



UPDATED

NOTICE OF MEETING and AGENDA

August 22, 2013 Meeting

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 22, 2013
9:30 a.m.

Division of Insurance
1000 Washington Street
1st Floor, Meeting Room 1-E
Boston, Massachusetts

PUBLIC MEETING - #75

1. Call to order
2. Approval of Minutes
 - a. August 9, 2013
3. Workforce Development and Supplier Diversity – Jill Griffin, Director
 - a. Statewide Marine Fisheries Presentation
4. Administration – Rick Day, Executive Director
 - a. General Administrative Update
 - i. Master Schedule – Organizational Development
5. Racing Division - Jennifer Durenberger, Director
 - a. Administrative Update
 - b. Draft Regulations– Amendments to 3.29 and 4.52 Mediations and Prohibited Substances and LGAC Letter - VOTE
 - c. Revised application for license to conduct horse racing pursuant to M.G.L. c.128A – VOTE
6. Ombudsman/Legal Report - John Ziembra and Catherine Blue, General Counsel
 - a. General Update

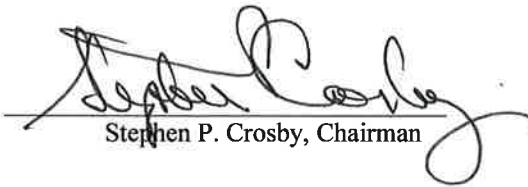


Massachusetts Gaming Commission

7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting
8. Executive session pursuant to M.G.L. c 30A §21(a)(3), §21(a)(5) and 21(a)(7) and M.G.L. c.66 and M.G.L. c.4 §7 cl 26(f).

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

8/21/13
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: August 20, 2013 at 9:30 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date: August 9, 2013

Time: 9:30 a.m.

Place: Division of Insurance
1000 Washington Street
1st Floor, Meeting Room 1-E
Boston, Massachusetts

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

Absent: None

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

Call to Order

See transcript page 2.

9:29 a.m. Chairman Crosby opened the 74th public meeting.

Approval of Minutes

See transcript pages 2-3.

9:30 a.m. Commissioner McHugh stated that the minutes for the July 25 and July 26 meetings are ready for approval.

Motion made by Commissioner McHugh that the minutes of July 25, 2013 be accepted. Motion seconded by Commissioner Cameron. The motion passed unanimously.

Motion made by Commissioner McHugh that the minutes of July 26, 2013 be accepted. Motion seconded by Commissioner Stebbins. The motion passed unanimously.

Administration

Report by Executive Director Day. See transcript pages 4-26.

- 9:31 a.m. Executive Director Day provided an overview of hiring processes and other matters within the Commission. Executive Director Day introduced Kathy Baertsch, a new addition to the Commission's Licensing team. The Commission hopes to identify a finalist for the position of Chief Information Officer by the end of the month and will begin interviews for the position of Chief Financial and Accounting Officer next week. Executive Director Day informed the Commission that he met with the State Police Colonel to begin discussions on the role that state police will play in future enforcement and regulation of gaming establishments.
- 9:33 a.m. Director Glovksy provided more information on the procurement processes. The Commission anticipates hearing oral presentations and scoring applicants for the building site design and mitigation RFR as well as the economic development RFR during the remainder of the month. Responses to the document management RFR are due on August 15th.
- 9:35 a.m. Director Glovsky introduced Jennifer Pinck from Pinck & Co, the Project Management firm that the Commission has selected to assist with the RFA-2 application review. Ms. Pinck provided an overview of her company and how she plans to coordinate the review teams.
- 9:44 a.m. Commissioner Zuniga presented his recommendation for the firm that will provide financial advisor services during the RFA-2 review process. He recommended that the firm of HLT Advisory be approved to provide services to the Commission and the three other firms that applied be prequalified for use by communities or the Commission if a need arises. HLT has extensive experience in the gaming and hospitality industries. The firm will be paid a fixed fee per application reviewed.
- 9:53 a.m. *Motion made by Commissioner Zuniga that the Commission accept the proposal submitted by HLT advisory and pursue negotiating a contract and detailing the scope of services as described in the response dated June 28, 2013; furthermore that the Commission prequalify the firms of Moelis and Company, Rubin Brown, and Spectrum Gaming Capital to provide services to the Commission if needed; and furthermore that the Commission prequalify the same firms of Moelis and Company, Rubin Brown, and Spectrum Gaming Capital to provide services to any host or surrounding communities that may require such services, subject to executing a letter of agreement with the respective applicant. Motion seconded by Commissioner Stebbins. The motion passed unanimously.*

9:55 a.m. Executive Director Day stated that the Commission has selected the finalist for the position of HR manager and that individual is proceeding through the background check process.

