCP - Massachusetts Contingency Plan			108d	23-May-16 A	24-Oct-16										
A3670	MCP Phases III and IV - Draft Plan Review	5d	23-May-16 A	01-Sep-16	A3660										
A4110	MCP Phases III and IV - Final Plan	21d	02-Sep-16	03-Oct-16	A3670										
A4120	MCP Phases III and IV - Final Plan Submitted	0d		03-Oct-16	A4110										
A4130	Public Comment Period (20 calendar days)	15d	04-Oct-16	24-Oct-16	A4120										
Design			44d	15-Jul-16	16-Sep-16										
Permit Drawings			0d	15-Jul-16	15-Jul-16										
A12260	Garage Drawings (for City Review)	0d		15-Jul-16	A10820										
A12270	Podium Drawings (for City Review)	0d		15-Jul-16	A12260										
GMP Documents			0d	15-Jul-16	15-Jul-16										
A10820	GMP Documents (All)	0d		15-Jul-16	A10120										

Activity ID		Activity Name		Original Duration	Start	Finish	Predecessors	2016						2017							
								Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr				
		Construction Documents		0d	16-Sep-16	16-Sep-16				▼ Construction Documents											
A9780	Construction Documents (All)		0d		16-Sep-16	A9580, A12270			◆ Construction Documents (All)												
		Construction Permits - Structural Peer Review		32d	27-May-16 A	13-Jul-16		▼ Construction Permits - Structural Peer Review													
		City of Everett Building Permits		50d	06-Jun-16 A	15-Aug-16		▼ City of Everett Building Permits													
		Owner's Insurance		65d	01-Jul-16 A	03-Oct-16		▼ Owner's Insurance													
		Remediation		300d	04-Jan-16 A	16-Mar-17												▼ Remediation			
		Landside Remediation		300d	04-Jan-16 A	16-Mar-17												▼ Landside Remediation			
A2580	Groundwater Monitoring		300d	04-Jan-16 A	16-Mar-17	A2570		Groundwater Monitoring													
A2590	Draft RAM Completion Report		6d	11-Apr-16 A	15-Jul-16	A2570, 11960, A2980		Draft RAM Completion Report													
A2690	Submit Final RAM Completion Report		1d	01-Aug-16	01-Aug-16	A2590		Submit Final RAM Completion Report													
		Dredging		161d	16-Feb-16 A	30-Sep-16		Dredging													
A8365	Time of Year Restriction 2016 (No Work)		161d	16-Feb-16 A	30-Sep-16			Time of Year Restriction 2016 (No Work)													
		Project Cost Generation		22d	15-Sep-16	17-Oct-16		Project Cost Generation													
A5690	GMP Submitted by CM		0d		15-Sep-16	11840, A10820		◆ GMP Submitted by CM													
A5720	GMP Review/Approval		22d	16-Sep-16	17-Oct-16	A5690		GMP Review/Approval													
A10070	GMP Contract Amendment		0d		17-Oct-16	A5720, A5690, 11840		◆ GMP Contract Amendment													
		Construction - Main Project		254d	12-May-16 A	12-May-17															
		MBTA Storm Drain Outfall Relocations		38d	01-Jul-16 A	26-Aug-16		MBTA Storm Drain Outfall Relocations													
14290	36" Storm Drain - DMHZ2 to DMH2K		15d	01-Jul-16 A	19-Jul-16	14280		36" Storm Drain - DMHZ2 to DMH2K													
14300	24" Storm Drain (west) - CB21 to DMH3X		19d	01-Jul-16 A	29-Jul-16	14290, A4200		24" Storm Drain (west) - CB21 to DMH3X													
14310	36" Storm Drain - DMH2K to DMHZ7		12d	20-Jul-16	04-Aug-16	14300		36" Storm Drain - DMH2K to DMHZ7													
14320	24" Storm Drain - DMH2D to DMH2K		8d	20-Jul-16	29-Jul-16	14310		24" Storm Drain - DMH2D to DMH2K													
14340	Install Detention Basin #2		15d	01-Aug-16	19-Aug-16	14320		Install Detention Basin #2													
14350	24" Storm Drain - DMH2K to Detention Basin		17d	01-Aug-16	23-Aug-16	14340		24" Storm Drain - DMH2K to Detention Basin													
14360	Temp Bypass from DMHZ7 to Existing 36" Drain Line		5d	05-Aug-16	11-Aug-16	14350		Temp Bypass from DMHZ7 to Existing 36" Drain Line													
14260	48" Storm Drain - Detention Basin #2 to DMH1E		6d	19-Aug-16	26-Aug-16	A4200, 14280, 14360		48" Storm Drain - Detention Basin #2 to DMH1E													
		Phase 1 Marine Work		125d	03-Oct-16	31-Mar-17												▼ Phase 1 Marine Work			
14330	Mobilize, Rip Rap, Outfalls, Precast Piles, E/B Loading Slab Transfer		20d	03-Oct-16	28-Oct-16	A8365		Mobilize, Rip Rap, Outfalls, Precast Piles, E/B Loading Slab Transfer													
14370	Install Bulkhead and Sheet Piles		40d	31-Oct-16	28-Dec-16	14330		Install Bulkhead and Sheet Piles													
14390	Wharf Construction, Sheet Piles, Timber Piles		65d	29-Dec-16	31-Mar-17	14370												Wharf Construction			
		Subcontractor Procurement Milestones		39d	15-Jul-16	09-Sep-16		Subcontractor Procurement Milestones													
A12170	Tower Cranes		0d		15-Jul-16	A3035		◆ Tower Cranes													
A12190	MEP Equipment		0d		22-Jul-16	A12170		◆ MEP Equipment													
A12210	Curved Escalators		0d		22-Jul-16	A12190		◆ Curved Escalators													
A12220	Structural Steel		0d		29-Jul-16	A12190		◆ Structural Steel													
A12540	Marine Work		0d		29-Jul-16	A12220		◆ Marine Work													
A3100	Pile Caps, SOG, Garage Concrete		0d		15-Aug-16	A3035, A3180, A1080		◆ Pile Caps, SOG, Garage Concrete													

Remaining Level of Effort

Actual Work

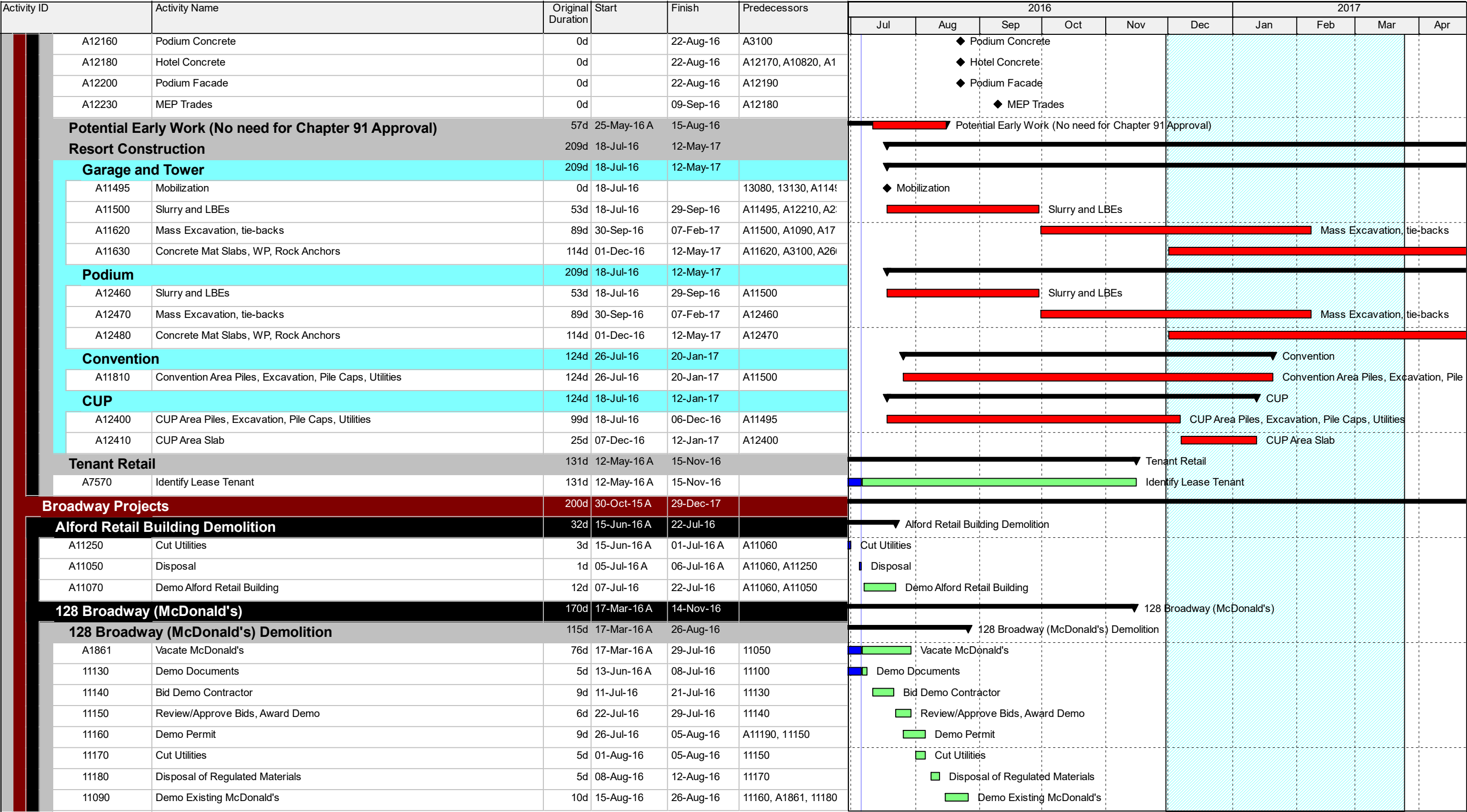
Remaining Work

Critical Remaining Work

Milestone

Summary





Remaining Level of Effort

Actual Work

Remaining Work

Critical Remaining Work

◆

 Milestone

Summary



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016						2017			
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
13260	Demo Complete	0d		26-Aug-16	11090, 11920		◆ Demo Complete								
New McDonald's		75d	01-Aug-16	14-Nov-16			▶			▶ New McDonald's					
11080	Construction (New McDonald's, Utilities, Parking) - 100 days	74d	01-Aug-16	11-Nov-16	11060, A1861, 11120										
11110	New McDonald's Open	0d		14-Nov-16	11760, 11080, 13260					◆ New McDonald's Open					
38 Broadway (Mobil) Demolition		95d	01-Mar-16 A	31-May-17											
A1863	Terminate Mobil Lease	60d	01-Mar-16 A	31-May-17	A1860										
A7690	Environmental Investigation	15d	02-Jun-16 A	15-Jul-16	A1860, A7710, A1863										
A7860	GZA RAM Plan (Check with GZA)	10d	18-Jul-16	29-Jul-16	A7690										
48 Broadway (Dunkin Donuts) Demolition		167d	30-Oct-15 A	29-Dec-17											
A1870	Terminate Dunkin Donuts Lease	167d	30-Oct-15 A	29-Dec-17	A1860										
A8400	Environmental Investigation	25d	06-Jul-16	09-Aug-16	A8390, A8420, A1870										
MBTA Loading Dock and New Gatehouse		236d	30-Oct-15 A	30-Sep-16											
12905	Finalize License	5d	30-Oct-15 A	05-Jul-16 A											
12860	Prepare Construction Documents	75d	30-Oct-15 A	13-Jul-16											
12910	Finalize Easement	75d	30-Oct-15 A	01-Aug-16	14380										
12890	Issue Bid Documents	2d	14-Jul-16	15-Jul-16	12860, 12860, 12910										
13010	MBTA Review	10d	14-Jul-16	27-Jul-16	12860										
12900	Bid/Award Contractor	7d	18-Jul-16	26-Jul-16	12890										
12870	Pre-bid Meeting	1d	20-Jul-16	20-Jul-16	12860										
12850	Loading Dock Construction	32d	02-Aug-16	15-Sep-16	12890, 12900, 12870										
12920	Move Storage Building	32d	02-Aug-16	15-Sep-16	12900										
12975	Build New Gatehouse	43d	02-Aug-16	30-Sep-16	12900										
12880	Loading Dock Operational	0d		15-Sep-16	12850, 13290										
13280	MBTA New Entrance Operational	0d		30-Sep-16	12975, 13300, 12920										
Service Road and Utilities Projects		623d	26-Jan-16 A	12-Jul-18											
Preferred Utility Relocations Options		17d	22-Jun-16 A	15-Jul-16											
Verizon Relocation through Santilli Circle (for Gateway)		17d	22-Jun-16 A	15-Jul-16											
13130	Relocate FIRE ALARM on Poles	8d	22-Jun-16 A	15-Jul-16	13080										
13080	Relocate T/D Lines	8d	06-Jul-16	15-Jul-16	13090, 13100, 13120										
Gateway 23Kv Electrical Line Preconstruction		163d	26-Jan-16 A	01-Aug-16											
A2270	Finalize License	60d	26-Jan-16 A	05-Jul-16 A	A2310										
A2280	Finalize Easement	60d	27-Jan-16 A	01-Aug-16	A2270										
115Kv High Tension Tower Relocation		541d	23-May-16 A	12-Jul-18											
A2350	National Grid Complete Engineered Documents	541d	23-May-16 A	12-Jul-18	A2410										
Service Road Construction		127d	18-May-16 A	15-Nov-16											
12060	SR - Phase 1 (Resort/South MBTA Work) incl. all utilities at Resort/MBTA areas	32d	18-May-16 A	29-Jul-16	12170, A9560, A8510										
12070	SR - Phase 2 (SR and Portion of Charlton) incl. SR and Charlton except McDonald's	51d	18-May-16 A	12-Aug-16	12060										

Remaining Level of Effort

Actual Work

Remaining Work

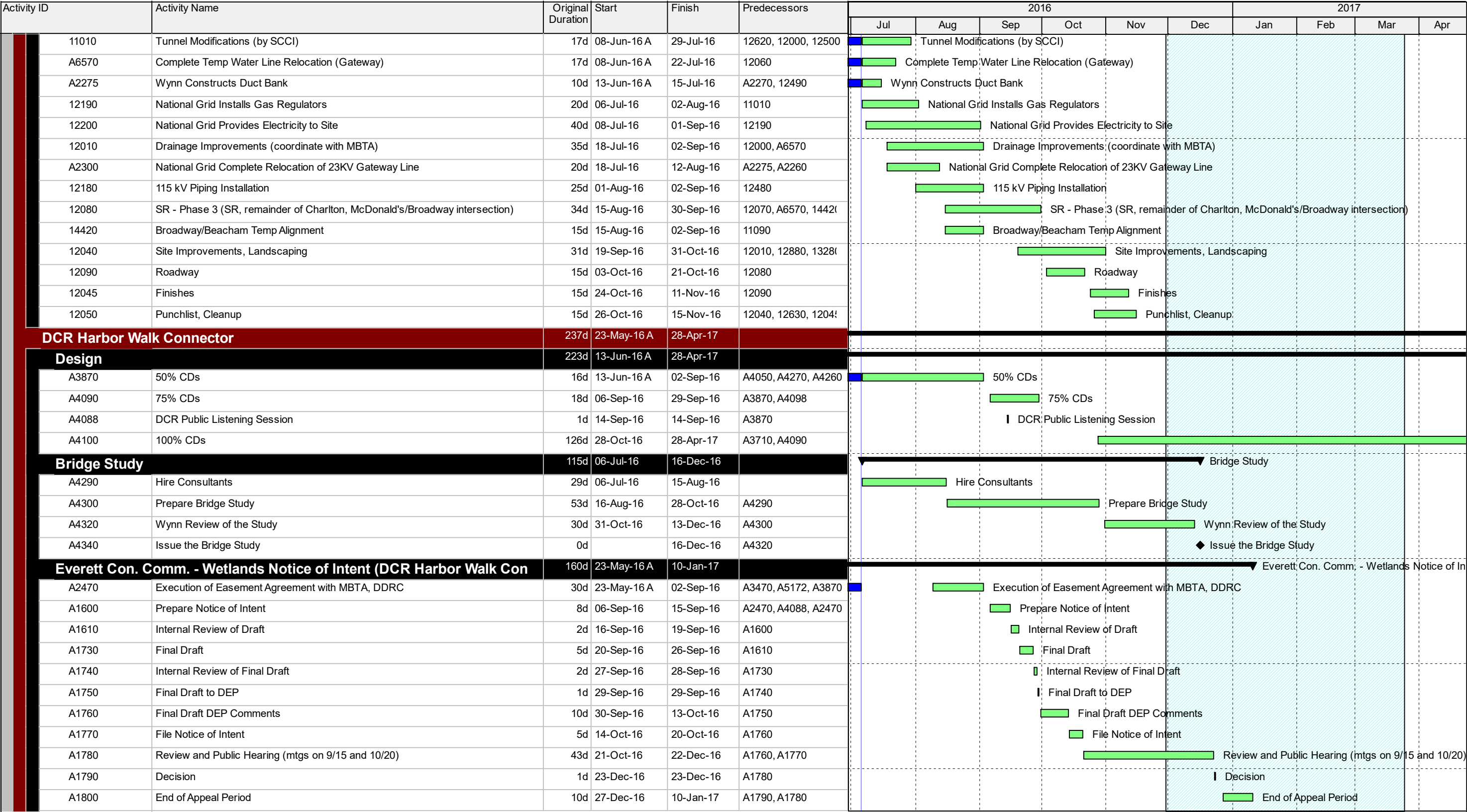
Critical Remaining Work

◆

 Milestone

Summary





Remaining Level of Effort

Actual Work

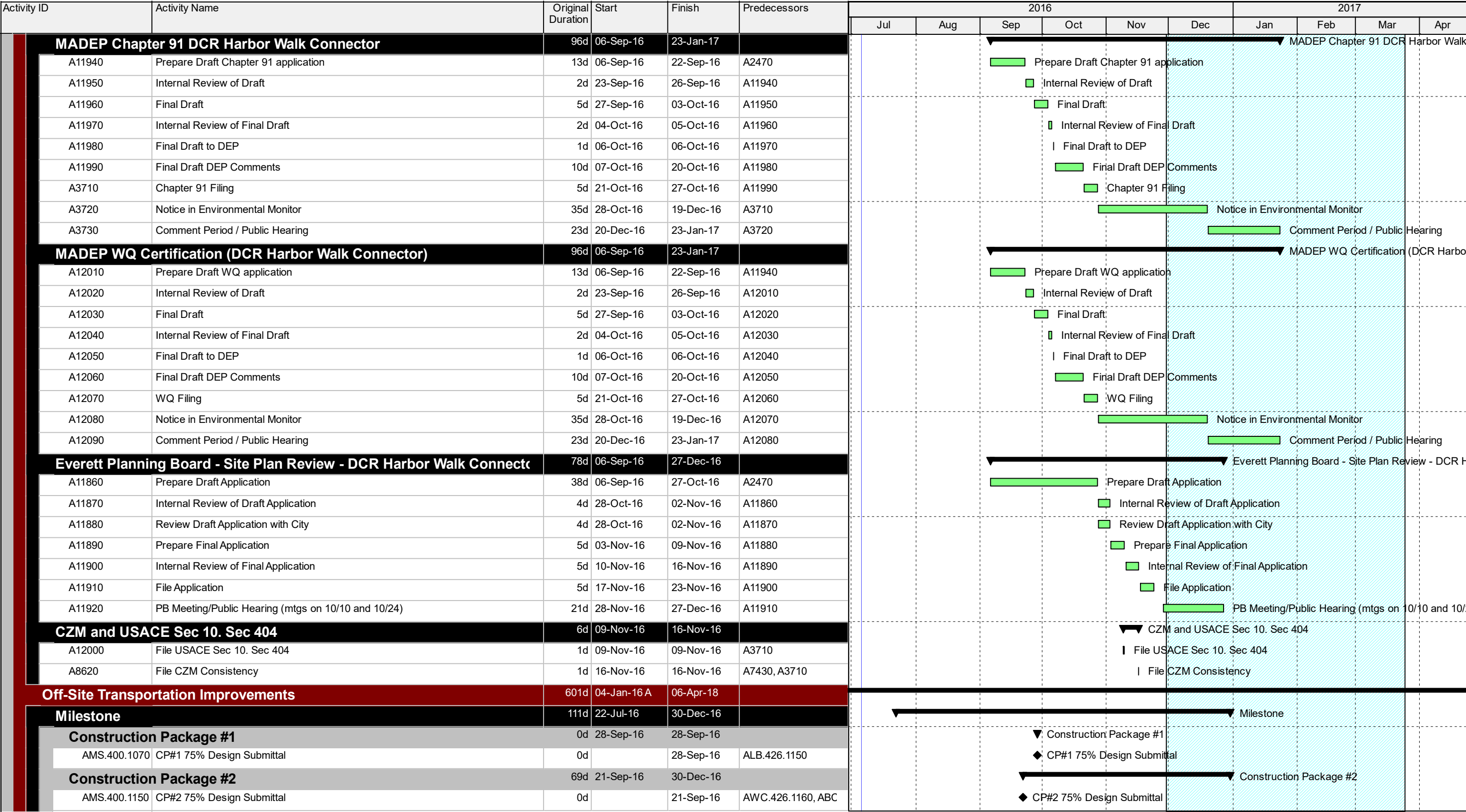
Remaining Work

Critical Remaining Work

Milestone

Summary





Remaining Level of Effort

Actual Work

Remaining Work

Critical Remaining Work

Milestone

Summary



Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	2016						2017			
						Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
AMS.450.1160	CP#2 100% Design Submittal	0d		30-Dec-16	AWC.456.1050, ABC						◆ CP#2 100% Design Submittal				
Construction Package #3		107d	22-Jul-16	23-Dec-16											
AMS.300.1180	CP#3 30% Design Submittal	0d		22-Jul-16	AWM.327.1100, APN	◆ CP#3 30% Design Submittal									
AMS.400.1190	CP#3 60% Design Submittal	0d		21-Oct-16	AWM.426.1160				◆ CP#3 60% Design Submittal						
AMS.450.1200	CP#3 100% Design Submittal	0d		23-Dec-16	AWM.456.1090						◆ CP#3 100% Design Submittal				
Permitting		45d	02-May-16 A	26-Jul-16		▶ Permitting									
Construction Package #1 - Lower Broadway & Truck Route		161d	14-Jun-16 A	04-Jan-17											
Construction Package #2 - Route 16		159d	14-Jun-16 A	30-Dec-16											
Construction Package #3 - MBTA Wellington & Malden Station		130d	22-Jun-16 A	10-Jan-17											
Construction Package #4 - Sullivan Square Charlestown		259d	04-Jan-16 A	10-Jan-17											
A7220	25% Design	20d	04-Jan-16 A	01-Jul-16 A	A7210	25% Design									
A7250	MADOT / FHA 25% Design Review	20d	06-Jul-16	02-Aug-16	A7220	MADOT / FHA 25% Design Review									
A7260	Boston BTD 25% Review	20d	06-Jul-16	02-Aug-16	A7220	Boston BTD 25% Review									
A7270	MBTA 25% Review	20d	06-Jul-16	02-Aug-16	A7220	MBTA 25% Review									
A7280	75% Design Package	53d	03-Aug-16	17-Oct-16	A7250, A7260, A7270	75% Design Package									
A7300	MADOT / FHA Review 75% Design Package	20d	18-Oct-16	14-Nov-16	A7280	MADOT / FHA Review 75% Design Package									
A7310	Boston BTD Review 75% Design Package	20d	18-Oct-16	14-Nov-16	A7280	Boston BTD Review 75% Design Package									
A7320	MBTA Review 75% Design Package	20d	18-Oct-16	14-Nov-16	A7280	MBTA Review 75% Design Package									
A7330	Final Design	37d	15-Nov-16	10-Jan-17	A7300, A7310, A7320	Final Design									
Woods Memorial Bridge (by DOT)		520d	01-Feb-16 A	06-Apr-18											
A4040	Project by DOT	520d	01-Feb-16 A	06-Apr-18											

Wynn Boston Harbor

Six Month Lookahead Schedule (7/1/2016 - 12/31/2016)

07-Jul-16

Page 8 of 8

Wynn

BOSTON HARBOR

Appendix 5

Project Construction Workforce: Women, Minority, Veteran Participation As of June 30, 2016

Reference 205 CMR 135.02(5)(e)

As of June 30, 2016, 22,823 person-hours of work was completed on the Project Site, with 30 minorities, eleven females, and nine veterans, on site over the last several months for pre-construction and remediation.

	# of Workers	Participation to Date (% of workforce hours)	Goal (% of workforce hours)
Minority	30	16.8%	15.3%
Female	11	8.0%	6.9%
Veteran	9	7.6%	3.0%

	PROJECT TO DATE									
		MINORITY - Goal : 15.3 %			FEMALE - Goal : 6.9 %			VETERAN - Goal : 3 %		
LOCAL TRADE UNION	Total Hours	# Workers	Hours	Percentage	# Workers	Hours	Percentage	# Workers	Hours	Percentage
Carpenters Local 218	29.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 26	4.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Carpenters Local 33	45.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Electricians Local 103 I.B.E.W.	34.0	2	16.0	47.1%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 133	13.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 151	783.5	1	182.5	23.3%	2	190.5	24.3%	0	0.0	0.0%
Laborers Local 22	9,611.0	17	2,294.5	23.9%	6	1,296.0	13.5%	3	1,249.0	13.0%
Laborers Local 223	322.0	1	4.0	1.2%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 271	8.0	1	4.0	50.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 385	133.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 560	254.0	2	254.0	100.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 610	32.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 876	220.5	1	220.5	100.0%	0	0.0	0.0%	0	0.0	0.0%
Laborers Local 88 (Tunnel Workers)	32.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Operating Engineers Local 4	9,032.5	4	647.5	7.2%	2	260.0	2.9%	3	208.5	2.3%
Piledrivers Local 56	2,269.5	1	209.0	9.2%	1	84.0	3.7%	3	269.5	11.9%
Total	22,823.0	30	3,832.0	16.8%	11	1,830.5	8.0%	9	1,727.0	7.6%

	PROJECT TO DATE									
		MINORITY - Goal : 15.3 %			FEMALE - Goal : 6.9 %			VETERAN - Goal : 3 %		
CONTRACTOR	Total Hours	# Workers	Hours	Percentage	# Workers	Hours	Percentage	# Workers	Hours	Percentage
Cashman Dredging & Marine Contracting	200.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Coastal Marine Construction	2,223.5	0	0.0	0.0%	1	84.0	3.8%	1	116.5	5.2%
DeLucca Fence Company	394.5	5	110.0	27.9%	1	16.0	4.1%	1	24.0	6.1%
J Rams Inc	16.0	0	0.0	0.0%	0	0.0	0.0%	1	8.0	50.0%
J. Derenzo Co.	3,726.5	5	827.5	22.2%	3	409.5	11.0%	2	191.0	5.1%
Liberty Construction Services	446.0	5	32.0	7.2%	1	4.0	0.9%	0	0.0	0.0%
Lockwood Remediation	32.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
MON Landscaping Inc.	96.0	0	0.0	0.0%	0	0.0	0.0%	0	0.0	0.0%
Richard W. Reid Electric Company Inc.	34.0	2	16.0	47.1%	0	0.0	0.0%	0	0.0	0.0%
The Welch Corporation	11,582.5	2	1,308.0	11.3%	3	1,057.0	9.1%	2	1,225.0	10.6%
TREVIICOS CORPORATION	4,064.0	10	1,534.5	37.8%	2	260.0	6.4%	2	162.5	4.0%
Wood & Wire Fence Co. Inc	8.0	1	4.0	50.0%	0	0.0	0.0%	0	0.0	0.0%
Total	22,823.0	30	3,832.0	16.8%	11	1,830.5	8.0%	9	1,727.0	7.6%

**Contracts and Payments to Minority, Women and
Veteran Business Enterprises for Construction Phase**
As of June 30, 2016

Reference 205 CMR 135.02(5)(f)

As of June 30, 2016, Wynn had awarded \$15,352,752, or 10.8% of qualified construction contracts, in contracts to M/W/VBEs for pre-construction work. As of June 30, 2016, Wynn and Wynn contractors awarded seven contracts to MBEs, 17 contracts to WBEs, and six contracts to VBEs for pre-construction work.

	# Contracts*	Contract Value (\$)	% of Total Construction Contracts Awarded to Date	% Goal	Paid to Date (\$)
MBE	7	7,981,527	5.6%	5.0%	5,529,725
WBE	17	6,199,257	4.4%	5.4%	170,753
VBE	6	1,171,968	0.8%	1.0%	13,592
TOTAL	30	\$15,352,752	10.8%	11.4%	\$5,714,070

*Note that 5 MBE contracts, 16 WBE contracts, and 6 VBE contract, are sub-contracted with Wynn's contractors and sub-contractors.

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

As of June 30, 2016

Reference 205 CMR 135.02(5)(f)

As of June 30, 2016, Wynn had awarded \$9,736,132, or 18.3% of qualified design contracts, to M/W/VBEs for design work. As of June 30, 2016, Wynn and Wynn consultants awarded ten contracts to MBEs, ten contracts to WBEs, and three contracts to VBEs for design work.

	# Contracts*	Contract Value (\$)	% Total Design Contracts	% Goal	Paid to Date (\$)
MBE	10	3,993,657	7.5%	7.9%	2,807,658
WBE	10	2,389,758	4.5%	10.0%	830,604
VBE	3	3,352,717	6.3%	1.0%	2,152,675
TOTAL	23	\$9,736,132	18.3%	18.9%	\$5,790,937

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

Plainridge Park Casino

Report to the Massachusetts Gaming Commission
Q2 2016



PLAINRIDGE PARK
CASINO

Employment

As of June 30, 2016:

	Employees	Full-time	Part-time
Totals	499	334	165
	100%	67%	33%



PLAINRIDGE PARK
CASINO

Employment

As of June 30, 2016:

Employees	
Diversity	16.6%
Veterans	3%
Massachusetts	70%
Local	35.2%
Male/Female	51% / 49%



PLAINRIDGE PARK
CASINO

Employment

As of June 30, 2016:

	2nd	2015
Promotions	29	40
Internal Transfers	6	36



PLAINRIDGE PARK
CASINO

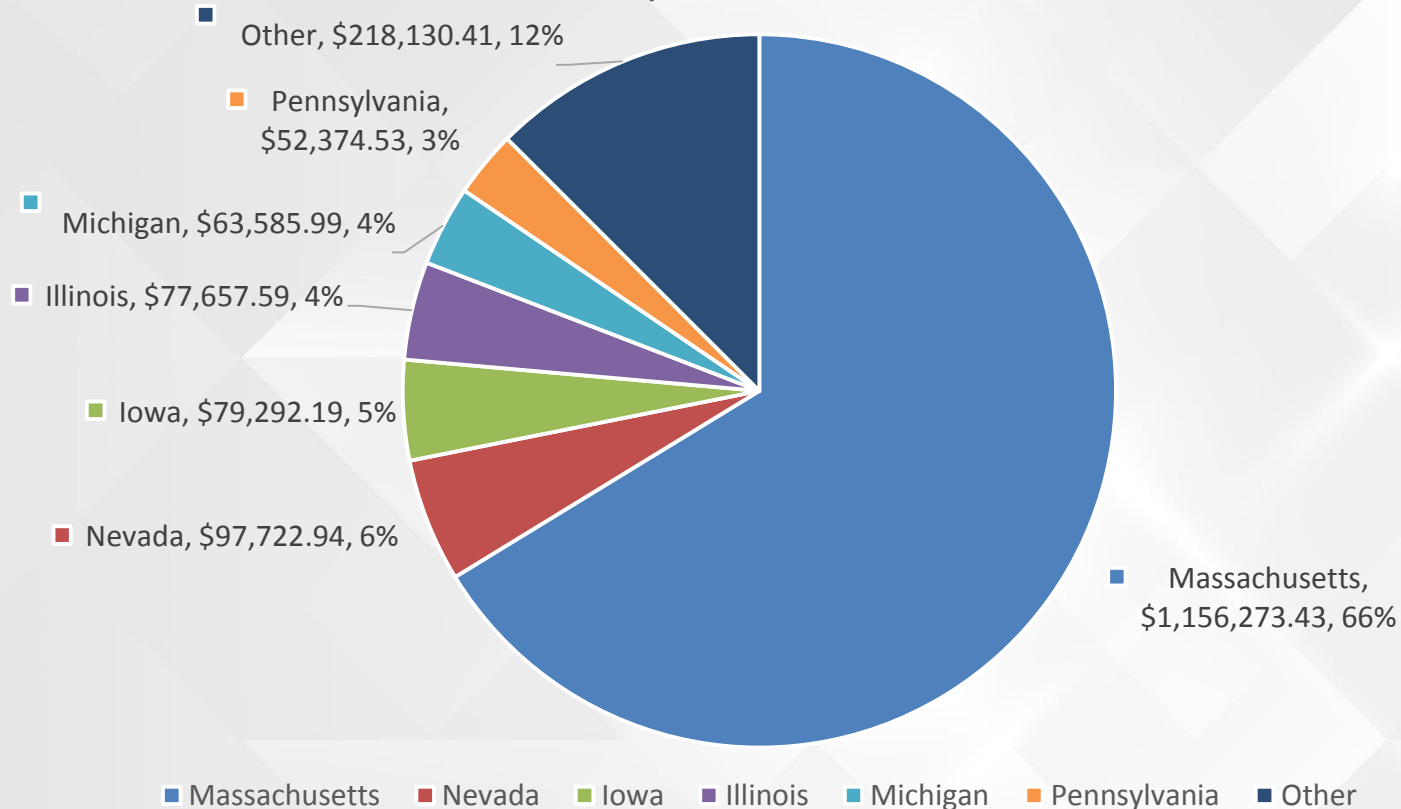
Revenue & Taxes

Month	Revenue	Total in collected state taxes and race horse assessments
January	\$12,531,140.69	\$6,140,258.94
February	\$12,669,678.44	\$6,208,142.44
March	\$13,496,232.21	\$6,613,153.78
April	\$13,306,466.10	\$6,520,168.39
May	\$13,488,794.58	\$6,609,509.34
June	\$12,324,076.83	\$6,038,797.65
6 Month Totals	\$77,816,388.85	\$38,130,030.54
2015 Totals	\$88,230,548.03	\$43,232,968.53



Spend by State

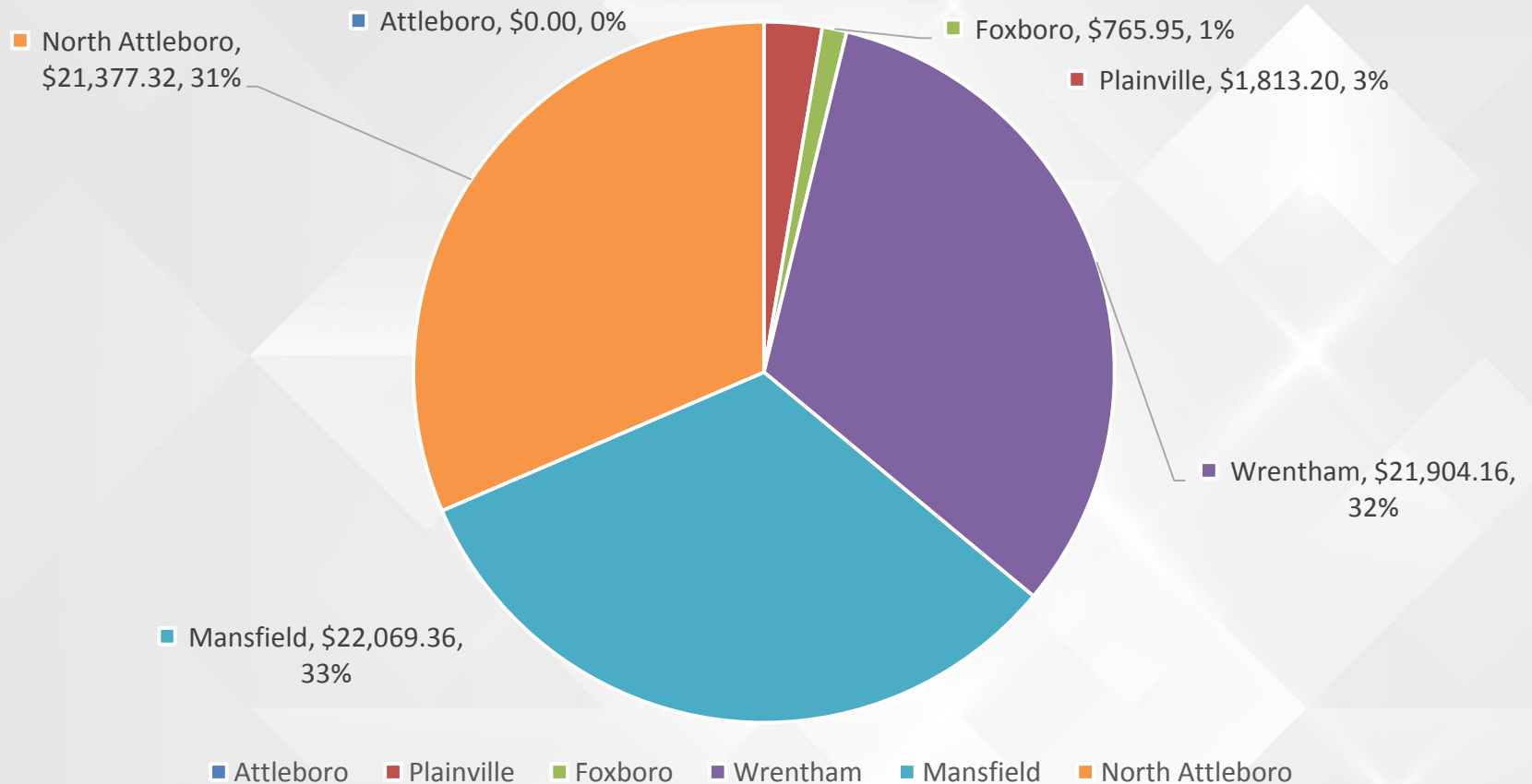
Total Q2 Spend: \$1,745,037.08



PLAINRIDGE PARK
CASINO

Local Spend

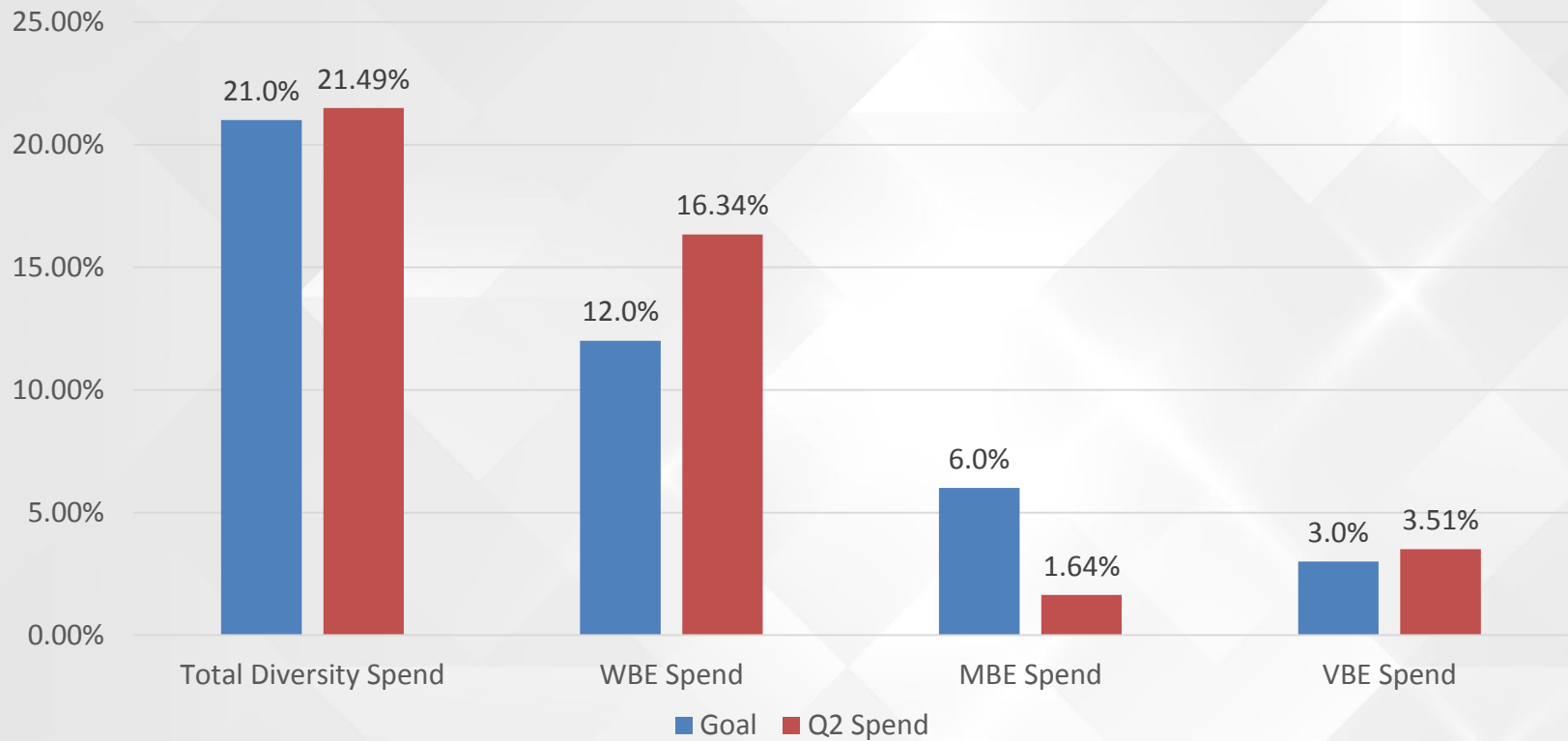
Total Host & Surrounding Community Spend: \$67,929.99



PLAINRIDGE PARK
CASINO

Vendor Diversity Spend

Q2 2016



PLAINRIDGE PARK
CASINO

Compliance with Regulations

Underage Guests

Month	Prevented from entering gaming establishment	Escorted from the gaming area	Found gambling at table games	Found gambling at slot machines	Taken into custody for gambling	Taken into custody - other	Found consuming alcoholic beverages
April	35	0	N/A	0	0	0	0
May	46	0	N/A	0	0	0	0
June	47	0	N/A	0	0	0	0
Total	128	0		0	0	0	0



PLAINRIDGE PARK
CASINO

Compliance with Agreements, continued

Lottery Sales

Online (e.g., Keno) \$ 251,480

Instant ticket \$ 507,372

Total lottery \$ 758,852

8% increase over Q1 2016 sales of \$705,304



Local Community

- Charitable
 - Continued \$777 Winning Wednesdays – Relay for Life of Greater Attleboro
 - Doug Flutie Jr Foundation for Autism
- Partnerships/Sponsorships
 - Xfinity Concert Series
 - Fenway Concert Series
 - NESN Red Sox Pre / Post Game
 - Wrentham Outlet Road Trip Expo
 - Day Trips & Destinations
 - MA Coalition of Police event at Patriot Place
 - Raffle stay and play packages



Events & Promotions

2nd Quarter

- Boat & Bass Pro Shops Giveaways
- Winning Wednesday's Red Sox Lottery Ticket Promotions
- Monthly MA Championship Slot Tournaments
- Wizard of Oz Necklace Giveaway
- Marquee Rewards Universal Benefits
- Live Racing - Kentucky Derby, Preakness Stakes, Belmont Stakes
- 1 Year Anniversary / Motorcycle & Mustang Giveaway



Q3 Marketing

3rd Quarter

- Charter and Line Run Daily Bus Program – mid July
- Slack's Wine Tastings – Yankee Spirits North Attleboro
- Responsible Gaming Education Week – Aug 1 – 5
 - Play My Way Everyday - 365
- Flutie's Brother's Band
- Hosted VIP Events at Local Businesses
 - VIP Dinner at Luciano's
- Patriot Season Ticket Sponsorship
- Tiffany Gift Giveaway
- Xfinity Brad Paisley Meet and Greet Giveaway
- Pontoon Boat, Jeep Wrangler & Ford Explorer Giveaway



PLAINRIDGE PARK
CASINO

Q2 Projects

- Video Poker Sign – installed 8/8/16
 - Matriarch (WBE)
- Capital Improvements (MGC Racing Capital Funds)
 - Q1 Paddock and Barn Renovations – completed
 - Q1 High-Definition Video Tote Board for Racecourse
- Q3 Projects
 - Garage Lighting - update lighting to LED, expected to save approx. \$6k a month starting in October 2016





DRAFT

2016 Community Mitigation Fund Reserve/Specific Impact Grant

By and Between the Massachusetts Gaming Commission and
the City of Springfield, Massachusetts

_____, 2016

This 2016 Community Mitigation Fund Reserve/Specific Impact Grant, (the “Grant”), dated as of _____, 2016 (“Effective Date”) is entered into by and between the Massachusetts Gaming Commission (“Commission”), an agency of the Commonwealth of Massachusetts, and the City of Springfield (“City” or “Springfield”) in accordance with G.L. c.23K, §61 and the 2016 Community Mitigation Fund Guidelines.

RECITALS

WHEREAS, the Commission has been created to ensure public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme; and

WHEREAS, pursuant to G.L. c. 23K, §61, the Commission shall administer a Community Mitigation Fund to assist the host community and surrounding communities in offsetting costs related to construction and operation of gaming establishments.

WHEREAS, the City has been identified as a host community, to a gaming licensee by the Commission as defined in G.L. c.23K, §2; and

WHEREAS, the City identified costs related to the construction and operation of a gaming establishment in Springfield; and

WHEREAS, in accordance with G.L. c.23K, §61 the Commission may receive and approve requests from a municipality to offset costs related to the construction and operation of a gaming establishment; and

WHEREAS, the City has submitted a 2016 Community Mitigation Fund Reserve/Specific Impact Application to the Commission in accordance with G.L. c. 23K, §61 requesting disbursements to City from the Community Mitigation Fund; and

WHEREAS, the Commission has determined that the City is eligible for the receipt of a Grant and that the City has agreed to accept the funds subject to all of the terms and conditions of this Grant; and

WHEREAS, the Commission has determined that there are sufficient funds available in the custody of the Commission, to make disbursements to the City; and

WHEREAS, the Commission has been granted the power to execute all instruments necessary or convenient for accomplishing the purposes of G.L. c.23K; and

WHEREAS, the Commission has been granted the power to enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under G.L. c.23K;

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Grant, the receipt and legal sufficiency of which are hereby acknowledged, the Commission and the City, intending to be legally bound, hereby agree as follows:

The Commission agrees to provide a Grant of funds to the City, subject to all of the following terms and conditions:

SECTION 1
2016 COMMUNITY MITIGATION FUND
RESERVE/SPECIFIC IMPACT APPLICATION

The 2016 Community Mitigation Fund Reserve/Specific Impact Application (“*Application*”) shall mean the application submitted by the City and approved by the Commission on August 1, 2016 detailing the costs to offset the impacts of the gaming establishment. The *Application* shall include detailed estimates, including the scope of work, from prospective contractors, vendors, and/or service providers.

SECTION 2
THE GRANT

As of the Effective Date and subject to the satisfaction of or compliance with, as reasonably determined by the Commission: (a) all of the terms and conditions of this Grant, (b) the applicable provisions of G.L. c.23K, Chapter 194 of the Acts of 2011, and 205 CMR, and (c) any other rule, regulation, policy, guideline, approval, or directive of the Commission, the Commission hereby approves the following Grant: an amount that shall under no circumstances exceed Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00). The Parties hereby acknowledge and agree that the amount set forth in this section as determined by the Commission in its sole discretion, is the maximum amount of funding that the municipality may expend for the shorter of the time period outlined in the Commonwealth Standard contract form and **SECTION 4- SCOPE OF GRANT** of this Agreement, whichever is less. Any amounts in excess of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) for the parking service program outlined in **SECTION 4** of this Agreement shall require a fully executed contract amendment between the City of Springfield and the Massachusetts Gaming Commission. This Grant is also subject to all the terms and conditions in the Commonwealth of Massachusetts – Standard Contract Form as issued by the Massachusetts Executive Office for Administration and Finance.

SECTION 3 COVENANTS, REPRESENTATIONS, AND WARRANTIES

The City covenants and agrees that in exchange for this Grant, the City shall and shall cause its employees, agents, and representatives to perform and comply with the following covenants, and otherwise represents and warrants as follows:

3.1 The City shall and shall cause its employees to comply with all provisions of this Grant, and all provisions of law that are applicable to the Grant; the City shall take all action necessary to fulfill its obligations under this Grant and under all other agreements related to the Grant that have been referenced herein or otherwise approved by the Commission.

3.2 The City hereby acknowledges and agrees that neither the City nor any of its employees, officials or agents has submitted nor shall submit any false or intentionally misleading information or documentation to the Commission in connection with this Grant, including the *Application*, and further acknowledges and agrees that the submission of any such information or documentation shall be a material breach of this Grant and may be cause for the Commission to revoke any and all payments otherwise due to the City, to recover any previous payments made to the City, and/or make the City ineligible for any further funding from the Commission. The City hereby further agrees that it shall have a continuing obligation to update and notify the Commission in writing when it knows or has any reason to know that any information or documentation submitted to the Commission contains false, misleading or incorrect information.

3.3. The City certifies that the funds from this Grant will be used solely for the purposes outlined in **SECTION 4- SCOPE OF GRANT**.

3.4 The City hereby agrees that it shall use its best efforts and resources to diligently satisfy and complete each of the terms and conditions of this Grant and the purposes for which the funding is being provided, as set forth in **SECTION 4- SCOPE OF GRANT**, as promptly as possible.

3.5 The City hereby acknowledges and agrees that all expenditures of Grant funds shall be subject to review and audit by the Commission.

3.6 The City hereby acknowledges and agrees that it shall provide the Commission with a quarterly update on the expenditure of the Grant funds.

3.7 The City hereby acknowledges and agrees that it shall keep all records and receipts related to or generated by any expenditure of Grant funds.

3.8 With respect to all actions taken in relation to the Grant, the City and all of its officers, agents and employees shall observe and obey, and shall include language in all of its contracts with the contractors and vendors requiring them to observe and obey all federal, state and local laws, regulations, ordinances, codes, statutes, orders and directives and any other applicable provisions of law.

3.9 The City shall furnish to the Commission such further affidavits, certificates, opinions of counsel, surveys and other documents and instruments as may be required by the Commission to ensure that the terms of this Grant are being observed and performed in all respects.

3.10 The City hereby acknowledges and agrees that the terms set forth in the Grant are intended solely to govern the disbursement of funds in accordance with G.L. c.23K, §61. Nothing herein shall be construed as advice to, nor create a duty to provide advice to, the City regarding legal or contractual requirements or best practices. Further, nothing in this Grant shall be construed as

creating a duty or obligation on the part of the Commission to oversee or monitor the performance of any contractor, vendor, or other project participants.

3.11 The City represents that the acceptance of funding in accordance with the terms of this Grant does not and will not conflict with or result in the violation of any charter, by-law, ordinance, order, rule, regulation, statute or any other applicable provision of law or any order, rule, regulation or judgment of any court or other agency of government.

3.12 The City represents that it has duly obtained all necessary votes, resolutions, appropriations, and local approvals for the actions set forth in **SECTION 4- SCOPE OF GRANT**, and has taken all actions necessary or required by law to enable it to execute this Grant and to perform its obligations hereunder.

3.13 The City has read and fully understands the provisions of the Massachusetts Conflict of Interest law, M.G.L. c. 268A, and has implemented policies and procedures to ensure that all employees, agents, consultants and representatives working on or for any project for which Grant funds will be used are in compliance with M.G.L. c. 268A to the extent that it is applicable.

3.14 The City has implemented policies and procedures to prevent and eliminate fraud, waste and abuse of public funds in connection with the expenditure of the funds from this Grant.

3.15 The City represents that all meetings of all public bodies in the City that relate in any way to the expenditure of funds from this Grant have been conducted, and shall be conducted, in compliance with the provisions of G.L. c. 30A, §§18–25, 940 CMR 29.00 *et seq.*, and all other applicable law.

3.16 The City hereby acknowledges and agrees that the scope of any studies, reports, or other documents prepared pursuant to this Grant shall be approved by the Commission's staff prior to the commencement of such studies, reports, or other documents.

3.17 The City hereby acknowledges and agrees that the scope of any parking service prepared pursuant to this Grant shall be approved by the Commission's staff prior to the commencement of such parking service.

3.18 The City of Springfield will provide the Commission any and all studies, reports or other documents prepared as part of this Grant. Copies of any studies, reports, or other documents prepared by the City by its agents, associates, consultants, employees, partners, or servants insofar as they related to this Grant shall be forwarded to the MGC.

3.19 The City shall provide in-kind services towards the actions described in **SECTION 4 - SCOPE OF GRANT**, in the form of staff time, meeting spaces, management, or coordination efforts, and shall furnish to the Commission a description of these services on a quarterly basis.

3.20 Springfield shall operate or cause to be operated a parking service providing businesses on Main Street in Springfield from Union Street to State Street with transportation to parking for patrons of such businesses.

3.21 The amount of funds used from this Grant will be certified by the City as gaming related.

3.22 Any Reserve funds not expended under the City's Grant shall be credited against this Grant or any future grants awarded.

SECTION 4

SCOPE OF GRANT

Having received and reviewed the *Application* dated January 28, 2016 and supporting documentation submitted by the City, the Commission hereby finds that the following are necessary and reasonable costs to offset costs related to the construction and operation of a gaming establishment:

Description of Scope

1. Springfield shall submit a draft sub-recipient agreement to the Commission for its review and approval. Such sub-recipient agreement shall provide details regarding regular reporting to support and document expenditures and work addressing specific impacts as outlined in Springfield's *Application*.
2. The City of Springfield shall conduct a formal procurement process, if necessary, for parking services to be undertaken, in accordance with Mass General Laws and the City's procurement policies for sub-recipients.
3. The City of Springfield will provide the following information regarding the parking service program to the Massachusetts Gaming Commission:
 - A copy of any issued procurement contract and contract with the parking service provider;
 - A description of the parking service being provided including the establishment of a parking station or parking stations, types of assistance the parking service provides to customers, and any measure taken to secure the vehicles;
 - Number of participants using the parking service program broken down by Caring Health and non-Caring Health participants on a quarterly basis; and
 - A description of the street route the parking service would run to demonstrate that it is serving a general public purpose.
4. Springfield must receive prior approval of any activity and/or category of expense related to the proposed parking service program or long-term parking solutions that it seeks to be reimbursed for to the Massachusetts Gaming Commission. For all such expenditures, the Commissioner of the Department of Health and Human Services in the City of Springfield shall certify that the expenditures are consistent with the purpose of the grant.
5. The Grant assistance shall be available for a maximum period of ninety (90) days commencing on the first day parking services are provided. The City of Springfield may request an extension of this period and amount assistance no later than fourteen (14) calendar days prior to the expiration of the initial 90-day parking service initial period.
6. During the 90-day period and thereafter, the City of Springfield shall cooperate with the Commission in its determination whether the parking service program is the best available method of serving the public purpose of alleviating current and potential construction related parking issues within the project vicinity of the MGM Springfield Casino along Main Street from Union Street to State Street.

7. The City will inform the Pioneer Valley Planning Council (“PVPC”), regarding the parking service.

SECTION 5 DISBURSEMENT OF THE GRANT

Subject to the terms and conditions set forth in this Grant, the Commission shall disburse Grant funds in accordance with the following:

1. Having completed review of the *Application* submitted by the City, the Commission has determined that the City is eligible for funding in the amount set forth in **SECTION 2- THE GRANT**.
2. The funding is solely intended for use towards the execution of the items delineated in **SECTION 4- SCOPE OF GRANT**.
3. Within 30 days of execution of this instrument the Commission shall either issue a check or transfer monies electronically in an amount of Thirty-Seven Thousand Five Hundred Dollars the total amount of this Grant to the City. The City shall provide the Commission, in writing, the name and address of the individual to whose attention the check should be directed or provide wiring instructions. Provided however, if the grant is intended to reimburse the City for previous expenditures the entire approved amount may be remitted at once.
4. Acceptance and processing of the Payment by the City shall indicate receipt of the grant funds. The City shall provide the Commission with a final accounting after the expenditure of the Payment.

<u>Payment for Community Mitigation Grant:</u>	
Total Grant Amount:	<u>\$37,500.00</u>

SECTION 6 FINAL REVIEW AND AUDIT

Upon expenditure of all funds distributed under this Grant, the City shall forward an accounting to the Commission of all expenditures made pursuant to the terms of this Grant which shall include, at a minimum, an itemization of all funds expended, a description of the work performed or service provided, the identification of the party that performed the work or provided the service, a copy of the final invoice, and proof of payment. The Commission may request any supplemental information it deems necessary to ensure that the funds were expended in accordance with **SECTION 4 - SCOPE OF GRANT**. The Commission may conduct, or cause to be conducted, an audit of the transactions and expenditures made by the City in connection with this Grant.

In the event that the Commission detects any irregularity in the expenditure of any Grant funds, it may request reimbursement of those misspent funds or pursue any other remedy available by law.

Unused funds must be promptly returned to the Commission upon the completion of the items identified in **SECTION 4 - SCOPE OF GRANT**. In the event of disagreement, the Commission may require the Community to return any funds which remain unexpended by 60 days after the commencement of operations of the facility or such earlier dates in the event the Commission determines that such facility will not commence operation.

SECTION 7 INDEMNIFICATION

To the fullest extent permitted by law, the City shall indemnify, defend, and hold harmless the Commission, commissioners, agents and employees from and against any and all claims, actions, damages, awards, judgments, liabilities, injuries, costs, fees, expenses, or losses, including, without limitation, reasonable attorney's fees and costs of investigation and litigation whatsoever which may be incurred by or for which liability may be asserted against the Commission, its commissioners, agents or employees arising out of any activities undertaken by, for, or on behalf of the City relative to the expenditure, disbursement, or use of the funds associated with this Grant or any activities, acts or omissions in relation to the Grant including, but not limited to, the performance of any contract or obligation directly or indirectly related to the Grant. This Section shall not be construed to negate or abridge any other obligation of indemnification running to the Commission which would otherwise exist.

No member or employee of the Commission shall be held personally or contractually liable by or to the City or the developer under any provision of this Grant, because of any breach of this Grant, or because of its execution or attempted execution.

SECTION 8 NOTICE

Any notices required or permitted to be given by either of the Parties hereunder shall be given in writing and shall be delivered to the addressee (a) in-hand (b) by certified mail, postage prepaid, return receipt requested; or (c) by a commercial overnight courier that guarantees next day delivery and provides a receipt, and such notices shall be addressed as follows:

If to the Commission:

Massachusetts Gaming Commission
101 Federal Street, 12TH Floor
Boston, MA 02110
Attention: Executive Director

If to the City of Springfield:

Department of Health & Human Services
1145 Main Street, Suite 208
Springfield, MA 01103
Attn: Commissioner

or to such other address or addressee as the Commission and the City may from time to time specify in writing. Any notice shall be effective only upon receipt.

SECTION 9 AMENDMENTS

This Grant may be amended only through a written amendment signed by duly authorized representatives of the Commission and the City.

SECTION 10 ATTESTATION

All certifications, filings, and submissions to the Commission in furtherance of this Grant shall contain a statement, signed by a duly authorized representative of the City, that such certification, filing, or submission is true, complete and accurate, to the best of the City's knowledge.

SECTION 11 GOVERNING LAW, VENUE, AMENDMENT AND SEVERABILITY

11.1 This Grant shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts. In case any provision(s) hereof shall be determined invalid or unenforceable under the applicable law, such provision(s) shall, insofar as possible, be construed or applied in such manner as will permit the enforcement of this Grant; otherwise, this Grant shall be construed as though such provision(s) had never been made a part hereof.

11.2 Any civil action brought against the Commission by the City, or any person or entity claiming through or under it, which arises out of the provisions of this Grant, shall only be brought in the Superior Court for Suffolk County, Massachusetts. The City, for itself and for any person or entity claiming by through or under it, hereby waives any defenses that it may have as to the venue to which it has agreed herein, including, but not limited to, any claim that this venue is improper or that the forum is inconvenient. The City for itself and for any person or entity claiming by through or under it, hereby waives all rights, if any, to a jury trial in any civil action against the Commission that may arise out of the provisions of this Grant.

11.3 This Grant and any amendments hereto shall be deemed null and void and of no further force or effect unless it is executed by a duly authorized representative of the Commission and a duly authorized representative of the City. The undersigned, who are signing on behalf of the City, hereby warrant and represent that they possess the full legal authority to execute this Grant on behalf of the City and to bind the City to its terms and conditions. In the event that the Commission later determines that the undersigned are not duly authorized to execute this Grant and to bind the City, the Commission may, in its sole discretion, take whatever action it deems necessary to terminate this Grant, to suspend or terminate payments to the City and to recover any funds disbursed to the City. Any rights and remedies available to the Commission under the provisions of this Grant shall be in addition to any other rights and remedies provided by law.

SECTION 12 WAIVERS

12.1 The terms, conditions, covenants, duties and obligations contained in this Grant may be waived only by written agreement executed by duly authorized representatives of the Commission and the City. No waiver by either party of any term, condition, covenant, duty or

obligation shall be construed as a waiver of any other term, condition, covenant, duty or obligation nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or a different section, subsection, paragraph, clause, phrase, or other provision of this Grant. Forbearance or indulgence in any form or manner by either Party to this Grant shall not be construed as a waiver, nor in any way limit the remedies available to that party.

12.2 The Commission's payment(s) to the City under this Grant or its review, approval or acceptance of any actions by the City under this Grant shall not operate as a waiver of any rights or remedies available to the Commission under this Grant or as otherwise provided by law.

DRAFT

IN WITNESS WHEREOF, the Massachusetts Gaming Commission and the City of Springfield have caused this Grant Agreement to be executed by their duly authorized representatives this _____ day of _____ in the year 2016.

**MASSACHUSETTS GAMING
COMMISSION**

CITY OF SPRINGFIELD

By: _____ By: _____
(signature) (signature)

(print name) John S. Ziemba (print name) Domenic J. Sarno

Title: Ombudsman Title: Mayor

DRAFT



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

FROM: Catherine Blue

DATE: August 18, 2016

RE: Recommendation of the Horse Racing Committee

Request That the Commission determine the effective date of the change in the split of the funds in the Race Horse Development Fund.

Discussion

Section 60 of c. 23K provides that the horse racing committee shall determine how the funds in the race horse development fund are split between the thoroughbreds and standardbreds. The horse racing committee began its initial review in 2012 and in October of 2014 (copy attached) issued a report recommending that the funds in the race horse development fund be split 75% to the thoroughbreds and 25% to the standardbreds. Beginning with the 2015 racing season, the commission paid monies out of the fund in accordance with that split and/or as requested when there was a limited racing schedule.

The horse racing committee recommended that the split be reviewed on a yearly basis, preferably in October of each year. On February 7, 2015, the commission received a request from the Harness Horsemen's Association of New England ("HHANE") requesting that the horse racing committee review the split in light of the fact that there were only 3 days of thoroughbred racing scheduled in 2015 while there were 105 days of harness racing scheduled. (Copy attached) The horse racing committee did not meet in 2015 due to lack of members and thus did not review the split in 2015.

A new chairman and a representative of the treasurer's office were appointed to the horse racing committee in 2016. The horse racing committee met on March 29, May 3 and June 20, 2016. The committee reviewed the request of the HHANE and asked for reports from the committee representatives of the thoroughbreds and standardbreds on the appropriate split of the race horse development funds. After review of the reports and deliberation, the horse racing committee voted 4-1 to change the split from 75% to the thoroughbreds and 25% to the standardbreds, to 55% to the standardbreds and 45% to the thoroughbreds.



Massachusetts Gaming Commission

The committee recommended that the split be retroactive to January 1, 2016. This would be in keeping with the recommendation in the 2014 report that the split be revisited each October (at the end of the racing season) and become effective at the start of the next calendar year/racing season and would account for the fact that the horse racing committee did not meet in 2015.

Section 60 is silent on when the decision of the horse racing committee should go into effect. The commission regulations on the race horse development fund are also silent on this issue. Thus, it is up to the commission to determine whether to accept the recommendation of the horse racing committee that the split be retroactive to January 1, 2016 or whether the decision of the horse racing committee is effective as of the date of its vote, June 20, 2016.

If the commission determines that the split is retroactive to January 1, 2016, it means that the Standardbreds will receive \$1.7 million more for purses; \$340,000 more for the breeders and \$100,000 more for health and welfare benefits.

On the thoroughbred side, if the split is retroactive to January 1, 2016, the purse money will remain the same, since the commission agreed to pay \$2.4 million to Suffolk for purses for its 6 day meet. The breeders will have been overpaid by \$383,000 and the health and welfare benefits by \$5200 ¹ It is the staff recommendation that if the commission determines that the split should be retroactive to January 1, 2016, there should be no recoupment of any overpayment. Rather, payments should stop until monies paid equal monies owed under the revised split. Once that occurs, payments would continue pursuant to the new split.

If the commission determines that the split should go into effect as of the date of the decision of the horse racing committee (June 20, 2016), the same overpayments to the thoroughbreds would occur, but in smaller amounts. Likewise, the amounts due to the Standardbreds would be smaller as well.

¹ Because of the potential for racing in Brockton and the requirement under 205 CMR 149 that the 4% for health and welfare be split if there is more than one horsemen's organization, payments of the health and welfare portion of the race horse development fund were not made in June and July 2016. Thus, the health and welfare portion may not actually be overpaid by as much as suggested.



COMMONWEALTH OF MASSACHUSETTS HORSE RACING COMMITTEE

DECISION AND REPORT OF THE COMMITTEE

Massachusetts General Laws, chapter 23K, section 60, establishes a Horse Racing Committee (“Committee”) charged with evaluating the state of the horse racing industry in the Commonwealth and making a recommendation to the Legislature and the Massachusetts Gaming Commission on the distribution of funds from the newly established Racehorse Development Fund¹. The funds are to be distributed between the thoroughbred and standardbred racing industries in the Commonwealth. These two segments of the Commonwealth’s racing industry, while similar in many aspects, experience many differences including, but not limited to, breeding and training practices, farm size and locations, and their respective economic impacts on the Commonwealth.

The Racehorse Development Fund was established to support the racing industry in the Commonwealth. The monies in the development fund are derived from gaming and simulcasting activities within the Commonwealth. Pursuant to G.L. c.23K, §60(c), the funds are to be divided between the thoroughbred and standardbred accounts, with 80% of the funds distributed into purse accounts, 16% of the funds distributed to support breeding programs, and 4% of the funds are to be used to fund health and pension benefits for the members of the horsemen’s organizations.

The Horse Racing Committee consists of the following five members: the Chairwoman, Dr. Deborah Kochevar, as the designee of the Governor; Francis Orlando as the designee of the Treasurer; Commissioner Gayle Cameron, as the designee of the Gaming Commission; Attorney Frank Frisoli, appointed by the New England Horsemen’s Benevolent & Protective Association and the Massachusetts Thoroughbred Breeding Program; and Attorney Peter Goldberg, appointed by the Harness Horseman’s Association of New England and the Massachusetts Standardbred Breeding Program. The Committee held its first meeting on August 10th, 2012, under the direction of Chairman John Sherman, the initial designee of the Governor. Chairman Sherman chaired the Committee until December of 2012 when he resigned from the position. The Committee met 3 times between August and December 2012. No meetings were held from December 2012 until April of 2013, when Dr. Deborah Kochevar was appointed as the new Chairwoman of the committee. Since that date, the Committee has met approximately once per month and extensively evaluated and discussed the statutory criteria set forth in section 60, namely, (1) the average purses awarded at thoroughbred and standardbred racing facilities; (2) the total employment numbers, both direct and indirect, attributable to each horse racing industry; (3) the relative needs of each horse racing industry for increased purses; (4) the amount of the live racing handle generated by each horse racing industry; and (5) the number of breeding and training farms of each industry that are located in the commonwealth². The statute does not

¹ Established in M.G.L. c.23K, §60(a), the Racehorse Development Fund is administered by the Massachusetts Gaming Commission.

² M.G.L. c.23K, §60(b).

limit the Committee to the five criteria listed but due to the broadness of the criteria the Committee did not find it necessary to add additional, separate factors for consideration.

With the assistance of students from Cummings School of Veterinary at Tufts University and the University of Massachusetts, Amherst, the Committee conducted a statewide survey on the breeding and training farms in the state of Massachusetts. The survey was conducted by contacting, and subsequently visiting, a list of farms in the Commonwealth provided by the Committee member representatives of the thoroughbred and standardbred industries. Due to various challenges, the final farm survey portrayed that the students were only able to make contact and collect data from 71 farms from the list of 145. The sample was not homogenous and did not provide the Committee with more accurate or informative information as that collected and provided by the Massachusetts Gaming Commission.

In March of 2014 the Committee hired Dr. Margaret A Ray, of the University of Mary Washington, as an industry expert to review the statistical data from Massachusetts pertaining to both thoroughbred and standardbred horses and racing and to provide the committee with an economic analysis to aid in determining the appropriate distribution of the funds. The Committee provided Dr. Ray with numerous committee-approved reports and statistics for her analysis. Dr. Ray's report relied solely upon data provided to her by the Committee. The Committee did not provide Dr. Ray with any recommendations on the appropriate weight to be given to each statutory criterion. Dr. Ray, in reviewing all the materials provided to her, prepared a report for the Committee with an economic analysis of the industry in Massachusetts and her recommendation was that 85-90% of the Race Horse Development Fund be allocated to the thoroughbred industry with the balance to the standardbred industry.

The Committee carefully reviewed and discussed numerous reports and memos provided by each industry, by the Massachusetts Gaming Commission, and by Dr. Ray. The Committee also solicited and considered public comment on the weight that should be given to each factor and the final percentage split.

Accordingly, the Committee makes the following findings and recommendations:

- 1) In order to best aid each industry, and to yield the greatest return to the Commonwealth, the Committee, upon a 3-2 vote, recommends the following split: 75% of the fund to be distributed to the thoroughbred racing industry and 25% to be distributed to the standardbred racing industry.
- 2) This recommended split is to be reassessed on an annual basis. The Committee will meet in October of each calendar year to review the distribution of the Race Horse Development Fund. If the Committee finds it necessary to meet additional times throughout the year it may do so upon request of at least three members of the Committee to the Chair that a meeting be called.
- 3) In reviewing the split at each annual meeting, the Committee will assess the following benchmarks in order to assess the split with regards to the health of the industry:

The statutory criteria:

1. The average purses awarded at thoroughbred and standardbred racing facilities;
 2. The total employment numbers, both direct and indirect, attributable to each horse racing industry;
 3. The relative needs of each horse racing industry for increased purses;
 4. The amount of the live racing handle generated by each horse racing industry;
 5. The number of breeding and training farms of each industry that are located in the Commonwealth; and
 6. Such other criteria as determined by the Committee and consistent with the statute, including but not limited to:
 - A. Pool size;
 - B. Field size;
 - C. Number of live race days and total races;
 - D. Number of Mass-bred starters ;
 - E. Number of Mass-bred starts;
 - F. Amount of Mass-bred purses earned;
 - G. Number of restricted Mass-bred races;
 - H. Number of W2 and 1099 employees;
 - I. Capital expenditures to racing facilities;
 - J. Gross terminal revenue on live race days vs. non-live race days at the Category 2 Gaming Facilities;
 - K. Number and types of occupational licensees;
 - L. Number of stallions, mares, and foals residing in Mass;
 - M. Number of breeders registered with relevant breed organizations;
 - N. Number and average sale price of MA- bred horses sold at public auction;
 - O. Such other criteria consistent with the statute.
- 4) The committee will provide an annual report assessing the above data with an annual recommendation of the percentage split of the Race Horse Development Fund to the legislature and the Massachusetts Gaming Commission.
- 5) The Committee further recommends the Gaming Commission draft the necessary regulations to address the use of the funds in the Race Horse Development Fund in the situation where one of the breeds is no longer racing due to lack of racing facilities. The Committee recommends that such regulations should provide for the allocated amount for that breed to continue to be collected and held in an escrow account for three fiscal years to allow for and encourage the development of new facilities to ensure the continued racing of that breed.³

³ MGC staff evaluated several other jurisdictions and found that most provided separate funds for each breed with specific allocations to each fund. Most jurisdictions do not appear to allow the funds from one breed to be redistributed to a different breed of racing if that breed were to cease racing for any period of time.

However, a similar escrow system does exist in Michigan. *See*, M.C.L.A. 413.319a. The Michigan statute allows for escrowing of development funds in the event that a thoroughbred track license is surrendered, revoked, escrowed, or if a track closes, until a new track is licensed and obtains the written direction from the certified horseman's association for the depository of the escrowed accounts into the purse accounts. It should be noted, however, that Michigan's statute also provides for a specified allocation of the funds to each breed. Nothing in the Michigan statute allows the funds allocated to one breed to be redistributed and placed in the purse accounts for a different breed of racing even in the absence of an escrow provision.

RESPECTFULLY SUBMITTED,
HORSE RACING COMMITTEE
By:


DR. DEBORAH KOHEVAR,
CHAIRWOMAN

DATE: 27 Oct 2014



P.O. Box 1811 ~ Plainville, MA 02762

February 7, 2015

VIA FACSIMILE TRANSMISSION

Catherine Blue, Esq.
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110

RE: Horse Racing Committee/Race Horse Development Fund

Dear Attorney Blue:

On behalf of the Harness Horseman's Association of New England (HHANE) and all of the men and women of the Standardbred Industry in Massachusetts, we respectfully request the Horse Racing Committee (HRC) revisit and reevaluate the split it has made pursuant to MGL Chapter 23K Section 60(b), the Expanded Gaming Act.

Significant and real changes in the Massachusetts Horse Racing Industry have occurred since the HRC's decision that warrants this review at the committee's earliest opportunity. A split was decided based upon what was to be two (2) equal racing seasons of Thoroughbreds and Standardbreds. The Standardbred industry has requested, received approval for, and looks forward to racing 105 dates in 2015. The same is not so for the Thoroughbred industry. In fact, no application has been even submitted for license to race a Thoroughbred meet for an amount of days even *close to* 105 days.

Therefore, in light of these changes, and other significant issues, we would like to formally request the HRC convene to address these issues in keeping with the spirit and intent of the Massachusetts Expanded Gaming Act.

Thank you in advance for your anticipated cooperation and attention to this matter. We look forward to hearing from you in this regard. Should you wish to speak with me further, I may be reached at 508-361-1000.

Very truly yours,

HARNESS HORSEMAN'S ASSOCIATION OF NEW ENLAND

Michael Perpall

Michael Perpall
President

Racehorse Development Fund with Current Distribution Formula 75% to Thoroughbred and 25% to Standardbred					
Deposits	Amount				
Licensing Fees		\$8,750,000.00			
Actual 9% of Gross Gaming Revenue		\$16,191,319.29			
		\$24,941,319.29			
Payment Split of Racehorse Development Fund a/o 3/5/2015					
	Percentage	Type of Revenue	Theoretical Distribution Amount	Actual Paid Amount of GGR	Balance in Fund and Source of Balance
Thoroughbred		75% 9% of GGR	\$12,143,489.47	\$4,693,849.42	\$7,449,640.05
Thoroughbred		75% Licensing Fees	\$6,562,500.00	\$1,260,000.00	\$5,302,500.00
Standardbred		25% 9% of GGR	\$4,047,829.82	\$4,021,233.86	\$26,595.96
Standardbred		25% Licensing Fees	\$2,187,500.00	\$2,170,000.00	\$17,500.00
			\$24,941,319.29	\$12,145,083.28	\$12,796,236.01

Racehorse Development Fund with 75/25 distribution from 3/5-12/31/15 and 45/55 from 1/1/-7/31/16					
Deposits	Amount				
Licensing Fees		\$8,750,000.00			
Actual 9% of Gross Gaming Revenue		\$16,191,319.29			
		\$24,941,319.29			
Payment Split of Racehorse Development Fund a/o 3/5/2015					
	Percentage	Type of Revenue	Theoretical Distribution Amount	Actual Paid Amount of GGR	Balance in Fund and Source of Balance
Thoroughbred	75% to 12/31 45% after	9% of GGR	\$9,668,318.53	\$4,693,849.42	\$4,974,469.11
Thoroughbred		75% Licensing Fees	\$6,562,500.00	\$1,260,000.00	\$5,302,500.00
Standardbred	25% to 12/31 55% after	9% of GGR	\$6,523,000.76	\$4,021,233.86	\$2,501,766.90
Standardbred		25% Licensing Fees	\$2,187,500.00	\$2,170,000.00	\$17,500.00
			\$24,941,319.29	\$12,145,083.28	\$12,796,236.01

Licensing Fees	195,000,000.00
Payment to Stabilization Fund	(20,000,000.00)
License Fees to be Distributed per Sec 93 of C.194 of the Acts of 2011	175,000,000.00
Licensing Fees to Racehorse Development Fund (5%)	8,750,000.00
Split of Licensing Fees	
Thoroughbred 75%	6,562,500.00
Standardbred 25%	2,187,500.00

	Per MassGaming Website, Monthly GGR Contributions to Racehorse Dev Fund	Actual Revenue Received Per Mass Accounting System (MMARS)	Variance
June 24-30, 2015	\$552,417.87	\$553,916.37	
July, 2015	\$1,634,020.55	\$1,632,522.22	
August	\$1,370,524.55	\$1,370,935.06	
September	\$1,136,264.20	\$1,135,853.69	
October	\$1,158,873.80	\$1,163,223.72	
November	\$1,074,595.46	\$1,070,245.55	
December	\$1,014,052.90	\$1,014,052.90	
January, 2016	\$1,127,802.66	\$1,127,802.66	
February	\$1,140,271.06	\$1,145,284.00	
March	\$1,214,660.90	\$1,209,648.41	
April	\$1,197,581.95	\$1,198,337.39	
May	\$1,213,991.51	\$1,212,088.68	
June 2016	\$1,107,969.22	\$1,109,166.91	
July 2016	\$1,248,979.75	\$1,248,241.73	
	\$16,192,006.37	\$16,191,319.29	\$687.08

Deposits	Amount	
Licensing Fees		\$8,750,000.00
Actual 9% of Gross Gaming Revenue		\$16,191,319.29
		\$24,941,319.29

Thoroughbred/Running Horse Full Accounting and Reconciliation of 9% GGR												
	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
	Total in collected race horse assessments	MMARS	75% Allocation of MMARS	(4%) New England Horsemen Benevolent	(4%) New England Horsemen Benevolent2	Over/(Under) Payment	(16%) MA Thoroughbred Breeders Assoc	(16%) MA Thoroughbred Breeders Assoc3	Over/(Under) Payment4	(80%) Sterling Suffolk Racecourse	(80%) Sterling Suffolk Racecourse5	Over/(Under) Payment6
June 24-30, 2015	\$552,417.87	\$553,916.37	\$415,437.28	\$16,617.49	\$13,234.81	-\$3,382.68	\$66,469.96	\$52,939.23	-\$13,530.73	\$332,349.82	\$0.00	-\$332,349.82
July, 2015	\$1,634,020.55	\$1,632,522.22	\$1,224,391.67	\$48,975.67	\$49,180.61	\$204.94	\$195,902.67	\$196,722.49	\$819.82	\$979,513.33	\$0.00	-\$979,513.33
August	\$1,370,524.55	\$1,370,935.06	\$1,028,201.29	\$41,128.05	\$41,128.06	\$0.01	\$164,512.21	\$164,512.21	\$0.00	\$822,561.03	\$0.00	-\$822,561.03
September	\$1,136,264.20	\$1,135,853.69	\$851,890.27	\$34,075.61	\$34,075.62	\$0.01	\$136,302.44	\$136,302.45	\$0.01	\$681,512.22	\$625,000.00	-\$56,512.22
October	\$1,158,873.80	\$1,163,223.72	\$872,417.79	\$34,896.71	\$34,896.70	-\$0.01	\$139,586.85	\$139,586.85	\$0.00	\$697,934.23	\$721,727.00	\$23,792.77
November	\$1,074,595.46	\$1,070,245.55	\$802,684.16	\$32,107.37	\$32,107.37	\$0.00	\$128,429.47	\$128,429.47	\$0.00	\$642,147.33	\$0.00	-\$642,147.33
December	\$1,014,052.90	\$1,014,052.90	\$760,539.67	\$30,421.59	\$30,421.59	\$0.00	\$121,686.35	\$121,686.34	-\$0.01	\$608,431.74	\$0.00	-\$608,431.74
January, 2016	\$1,127,802.66	\$1,127,802.66	\$845,852.00	\$33,834.08	\$33,834.07	-\$0.01	\$135,336.32	\$135,336.32	\$0.00	\$676,681.60	\$0.00	-\$676,681.60
February	\$1,140,271.06	\$1,145,284.00	\$858,963.00	\$34,358.52	\$34,358.52	\$0.00	\$137,434.08	\$137,434.07	-\$0.01	\$687,170.40	\$0.00	-\$687,170.40
March	\$1,214,660.90	\$1,209,648.41	\$907,236.31	\$36,289.45	\$36,289.46	\$0.01	\$145,157.81	\$145,157.81	\$0.00	\$725,789.05	\$0.00	-\$725,789.05
April	\$1,197,581.95	\$1,198,337.39	\$898,753.04	\$35,950.12	\$35,950.12	\$0.00	\$143,800.49	\$143,800.48	-\$0.01	\$719,002.43	\$0.00	-\$719,002.43
May	\$1,213,991.51	\$1,212,088.68	\$909,066.51	\$36,362.66	\$16,453.25	-\$19,909.41	\$145,450.64	\$145,450.64	\$0.00	\$727,253.21	\$0.00	-\$727,253.21
June 2016	\$1,107,969.22	\$1,109,166.91	\$830,976.92	\$33,239.08	\$0.00	-\$33,239.08	\$132,956.31	\$132,956.31	\$0.00	\$664,781.53	\$0.00	-\$664,781.53
July 2016	\$1,248,979.75	\$1,248,241.73	\$936,181.30	\$37,447.25	\$0.00	-\$37,447.25	\$149,789.01	\$149,877.57	\$88.56	\$749,387.86	\$1,025,000.00	\$275,612.14
	\$16,192,006.37	\$16,191,319.29	\$12,142,591.20	\$485,703.65	\$391,930.18	-\$93,773.47	\$1,942,814.60	\$1,930,192.24	-\$12,622.36	\$9,714,515.78	\$2,371,727.00	-\$7,342,788.78

Standardbred/Harness Horse Full Accounting and Reconciliation of 9% GGR												
	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
	Total in collected race horse assessments	MMARS	25% Allocation of MMARS	(4%) Harness Horsemen Association of New England	(4%) Harness Horsemen Association of New England2	Over/(Under) Payment	(16%) Standardbred Owners of Massachusetts	(16%) Standardbred Owners of Massachusetts3	Over/(Under) Payment4	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC5	Over/(Under) Payment6
June 24-30, 2015	\$552,417.87	\$553,916.37	\$138,479.09	\$5,539.16	\$4,411.60	-\$1,127.56	\$22,156.65	\$17,646.41	-\$4,510.24	\$110,783.27	\$88,232.05	-\$22,551.22
July, 2015	\$1,634,020.55	\$1,632,522.22	\$408,130.56	\$16,325.22	\$16,393.54	\$68.32	\$65,300.89	\$65,574.16	\$273.27	\$326,504.44	\$327,870.81	\$1,366.37
August	\$1,370,524.55	\$1,370,935.06	\$342,733.76	\$13,709.35	\$13,709.36	\$0.01	\$54,837.40	\$54,837.41	\$0.01	\$274,187.01	\$274,187.01	\$0.00
September	\$1,136,264.20	\$1,135,853.69	\$283,963.42	\$11,358.54	\$11,358.54	\$0.00	\$45,434.15	\$45,434.15	\$0.00	\$227,170.74	\$227,170.75	\$0.01
October	\$1,158,873.80	\$1,163,223.72	\$290,805.93	\$11,632.24	\$11,632.23	-\$0.01	\$46,528.95	\$46,528.95	\$0.00	\$232,644.74	\$232,644.75	\$0.01
November	\$1,074,595.46	\$1,070,245.55	\$267,561.39	\$10,702.46	\$10,702.46	\$0.00	\$42,809.82	\$42,809.83	\$0.01	\$214,049.11	\$214,049.12	\$0.01
December	\$1,014,052.90	\$1,014,052.90	\$253,513.22	\$10,140.53	\$10,140.54	\$0.01	\$40,562.12	\$40,562.12	\$0.00	\$202,810.58	\$202,810.58	\$0.00
January, 2016	\$1,127,802.66	\$1,127,802.66	\$281,950.67	\$11,278.03	\$11,278.03	\$0.00	\$45,112.11	\$45,112.10	-\$0.01	\$225,560.53	\$225,560.53	\$0.00
February	\$1,140,271.06	\$1,145,284.00	\$286,321.00	\$11,452.84	\$11,452.83	-\$0.01	\$45,811.36	\$45,811.35	-\$0.01	\$229,056.80	\$229,056.79	-\$0.01
March	\$1,214,660.90	\$1,209,648.41	\$302,412.10	\$12,096.48	\$12,096.48	\$0.00	\$48,385.94	\$48,385.94	\$0.00	\$241,929.68	\$241,929.68	\$0.00
April	\$1,197,581.95	\$1,198,337.39	\$299,584.35	\$11,983.37	\$11,983.37	\$0.00	\$47,933.50	\$47,933.49	-\$0.01	\$239,667.48	\$239,667.49	\$0.01
May	\$1,213,991.51	\$1,212,088.68	\$303,022.17	\$12,120.89	\$12,120.89	\$0.00	\$48,483.55	\$48,483.55	\$0.00	\$242,417.74	\$242,417.73	-\$0.01
June 2016	\$1,107,969.22	\$1,109,166.91	\$276,992.31	\$11,079.69	\$11,079.69	\$0.00	\$44,318.77	\$44,318.77	\$0.00	\$221,593.84	\$221,593.84	\$0.00
July 2016	\$1,248,979.75	\$1,248,241.73	\$312,060.43	\$12,482.42	\$12,489.80	\$7.38	\$49,929.67	\$49,959.19	\$29.52	\$249,648.35	\$249,795.95	\$147.60
	\$16,192,006.37	\$16,191,319.29	\$4,047,530.40	\$161,901.21	\$160,849.36	-\$1,051.85	\$647,604.87	\$643,397.42	-\$4,207.45	\$3,238,024.32	\$3,216,987.08	-\$21,037.24

Thoroughbred/Running Horse Full Accounting and Reconciliation of 9% GGR												
	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
Column1	Total in collected race horse assessments	MMARS	75% until 12/31 and 45% a/o 1/1/16 Allocation of MMARS	(4%) New England Horsemen Benevolent	(4%) New England Horsemen Benevolent2	Over/(Under) Payment	(16%) MA Thoroughbred Breeders Assoc	(16%) MA Thoroughbred Breeders Assoc3	Over/(Under) Payment4	(80%) Sterling Suffolk Racecourse	(80%) Sterling Suffolk Racecourse5	Over/(Under) Payment6
June 24-30, 2015	\$552,417.87	\$553,916.37	\$415,437.28	\$16,617.49	\$13,234.81	-\$3,382.68	\$66,469.96	\$52,939.23	-\$13,530.73	\$332,349.82	\$0.00	-\$332,349.82
July, 2015	\$1,634,020.55	\$1,632,522.22	\$1,224,391.67	\$48,975.67	\$49,180.61	\$204.94	\$195,902.67	\$196,722.49	\$819.82	\$979,513.33	\$0.00	-\$979,513.33
August	\$1,370,524.55	\$1,370,935.06	\$1,028,201.29	\$41,128.05	\$41,128.06	\$0.01	\$164,512.21	\$164,512.21	\$0.00	\$822,561.03	\$0.00	-\$822,561.03
September	\$1,136,264.20	\$1,135,853.69	\$851,890.27	\$34,075.61	\$34,075.62	\$0.01	\$136,302.44	\$136,302.45	\$0.01	\$681,512.22	\$625,000.00	-\$56,512.22
October	\$1,158,873.80	\$1,163,223.72	\$872,417.79	\$34,896.71	\$34,896.70	-\$0.01	\$139,586.85	\$139,586.85	\$0.00	\$697,934.23	\$721,727.00	\$23,792.77
November	\$1,074,595.46	\$1,070,245.55	\$802,684.16	\$32,107.37	\$32,107.37	\$0.00	\$128,429.47	\$128,429.47	\$0.00	\$642,147.33	\$0.00	-\$642,147.33
December	\$1,014,052.90	\$1,014,052.90	\$760,539.67	\$30,421.59	\$30,421.59	\$0.00	\$121,686.35	\$121,686.34	-\$0.01	\$608,431.74	\$0.00	-\$608,431.74
January, 2016	\$1,127,802.66	\$1,127,802.66	\$507,511.20	\$20,300.45	\$33,834.07	\$13,533.62	\$81,201.79	\$135,336.32	\$54,134.53	\$406,008.96	\$0.00	-\$406,008.96
February	\$1,140,271.06	\$1,145,284.00	\$515,377.80	\$20,615.11	\$34,358.52	\$13,743.41	\$82,460.45	\$137,434.07	\$54,973.62	\$412,302.24	\$0.00	-\$412,302.24
March	\$1,214,660.90	\$1,209,648.41	\$544,341.78	\$21,773.67	\$36,289.46	\$14,515.79	\$87,094.69	\$145,157.81	\$58,063.12	\$435,473.43	\$0.00	-\$435,473.43
April	\$1,197,581.95	\$1,198,337.39	\$539,251.83	\$21,570.07	\$35,950.12	\$14,380.05	\$86,280.29	\$143,800.48	\$57,520.19	\$431,401.46	\$0.00	-\$431,401.46
May	\$1,213,991.51	\$1,212,088.68	\$545,439.91	\$21,817.60	\$16,453.25	-\$5,364.35	\$87,270.38	\$145,450.64	\$58,180.26	\$436,351.92	\$0.00	-\$436,351.92
June 2016	\$1,107,969.22	\$1,109,166.91	\$499,125.11	\$19,965.00	\$0.00	-\$19,965.00	\$79,860.02	\$132,956.31	\$53,096.29	\$399,300.09	\$0.00	-\$399,300.09
July 2016	\$1,248,979.75	\$1,248,241.73	\$561,708.78	\$22,468.35	\$0.00	-\$22,468.35	\$89,873.40	\$149,877.57	\$60,004.17	\$449,367.02	\$1,025,000.00	\$575,632.98
	\$16,192,006.37	\$16,191,319.29	\$9,668,318.53	\$386,732.74	\$391,930.18	\$5,197.44	\$1,546,930.97	\$1,930,192.24	\$383,261.27	\$7,734,654.83	\$2,371,727.00	-\$5,362,927.83

Standardbred/Harness Horse Full Accounting and Reconciliation of 9% GGR												
	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
Column1	Total in collected race horse assessments	MMARS	25% until 12/31 and 55% a/o 1/1/16 Allocation of MMARS	(4%) Harness Horsemen Association of New England	(4%) Harness Horsemen Association of New England2	Over/(Under) Payment	(16%) Standardbred Owners of Massachusetts	(16%) Standardbred Owners of Massachusetts3	Over/(Under) Payment4	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC5	Over/(Under) Payment6
June 24-30, 2015	\$552,417.87	\$553,916.37	\$138,479.09	\$5,539.16	\$4,411.60	-\$1,127.56	\$22,156.65	\$17,646.41	-\$4,510.24	\$110,783.27	\$88,232.05	-\$22,551.22
July, 2015	\$1,634,020.55	\$1,632,522.22	\$408,130.56	\$16,325.22	\$16,393.54	\$68.32	\$65,300.89	\$65,574.16	\$273.27	\$326,504.44	\$327,870.81	\$1,366.37
August	\$1,370,524.55	\$1,370,935.06	\$342,733.76	\$13,709.35	\$13,709.36	\$0.01	\$54,837.40	\$54,837.41	\$0.01	\$274,187.01	\$274,187.01	\$0.00
September	\$1,136,264.20	\$1,135,853.69	\$283,963.42	\$11,358.54	\$11,358.54	\$0.00	\$45,434.15	\$45,434.15	\$0.00	\$227,170.74	\$227,170.75	\$0.01
October	\$1,158,873.80	\$1,163,223.72	\$290,805.93	\$11,632.24	\$11,632.23	-\$0.01	\$46,528.95	\$46,528.95	\$0.00	\$232,644.74	\$232,644.75	\$0.01
November	\$1,074,595.46	\$1,070,245.55	\$267,561.39	\$10,702.46	\$10,702.46	\$0.00	\$42,809.82	\$42,809.83	\$0.01	\$214,049.11	\$214,049.12	\$0.01
December	\$1,014,052.90	\$1,014,052.90	\$253,513.22	\$10,140.53	\$10,140.54	\$0.01	\$40,562.12	\$40,562.12	\$0.00	\$202,810.58	\$202,810.58	\$0.00
January, 2016	\$1,127,802.66	\$1,127,802.66	\$620,291.46	\$24,811.66	\$11,278.03	-\$13,533.63	\$99,246.63	\$45,112.10	-\$54,134.53	\$496,233.17	\$225,560.53	-\$270,672.64
February	\$1,140,271.06	\$1,145,284.00	\$629,906.20	\$25,196.25	\$11,452.83	-\$13,743.42	\$100,784.99	\$45,811.35	-\$54,973.64	\$503,924.96	\$229,056.79	-\$274,868.17
March	\$1,214,660.90	\$1,209,648.41	\$665,306.63	\$26,612.27	\$12,096.48	-\$14,515.79	\$106,449.06	\$48,385.94	-\$58,063.12	\$532,245.30	\$241,929.68	-\$290,315.62
April	\$1,197,581.95	\$1,198,337.39	\$659,085.56	\$26,363.42	\$11,983.37	-\$14,380.05	\$105,453.69	\$47,933.49	-\$57,520.20	\$527,268.45	\$239,667.49	-\$287,600.96
May	\$1,213,991.51	\$1,212,088.68	\$666,648.77	\$26,665.95	\$12,120.89	-\$14,545.06	\$106,663.80	\$48,483.55	-\$58,180.25	\$533,319.02	\$242,417.73	-\$290,901.29
June 2016	\$1,107,969.22	\$1,109,166.91	\$610,041.80	\$24,401.67	\$11,079.69	-\$13,321.98	\$97,606.69	\$44,318.77	-\$53,287.92	\$488,033.44	\$221,593.84	-\$266,439.60
July 2016	\$1,248,979.75	\$1,248,241.73	\$686,532.95	\$27,461.32	\$12,489.80	-\$14,971.52	\$109,845.27	\$49,959.19	-\$59,886.08	\$549,226.36	\$249,795.95	-\$299,430.41
	\$16,192,006.37	\$16,191,319.29	\$6,523,000.76	\$260,920.03	\$160,849.36	-\$100,070.67	\$1,043,680.12	\$643,397.42	-\$340,396.62	\$5,218,400.61	\$3,216,987.08	-\$1,701,983.12

Thoroughbred/Running Horse Full Accounting and Reconciliation of Licensing Fees										
		Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
License Fees 5% of License Fees after Stabilization Fund is repaid \$20M	75% Allocation	(4%) New England Horsement Benevolent	(4%) New England Horsement Benevolent	Over/(Under) Payment	(16%) MA Thoroughbred Breeders Assoc	(16%) MA Thoroughbred Breeders Assoc	Over/(Under) Payment	(80%) Sterling Suffolk Racecourse	(80%) Sterling Suffolk Racecourse	Over/(Under) Payment
8,750,000.00	6,562,500.00	262,500.00	210,000.00	(52,500.00)	1,050,000.00	1,050,000.00	-	5,250,000.00	-	(5,250,000.00)

Standardbred/Harness Horse Full Accounting and Reconciliation of Licensing Fees										
		Theoretical	Actual	Variance	Theoretical	Actual	Variance	Theoretical	Actual	Variance
License Fees 5% of License Fees after Stabilization Fund is repaid \$20M	25% Allocation	(4%) Harness Horsemen Association of New England	(4%) Harness Horsemen Association of New England	Over/(Under) Payment	(16%) Standardbred Owners of Massachusetts	(16%) Standardbred Owners of Massachusetts	Over/(Under) Payment	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC	(80%) PLAINRIDGE GAMING AND REDEVELOPMENT LLC	Over/(Under) Payment
8,750,000.00	2,187,500.00	87,500.00	70,000.00	(17,500.00)	350,000.00	350,000.00	-	1,750,000.00	1,750,000.00	-

New England Horsemen's Benevolent and Protective Association, Inc.

President
Anthony Spadea

A National Organization

Acting Executive Director
Bruce P. Patten

Directors: Owners
Randy Andrews
Susan Clark
Shirley Dullea
Manfred Roos
Paul Umbrello



Directors: Trainers
Jay Bernardini
Matthew Clarke
Alan Lockhart
Kevin McCarthy
George Saccardo

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COPY

August 15, 2016

Mr. Stephen Crosby, Chairman
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts 02110

Re: Consideration of HRC Recommendation for Retroactive Allocation of RHDF

Dear Chairman Crosby:

The Massachusetts Gaming Commission is now considering the Horse Racing Committee's recommendation to change the present allocation of the RHDF to an allocation of 55% to the Standardbred Industry and 45% to the Thoroughbred Industry. This is a very significant change from the present allocation of 25% to the Standardbred Industry and 75% to the Thoroughbred Industry that resulted from a comprehensive study done by the HRC that concluded in 2014. It is my understanding that the HRC has recommended that the reallocation be made retroactive to January 1, 2016.

In May, 2016, the MGC and its members were provided with a copy of the detailed report submitted by HRC Member Frank J. Frisoli that analyzed the statutory considerations as to allocation of the RHDF between the thoroughbred and standardbred industries. As that report noted, standardbred purses for 2016 will significantly increase for 2016 from 2015 levels because the "loan" from Penn National for prior purse funding was repaid in 2015 from funds that would otherwise have increased purses. That report established that the RHDF has achieved the objective of making standardbred purses at Plainridge competitive with all other standardbred tracks that conduct races comparable to the races conducted at Plainridge. The proposed reallocation will cause Plainridge purses to significantly exceed purses paid at other locations for comparable racing levels. The corresponding reduction in funding for thoroughbreds will jeopardize the future of thoroughbred racing and breeding in Massachusetts as we await legislation that will establish the "Horse Park" proposed as a venue for future local thoroughbred racing..

So as the MGC considers the reallocation recommended by the HRC, the NEHBPA strongly urges that any reallocation be effective as of the date of vote of the MGC. A retroactive reallocation will effectively deprive the thoroughbred industry of funds now available to it from

the RHDF and will especially negatively impact the Massachusetts Breeders who are relying upon funds presently available to conduct its scheduled program of racing.

As the recommendation of the HRC is being considered by the Commissioners, the NEHBPA requests that due consideration be given to the fact that the standardbred Industry is now thriving and competitive while the thoroughbred industry is struggling to recover from the decision of Suffolk Downs to essentially withdraw from live thoroughbred racing following the decision of the Commission to award the Boston region gaming license to another applicant. The RHDF legislation has the clear objective of sustaining both the thoroughbred and standardbred racing industries. As the standardbred industry flourishes while the thoroughbred industry struggles to exist, the Commission should take appropriate action to provide adequate funding to allow the thoroughbred industry to recover from the present adverse circumstances.

Sincerely,



Anthony Spadea, President

Cc: Gayle Cameron, MGC, Commissioner
Enrique Zuniga, MGC, Commissioner
Lloyd MacDonald, MGC, Commissioner
Bruce Stebbins, MGC, Commissioner
Edward R. Bedrosian, Jr., MGC, Executive Director
Dr. Alexandra Lightbown, MGC, Director of Racing
Catherine Blue, MGC, General Counsel ✓



PLAINRIDGE PARK
CASINO

August 15, 2016

Massachusetts Gaming Commission
101 Federal St., 12th Floor
Boston, MA 02110

Re: Revised Allocation of Race Horse Development Fund

Dear Commissioners,

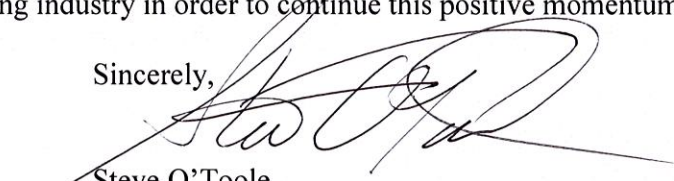
Plainridge Park Casino fully supports the recommendation of the Race Horse Committee regarding the allocation of Race Horse Development Funds (RHDF) between Harness Horse Racing and Thoroughbred Racing.

The recommendation of the committee with regard to the effective date of the revised allocation is appropriate as the request of the Harness Horsemen's Association of New England (HHANE) and the Standardbred Owners of Massachusetts (SOM), Inc. to revisit and revise the allocation of the RHDF was stalled for a considerable amount of time due to circumstances beyond anyone's control.

The opening of the Commonwealth's first gaming facility, Plainridge Park Casino, and the infusion of funds into the RHDF have had a positive effect on Harness Racing and the Massachusetts Standardbred Breeding Program. Plainridge Park Casino and the harness racing industry have committed to more live racing dates and invested in their respective facilities and racing product, resulting in positive business trends in breeding, horse ownership, and wagering. These are the exact benchmarks that the RHDF was created to enhance, and a greater share of the RHDF may allow the HHANE and SOM additional opportunities to further improve the industry.

Plainridge Park Casino and its corporate parent, Penn National Gaming, the largest operator of pari-mutuel facilities in North America, encourages the Commission to adopt the recommendation for allocation of the RHDF to increase the benefits to the harness racing industry in order to continue this positive momentum.

Sincerely,



Steve O'Toole
Director of Racing
Plainridge Park Casino

Copy to: Chris McErlean, Penn National Gaming
Robert McHugh, President - HHANE
Edward Nowak, President - SOM



P.O. Box 1811, Plainville, MA 02762

Website: www.hhane.com
Email: hhanesec@hhane.com

Executive Secretary p 508-824-1074 f 508-824-0154

August 15, 2016

Massachusetts Gaming Commission
101 Federal Street
Boston, MA 02110

Dear Mr. Chairman and Commissioners:

This correspondence is to formally request the Massachusetts Gaming Commission (MGC) confirm the decision made by the Horse Racing Committee (HRC) at the committee's June 2016 meeting. A revised split was recommended by the HRC after careful review and intense deliberation of the all criteria detailed in MGL Chapter 23K Section 60(b) (the Expanded Gaming Act). The HRC voted 4-1 to alter the split of funds from the Race Horse Development Fund (RHDF) provided to the Standardbreds and the Thoroughbreds in Massachusetts retroactive to January 1, 2016.

Brief History:

The HRC spent the better part of two-plus years reviewing the 60(b) criteria. The committee examined, reviewed, and debated reams of documents, thousands of numbers, and other factors as required by the Expanded Gaming Act. A decision was made and a split was recommended to the MGC in November 2014.

As part of that recommendation, the HRC felt that in order to properly carry out its duties as directed by the statute and to do what was best for the financial well-being of the Commonwealth, the HRC be convened on an annual basis to review the metrics, assess the landscape of the horse racing industry in Massachusetts, and make any adjustments to the split that were necessary.

On February 7, 2015 the Harness Horseman's Association of New England (HHANE) submitted a letter to Catherine Blue, Esq. requesting the HRC reconvene and revisit the split due to significant and real changes in the landscape of the Massachusetts Horse Racing Industry.¹ Unfortunately, the HRC was short two members due to the resignation of the chairperson (Governor's appointment) and the Treasurer's appointment. The new Governor and the new Treasurer did not appoint their respective replacement representatives to the five-member committee until **early 2016**. Shortly thereafter, the HRC convened again. Unfortunately, the HRC *should have* reviewed and performed its analysis just after the 2015 racing season, as envisioned by the HRC. Had the appointments been made then, and the HRC been able to do its work, **this recommendation to the MGC would have been made by the end of 2015.**

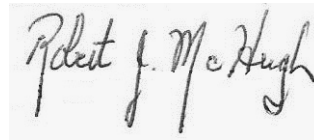
¹A major consideration when the HRC made its' initial split decision in 2014 was the assumption of two equal racing seasons. In 2015 **the Standardbreds raced one hundred & five (105) days, while the Thoroughbreds raced only six (6) days.**

In fact, all of the new metrics and data used by the HRC to determine its current split recommendation are from the 2015 season and earlier. None of the 2016 season metrics were used by the HRC in its decision-making process. The HRC has already scheduled a meeting for October 2016 to begin the process of reviewing the 2016 race season metrics and make any further recommendations it deems necessary to the MGC. If any change to the split is recommended after the HRC's review at the end of 2016, such a recommendation (if this split is retroactive) would most likely become effective January 1, 2017. Fairness clearly dictates the HRC's most recent recommendation on the split be retroactive to January 1, 2016. Most importantly, in the "eyes of the HRC" this would be the most equitable and most beneficial decision for the Commonwealth of Massachusetts.

Once again, on behalf of all harness horsemen of Massachusetts the Harness Horseman's Association of New England (HHANE) would like to thank the MGC for its hard work and efforts to support an industry which has been a major part of the landscape of Massachusetts for so many years.

Respectfully submitted,

HHANE

A handwritten signature in black ink, reading "Robert J. McHugh". The signature is written in a cursive style with a large, stylized "R" and "M".

Robert McHugh, President

cc: A. Lightbown



STANDARD BRED OWNERS OF
MASSACHUSETTS, INC.
PO Box 1862
PLAINVILLE, MA 02762

August 14, 2016

Massachusetts Gaming Commission
101 Federal St., 12th Floor
Boston, MA 02110

Re: Race Horse Development Fund

Dear Members of the Commission,

The Standardbred Owners of Massachusetts, Inc. (SOM), encourages the Commission to accept the full recommendation of the Race Horse Committee regarding the allocation of the Race Horse Development Fund (RHDF) between Standardbred and Thoroughbred Racing.

SOM represents the standardbred owners and breeders participating in the Massachusetts Standardbred Breeding Program. These owners and breeders significantly invest in the program annually. Standardbred breeding has increased dramatically in the past few years. Sixty-five broodmares registered in the program in 2016 represent a 47% increase from 2014. This increase is due to forward thinking breeders and the encouragement of the future of the program with the opening of the state's first gaming facility at Plainridge Park Casino and the contribution of funds by the Plainridge Park operation to the RHDF.

Thirty-two stakes races for Massachusetts Standardbreds are scheduled for this year and all of those races will be held in the Commonwealth thereby maximizing state revenues. A greater share of the RHDF is needed for the continued growth of the Massachusetts Standardbred Breeding Program and for a reasonable return on investment by the standardbred owners and breeders.

Sincerely,

Ed Nowak

Ed Nowak
President

EN/njl

WWW.SOMINC.NET
508-528-1877
INFO@SOMINC.NET

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Telecopier (617) 723-5700
www.considinefurey.com

August 11, 2016

BY HAND DELIVERY

Stephen Crosby, Chairman, and Commissioners
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Re: *Massachusetts Thoroughbred Breeders Association, Inc.*

Dear Chairman Crosby and Commissioners:

I write on behalf of the Massachusetts Thoroughbred Breeders Association, Inc. (the "Thoroughbred Breeders Program"). The Thoroughbred Breeding Program respectfully requests that the Gaming Commission (the "Commission") vote against the recent recommendation by the horse racing committee to change retroactively the percentage split on distributions from the Race Horse Development Fund (the "Fund") between the thoroughbred and standardbred breeds.

As you know, the horse racing committee (the "Committee") is authorized, pursuant to G.L. c. 23K, § 60, to recommend how the Fund is to be allocated between the thoroughbred and standardbred breeds. By statute, the Commission may only change the distribution percentage upon the committee's recommendation. G.L. c. 23K, § 60. In early 2015, the Commission adopted the Committee's original recommendation to allocate 75 percent of the relevant funds to the thoroughbred program and 25 percent to the standardbred program. This original 75/25 split has remained in place through the current date. Of the funds allocated for the thoroughbred account, 16 percent is dispensed on a regular basis to the Thoroughbred Breeders Program to be awarded as prize money to individual breeders. Individual awards are given on a rolling basis.

The Committee recently voted to recommend a change in the percentage split from 75/25 in favor of the thoroughbred program to 60/40 in favor of the standardbred program. In a separate vote, the Committee also recommended that the Commission make this change retroactive to January 1, 2016. Since distributions are made on a rolling basis, a substantial amount of the annual sum already has been distributed to individual breeders. Adoption of the Committee's recommendation would require the Commission to recoup these funds. We believe

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MASSACHUSETTS GAMING
COMMISSION

the Committee's request exceeds its authority by recommending the retroactive application of the new split. The Committee is recommending that the Commission act beyond its statutory authority. We ask that you consider the following prior to making a decision on this matter.

I. The Commission does not have express statutory authority to apply changes in the distribution split retroactively.

A regulatory change affecting substantive rights generally only applies prospectively, *Biogen IDEC MA, Inc. v. Treasurer & Receiver Gen.*, 454 Mass. 174, 190 (2009); *Figueroa v. Director of the Dep't of Labor & Workforce Dev.*, 54 Mass. App. Ct. 64, 70–71, 763 N.E.2d 537 (2002), and retroactive application of rules or policies is disfavored in the absence of an express statutory grant of authority. *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208, (1988). This is especially the case where the change concerns vested individual property rights. See, e.g., *Turner v. Greenaway*, 391 Mass. 1002 (1984) (“reasonable reliance on a rule or a statute in effect at the time of *transfer* precludes retroactive application of a new rule or a statute unless, of course, the Legislature mandates that the statute apply retroactively”).

If the Massachusetts Legislature had intended to give the Commission the power to amend its rules retroactively, it would have done so by statute, as it has with other bodies in numerous other statutory sections. See, e.g., G.L. c. 151A, § 14A(a)(5) (allowing commissioner to “permit an election to be *retroactive* but not earlier than January first of the calendar year immediately preceding the date said notice was filed”); G.L. c. 44, § 68 (allowing municipality to grant a *retroactive* salary increase to municipal employees); G.L. c. 10, § 35Z (allowing CPCS counsel to determine hourly rate enhancement to be paid from trust fund, including *retroactive* payments for prior hours billed).

Here, however, there is no indication that the legislature intended to give the Commission the right to amend the percentage split retroactively. The Commission's powers regarding distributions from the Fund are found in G.L. c. 23K, § 60. That section authorizes the Commission only to “change the distribution percentage upon a recommendation by the committee.” Nowhere in the statute is the Commission authorized to retroactively apply a change in the split. Such a power would allow the Commission to recover funds already distributed to individuals and interferes with expected and vested property rights of these individuals. Without an express grant of authority, the Commission may not apply the proposed amendment retroactively.

II. The Commission may not apply a new policy retroactively where a prior policy existed.

Even if the Commission did have statutory authority to change the percentage split retroactively, it is precluded from doing so where there is an existing policy already in place. “A new policy may not be retroactively applied where a prior agency policy existed, unless the existing policy was plainly contrary to the enabling statute.” *Biogen IDEC MA, Inc.*, 454 Mass. at 190; *see also Commissioner of Revenue v. BayBank Middlesex*, 421 Mass. 736, 741–742, 659 N.E.2d 1186 (1996). In *Biogen*, the SJC found that there was “no basis for applying the amended regulations [redefining phrase “outstanding credit balance”] retroactively” where the amended regulation made Biogen liable to the state treasurer for funds it already received while the original regulations did not). *Id.* at 191.

Here, the Commission adopted the Committee’s 2015 recommendation to set the split at 75/25 in favor of the thoroughbred program. The creation of this policy was clearly aligned with the enabling statute which permits the Commission to establish the split based on the Committee’s recommendation. Because the new split proposed by the Committee directly and substantively changes the existing valid policy, retroactive application is unwarranted.

III. Retroactive application is inappropriate where new policy infringes on individual property rights and adversely affects reasonable expectations.

Applying the split change retroactively would require the Commission to recoup funds already distributed to (and likely spent by) individual breeders. Such actions would no doubt infringe on the rights of these individuals. When considering whether retroactive application of a rule is appropriate, “courts have generally compared the public interest in the retroactive rule with the private interests that are overturned by it.” *Cheshire Hosp. v. New Hampshire–Vermont Hosp. Serv.*, 689 F.2d 1112, 1121 n. 10 (1st Cir.1982) (internal quotations omitted). Courts also consider the “extent to which a retroactive rule or interpretation adversely affects the reasonable expectations of concerned parties,” *Id.*, and note that “familiar considerations of fair notice, reasonable reliance, and settled expectations offer sound guidance” when determining retroactive application. *Landgraf v. U.S.I. Film Products*, 511 U.S. 244 (1994).

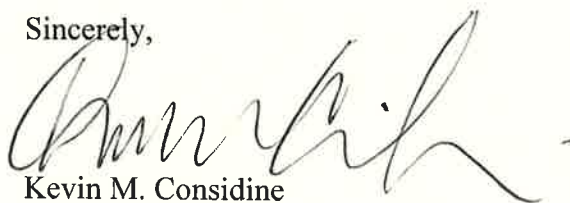
It is reasonable for the parties involved here (among them the Massachusetts Thoroughbred Breeding Program and the individual breeders) to assume that the stated policy setting the split at 75/25 in favor of the thoroughbred program would apply until the Commission adopted a new recommendation pursuant to the process established in G.L. c. 23K, § 60. As in *Biogen*, the parties here have relied on the existing split and would be subject to new financial

Stephen Crosby, Chairman and Commissioners
August 11, 2016
Page 4

liability under the new policy. *Contrast Com. of Mass. by Low-Level Radioactive Waste Mgmt. Bd. v. O'Leary*, 925 F. Supp. 857, 866–67 (D. Mass. 1996) (holding retroactive application appropriate where Secretary did not “seek to retract payments already made” and did not “surprise” relevant parties), citing *Pennhurst State School and Hospital v. Halderman*, 451 U.S. 1, 25 (1981).

Because the Commission lacks statutory authority to recoup funds already distributed and because the proposed amendment to the split would replace a prior valid policy to the detriment of individual interests and adversely affect reasonable expectations, we believe retroactive application of the proposed 60/40 split in favor of the standardbred program is unlawful under these circumstances. Accordingly, we ask you not to accept the Committee’s recommendation to apply the amendment retroactively to January 1, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin M. Considine', with a stylized flourish at the end.

Kevin M. Considine

KMC:hp

cc: Lloyd MacDonald
James F. McHugh
Enrique Zuniga
Bruce Stebbins
George F. Brown
Andrew S. Hunt

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS, JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

Section

- 134.01: Key Gaming Employee Licensees
- 134.02: Gaming Employee Licensees
- 134.03: Gaming Service Employees
- 134.04: Vendors
- 134.05: Labor Organizations
- (134.06: Junket Enterprises and Junket Representatives: Reserved)
- 134.07: Forms
- 134.08: Submission of Application
- 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors
- 134.10: Affirmative License Standards for the Licensing of Employees and Vendors of the Gaming Establishment
- 134.11: Affirmative Registration Standards for the Registration of Employees and Vendors of the Gaming Establishment and Labor Organizations
- 134.12: Temporary Licenses
- 134.13: Fingerprinting
- 134.14: Identification
- 134.15: Fees
- 134.16: Term of Licenses
- 134.17: Renewals
- 134.18: Duties of Applicants and Licensees
- 134.19: Disciplinary Action

134.01: Key Gaming Employee Licensees

No individual shall be employed by or perform services for a gaming licensee as a key gaming employee, as defined by M.G.L. c. 23K, § 2, unless the individual has been licensed in accordance with M.G.L. c. 23K, §30 and 205 CMR 134.00. There shall be two categories of key gaming employee licensees: key gaming employee- executive and key gaming employee-standard.

(1) An individual holding one of the following positions ~~at a gaming establishment~~, and any person in a similar or equivalent position, regardless of job title, whose employment relates to gaming shall be designated as a key gaming employee- executive:

- (a) Assistant General Manager;
- (b) Chief Internal Audit Officer;
- (c) Gaming Manager;
- (d) Chief Financial Officer;
- (e) Chief of Security;
- (f) General Manager;
- (g) Chief Surveillance Officer;
- (h) Chief Compliance Officer;
- (i) Principal executive Officer;
- (j) Principal operating Officer;
- (k) Principal accounting Officer;
- (l) Chief Information Officer;
- (m) Other executive level employees who are not identified as a key gaming employee-standard in accordance with 205 CMR 134.01(2) as determined by the commission.

(2) An individual holding one of the following positions ~~at a gaming establishment~~, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a key gaming employee- standard:

- (a) Controller;
- (b) Electronic gaming device or slot machines manager;

205 CMR: MASSACHUSETTS GAMING COMMISSION

- (c) Human resources manager;
- (d) Information technology manager;
- (e) Pit boss;
- (f) Shift supervisor of table games, of a slot department, credit department, security, surveillance, accounting department, cage, or player development;
- (g) Credit manager;
- (h) Cage manager;
- (i) Hotel Manager;
- (j) Entertainment Director;
- (k) Food & Beverage Manager;
- (l) Other managerial employees who are not identified as a key gaming employee-executive in accordance with 205 CMR 134.01(1), but who are empowered to make discretionary decisions which impact gaming establishment operations, or as determined by the commission.

(3) Any individual who is a qualifier of a gaming licensee but who does not perform any of the duties of the positions identified in 205 CMR 134.01(1)(a) or (b) does not have to become licensed as a key gaming employee. Such individual does have to be approved as a qualifier and issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements*, 115.00: *Phase 1 Suitability Determination, Standards and Procedures*, and 116.00: *Persons Required to Be Licensed or Qualified*. An individual who has been issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements* and who will be performing the responsibilities requiring licensure as a key gaming employee shall apply for licensure in accordance with 205 CMR 134.08(2) subject to the term limitation of 205 CMR 134.16(4).

134.02: Gaming Employee Licensees

No individual shall be employed by or perform services for a gaming licensee as a gaming employee, as defined by M.G.L. c. 23K, § 2, unless the individual has been licensed in accordance with M.G.L. c. 23K, § 30 and 205 CMR 134.00. An individual holding one of the following positions ~~at a gaming establishment, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a gaming employee:~~

- (a) Boxpersons;
- (b) Cashiers;
- (c) Change personnel;
- (d) Clerks;
- (e) Count room personnel;
- (f) Data processing personnel;
- (g) Dealers and croupiers;
- (h) Floorpersons;
- (i) Gaming Hosts;
- (j) Internal audit and accounting personnel whose duties include reviewing, verifying, and recording gaming revenue entries, the processing or control of active accounting documents related to gaming activity, or that have access to active accounting documents related to gaming activity;
- (k) An individual who is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (l) Personnel authorized to extend complimentary services, including employees performing functions similar to those performed by a junket representative;
- (m) Junket representative employed by the gaming licensee or affiliate of the gaming license or a junket enterprise licensed as a gaming vendor in accordance with 205 CMR 134.00;
- (n) Personnel authorized to issue credit;
- (o) Personnel authorized to issue promotional play including persons who identify patrons or groups of patrons who shall receive complimentaries based on actual patron play, authorize such complimentaries, or determine the amount of such complimentaries;
- (p) Personnel with security administrator access to a slot machine tracking system;
- (q) Security personnel, including guards and game observers, or an employee with

knowledge of security procedures of the gaming establishment

DRAFT

134.02: continued

- (r) Surveillance personnel, including surveillance equipment maintenance and repair technicians (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (s) Any employee who conducts or participates in the conduct of gaming, who participates in the transfer or handling of chips, tokens or money, or who participates in audit or accounting functions;
- (t) Any employee whose has access to a restricted area of a gaming establishment;
- (u) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02;
- (v) An employee of a gaming ~~licensee establishment~~ whom the Bureau deems necessary to be licensed to ensure compliance with the M.G.L. c. 23K and 205 CMR and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

134.03: Gaming Service Employees

- (1) An individual employed ~~by a gaming licensee in a gaming establishment~~ who is not classified as a key gaming employee in accordance with 205 CMR 134.01, or a gaming employee in accordance with 205 CMR 134.02, shall be designated as a gaming service employee and shall register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services. An individual employed by a vendor of a gaming establishment for work in a gaming establishment shall be considered a gaming service employee unless otherwise specified in 205 CMR 134.02.
- (2) During the pre-opening phase of a gaming establishment, and continuing for up to 30 days from the date an Operation Certificate is issued in accordance with 205 CMR, a gaming licensee may temporarily allow an individual(s) who is employed at a gaming property which is owned and/or operated by it, its parent, or an affiliated company to assist with gaming establishment employee training and related purposes for up to 60 days without those individuals having to become licensed or registered in accordance with 205 CMR 134.00, provided that the gaming licensee does the following:
 - (a) Supplies the Bureau a reasonable time in advance of arrival with the name of the individual, name of the gaming property at which they are employed, the position at the gaming property at which they are employed, a description of the reason for the individual being at the gaming establishment including the services to be performed, the anticipated duration of their stay, and any other information requested by the Bureau;
 - (b) Ensures all individuals performing services under 205 CMR 134.03(2) carry identification and wear a badge issued by the gaming licensee that is distinguishable from those that are issued to employees of the gaming establishment and that is clearly visible at all times while at the gaming establishment;
 - (c) If the individual is licensed, certified, or otherwise approved for employment by the jurisdiction which the gaming property in which they are employed is located, an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 shall attest in writing that the individual is in good standing in that jurisdiction; and
 - (d) Ensures that the individual is accompanied by an individual who is licensed or registered in accordance with 205 CMR 134.00 anytime they are in a restricted area of the gaming establishment.

134.04: Vendors

No person shall conduct business with a gaming licensee as a vendor ~~to a gaming establishment~~ unless such person has been licensed as a gaming vendor, as defined by M.G.L. c. 23K, § 2, or registered as a non-gaming vendor, as defined by M.G.L. c. 23K, § 2, in accordance with 205 CMR 134.00. A person shall be considered to be conducting business upon commencement of performance of a contract or provision of a good or service.

A subcontractor to a vendor shall not be required to obtain licensure or registration under 205 CMR 134.00. For purposes of 205 CMR 134.00 a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services

necessary to fulfill the licensed or registered vendor's contract with a gaming licensee. As part of the application process, vendors shall be required to identify all of its known or anticipated subcontractors and shall have a continuing duty to update the Bureau relative to the identification of any new subcontractors. The Bureau may, at its discretion, require the submission of additional information and documents, including but not limited to the Subcontractor Information Form as provided in 205 CMR 134.07(11).

(1) Gaming Vendors.

(a) Gaming Vendors-Primary. A person who conducts business with a gaming applicant or gaming licensee on a regular or continuing basis for provision of goods or services which directly relates to gaming, as defined by M.G.L. c. 23K, § 2, including, but not limited to a person who does any of the following, shall be designated as a gaming vendor-primary:

1. Manufactures, sells, leases, supplies, or distributes devices, machines, equipment (except gaming table layouts), accessories, or items that meet at least one of the following conditions:
 - a. are designed for use in a gaming area as defined by M.G.L. c. 23K, § 2;
 - b. are designed for use in a simulcast wagering area;
 - c. are used in connection with a game in the gaming area;
 - d. have the capacity to affect the calculation, storage, collection, electronic security, or control of the gaming revenues from a gaming establishment.
2. provides maintenance services or repairs gaming or simulcast wagering equipment, including slot machines;
3. acts as a junket enterprise; or
4. provides items or services that the Commission has determined are used in or are incidental to gaming or to an activity of a gaming facility.

Exception. Any person, by submission of a written petition, may request a determination from the commission that the person providing goods or services deemed by the Bureau to meet a description contained in 205 CMR 134.04(1)(a) need not be licensed as a Gaming Vendor-primary on the grounds that they are not providing services on a regular or continuing basis or that they do not directly relate to gaming.

(b) Gaming Vendors- Secondary. Any person who regularly conducts over \$250,000 in gross sales with any one gaming licensee within a 12 month period or a person who conducts over \$100,000 in gross sales with any one gaming licensee within a three month period, and who does not otherwise qualify for designation as a Gaming Vendor-primary in accordance with 205 CMR 134.04(1)(a) ~~+~~, may be designated a Gaming Vendor-secondary by the ~~Commission~~ **Division of Licensing after consultation with the Bureau** regardless of the type of goods or services being provided. **The procedure for making** ~~This designation may be made either by virtue of submission of a Business Entity Disclosure Form Gaming Vendor-secondary application by the vendor in anticipation of meeting the monetary threshold, or in accordance with 205 CMR 134.04(3).~~

(2) Non-gaming Vendors. A person who offers to a ~~gaming establishment or~~ gaming licensee goods or services which are not directly related to gaming, as defined by M.G.L. c. 23K, § 2, including, but not limited to any of the following, shall be designated as a non-gaming vendor:

- (1) construction company;
- (2) vending machine provider;
- (3) linen supplier;
- (4) garbage handler;
- (5) maintenance company;
- (6) limousine service company;
- (7) food purveyor;
- (8) supplier of alcoholic beverages;
- (9) a person that sells, distributes, tests, or repairs antique slot machines as described in M.G.L. c. 271, § 5A;
- (10) suppliers of gaming table layouts.

134.04: continued

(3) The Division of Licensing after consultation with the Bureau may designate a person as a gaming vendor-secondary. In making the determination to designate a vendor as a gaming vendor-secondary, the following factors may, without limitation, be considered: the total dollar amount by which the vendor's business with the gaming licensee is reasonably expected to exceed the thresholds set forth in G.L. c. 23K, § 31(c) and 205 CMR 134.04(1)(b); the relative value of the contract compared to the gaming licensee's overall disbursements to vendors; whether the goods or services are limited to the pre-opening phase of the gaming establishment; the duration of the contract; whether the vendor will be providing goods or services on-site at the gaming establishment; the number of subcontractors involved in the performance of the vendor's contract with the gaming establishment; whether the vendor is licensed, registered or certified and regulated by a governmental or quasi-governmental body or board; the nature of the goods or services; and public safety considerations. ~~shall determine upon consultation with the gaming licensee, review of the Disbursement Report required to be submitted in accordance with 205 CMR, and/or review of the terms of the agreement required to be maintained pursuant to 205 CMR whether a non-gaming vendor has met or is reasonably likely to meet the thresholds provided in 205 CMR 134.04(1)(b). If the Division of Licensing determines that the non-gaming vendor is a gaming vendor-secondary, has met or is likely to meet a threshold, it shall forward notice of such to the vendor of its obligation to submit an application for licensure as a gaming vendor-secondary. Within 45 days of service of the notice, the vendor, if already providing goods and/or services to the gaming licensee as a registrant, shall submit a completed *Business Entity Disclosure Form-gaming Vendor-Secondary* as set forth in 205 CMR 134.07(3)(b)(7) for licensure as a gaming vendor-secondary; discontinue providing the goods and/or services it is contracted to provide, file for an exemption in accordance with 205 CMR 134.04(6); or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary on the grounds that it is not providing goods or services on a regular or continuing basis. If the vendor is not already providing goods and/or services to the gaming licensee as a registrant, it may file for an exemption in accordance with 205 CMR 134.04(6), or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure as a gaming vendor-secondary on the grounds that it will not be providing goods and/or services on a regular or continuing basis.~~

(4) Gaming Vendor Qualifier.

(a) ~~Persons designated as gaming vendor qualifiers must establish their qualifications in accordance with 205 CMR 134.09 and 134.10.~~

(b) Gaming vendors-primary. The following persons shall be designated as a gaming vendor-primary qualifiers ~~and must establish their qualifications for licensure in accordance with 205 CMR 134.09 and 134.10:~~

1. If the gaming vendor-primary applicant is a sole proprietor: The owner.
2. If the gaming vendor-primary applicant is a corporation:
 - a. Each officer;
 - b. Each inside director and those outside directors serving on the audit or compliance committees;
 - c. Any person owning more than 5% of the common stock of a company applying for licensure as a gaming vendor-primary as provided by 205 CMR 134.04(1)(a), or a holding, intermediary or subsidiary company of such company;
 - d. Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment;
 - e. In the judgment of the Division of Licensing after consultation with the Bureau any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the Commission. ~~in the Commonwealth.~~

134.04: continued

3. If the applicant is a limited liability corporation:
 - a. Each Member;
 - b. Each transferee of a Member's interest;
 - c. Each Manager;
 - d. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business **under the jurisdiction of the Commission** ~~in the Commonwealth.~~
 4. If the applicant is a limited partnership:
 - a. Each General Partner;
 - b. Each Limited Partner;
 - c. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's **under the jurisdiction of the Commission.** ~~business in the Commonwealth.~~
 5. If the applicant is a partnership:
 - a. Each Partner;
 - b. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business **under the jurisdiction of the Commission.** ~~in the Commonwealth.~~
- (c) **Gaming vendors-secondary.**
1. If the gaming vendor-secondary applicant is a sole proprietor, the Owner shall be designated as a qualifier.
 2. If the gaming vendor-secondary applicant is a corporation, limited liability corporation, limited partnership, or partnership
 - a. Each Officer, Member, Partner or functional equivalent w expected to exercise operational control over the business under the jurisdiction of the Commission shall be designated as a qualifier;
 - b. Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment shall be designated as a qualifier;
 - c. Any person owning more than 5% of the common stock of a company applying for licensure as a gaming vendor-secondary shall be designated as a qualifier;
 - d. In the judgment of the **Division of Licensing after consultation with the Bureau** any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the Commission shall be designated as a qualifier;
 - e. The **Division of Licensing after consultation with the Bureau** may designate any person owning more than 5% of the common stock of a holding or intermediary company of an applicant for licensure as a gaming vendor-secondary as a qualifier.
 - f. The **Division of Licensing after consultation with the Bureau** may designate any inside director or any outside director or its functional equivalent serving on the audit or compliance committees as a qualifier.
- ~~(b)~~ (d) In all cases, any person who, in the opinion of ~~the commission or the~~ **Division of Licensing after consultation with the Bureau**, can exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or holding, intermediary or subsidiary companies thereof may be designated a ~~Gaming Vendor~~ **gaming vendor** qualifier.
- ~~(c)~~ (e) **Other Qualifiers.** The ~~commission or~~ **Division of Licensing after consultation with the Bureau** may, at its discretion, require other persons that have a business association of any kind with the applicant for a gaming vendor license to be **subject to the qualification requirements as a qualifier** ~~licensed as a gaming vendor qualifier~~. These persons include, but are not limited to an affiliate or holding, intermediary or subsidiary ~~companies~~ **companies** of the applicant for a gaming vendor license.
- ~~(d)~~ An applicant may appeal any determination made by the Bureau in accordance with 205 CMR 134.04(4) to the commission by filing a petition on a form prescribed by the commission. The commission shall decide the appeal at a public hearing on the matter at

which it may allow representatives of the petitioner and Bureau to testify.

(5) Waiver. Upon written petition, the commission may waive the requirement to be licensed as a gaming vendor qualifier for:

(a) institutional investors holding up to 15% of the stock of the gaming vendor or applicant for a gaming vendor license, or holding, intermediary or subsidiary company thereof, upon a showing by the person seeking the waiver that it purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company thereof. Provided, however, any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor or applicant for a gaming vendor license, or a holding, intermediary thereof shall provide not less than 30 days' notice to the commission of such intent and shall file an application and be subject to the licensing requirements of 205 CMR 134.00 before taking any action that may influence or affect the affairs of the gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company. Any person holding over 15% of a gaming vendor or applicant for a gaming vendor license, or a holding, intermediary or subsidiary company thereof, shall be required to apply for a license before doing business in the Commonwealth; or

(b) Any person who, in the opinion of the Bureau or the commission, cannot exercise control or provide direction to a gaming vendor or applicant for a gaming vendor license or a holding, intermediary or subsidiary company thereof. Provided, however, a person who is not an institutional investor and who holds more than 5% of the common stock of a company, or holding, intermediary or subsidiary company of such a company may not petition for waiver in accordance with 205 CMR 134.04(5)(b).

(6) Exemptions. For purposes of 205 CMR 134.04 the following persons engaged in the following fields of commerce who provide goods or services to a gaming applicant or gaming licensee, and that are not otherwise required to be licensed as a key gaming employee, gaming employee, or gaming service employee, shall not be deemed to be conducting business for purposes of M.G.L. c. 23K, § 31 and accordingly shall not be required to obtain licensure or registration as a vendor:

- (a) insurance companies and insurance agencies;
- (b) television, radio, newspaper, internet or other similar media outlets used for advertising purposes;
- (c) transactions with a governmental entity;
- (d) ~~professional~~ legal, accounting, **lobbying** and financial services;
- (e) physicians;
- (f) labor organizations, unions, or affiliates registered in accordance with 205 CMR 134.00;
- (g) utility companies;
- (h) telecommunications companies;
- (i) training seminars, publication subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
- (j) non-profit charitable corporations or organizations, provided that no consideration is received for the contribution;
- (k) court order or stipulation of settlement or for settlement of guest losses or guest refunds
- (l) payments for freight charges to freight transporters select by the vendor for delivering goods;
- (m) professional entertainers and/or celebrity appearances;
- (n) any ~~other~~ person that, by submission of a written petition, can demonstrate to the commission that registration as a non-gaming vendor is not necessary to protect the public interest.
- (o) **Upon submission of a written certification by a gaming licensee, any person providing goods or services not directly related to gaming to whom the gaming licensee reasonably expects to pay an amount less than \$_____ within a 12-month period.**

(7) Qualification of New Qualifiers for Gaming Vendors - Primary.

(a) No person requiring qualification pursuant to 205 CMR 134.04(4)(a)(b) may perform any duties or exercise any powers relating to the position that said qualifier is seeking to assume for a Gaming Vendor - Primary licensee unless the person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a completed Key Gaming Employee - Standard Application Form. Following such notification and submission of the completed Form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(b) A person with reason to believe that his or her new position with a Gaming Vendor - Primary may require qualification pursuant to 205 CMR 134.04(4)(a) shall notify the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a summary of the responsibilities and/or features of the position. The Bureau shall determine whether the person shall be designated a qualifier pursuant to 205 CMR 134.04(4) and shall notify the person of such designation in writing. Within 30 days of designation as a qualifier, the person shall submit a completed Key Gaming Employee - Standard Application Form. Following submission of the completed Form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(c) The Bureau shall review the Forms submitted by the new qualifier, as well as such other information that the Bureau may request, and, upon completion of its investigation, shall make a determination or recommendation to the Commission in accordance with 205 CMR 134.09(1)(c) whether the new qualifier meets the standards for suitability.

(d) Upon notification by the Bureau of a determination that reasonable cause exists to believe the qualifier may not ultimately be found suitable, a gaming vendor licensee shall promptly remove the qualifier from his or her position until such time as the commission makes its final determination on suitability.

134.05: Labor Organizations

(1) Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the Commission in accordance with 205 CMR 134.05.

(2) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a gaming establishment, a labor organization, union or affiliate shall file with the ~~Bureau~~ **Division of Licensing** a labor organization registration statement in accordance with 205 CMR 134.08. Organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

~~(3) Each officer, agent or principal employee of the labor organization, union or affiliate shall file a Labor Organization Individual Disclosure Form in accordance with 205 CMR 134.08 at the time the pertinent labor organization, union or affiliate registers or should register, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Bureau may, upon a showing of good cause, permit.~~

~~(4) Notwithstanding 205 CMR 134.05 a Labor Organization Individual Disclosure Form need not be filed by an officer, agent or principal employee of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a Massachusetts gaming establishment provided that the Bureau may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register.~~

(5) Neither a labor organization, union, or affiliate, nor its officers who are not otherwise licensed or registered as a key gaming employee, gaming employee, gaming service employee, gaming vendor, gaming vendor qualifier, or non-gaming vendor, may hold any financial interest in a gaming establishment whose employees are represented by the labor

organization, union, or affiliate.

(134.06: Junket Enterprises and Junket Representatives: Reserved

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134.07: Forms**(1) (a) Key Gaming Employee and Gaming Employee License Application Forms**

Every individual applying for a key gaming employee license or a gaming employee license shall be obligated to complete and submit an application to the Division of Licensing. Said application forms shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form. The license application forms for key gaming employees and gaming employees shall require, at a minimum, the following information:

1. the name of applicant;
2. the address of applicant;
3. A detailed employment history of the applicant, as prescribed by the Bureau;
4. the fingerprints of the applicant;
5. the criminal and arrest record of the applicant; and
6. any civil judgments obtained against the applicant pertaining to antitrust or security regulation.

(b) The Bureau may require the applicant to provide additional information, as set forth in the application forms, including, but not limited to:

1. information related to the financial integrity of the applicant;
2. bank accounts and records of the applicant;
3. bank references for the applicant;
4. business and personal income and disbursement schedules of the applicant;
5. tax returns and other reports filed by government agencies regarding the applicant;
and
6. business and personal accounting check records and ledgers of the applicant.

(2) Gaming Service Employee Registration Form

Every individual seeking to register as a Gaming Service Employee shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of the information deemed necessary by the Bureau. Any changes to the gaming service employee registration form must be approved by the Director of the Bureau.

(3) Gaming Vendor License Application Form

(a) Every person applying for a gaming vendor license shall be obligated to complete and submit a business entity disclosure form to the Division of Licensing. Said forms shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form. The license application forms for gaming vendors shall require, at a minimum, the following information:

1. The name of applicant;

2. The post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
3. The applicant's criminal and arrest record;
4. Any civil judgments obtained against the applicant pertaining to antitrust or security regulation;
5. The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members
6. An independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years
7. Clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by governmental agencies and business and personal accounting check records and ledgers.

(b). Every person designated as a qualifier for a gaming vendor under 205 CMR 134.04(4) shall be obligated to complete and submit a disclosure form to the Division of Licensing. Said forms for gaming vendor qualifiers shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form.

(4) **Non-Gaming Vendor Registration Form**

Every person seeking to register as a non-gaming vendor shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of any information deemed necessary by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form.

~~(1) Multi-jurisdictional Personal History Disclosure Form for Key Gaming Employees-Executive. The Multi-jurisdictional Personal History Disclosure Form For Key Gaming Employees-Executive shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames and applicable dates of use;~~
- ~~(b) Date of birth;~~
- ~~(c) Physical description;~~
- ~~(d) Current address and residence history;~~
- ~~(e) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;~~
- ~~(f) Citizenship and, if applicable, information regarding resident alien status, including information regarding passports;~~
- ~~(g) Marital history, spouse, dependents and other family data;~~
- ~~(h) The gaming licensee or qualifier, gaming vendor licensee or qualifier or holding company, as applicable, with which the qualifier is affiliated, and the nature of the qualifier's position with or interest in such entity;~~
- ~~(i) Telephone number at the current place of employment, and home number;~~
- ~~(j) Email address;~~
- ~~(k) Employment history of the qualifier and qualifier's immediate family;~~
- ~~(l) Education and training;~~

- ~~(m) Record of military service;~~
- ~~(n) Government positions and offices presently or previously held, and the offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;~~
- ~~(o) Trusteeships or other fiduciary positions held by the qualifier and the qualifier's spouse, and any denial or suspension of, or removal from, such positions;~~
- ~~(p) Current memberships in any social, labor or fraternal union, club or organization;~~
- ~~(q) Licenses and other approvals held by or applied for by the qualifier or, where specified, the qualifier's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, as follows:~~
 - ~~1. Any professional or occupational license held by or applied for the by the qualifier or the qualifier's spouse;~~
 - ~~2. Motor vehicle registrations and operator licenses held by or applied for the by the qualifier or the qualifier's spouse, and any revocation or suspension thereof;~~
 - ~~3. Possession or ownership of any pistol or firearm, or any application for any firearm permit, firearm dealer's license, or permit to carry a pistol or firearm;~~
 - ~~4. Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction held by or applied for by the qualifier; and~~
 - ~~5. Any denial, suspension or revocation by a government agency of a license, permit or certification held by or applied for by the qualifier or the qualifier's spouse, or any entity in which the qualifier or the qualifier's spouse was a director, officer, partner or any owner of a 5% or greater interest.~~
- ~~(r) Any interest in or employment presently or previously held by the qualifier with any entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction; and any current employment or other association by the qualifier's family with the gambling or alcoholic beverage industries in the Commonwealth of Massachusetts or any other jurisdiction;~~
- ~~(s) Civil, criminal and investigatory proceedings in any jurisdiction, as follows:~~
 - ~~1. Any arrest, indictment, charge, or conviction of the applicant;~~
 - ~~2. Any instance where the applicant has been named as a co-conspirator in a criminal proceeding or held as a material witness;~~
 - ~~3. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body, and any refusal to comply with a request to do so;~~
 - ~~4. Any pardons, dismissals, suspensions or deferrals of any criminal investigation, prosecution, or conviction;~~
 - ~~5. Lawsuits to which the applicant was or is a party;~~
 - ~~6. Any citation or charge for a violation of a statute, regulation or code or any jurisdiction, other than a criminal disorderly persons, petty disorderly persons or motor vehicle violation; and~~
 - ~~7. Any use, distribution, or possession of any narcotic, hallucinogenic, drug, barbiturate, amphetamine or other substance listed in M.G.L. c. 94C other than pursuant to a valid prescription issued by a licensed physician.~~
- ~~(t) Any exclusion or barring from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;~~
- ~~(u) Financial data, as follows:~~
 - ~~1. All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;~~
 - ~~2. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account, and safe deposit boxes;~~
 - ~~3. Real estate interests held by the applicant or the applicant's spouse or dependent children;~~
 - ~~4. Businesses owned;~~
 - ~~5. Copies of federal tax returns and related information;~~
 - ~~6. Judgments or petitions for bankruptcy, insolvency or liquidation concerning the qualifier or any business entity in which the qualifier held a 5% or greater interest,~~

~~other than a publicly traded corporation, or in which the qualifier served as an officer or director;~~

~~7. Any business entity in which the qualifier was an owner, director or officer which has been placed under some form of governmental administration or monitoring;~~

~~8. Any garnishment or attachment of wages, charging order or voluntary wage execution, including the amount, court, nature of the obligation and the holder of the obligation;~~

~~9. Any repossessions of real or personal property;~~

~~10. Any guarantees, co-signatures or insuring of payments of financial obligations of any persons or business entities;~~

~~11. Status as executor, administrator or fiduciary of any estate;~~

~~12. Life insurance policies on the applicant's life which name someone other than the applicant's family as a beneficiary;~~

~~13. Positions held, assets held, or interest received in any estate or trust;~~

~~14. Whether the applicant has ever been bonded for any purpose or been denied any type of bond, including the nature of the bond and if applicable, the reason for denial;~~

~~15. Insurance claims in excess of \$ 100,000.00 by the applicant or the applicant's spouse or dependent children;~~

~~16. Referral or finder's fees in excess of \$ 10,000.00;~~

~~17. Loans in excess of \$ 10,000.00 made or received by the applicant, the applicant's spouse or dependent children;~~

~~18. Gifts in excess of \$ 10,000.00 given or received by the applicant or the applicant's immediate family;~~

~~19. Brokerage or margin accounts with any securities or commodities dealer;~~

~~20. Currency exchanges in an amount greater than \$ 10,000.00;~~

~~21. Information regarding any instance where the applicant or any entity in which the applicant was a director, officer or holder of a 5% or greater interest has traded in foreign currencies or in a foreign commodities exchange, sold or purchased discounted promissory notes or other commercial paper, or been a party to any leasing arrangements in excess of \$ 50,000.00; and~~

~~22. Information regarding any ownership interest or financial investment by the applicant in any entity which holds or is an applicant for a license issued by the commission, or in any gambling venture which does not require licensure by the commission, including persons providing or reasonably anticipated to provide the applicant with support in the financing of such investment or interest; the extent and nature of the applicant's involvement in the management and operation of the entity; whether the applicant has or has agreed to assign, pledge or hypothecate such interest or investment, the nature and terms of any such transaction and a copy of any such agreement.~~

~~(v) The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;~~

~~(w) A signed, dated Statement of Truth affidavit.~~

~~(2) Massachusetts Supplement Form For Key Gaming Employees-Executive. The Massachusetts Supplement Form For Key Qualifiers Gaming Employees-Executive shall contain the following information:~~

~~(a) Name, including maiden name and any aliases or nicknames and applicable dates of use;~~

~~(b) Date of birth;~~

~~(c) Physical description;~~

~~(d) Current address, mailing and home, if different;~~

~~(e) Home, cell, and work telephone numbers;~~

~~(f) Social Security Number, which information is voluntarily provided in accordance with 5 U.S.C. § 552a;~~

~~(g) Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;~~

~~(h) The gaming license applicant or holding company, as applicable, with which the applicant is affiliated, and the nature of the applicant's position with or interest in such entity;~~

~~(i) Citizenship and, if applicable, resident alien status, including any employment authorization with expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and addresses of sponsor(s) upon the~~

applicant's arrival;

~~(j) Whether during the last ten years any entity in which the applicant has been a director, officer, principal employee or a holder of 5% or more interest has:-~~

- ~~1. Made or been charged with (either itself or through third parties acting for it) bribes or kickbacks to any government official, domestic or foreign, to obtain favorable treatment or to any company, employee or organization to obtain a competitive advantage;~~
- ~~2. Held a foreign bank account or has had authority to control disbursements from a foreign bank account;~~
- ~~3. Maintained a bank account or other account, whether domestic or foreign, which is not reflected on the books or records of the business or which is in a name other than the name of the business;~~
- ~~4. Donated, loaned or used funds or property for the use or benefit or in opposing any government, political party, candidate or committee either domestic or foreign;~~
- ~~5. Compensated any of its directors, officers or employees for time and expenses incurred in performing services for the benefit of or in opposing any government or political party domestic or foreign; or~~
- ~~6. Made any loans, donations or other disbursement to its directors, officers or employees for the purpose of making political contributions or reimbursing such individuals for political contributions whether domestic or foreign;~~
- ~~7. Copies of federal and foreign tax returns and related information for the last five years;~~
- ~~8. The name, address, occupation and phone number of persons who can attest to the qualifier's good character and reputation;~~
- ~~9. A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the qualifier as requested by the commission, the bureau or a contractor investigator;~~
- ~~10. A signed, dated Statement of Truth;~~
- ~~11. A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting from any disclosure and publication of information acquired during the license or investigation process; and~~
- ~~12. Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR.~~

~~(3) Key Gaming Employee Standard Application Form. A Key Gaming Employee Standard Application Form shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames along with applicable dates of usage;~~
- ~~(b) Date and place of birth;~~
- ~~(c) Physical description;~~
- ~~(d) Current address and telephone number, and residence history for the past ten years;~~
- ~~(e) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;~~
- ~~(f) Citizenship and, if applicable, resident alien status, including any employment authorization and expiration date, country of which the applicant is a citizen, place of birth, port of entry to the United States, and name and address of sponsor(s) upon the applicant's arrival;~~
- ~~(g) Reason for filing the Key Gaming Employee Standard Application Form;~~
- ~~(h) Marital history and other family data;~~
- ~~(i) Employment history, including any gaming-related employment, for the past ten years;~~
- ~~(j) Education and training;~~
- ~~(k) Record of military service;~~
- ~~(l) Licenses and other approvals held by or applied for by the applicant or, where specified, the applicant's spouse, in the Commonwealth of Massachusetts or any other jurisdiction, including;~~

- ~~1. Any license, permit, approval or registration required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction;~~
- ~~2. Any denial, suspension or revocation by a government agency in the Commonwealth of Massachusetts or any other jurisdiction of a license, permit, approval or registration held by or applied for by the applicant or the applicant's spouse; and~~
- ~~3. Motor vehicle registrations and operator licenses held by or applied for by the applicant or the applicant's spouse, and any revocation or suspension thereof.~~
- ~~(m) Civil, criminal and investigatory proceedings in any jurisdictions, as follows:~~
 - ~~1. Any arrest, indictment, charge, or conviction of the applicant;~~
 - ~~2. Any appearance before, investigation by or request to take a polygraph examination by any governmental agency, court, committee, grand jury or investigatory body;~~
 - ~~3. Lawsuits to which the applicant was or is a party in the past ten years; and~~
 - ~~4. Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation.~~
- ~~(n) Financial data, as follows:~~
 - ~~1. All assets and liabilities of the applicant, and the applicant's spouse and dependent children as indicated on the net worth statement and supporting schedules in a format prescribed by the Commission, including cash, bank accounts, notes payable and receivable, real estate and income taxes payable, loans, accounts payable, credit card debt and any other indebtedness, contingent liabilities, securities, real estate interests, real estate mortgages and liens, life insurance, pension funds, vehicles and other assets;~~
 - ~~2. Bank accounts, including any right of ownership in, control over or interest in any foreign bank account during the last ten year period as well as with regard to safe deposit boxes;~~
 - ~~3. Real estate interests held by the applicant or the applicant's spouse or dependent children in the past ten years regardless of whether such interest was held under a recorded or unrecorded instrument;~~
 - ~~4. Any business in which the applicant has held an ownership interest for the past 20 years;~~
 - ~~5. Copies of federal and state tax returns and related information for the last five years;~~
 - ~~6. Judgments or petitions for bankruptcy or insolvency concerning the applicant or any business entity in which the applicant held a 5% or greater interest, other than a publicly traded corporation, in the past 20 years or in which the applicant served as an officer or director;~~
 - ~~7. Any garnishment or attachment of wages, charging order or voluntary wage execution, during the past ten year period including the amount, court, nature of the obligation and the name and address holder of the obligation;~~
 - ~~8. Positions held or interest received in any estate or trust during the last ten year period;~~
 - ~~9. Insurance claims in excess of \$100,000 by the applicant or the applicant's spouse or dependent children filed within the past ten year period;~~
 - ~~10. Loans in excess of \$10,000 made or received by the applicant, the applicant's spouse or dependent children in the last ten year period;~~
 - ~~11. During the last five year period, any gifts in excess of \$10,000, either individually or in the aggregate, given or received, whether tangible or intangible, by the applicant or the applicant's immediate family in any one year period; and~~
 - ~~12. Referral or finder's fees in excess of \$10,000 in the past ten years.~~
- ~~(o) The name, address, occupation and phone number of persons who can attest to the applicant's good character and reputation;~~
- ~~(p) Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;~~
- ~~(q) A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all~~

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~~governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and~~
~~(f) A signed, dated Statement of Truth.~~

~~(4) Gaming Employee License Form. The *Gaming Employee License Form* shall contain the following information:-~~

- ~~(a) Name and address of the applicant;~~
- ~~(b) Detailed employment history;~~
- ~~(c) Education and training;~~
- ~~(d) Record of military service;~~
- ~~(e) Government positions and offices presently or previously held, and offices, trusteeships, directorships or fiduciary positions presently or previously held with any business entity;~~
- ~~(f) Licenses, registrations, permits, certification and other approvals held by or applied for in the Commonwealth of Massachusetts or any other jurisdiction;~~
- ~~(g) Any denial, suspension or revocation by a governmental agency of a license, registration, permit or certification held by or applied for the applicant or any entity in which the applicant a director, officer, partner or an owner of a 5% or greater interest;~~
- ~~(h) Any interest in or employment presently or previously held by the applicant with an entity which has applied for a permit, license, certificate or qualification in connection with any lawful gambling or alcoholic beverage operation in the Commonwealth of Massachusetts or any other jurisdiction;~~
- ~~(i) Any arrest, indictment, charge, or conviction of the applicant;~~
- ~~(j) Civil litigation history where the applicant was or is a party;~~
- ~~(k) Gaming regulatory history;~~
- ~~(l) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, welfare judgments, bankruptcy or insolvency findings, wage garnishments;~~
- ~~(m) Whether any civil judgments have been obtained against the applicant pertaining to antitrust or security regulation;~~
- ~~(n) Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;~~
- ~~(o) A signed, dated and notarized release authorization which shall direct all courts, law enforcement agencies, probation departments, military organizations, selective service boards, employers, education institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the applicant as requested by the commission, the bureau or a contractor investigator; and~~
- ~~(p) A signed, dated and notarized Statement of Truth.~~

~~(5) Gaming Service Employee Registration Form. A *Gaming Service Employee Registration Form* shall contain the following information:-~~

- ~~(a) Name, including maiden name and any aliases and nicknames;~~
- ~~(b) Date of birth;~~
- ~~(c) Physical description;~~
- ~~(d) Current address and residence history for the past five years;~~
- ~~(e) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;~~
- ~~(f) Citizenship, and, if applicable, resident alien status, including any employment authorization and expiration date; country of which the applicant is a citizen, place of birth, port of entry to the United States and name and address of sponsor(s) upon the applicant's arrival;~~
- ~~(g) Last three jobs, and any gaming related employment during the last ten years;~~
- ~~(h) Any license, permit, approval or registration held by or applied for by the applicant and required to participate in any gaming operation in any jurisdiction;~~
- ~~(i) Any license, permit, approval or registration held by the applicant to work in the gaming industry that was suspended, revoked or denied or had any disciplinary action~~

~~taken against in any jurisdiction;~~

~~(j) Any arrest, indictment, charge, or conviction of the applicant;~~

~~(k) All governmental financial liens or judgments, including state tax liens, delinquent child support obligations, defaulted student loans, unemployment judgments, unpaid motor vehicle surcharges, and/or welfare judgments;~~

~~(l) Consent to fingerprinting, photographing, supplying of handwriting exemplars, and any lawful inspection, search, or seizure of the applicant, licensee, or registrant while present in a gaming establishment, and/or their personal effects present in a gaming establishment conducted in accordance with 205 CMR;~~

~~(m) A signed, dated Statement of Truth; and~~

~~(n) A signed, dated and notarized Release Authorization which shall direct all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, federal, state and local both foreign and domestic, to release any and all information pertaining to the applicant as requested by the Commission and/or the Bureau.~~

~~(6) Business Entity Disclosure Form – Gaming Vendor Primary. A Business Entity Disclosure Form Gaming Vendor Primary (BED GVP) shall contain the following information:~~

~~(a) The current or former official and trade names used and the dates of use;~~

~~(b) The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;~~

~~(c) The former business addresses within the last ten year period and dates of use;~~

~~(d) The business telephone number;~~

~~(e) The name, title and telephone number of the contact person;~~

~~(f) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;~~

~~(g) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the enterprise;~~

~~(h) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;~~

~~(i) The Federal Employer Identification Number;~~

~~(j) A description of the present and any former business engaged in or intended to be engaged in by the vendor and any parent, holding, intermediary or subsidiary company within the past five years and similar information for former businesses for the past ten years;~~

~~(k) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;~~

~~(l) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;~~

~~(m) The name, address, date of birth (if appropriate), class of non voting stock, number and percentage of shares held by each person or entity having a beneficial interest in any non voting stock;~~

~~(n) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:~~

~~1. Each officer, director or trustee;~~

~~2. Each partner whether general, limited or otherwise;~~

~~3. A sole proprietor;~~

~~4. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of 5% or more of the entity completing the form;~~

- ~~5. Each sales representative or other person who will regularly solicit business from a casino licensee;~~
 - ~~6. Each management person who supervises a regional or local office which employs sales or junket representatives or other persons who regularly solicit business from a casino hotel;~~
 - ~~7. Any other person not otherwise specified in 205 CMR 134.07(6)(n)1. through 6. who has signed or will sign any agreement with a gaming licensee;~~
 - ~~8. Each natural person who indirectly holds any beneficial or ownership interest of 10% or more of an applicant for a junket enterprise license; and~~
 - ~~9. If a junket enterprise, each junket representative who will deal directly with gaming licensees and their employees.~~
- ~~(o) A flow chart which illustrates the ownership of any other vendor which holds an interest in the filing vendor;~~
 - ~~(p) The name, last known address, date of birth, position, dates the position was held, and reason for leaving for any former officers or directors who held such office during the preceding ten years;~~
 - ~~(q) The annual compensation of each partner, officer, director and trustee;~~
 - ~~(r) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 205 CMR 134.07(6)(m), who is currently expected to receive annual compensation of more than \$300,000;~~
 - ~~(s) A description of all bonus, profit sharing, pension, retirement, deferred compensation or similar plans in existence or to be created by the vendor;~~
 - ~~(t) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;~~
 - ~~(u) A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;~~
 - ~~(v) A description of the nature, type, terms and conditions of all securities options;~~
 - ~~(w) Within the last ten years, the following information for each account held by a bank, savings and loan association or other financial institution, whether foreign or domestic, in the name of the vendor or its nominee or which is otherwise under the direct or indirect control of the vendor:~~
 - ~~1. The name and address of the financial institution;~~
 - ~~2. The type of account;~~
 - ~~3. The account numbers; and~~
 - ~~4. The dates held.~~
 - ~~(x) A description of the ten highest value contracts or agreements in effect during the preceding 12 months to which it is a party including name, address and nature of the contract or goods or service provided;~~
 - ~~(y) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the vendor or its subsidiaries have been involved as follows:~~
 - ~~1. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;~~
 - ~~2. Any criminal proceeding in which the business or its subsidiaries has been a party or has been named as an unindicted co-conspirator;~~
 - ~~3. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;~~
 - ~~4. Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any state, province or country; and~~
 - ~~5. Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of any other state or federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more.~~
 - ~~(z) Within the last ten years, for the vendor and any holding or intermediary company, information regarding any judgments or petitions by or against it for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or~~

~~any state insolvency law, and any receiver, fiscal agent, trustee, reorganization trustee, or similar officer appointed for the property or business of the vendor or its parent, any holding, intermediary or subsidiary company;~~

~~(aa) Within the last ten years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in the Commonwealth of Massachusetts or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the disposition, the reasons therefore, and the facts related thereto;~~

~~(bb) Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in the Commonwealth of Massachusetts or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;~~

~~(cc) Within the last ten years, whether the vendor or any director, officer, partner, employee or person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;~~

~~(dd) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 205 CMR 124.07(6)(aa);~~

~~(ee) A copy of each of the following:~~

~~1. Annual reports for the past five years;~~

~~2. If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;~~

~~3. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;~~

~~4. Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto; and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past five years;~~

~~5. Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if the vendor is registered with the SEC, a copy of the most recently filed Form 8K;~~

~~6. The most recent Proxy or Information Statement filed pursuant to § 14 of the Securities Exchange Act of 1934; and~~

~~7. Registration Statements filed in the last five years pursuant to the Securities Act of 1933.~~

~~(ff) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;~~

~~(gg) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years;~~

~~(hh) A copy of a business registration certificate or other proof of valid business registration in Massachusetts;~~

~~(ii) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau;~~

~~(jj) In addition to the information above, a completed BED GVP shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:~~

~~1. A Statement of Truth;~~

~~2. A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission; and~~

~~3. An acknowledgment of receipt of notice regarding confidentiality, and non-refundability of filing fees.~~

~~(7) Business Entity Disclosure Form Gaming Vendor Secondary. A Business Entity Disclosure Form Gaming Vendor Secondary (BED GVS) shall contain the following information:-~~

- ~~(a) The current or former official and trade names used and the dates of use;~~
- ~~(b) The current post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;~~
- ~~(c) The former business addresses within the last ten year period and dates of use;~~
- ~~(d) The business telephone number;~~
- ~~(e) The name, title and telephone number of the contact person;~~
- ~~(f) Whether the application is for initial licensure or retention of that license and, if retention, the license number and date of last submission;~~
- ~~(g) The business form and, as appropriate, a copy of the certificate of incorporation, charter, bylaws, partnership agreement and all amendments, trust agreement or other documentation relating to the legal organization of the business;~~
- ~~(h) If a publicly traded corporation, the stock exchange its stock is traded on and its symbol;~~
- ~~(i) The Federal Employer Identification Number;~~
- ~~(j) A description of the nature, type, number of shares, terms, conditions, rights and privileges of all classes of stock issued by the vendor, if any, and the amount outstanding of each, or which the vendor plans to issue;~~
- ~~(k) The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;~~
- ~~(l) The name, home address, date of birth, current title or position and, if applicable, number of shares and class of stock and percentage of ownership for the following persons:-~~
 - ~~1. Each officer, director or trustee;~~
 - ~~2. Each partner whether general, limited or otherwise;~~
 - ~~3. A sole proprietor;~~
 - ~~4. Each natural person or entity that directly or indirectly holds any beneficial or ownership interest of 5% or more of the entity completing the form;~~
 - ~~5. Each sales representative or other person who will regularly solicit business from a gaming licensee;~~
 - ~~6. Any other person not otherwise specified in 205 CMR 134.07(7)(l)1. through 5. who has signed or will sign any agreement with a gaming licensee.~~
- ~~(m) The annual compensation of each partner, officer, director and trustee;~~
- ~~(n) The name, home address, date of birth, position, length of time employed and the amount of compensation of each person, other than the persons identified in 205 CMR 134.07(7)(l), who is currently expected to receive annual compensation of more than \$300,000;~~
- ~~(o) If the vendor is a partnership, a description of the interest held by each partner, whether limited or general, amount of initial investment, amount of additional contribution, amount and nature of any anticipated future investments, degree of control of each partner, percentage of ownership of each partner, and method of distributing profits to each partner;~~
- ~~(p) A description of the nature, type, terms, covenants, and priorities of all outstanding debt and the name, address and date of birth of each debt holder or security holder, type and class of debt instrument held, original debt amount and current debt balance;~~
- ~~(q) A description of the nature, type, terms and conditions of all securities options;~~
- ~~(r) Within the last ten years, the following information for each account held by a bank, savings and loan association or other financial institution, whether foreign or domestic, in the name of the vendor or its nominee or which is otherwise under the direct or indirect control of the vendor:-~~
 - ~~1. The name and address of the financial institution;~~
 - ~~2. The type of account;~~

- ~~3. The account numbers; and~~
- ~~4. The dates held.~~
- ~~(s) A description of any civil, criminal, administrative and investigatory proceedings in any jurisdiction in which the vendor or its subsidiaries have been involved as follows:~~
 - ~~1. Any arrest, indictment, charge or conviction for any criminal or disorderly persons offense;~~
 - ~~2. Any criminal proceeding in which the business or its subsidiaries has been a party or has been named as an unindicted co-conspirator;~~
 - ~~3. Existing civil litigation if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance;~~
 - ~~4. Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of the federal antitrust, trade regulation or securities laws or similar laws of any state, province or country; and~~
 - ~~5. Any judgment, order, consent decree or consent order entered against the vendor pertaining to a violation or alleged violation of any other state or federal statute, regulation or code which resulted in the imposition of a fine or penalty of \$50,000 or more.~~
- ~~(t) Within the last ten years, for the vendor and any holding or intermediary company, information regarding any judgments or petitions by or against it for bankruptcy or insolvency and any relief sought under any provision of the Federal Bankruptcy Act or any state insolvency law, and any receiver, fiscal agent, trustee, reorganization trustee, or similar officer appointed for the property or business of the vendor or its parent, any holding, intermediary or subsidiary company;~~
- ~~(u) Within the last ten years, whether the vendor has had any license or certificate denied, suspended or revoked by any government agency in the Commonwealth of Massachusetts or any other jurisdiction, the nature of such license or certificate, the agency and its location, the date of such action, the disposition, the reasons therefore, and the facts related thereto;~~
- ~~(v) Whether the vendor has ever applied for a license, permit or authorization to participate in any lawful gaming operation in the Commonwealth of Massachusetts or any other jurisdiction, the agency and its location, date of application, the nature of the license permit or authorization, number and expiration date;~~
- ~~(w) Within the last ten years, whether the vendor or any director, officer, partner, employee or person acting for or on behalf of the vendor has made bribes or kickbacks to any employee, company, organization or government official, foreign or domestic, to obtain favorable treatment or to obtain a competitive advantage;~~
- ~~(x) The names and addresses of any current or former directors, officers, partners, employees or third parties who would have knowledge or information concerning 205 CMR 134.07(7)(w);~~
- ~~(y) A copy of each of the following:~~
 - ~~1. Annual reports for the past five years;~~
 - ~~2. If the enterprise is a corporation registered under the Securities Act of 1933 or the Securities Exchange Act of 1934, any annual reports prepared within the last five years on Form 10K pursuant to the Securities Exchange Act of 1934;~~
 - ~~3. An audited financial statement for the last fiscal year, including, without limitation, an income statement, balance sheet and statement of sources and application of funds, and all notes to such statements and related financial schedules;~~
 - ~~4. Copies of all annual financial statements, whether audited or unaudited, prepared in the last five fiscal years, any exceptions taken to such statements by an independent auditor and the management response thereto; and an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past five years;~~
 - ~~5. Any current report prepared due to a change in control of the vendor, an acquisition or disposition of assets, a bankruptcy or receivership proceeding, a change in the vendor's certifying accountant or any other material event, or, if the vendor is registered with the SEC, a copy of the most recently filed Form 8K;~~
 - ~~6. The most recent Proxy or Information Statement filed pursuant to § 14 of the Securities Exchange Act of 1934; and~~
 - ~~7. Registration Statements filed in the last five years pursuant to the Securities Act of 1933.~~

- ~~(z) An organizational chart of the vendor, including position descriptions and the name of the person holding each position;~~
- ~~(aa) Copies of all Internal Revenue Forms 1120 (corporate income tax return), all Internal Revenue Forms 1065 (partnership return) or all Internal Revenue Forms 1040 (personal return) filed for the last five years;~~
- ~~(bb) A copy of a business registration certificate or other proof of valid business registration in Massachusetts;~~
- ~~(cc) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau;~~
- ~~(dd) In addition to the information above, a completed BED GVS shall include the following documents, which shall be dated and signed by the president, chief executive officer, partners, general partner, sole proprietor or other authorized person and notarized:~~
 - ~~1. A Statement of Truth;~~
 - ~~2. A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the commission; and~~
 - ~~3. An acknowledgment of receipt of notice regarding confidentiality and non-refundability of filing fees.~~

~~(8) Non-gaming Vendor Registration Form. A *Non-gaming Vendor Registration Form* shall contain the following information:~~

- ~~(a) Any official or trade name used by the non-gaming vendor;~~
- ~~(b) The current address and telephone number of the non-gaming vendor;~~
- ~~(c) The nature of the non-gaming vendor's business and the type of goods and services to be provided to a gaming licensee;~~
- ~~(d) The Federal Employer Identification Number;~~
- ~~(e) The name, residence address, social security number, and date of birth of each of the following persons:~~
 - ~~1. The sales representative(s) or other person(s) who solicit(s) business from a gaming licensee or applicant and such person's immediate supervisors; and~~
 - ~~2. Any person authorized to sign any agreement with the gaming licensee or applicant on behalf of the vendor; and~~
 - ~~3. The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than five percent of the enterprise.~~
- ~~(f) A Subcontractor Information Form completed in accordance with 205 CMR 134.07(11), if so authorized by the Bureau.~~
- ~~(g) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordant to 205 CMR 134.07(8)(e).~~
- ~~(h) A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the vendor as requested by the Commission.~~

- (5) Labor Organization Registration Statement. Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the commission on a form to be created by the Bureau and submitted to the Division of Licensing. Such form shall contain, at a minimum, information to identity the officers, agents and/or principals of the organization and information to establish whether the organization and/or any of its officers, agents or principals hold any financial interest in a gaming establishment whose employees are represented by the organization.

A Labor Organization Registration Statement shall contain the following information:

- ~~(a) The name of the registrant as shown on its charter or in its constitution;~~
- ~~(b) The current business addresses of the registrant, including the address, telephone and fax numbers of any office where matters pertaining to employees of a gaming licensee will be conducted;~~
- ~~(c) The name, title, email address, telephone and fax numbers of a primary contact person;~~
- ~~(d) Whether the submission is an initial or biennial renewal registration;~~

- ~~(e) The names of the registrant's parent organization and all affiliates of the registrant or its parent organization, whether chartered by the parent organization or governed by the same constitution or bylaws;~~
- ~~(f) The name and nature of the actual or probable involvement of any affiliate which represents or is seeking to represent employees who are employed in a gaming establishment or which is involved or seeking to be involved in the control or direction of such representation;~~
- ~~(g) Financial data, including information concerning any financial interests held in a gaming establishment; and~~
- ~~(h) The name, address and, where applicable, date of birth, title or position and authority or responsibility, of the following persons or entities:

 - ~~1. Any pension or welfare system maintained by the registrant;~~
 - ~~2. Each officer and agent of any pension or welfare system maintained by the registrant;~~
 - ~~3. Each officer and officer-elect of the registrant;~~
 - ~~4. Each agent authorized to represent the registrant in Massachusetts; and~~
 - ~~5. Each principal employee of the registrant.~~~~
- ~~(i) A notarized Statement of Truth, which shall be dated and signed by the registrant's president or other authorized officer;~~
- ~~(j) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting to the registrant from any disclosure or publication of information acquired during the investigation process;~~

~~(10) Labor Organization Individual Disclosure Form. A *Labor Organization Individual Disclosure Form* shall contain the following information:~~

- ~~(a) Name, including maiden name and any aliases or nicknames;~~
- ~~(b) Title or position with the labor organization;~~
- ~~(c) Date and place of birth;~~
- ~~(d) Physical description;~~
- ~~(e) Current address and home telephone number, email address, and residence history for the past year;~~
- ~~(f) Social Security Number, which information is voluntarily provided in accordance with § 7 of the Privacy Act, 5 U.S.C. § 552a;~~
- ~~(g) Citizenship and, if applicable, information concerning resident alien status;~~
- ~~(h) Full name of the labor organization represented;~~
- ~~(i) Telephone number and email address at current place of employment;~~
- ~~(j) Employment history:

 - ~~1. All positions held with a labor organization, union or affiliate, whether or not compensated, for the past five years; and~~
 - ~~2. Last three jobs, indicating any gaming related positions;~~~~
- ~~(k) Licenses or other approvals held or applied for which are required to participate in any lawful gambling operation in the Commonwealth of Massachusetts or any jurisdiction;~~
- ~~(l) A signed, dated and notarized Statement of Truth;~~
- ~~(m) A waiver of liability as to the Commonwealth of Massachusetts and its instrumentalities and agents for any damages resulting to the officer, agent or principal employee from any disclosure or publication of information acquired during the investigation process.~~

(6) Subcontractor Information Form. A Subcontractor Information Form shall be created by the Bureau requesting any information as deemed necessary by the Bureau and submitted to the Division of Licensing. contain the following information:

- ~~(a) The official or trade name (for purposes of 205 CMR 134.07(11) a subcontractor shall be considered a person that contracts with a licensed or registered vendor to provide goods or services necessary to fulfill the licensed or registered vendor's contract with a gaming licensee);~~
- ~~(b) The current address, telephone number, email address, and any website for the subcontractor;~~
- ~~(c) The nature of the subcontractor's business and the type of goods and services to be provided to the vendor including the term and value of the contract;~~
- ~~(d) The Federal Employer Identification Number of the subcontractor;~~

- ~~(e) The name, residence address, social security number, and date of birth of each of any person authorized to sign any agreement with the vendor on behalf of the subcontractor; and~~
- ~~(f) Consent to fingerprinting, photographing, and the supplying of handwriting exemplars signed by any individual identified in accordance with 205 CMR 134.07(11);~~
- ~~(g) The name(s), address(es) and percentage of ownership held by each entity or person directly owning more than 5% of the enterprise;~~
- ~~(h) A Release Authorization directing all courts, law enforcement agencies, probation departments, selective service boards, employers, educational institutions, banks, financial and other institutions and all governmental agencies, federal, state and local, both foreign and domestic, to release any and all information pertaining to the subcontractor as requested by the commission.~~

134.08: Submission of Application

(1) An application, **disclosure form, or registration** for the initial issuance of a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(2), a Gaming Vendor qualifier license **disclosure form** in accordance with 205 CMR 134.04(1)(c), **and** a Labor Organization registration **statement** in accordance with 205 CMR 134.05, ~~and officers, agents, and principal employees of a Labor Organization in accordance with 205 CMR 134.05~~ shall include all of the following:

(a) A completed application form as follows:

1. An applicant for a key gaming employee-executive license shall file a *Multi-jurisdictional Personal History Disclosure Form For Key Gaming Employees-Executive* as set forth in 205 CMR 134.07(1) and a *Massachusetts Supplement Form For Key Gaming Employees-Executive* as set forth in 205 CMR 134.07(1)(a)(2);
2. An applicant for a key gaming employee-standard license shall file a Key Gaming Employee-standard Application Form as set forth in 205 CMR 134.07(3);
3. ~~(3)~~An applicant for a gaming employee license shall file a Gaming Employee License Form as set forth in 205 CMR 134.07(1)(a)(4);
4. ~~(4)~~An person seeking to register as a ~~applicant for a~~ gaming service employee ~~registration~~ shall file a Gaming Service Employee Registration Form as set forth in 205 CMR 134.07(2)(a)(5);
5. ~~(5)~~An applicant for a gaming vendor-primary license shall file a Business Entity Disclosure Form-Gaming Vendor-primary as set forth in 205 CMR 134.07(3)(b)(6);
6. ~~(6)~~An applicant for a Gaming Vendor-secondary license shall file a Business Entity Disclosure Form-Gaming Vendor-secondary as set forth in 205 CMR 134.07(3)(b)(7);
7. ~~(7)~~An **person seeking to register as applicant** for a non-gaming vendor ~~registration~~ shall file a Non-gaming Vendor Registration Form as set forth in 205 CMR 134.07(4)(a)(8);
8. ~~(8)~~A gaming vendor-primary qualifier (individual) shall file a Key Gaming Employee-standard Application Form as set forth in 205 CMR 134.07(2)(a) **or in the alternative the individual may request authorization from the Bureau to file a Multi-jurisdictional Personal History Disclosure Form and a Massachusetts Supplement**;
9. ~~(9)~~A gaming vendor-secondary qualifier (individual) shall file a Gaming Employee Application Form as set forth in 205 CMR 134.07(2)(a)(4);
10. ~~(10)~~A gaming vendor-primary qualifier (entity) shall file a Business Entity Disclosure Form-Gaming Vendor-primary as set forth in 205 CMR 134.07(6)(3)(b);
11. ~~(11)~~A gaming vendor-secondary qualifier (entity) shall file a Business Entity Disclosure Form-Gaming Vendor-Secondary as set forth in 205 CMR 134.07(7)(3)(b).
12. ~~(12)~~A Labor Organization shall file a Labor Organization Registration Statement as set forth in 205 CMR 134.07(5)(a)(9);
13. ~~(13)~~Officers, agents, and principal employees of a Labor Organization shall file a Labor Organization Individual Disclosure Form as set forth in 205 CMR 134.07(10).

- ~~(b) A passport style photograph of the applicant, taken within the preceding 12 months;~~
- ~~(c) Proof of fingerprinting in accordance with 205 CMR 134.13;~~

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- ~~(d) The documents required for identification by 205 CMR 134.14~~
- ~~(e) Any applicable fee required by 205 CMR 134.15.~~
- (b) (For Gaming Employees and Gaming Service Employees) Proof of an offer of employment from a gaming licensee **in the manner prescribed by the Division of Licensing.** ~~pending licensure or registration of the applicant.~~
- (c) (For Gaming Vendors-Secondary and Non-Gaming Vendors) Proof of vendor's **business relationship with gaming licensee in the manner prescribed by the Division of Licensing.**

(2) Notwithstanding 205 CMR 134.08(1)(a), a qualifier for a gaming vendor license may, if authorized by the Bureau, file **licensing disclosure** information, including but not limited to, for publicly traded companies, copies of their securities filings and/or audited consolidated financial statements for a period as determined by the Bureau, in *lieu* of the form identified in 205 CMR 134.08(1)(a).

(3) An applicant for a key gaming employee license who has previously been issued a positive determination of suitability by the Commission as part of an RFA-1 investigation may file supplemental licensing information that updates their previous filing submitted as part of the qualifier suitability investigation as directed by the Division of Licensing in *lieu* of the full application identified in 205 CMR 134.08(1)(a).

(4) Each applicant shall file a complete application pursuant to 205 CMR 134.08(1) with the **Division of Licensing in the manner prescribed by the Division of Licensing.** ~~Bureau by mail, in person at the address specified on the application form, or via the Commission's website. The Bureau~~ **Division of Licensing** shall not accept an incomplete application.

(5) Reciprocity for Vendors. If an applicant for a gaming vendor license or non-gaming vendor registration is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, as determined by the Bureau, and is in good standing in all jurisdictions in which it holds a license or registration, the commission may enter into a reciprocal agreement with the applicant, upon the recommendation of the Bureau, to allow for an abbreviated licensing or registration process and issue a gaming vendor license or registration in accordance with 205 CMR 134.00; provided, however, as part of any such an agreement that the commission shall reserve its rights to investigate the qualifications of an applicant at any time and may require the applicant to submit to a full application for a gaming vendor license or provide further information for registration. The reciprocal agreement shall identify the nature of the investigation to be conducted prior to issuance of the requested license or registration including, but not limited to, such provisos as the review of any investigatory reports from any jurisdictions in which the applicant is approved to conduct business, interviewing of any witnesses, and the filing of all required Massachusetts business filings.

(6) Scope of Duties. An employee of a gaming establishment may, where otherwise qualified, engage in the following duties without further licensure by the commission:

- (a) A person who is licensed as a Key Gaming Employee-executive may, where otherwise qualified, engage in the performance of duties of a Key Gaming Employee-standard, gaming employee or gaming service employee.
- (b) A person who is licensed as a Key Gaming Employee-standard may, where otherwise qualified, engage in the performance of duties of a gaming employee or gaming service employee.
- (c) A person who is licensed as a gaming employee may engage in the performance of duties of a gaming service employee.

134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors

(1) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(4), **or the disclosure materials from** a gaming vendor qualifier license in accordance with 205 CMR 134.04(4), ~~or a Labor Organization in accordance with 205~~

~~CMR 134.05~~ the Division of Licensing shall conduct a review of each for administrative completeness and then forward the application **or submission** to the Bureau which shall conduct an investigation of the applicant. In the event an application **or submission** is deemed incomplete, the Division of Licensing may either request supplemental information from the applicant **or qualifier, or administratively close the application in accordance with 205 CMR 134.14**~~or forward the application to the commission with a recommendation that it be denied~~. For individuals, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

In determining the weight to be afforded any information bearing on suitability in accordance with 205 CMR 134.10 and 134.11, the Division of Licensing, Bureau, or commission, as applicable, shall consider: the relevance of the information to employment in a gaming establishment or doing business with a gaming establishment in general, whether there is a pattern evident in the information, and whether the applicant is likely to be involved in gaming related activity. Further, the information will be considered in the light most favorable to the applicant unless the information cannot be so viewed pursuant to M.G.L. c. 23K or the information obtained does not otherwise support such view. For purposes of 205 CMR 134.00 and M.G.L. c. 23K, § 16 an adjudication of delinquency shall not be considered a conviction. Such a finding may, however, be considered for purposes of determining the suitability of an applicant. Records of criminal appearances, criminal dispositions, and/or any information concerning acts of delinquency that have been sealed shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134.00 and M.G.L. c. 23K.

(a) ~~Keys Gaming Employees~~ **Executive, Key Gaming Employee Standard, and Gaming Employees**. Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) the Bureau shall either approve or deny the application for a key gaming employee ~~executive license, key gaming employee standard license~~ or a gaming employee license pursuant to 205 CMR 134.10. If the application for a Key Gaming Employee ~~standard~~ license or Gaming Employee license is approved, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. ~~If the Bureau approves the application for a Key Gaming Employee executive, the decision shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license.~~ If the application is denied, the Bureau shall forward the ~~recommendation for~~ **determination of** denial and reasons therefor to the Division of Licensing which shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may **request an appeal hearing before** ~~appeal the decision to~~ the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in the individual's criminal record the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

(b) **Gaming Service Employees**. The Division of Licensing shall issue a gaming service employee registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant **denying or** revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease employment at the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in the individual's criminal record the decision shall also

include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

(c) ~~Gaming Vendors and Gaming Vendor Qualifiers.~~ Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) the Bureau shall either approve or deny the application for a gaming vendor license pursuant to 205 CMR 134.10. If the Bureau approves the application for a Gaming Vendor license ~~and any associated applications for Gaming Vendor qualifier licenses,~~ the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the commission. ~~decisions shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If an application for a Gaming vendor qualifier license is approved by the Bureau subsequent to the issuance of the Gaming Vendor license by the commission, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. If the application is denied, the Bureau shall forward the recommendation for~~ determination of denial and reasons therefor to the Division of Licensing which shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may request an appeal hearing before the decision to the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in a person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

(d) Non-gaming Vendors. The Division of Licensing shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant denying or revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR 134.09(2). If the denial is based upon information contained in the person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

~~(e) Labor Organizations. The Bureau shall issue a Labor Organization registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1).~~

(2) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, or non-gaming vendor registration, ~~or gaming vendor qualifier license~~ is denied or revoked in accordance with 205 CMR 134.09(1) the applicant may appeal the decision and request a hearing before the Bureau within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Bureau clerk of the Commission and contain an explanation of the basis for the appeal. Hearings held pursuant to this section shall be held in accordance with 205 CMR 101.03.

~~(3) The Bureau shall appoint a hearing officer to preside over the appeal hearing requested by an applicant in accordance with 205 CMR 134.09(2). The hearing will be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02: Informal/Fair Hearing Rules. An audio recording of the hearing shall be taken. The hearing officer shall issue a written decision to the applicant. The hearing officer may affirm the denial of the application or revocation of the registration, reverse the decision and recommend that the license or registration be issued, or recommend that the license or registration be issued with conditions. The hearing officer may recommend any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations. The decision shall include an advisory to the applicant that they may appeal the decision to the commission in accordance with 205 CMR~~

~~134.09(5). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application. Review by the commission of decisions of the hearing officer may be obtained in accordance with 205 CMR 101.04.~~

~~(4) After a hearing conducted in accordance with 205 CMR 134.09(3) the following shall apply:-~~

~~(a) If the hearing officer recommends that a Key Gaming Employee standard license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, or non-gaming vendor registration be issued, the Division of Licensing shall issue a license or registration to the applicant on behalf of the Commission.-~~

~~(b) If the hearing officer recommends that the application for a Key Gaming Employee executive or Gaming vendor license be issued, the decision shall be forwarded to the Commission as a recommendation along with the application and appeal materials for review and issuance of the license.~~

~~(5) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non gaming vendor registration, or gaming vendor qualifier is denied or approved with conditions in accordance with 205 CMR 134.09(3) the applicant may appeal the decision and request a hearing before the commission within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the commission and contain an explanation of the basis for the appeal. The hearing will be conducted at a public meeting solely on the record of the administrative proceedings conducted by the Bureau in accordance with 205 CMR 134.09(3). The Bureau shall forward a copy of the administrative record of the proceeding to the commission promptly upon receipt of the notice of appeal.-~~

~~(6) After the hearing conducted in accordance with 205 CMR 134.09(5) the commission shall issue a written decision to the applicant. The commission may affirm the denial of the application or revocation of the registration, reverse the decision and order that the license or registration be issued, order that the license or registration be issued with conditions or remand the matter to the Bureau for further proceedings. The commission may impose any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations.-~~

~~(7) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(6), the commission may consider whether the decision or any condition imposed is:-~~

~~(a) In excess of the statutory or regulatory authority or jurisdiction of the commission; or-~~

~~(b) Based upon an error of law; or-~~

~~(c) Made upon unlawful procedure; or-~~

~~(d) Unsupported by substantial evidence; or-~~

~~(e) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.-~~

~~(8) The decision of the commission made in accordance with 205 CMR 134.09(6) and (7) shall be final and an applicant shall not be entitled to further review.-~~

134.10: Affirmative License Standards for the Licensing of Employees and Vendors of the Gaming Establishment

(1) An applicant for a key gaming employee license, gaming employee license, gaming vendor license, and a gaming vendor qualifier ~~license~~ shall establish its individual qualifications ~~for licensure~~ by clear and convincing evidence.

(2) In determining whether an applicant for licensure is suitable for purposes of being issued a key gaming employee license, gaming employee license, ~~or~~ gaming vendor license, ~~or gaming vendor qualifier license~~, or having any of these licenses renewed, the Bureau shall evaluate and consider the overall reputation of the applicant ~~and qualifiers, if any~~, including, without limitation:

(a) the integrity, honesty, good character and reputation of the applicant ~~and qualifiers~~;

(b) the financial stability, integrity and background of the applicant ~~and qualifiers~~;

(c) whether the applicant ~~and its qualifiers have~~ has a history of compliance with gaming licensing requirements in other jurisdictions;

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- (d) whether the applicant **or any qualifier**, at the time of application, is a defendant in litigation;
 - (e) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(3);
 - (f) whether the applicant **or any qualifier** has been convicted of a crime of moral turpitude;
 - (g) whether and to what extent the ~~individual~~**applicant or any qualifier** has associated with members of organized crime and other persons of disreputable character;
 - (h) the extent to which the ~~individual~~**applicant and qualifiers have**~~has~~ cooperated with the Bureau in connection with the background investigation;
 - (i) (for vendors) the integrity, honesty, and good character of any subcontractor.
- (3) The Bureau and Commission shall deny an application for a key gaming employee license, gaming employee license, **or** gaming vendor license, ~~or gaming vendor qualifier license~~ if the applicant:
- (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; **except that for such disqualifying convictions under G.L. c. 23K, § 16 and 205 CMR 134.10(3)(a) which occurred before the 10-year period immediately preceding submission of the application for licensure, the Bureau may, in its discretion, approve the issuance of a gaming employee license to an applicant who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.10(4);**
 - (b) submitted an application for a license under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that **willfully, knowingly or** intentionally contains false or misleading information;
 - (c) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license; or
 - (d) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.
- (4) Rehabilitation.
- (a) An applicant for a Key gaming employee license, gaming employee license, ~~or gaming vendor license~~ **or** a gaming vendor qualifier license may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
 - (b) An applicant for a Key gaming employee license may not appeal a decision made by the Bureau to the Commission in accordance with 205 CMR 134.09(6) that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation.
 - ~~(c) An applicant for a Gaming employee license or gaming vendor qualifier license may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding the date of submission of the application for licensure or registration.~~
 - (b) ~~(d)~~In its discretion, the Bureau and/or Commission may issue a Gaming employee license ~~or Gaming vendor qualifier license to an applicant who can affirmatively demonstrate the applicant's rehabilitation.~~ In considering the rehabilitation of an applicant the Bureau and Commission shall consider the following:
 - 1. the nature and duties of the position of the applicant;
 - 2. the nature and seriousness of the offense or conduct;
 - 3. the circumstances under which the offense or conduct occurred;
 - 4. the date of the offense or conduct;
 - 5. the age of the applicant when the offense or conduct was committed;
 - 6. whether the offense or conduct was an isolated or repeated incident;
 - 7. any social conditions which may have contributed to the offense or conduct; and
 - 8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.
 - ~~(c) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.10(2)(f). In its discretion, the Bureau and Commission may issue a Key gaming employee license, Gaming employee license, or gaming vendor qualifier license to an applicant who can affirmatively~~

~~demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.10(4)(d).~~

(c) (f) An applicant for a license or registration shall be at least 18 years of age at the time of application.

134.11: Affirmative Registration Standards for the Registration of Employees and Vendors of the Gaming Establishment and Labor Organizations

(1) Upon submission of an administratively complete ~~application for~~ registration ~~form~~ as a gaming service employee; ~~or non-gaming vendor, or Labor Organization by an applicant~~ the ~~Division of Licensing Bureau~~ shall issue the registration on behalf of the Commission in accordance with 205 CMR 134.09(1). A registration may be ~~denied or~~ subsequently revoked if it is determined that the applicant is disqualified in accordance with 205 CMR 134.11(2) or unsuitable for any criteria identified in 205 CMR 134.11(3).

(2) The Bureau and Commission shall deny and/or revoke a registration as a gaming service employee or non-gaming vendor ~~registrant~~ if the ~~person individual applicant or individual identified in 205 CMR 134.07(8)(e):~~ ~~person~~ individual applicant or individual identified in 205 CMR 134.07(8)(e):

(a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; ~~except that for such disqualifying convictions under M.G.L. c. 23K, § 16 and 205 CMR 134.11(2)(a) which occurred before the 10-year period immediately preceding submission of the registration, the Bureau may, in its discretion, decline to deny or revoke the registration of a person who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.11(4).~~

(b) submitted an ~~registration form application for a license~~ under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that ~~willfully, knowingly or~~ intentionally contains false or misleading information;

(c) committed prior acts which have not been prosecuted or in which the ~~registrant applicant~~ was not convicted but form a pattern of misconduct that makes the ~~registrant applicant~~ unsuitable; or

(d) has affiliates or close associates that would not qualify for a license or whose relationship with the ~~registrant applicant~~ may pose an injurious threat to the interests of the commonwealth in awarding a ~~registration gaming license to the applicant.~~

(3) In determining whether a ~~registrant applicant for registration~~ is suitable for purposes of being issued a gaming service employee registration or non-gaming vendor registration, or having a registration renewed, the Bureau may evaluate and consider the overall reputation of the ~~registrant applicant~~ including, without limitation:

(a) the integrity, honesty, good character and reputation of the ~~registrant applicant~~;

(b) the financial stability, integrity and background of the ~~registrant applicant~~;

(c) whether the ~~registrant applicant~~ has a history of compliance with gaming licensing requirements in other jurisdictions;

(d) whether the ~~registrant applicant~~, at the time of ~~submission of the registration form application~~, is a defendant in litigation;

(e) whether the ~~registrant applicant~~ is disqualified from receiving a ~~registration license~~ under 205 CMR 134.11(2);

(f) whether the ~~registrant applicant~~ has been convicted of a crime of moral turpitude;

(g) whether and to what extent the individual has associated with members of organized crime and other persons of disreputable character;

(h) the extent to which the individual has cooperated with the Bureau in connection with the background investigation;

(i) (for vendors) the integrity, honesty, and good character of any subcontractor.

(4) Rehabilitation.

~~(a) The holder of a Gaming service employee registration or non-gaming vendor registration may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CMR 134.11(2) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding application for licensure or registration.~~

~~(b) In its discretion, the Bureau and/or Commission may issue a Gaming service~~

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~~employee registration or a non-gaming vendor registration to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant the Bureau and Commission shall consider the following:~~

1. the nature and duties of the position of the applicant;
2. the nature and seriousness of the offense or conduct;
3. the circumstances under which the offense or conduct occurred;
4. the date of the offense or conduct;
5. the age of the applicant when the offense or conduct was committed;
6. whether the offense or conduct was an isolated or repeated incident;
7. any social conditions which may have contributed to the offense or conduct; and
8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

~~(c) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.11(3). In its discretion, the Bureau and Commission may issue a Gaming service employee registration or non-gaming vendor registration to an applicant who can affirmatively demonstrate the applicant's rehabilitation. In considering the rehabilitation of an applicant, the Bureau and Commission shall consider the factors outlined in 205 CMR 134.11(4)(b).~~

(5) An applicant for a registration shall be at least 18 years of age or older at the time of application.

(6) The Bureau may deny an application for registration as a non-gaming vendor if it determines that the applicant formed the applicant entity for the sole purpose of circumventing 205 CMR 134.04(1)(b).

134.12: Temporary Licenses

(1) Temporary Licenses for Employees.

(a) Upon petition to the commission by a gaming licensee, the commission may issue a temporary license to an applicant for a key gaming employee license or a gaming employee license if:

1. the applicant for a key gaming employee license or a gaming employee license has filed a completed application with the commission and has submitted all of the disclosure forms as required by the Division of Licensing; and
2. the gaming licensee certifies, and the commission finds, that the issuance of a temporary license is necessary for the operation of the gaming establishment and is not designed to circumvent the normal licensing procedures.

(b) A temporary license shall issue unless:

1. A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 134.10(3); or
2. A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 134.10(1) and (2).

(c) Unless otherwise stated by the commission, a temporary license issued in accordance with 205 CMR 134.12 shall expire six months from the date of its issuance and may be renewed, at the discretion of the commission, for an additional six-month period.

(2) Temporary Licenses for Gaming Vendors.

(a) Upon petition to the commission by a gaming licensee, the commission may issue a temporary license to an applicant for a gaming vendor license if:

1. the applicant for a gaming vendor license has filed a completed application with the commission and has submitted all of the disclosure forms as required by the Division of Licensing; and
2. the gaming licensee certifies, and the commission finds, that the issuance of a temporary license is necessary for the operation of the gaming establishment and is not designed to circumvent the normal licensing procedures.

(b) A temporary license shall issue unless:

1. A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 134.10(3); or
2. A preliminary review of the Applicant shows that the Applicant will be unable to

establish his or her qualifications for licensure under the standards set forth in 205 CMR 134.10(1) and (2).

3. Unless otherwise stated by the commission, a temporary gaming vendor license issued under this section shall expire upon issuance of the full license or upon suspension or revocation of the temporary license, and in any event no later than the term of the license as set forth in 205 CMR 134.16(1).

134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, and each qualifier for a gaming vendor applicant or licensee, shall be fingerprinted under the supervision of the Commission. The Bureau in its discretion may require one or more officers or employees of any non-gaming vendor registrant to be fingerprinted under the supervision of the Commission. The Commission may, for good cause shown, permit an applicant to alternatively submit three sets of classifiable fingerprints on fingerprint impression cards provided by the Commission.

134.14 Administrative Closure of Applications for Registration or Licensure

- (1) All applicants for a Key Gaming Employee License, a Gaming Employee License, a Gaming Vendor License, a Gaming Service Employee Registration or a Non-Gaming Vendor Registration shall promptly respond to any request for information from the Division of Licensing and/or the Bureau. This obligation is in addition to the continuing duty set forth in 205 CMR 134.18(1).
- (2) Failure of an applicant for a Key Gaming Employee License, a Gaming Employee License, or a Gaming Service Employee Registration to respond to a request for information from the Division of Licensing and/or the Bureau within fourteen (14) days of the request may result in the administrative closure of the application for registration or licensure.
- (3) Failure of an applicant for a Gaming Vendor License or a Non-Gaming Vendor Registration to respond to a request for information from the Division of Licensing and/or the Bureau within thirty (30) days of the request may result in the administrative closure of that license application or registration.
- (4) In the event that an application for registration or licensure is administratively closed for failure to provide requested information or to comply with the obligations set forth in 205 CMR 134.18(1), the Division of Licensing will notify the applicant of the specific deficiencies in the application. Additionally, the following conditions will apply:
 - a. Once an application for registration or licensure has been administratively closed it shall not be re-opened for a minimum of thirty (30) days.
 - b. Any request to re-open an application for registration or licensure previously subject to administrative closure requires the applicant to provide all outstanding information as previously detailed in the administrative closure notification from the Division of Licensing. The submission of outstanding information is not a guarantee of licensure/registration. The Division of Licensing and/or the Bureau may in its discretion require a revised full application after considering the potential for stale information in the original application.

~~134.14: Identification~~

~~(1) Every individual applicant for a license or registration shall establish his or her identity to a reasonable certainty.~~

~~(2) An individual applicant for a license or registration may establish their identity pursuant to 205 CMR 134.14(1) by providing either:~~

~~(a) One of the following authentic documents:~~

~~1. A current and valid United States passport;~~

- ~~2. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of Homeland Security, Citizenship and Immigration Services (USCIS); or~~
- ~~3. A current and valid identification card issued by the USCIS containing a photograph or fingerprints and identifying information such as name, date of birth, sex, height, color of eyes and address; or~~
- ~~(b) A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal, and any one of the following authentic documents:-~~
 - ~~1. A current and valid driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;~~
 - ~~2. A current and valid identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;~~
 - ~~3. A current and valid student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;~~
 - ~~4. A current and valid identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or~~
- ~~(c) A current and valid foreign passport with an employment authorization issued by the USCIS, and any one of the following authentic documents:-~~
 - ~~1. A current and valid driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;~~
 - ~~2. A current and valid identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;~~
 - ~~3. A current and valid student identification card containing a photograph, an expiration date, the seal or logo of the issuing institution, and the signature of the card holder;~~
 - ~~4. A current and valid identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address.~~
- ~~(3) Any individual whose current legal name is different from the name on his or her certified birth certificate (for example, maiden name) must show legal proof of the name change. Such proof includes a certified marriage or civil union certificate, divorce decree or court order linking the new name with the previous name, provided that, a divorce decree may be used as authority to resume using a previous name only if it contains the new name and permits a return to use of the previous name.~~
- ~~(4) Any individual required to establish his or her identity pursuant to 205 CMR 134.14 who is not a United States citizen shall also be required to demonstrate that he or she is authorized to work in the United States.~~
- ~~(5) Any individual may request that the commission change the name designated on his or her application, license or registration by establishing identity pursuant to 205 CMR 134.14 or by providing a certified copy of certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.~~

134.15: Fees

- (1) The following non-refundable initial fees shall be paid at the time of application for licensure, registration, or renewal:
 - (a) Key Gaming Employee. Initial fee: \$1000.00, submitted with the application. The applicant shall be billed for the efforts of the Commission and the Bureau on matters directly related to the applicant that exceed the initial fee at hourly rates to be set by the Commission pursuant to M.G.L.c. 23K, § 30(i) including payment for all unusual or out of pocket expenses incurred by the Commission. Timely Renewal fee: \$1000.00.

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- (b) Gaming Employee. Initial fee: \$300.00 Renewal fee: \$300.00.
 - (c) Gaming Service Employee. Initial fee: \$75.00 Renewal fee: \$75.00.
 - (d) Gaming Vendor-primary. Initial fee: \$ 15,000.00, submitted with the application. The applicant shall be billed for the efforts of the Commission and the Bureau on matters directly related to the applicant that exceed the initial fee at hourly rates to be set by the Commission pursuant M.G.L. c. 23K, § 30(i) including payment for all unusual or out of pocket expenses incurred by the Commission. Timely Renewal fee: \$ 15,000.00.
 - (e) Gaming Vendor-secondary. Initial fee \$ 5,000.00 Renewal fee \$ 5,000.00.
 - (f) Gaming Vendor-qualifier. No individual fee. The fee shall be included as part of the application fee for the Gaming vendor. Any additional fees resulting from the investigation of a gaming vendor qualifier shall be assessed to the gaming vendor in accordance with 205 CMR 134.15(2).
 - (g) Non-gaming Vendor. Initial fee: \$100.00 Renewal fee: \$100.00.
 - (h) Labor Organization. Initial fee: \$200.00 Renewal fee: \$200.00.
 - (i) Replacement/Name or Address Changes. \$10.00.
 - (j) Late Fee. a 10% late fee will be assessed to the initial application fee if a renewal application is not received by the Commission by the due date.
- (2) The application fee for a license or registration may be increased to the extent that the cost of the background investigation relating to an applicant exceeds the application fee set forth in 205 CMR 134.15(1). The commission shall advise the applicant in writing that an additional application fee is required and the manner in which the additional fee was calculated. Once an applicant is directed to submit an additional application fee, the commission will take no additional steps with respect to the application until the increased application fee is paid. In the event that an application fee is not promptly paid without just cause, the application may be denied.
- (3) All fees must be submitted to the Bureau in the form of a certified check, cashier's check, personal check or electronic funds transfer payable to the Commonwealth of Massachusetts.
- (4) A processing fee of \$30 will be assessed for return of dishonored checks.
- (5) Payroll Deduction. Licensing fees for applicants for a Gaming Employee license in accordance with 205 CMR 134.15(1)(b) and a Gaming Service Employee registration in accordance with 205 CMR 134.15(1)(c) shall be submitted on behalf of the applicant by the gaming establishment or vendor with which the individual is employed. The gaming establishment or vendor may recover the cost of the fee by way of deduction from the individual's periodic salary payment.

134.16: Term of Licenses

- (1) Licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for the following terms:
- (a) Key Gaming Employees. Key Gaming employee licenses shall be for an initial term of five years. The initial term of a key gaming employee license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Key gaming employee license renewals shall be for a term of three years.
 - (b) Gaming Employees. Gaming employee licenses shall be for an initial term of five years. The initial term of a gaming employee license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Gaming employee license renewals shall be for a term of three years.
 - (c) Gaming Service Employees. Gaming service employee registrations shall be for an initial term of five years. The initial term of a Gaming service employee registration shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Gaming service employee registration renewals shall be for a term of five years.
 - (d) Gaming Vendors and Gaming Vendor Qualifiers. Gaming vendor licenses and gaming vendor qualifier licenses shall be for an initial term of three years. The initial term of a Gaming vendor license and gaming vendor qualifier license shall expire and be renewable on the last day of the month on the third anniversary of the issuance date.

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Gaming vendor license and gaming vendor qualifier license renewals shall be for a term of three years.

(e) Non-gaming Vendors. Non-gaming vendor registration shall be for an initial term of five years. The initial term of a Non-gaming vendor license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Non-gaming vendor registration renewals shall be for a term of five years.

(f) Labor Organizations. Labor organization registrations shall be for an initial term of one year. The initial term of a Labor organization registration shall expire and be renewable on the last day of the month on the first anniversary of the issuance date.

(2) Notwithstanding 205 CMR 134.16(1), licenses and registrations issued in accordance with 205 CMR 134.00 may be issued with a conditional expiration date to coincide with any employment authorization issued by the United States which is less than the term of the license or registration. A license or registration that is issued with such a conditional expiration date may be extended upon the presentation of proof of United States citizenship or authorization to work in the United States beyond the previous expiration date. Provided, however, no expiration date shall be extended beyond the term for which such a license would have been issued in accordance with 205 CMR 134.16(1).

(3) If a licensee or registrant has, in accordance with 205 CMR 134.17, made timely and sufficient application for a renewal, their license or registration shall not expire and the applicant shall remain in good standing until the Bureau has issued a decision on the application. If a renewal application is received after the renewal date and the license expires before the Commission issues a new license, the person shall not be employable nor conduct business with the gaming establishment until a new license is issued.

(4) A license for a person for whom a positive determination of suitability was issued in accordance with 205 CMR 115.05(3) as part of the RFA-1 process and who filed an application in accordance with 205 CMR 134.08(2) in *lieu* of the complete application for the position for which they seek licensure shall be issued *nunc pro tunc* to the date of the suitability finding.

(5) All licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for employment with any Massachusetts gaming licensee.

134.17: Renewals

(1) At a minimum of 150 days prior to expiration, each Key gaming employee licensee, gaming employee licensee, gaming vendor licensee, and gaming vendor qualifier licensee shall submit a new and updated application in accordance with 205 CMR 134.08.

(2) At a minimum of 30 days prior to expiration, each gaming service employee registrant and non-gaming vendor registrant shall submit a new and updated application in accordance with 205 CMR 134.08.

(3) It shall be the responsibility of the licensee or registrant to ensure that their license or registration is current.

134.18: Duties of Applicants and Licensees

(1) All applicants, licensees, and registrants shall have the continuing duty to provide any assistance or information required by the commission or the Bureau and to cooperate in any inquiry or investigation conducted by the commission or the Bureau. Refusal to answer or produce information, evidence or testimony by an applicant, licensee, or registrant may result in denial of the application or suspension or revocation of the license or registration.

(2) No applicant, licensee, registrant shall willfully withhold information from, or knowingly give false or misleading information to, the commission or the Bureau. If the commission or Bureau determines that an applicant, or a close associate of an applicant, has willfully provided false or misleading information, such applicant shall not be eligible to receive a license or registration under 205 CMR 134.00. Any licensee or registrant who willfully provides false or misleading information shall have its license conditioned, suspended or revoked by the commission.

(3) Notification of Changes by Employees. Each key gaming employee applicant or licensee, gaming employee applicant or licensee, and gaming service employee registrant shall have a continuing duty to notify and update the commission, in writing, within ten days of the occurrence of the following:

- (a) Any denial, suspension or revocation by a government agency in any jurisdiction of a license, registration, certification, permit or approval held by or applied for by the individual;
- (b) Any discipline imposed upon the individual by a government agency in any jurisdiction;
- (c) Any arrest, indictment, charge or criminal conviction of the individual in any jurisdiction;
- (d) Any reports, complaints or allegations of which the individual is or should be aware involving conduct of that individual that could lead to potential criminal charges, including but not limited to allegations of theft or embezzlement; and
- (e) Any exclusion or barring of the individual from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction.

(4) Notification of Changes by Gaming Vendors. Each gaming vendor applicant or licensee shall have a continuing duty to promptly notify and update the commission, in writing, within ten days of the occurrence of the following:

- (a) The proposed appointment, appointment, proposed nomination, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be a qualifier under 205 CMR 134.04(4);
- (b) Any denial, suspension or revocation by a government agency of a license, registration, certification, permit or approval held by or applied for by the vendor or any qualifying entity or individual;
- (c) Any indictment, charge or criminal conviction of the vendor or any qualifying entity or individual;
- (d) Any civil litigation in which the vendor is named as a party if damages are reasonably expected to exceed \$100,000, except for claims covered by insurance; and
- (e) Any judgments or petitions by or against the vendor, any qualifying entity or individual or any holding or intermediary company of the vendor for bankruptcy or insolvency.

(5) Notification of Changes by Non-gaming Vendors. Each non-gaming vendor registrant shall have a continuing duty to notify the commission, in writing, of the name, residence address, social security number, and date of birth of each relevant person within ten days of the occurrence of the following:

- (a) Any denial, suspension or revocation by a government agency of a license, registration, certification, permit or approval held by or applied for by the vendor or any qualifying individual;
- (b) Any indictment, charge or criminal conviction of the vendor or any qualifying individual;
- (c) The sales representative(s) or other person(s) who solicit(s) business from a gaming licensee; and
- (d) Any person authorized to sign any agreement with the gaming licensee on behalf of the vendor.

(6) Notification of Change of Ownership of Vendor Entities. Each gaming vendor applicant or licensee and each non-gaming vendor registrant shall have a continuing duty to promptly notify and update the commission, in writing, prior to or immediately upon becoming aware of any proposed or contemplated change of ownership which involves more than 5% of the vendor. This duty includes without limitation the duty to specify whether the transaction involving the change in ownership will result in a consolidation involving the vendor and another entity, including by merger or acquisition.

(7) Commission Referral to the Bureau. Upon receipt of a notice under 205 CMR 134.18(3) through (6), the commission shall refer the matter to the Bureau for appropriate handling, which may include, without limitation, a notice to the applicant, licensee or registrant requiring the filing of an appropriate application or information and the subsequent

investigation of that application or information.

134.19: Disciplinary Action

(1) Grounds for Disciplinary Action. Any license or registration issued under 205 CMR 134.00 may be conditioned, suspended, or revoked, if the commission or the Bureau finds that a licensee or registrant has:

- (1) been arrested or convicted of a crime while employed by a gaming establishment and failed to report the charges or the conviction to the commission;
- (2) failed to comply with M.G.L. c. 23K, § 13; or
- (3) failed to comply with any provision of M.G.L. c. 23K or 205 CMR pertaining to licensees and registrants.

(2) Complaints. Any person may file a complaint against any person licensed or registered in accordance with 205 CMR 134.00. All complaints relative to a licensee or registrant must be in writing on a form provided by the Commission. All complaints must be received by the Commission within one year of the date of the alleged wrongdoing. The Commission or Bureau may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.

(3) Basis of Complaint. A complaint must allege wrongdoing by a licensee or registrant in the form of a violation of 205 CMR ~~134.19(1)~~ and/or M.G.L. c. 23K.

(4) Review and Investigation of Complaints. Every complaint filed shall be reviewed by the commission or its designee. A hearing may be convened, the complaint may be forwarded to the Bureau, or the complaint may be dismissed in the discretion of the commission or its designee. The Bureau may, if it elects, investigate a complaint prior to scheduling a hearing. In its discretion, the Bureau may resolve informal patron complaints without formal investigation, notification of parties, or convening a hearing. Failure of a complainant to cooperate in the investigation may be grounds for dismissal of a complaint.

(5) Notice of Hearing. If the Bureau determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the licensee or registrant. Mailing of notice to the address on record with the Commission, or emailing the notice to the address provided by the licensee or registrant on their application for licensure or registration, shall be deemed satisfactory notice. The notice of hearing shall contain:

- (a) The name of the complainant;
- (b) The date, time and place of said hearing;
- (c) The location of the incident giving rise to the complaint;-

(6) Hearing. Hearings convened pursuant to 205 CMR 134.19 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The Bureau may question any witness and include any records kept by the commission as exhibits. The Bureau may conclude the hearing at any time and issue a decision based on the evidence presented.

If a licensee or registrant does not appear for the hearing, the Bureau may conduct a hearing in his or her absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 205 CMR 134.19(5).

The Bureau may designate a hearing officer to convene a hearing and either make a recommendation or issue a decision on its behalf.

(7) Subpoenas. The Bureau may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.

(8) Decisions and Discipline of License and Registration Holders. The Bureau shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Bureau may suspend a license or registration for a fixed period of time, revoke a license or registration permanently, or issue a reprimand the licensee or registrant. In conjunction with or in *lieu* of these disciplinary measures, the Bureau may assess a fine pursuant to M.G.L. c. 23K, § 36, and recoup the costs of investigation. Any license or registration that is suspended or revoked shall be forwarded to the Bureau immediately. A person whose license is revoked may apply in writing to the commission for reinstatement no sooner than five years from the date of the revocation.

(9) Appeals.

(a) Any person aggrieved by a decision of the hearing officer may, in writing, request review of said decision by the commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the hearing officer.

(b) The commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second hearing on the same complaint(s). After review, the commission may either deny the petition or remand the matter to the hearings officer for further proceedings as directed. The filing of an appeal with the commission shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the commission.

(c) Any person aggrieved by a decision of the hearings officer or the commission may appeal such decision in conformance with M.G.L. c. 30A, § 14.

No Documents

No Documents



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c. 30A § 2 relative to the proposed amendments in 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; notice of which was filed this day with the Secretary of the Commonwealth. These amendments remove the application submission requirement for non-gaming vendor registrants to have an employee fingerprinted under the supervision of the Commission. The Commission will retain the discretion to require the fingerprinting of officers or employees of any non-gaming registrants. These regulations are largely governed by G.L. c. 23K §§ 3, 12, 16, 30 and 31.

These amendments will apply directly to non-gaming vendors applying for licenses. The amendments will simplify the license application process for these non-gaming vendors. Accordingly, to the extent that non-gaming vendors are small businesses, the amendments may impact small businesses. In accordance with G.L. c. 30A § 2, the Commission offers the following responses:

1. Estimate of the number of small businesses subjected to the proposed regulation:

Non-gaming vendors can include, *inter alia*, construction and maintenance companies, garbage handlers, food purveyors, and suppliers of alcoholic beverages. To the extent that such vendors are small businesses they may be impacted by these regulations. Given the ongoing nature of the construction of casinos, it is difficult to estimate with accuracy the potential number of non-gaming vendors that will be applying for licenses both prior to and during the operation of the casinos.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no further projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses. In fact, the regulation may reduce costs that were associated with license application submissions.

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard.



Massachusetts Gaming Commission

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

G.L. c. 23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry. The proposed regulations are designed to effectuate those intentions and growth, and encourage more applications for vendor licenses, thus encouraging business in the commonwealth.

Massachusetts Gaming Commission
By:

Cecelia Porchè
Legal Division

Dated: _____



Massachusetts Gaming Commission



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c. 30A § 2 relative to the proposed amendments in:

205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls. These amendments create requirements that drop boxes, bill validators, ticket vouchers, printer paper, tokens, revenue, and all locks and slot seals are removed from an electronic gaming device prior to removal of the device from the gaming floor, or the gaming facility.

205 CMR 144.00: Approval of Slot Machines and Electronic Gaming Devices and Testing Laboratories. These amendments clarify the certification and delivery procedures for electronic gaming devices. The amendments describe the notice requirements for delivery of new devices, and the Commission approval requirements for installation, modification, and movement of devices. The amendments also define “prototype” and “modification” in order to clarify what components must be certified or approved.

205 CMR 145.00: Possession of Slot Machines. These amendments update the procedures for possession and transportation of electronic gaming devices to accord with the certification and approval requirements as updated by the amendments to 205 CMR 144.00.

These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These regulations are largely governed by G.L. c. 23K, §§ 4(28), 5, 25(d), 27, 28, and 66.

These amendments will apply directly to the gaming establishments, gaming vendors, and testing laboratories - which are unlikely to be small businesses. In accordance with G.L. c. 30A § 2, the Commission offers the following responses:

1. Estimate of the number of small businesses subjected to the proposed regulation:

There are no small businesses that the Commission anticipates will be impacted by these regulations.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses.



Massachusetts Gaming Commission

3. State the appropriateness of performance standards versus design standards:

These regulations do not implicate a design or performance standard.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth:

These regulations apply solely to gaming establishments, gaming vendors, and testing laboratories and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

Cecelia Porchè
Legal Division

Dated: _____



Massachusetts Gaming Commission

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