The Commission is also currently working with DCAMM to issue an RFP for new office space by the end of the month.

Racing Division

Report by Director Durenberger. See transcript pages 26-81.

9:55 a.m. Director Durenberger stated that a Massachusetts bred standardbred horse, Royalty for Life, won the Hambletonian Stakes Race last weekend at the Meadowlands in New Jersey.

9:57 a.m. Director Durenberger introduced Kevin Brown, general counsel for the Department of Revenue, to speak about the change in the Massachusetts tax law. Mr. Brown provided an overview of the law and answered questions from the Commission. The Commission requested that the Department of Revenue follow up with more information regarding the amount of tax revenue that the change is expected to generate and the record keeping that the Commission should require of licensees.

10:23 a.m. The commission took a brief recess.

10:29 a.m. Director Durenberger discussed amendments to 205 CMR 3.00 and 4.00 for adopting the model rules on medication and veterinary practices. The Commission agreed to review the redline version of the changes at the next public meeting.

10:38 a.m. Director Durenberger presented the updated application for a license to conduct horse racing pursuant to Chapter 128A and explained the differences from the prior version of the application. The application is a work in progress and the Racing Division will update the application more fully after the current racing season concludes. The Commission agreed to hold a public comment period on the application form, with the period closing several days prior to the next public meeting. At the next public meeting the Commission anticipates making a decision on whether to adopt the changes.

Regulations

See transcript pages 81-94.

11:00 a.m. General Counsel Blue and Deputy General Counsel Grossman discussed the upcoming phase of regulation drafting and the regulations grid that he enclosed in the meeting packet. The Commission's legal department will coordinate the drafting process and Director Acosta and Director Vander Linden will provide guidance on the licensing and problem gaming portions respectively. Commissioner Stebbins recommended prioritizing regulations on gaming schools so that the schools will be ready in time. Chairman Crosby noted that the Commission should also prioritize

the regulations of sections B, C, D, I, and J from the regulations grid. The Commission would like to conduct a systematic discussion of the policy questions arising out of this upcoming phase of regulations prior to starting the drafting process.

Ombudsman Report

See transcript pages 94-117.

- 11:15 a.m. Ombudsman Ziemba reported on the status of applicants, host communities, surrounding communities, and outreach efforts. All Category 2 applicants have signed host community agreements and have scheduled elections. Three of the Category 1 applicants have executed their host community agreements.
- 11:34 a.m. The Commission discussed the most effective way to notify potential surrounding communities of the need to engage license applicants in discussions regarding surrounding community agreements. The Commission is encouraging applicants to proactively negotiate agreements with surrounding communities.
- 11:38 a.m. Ombudsman Ziemba stated that he will create a timeline of the ENF filing schedule for Category 1 applicants.
- 11:40 a.m. Ombudsman Ziemba presented West Springfield's citizens notice and recommended that the Commission approve it.

Motion made by Commissioner McHugh that the Commission approve West Springfield's letter to voters as set out in the Commission packet with such minor and nonsubstantive changes as the Commission staff may deem necessary or appropriate. Motion seconded by Commissioner Cameron. The motion passed unanimously.

Ombudsman Report

See transcript pages 117-119.

- 11:41 a.m. Chairman Crosby stated that the Commission will hold an executive session pursuant to G.L. c. 30A, § 21(a)(5), G.L. c. 30A, § 21(a)(7), G.L. c. 66, G.L. c. 4, § 7, and G.L. c. 4, § 26(f). The Commission will not reconvene in open session at the end of the executive session.

Motion made by Commissioner McHugh to enter into executive session. Motion seconded by Commissioner Stebbins. The motion passed unanimously by roll call vote.

- 11:43 a.m. Meeting moved to executive session.

List of Documents and Other Items Used at the Meeting

1. Massachusetts Gaming Commission August 9, 2013 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission July 25, 2013 Meeting Minutes
3. Massachusetts Gaming Commission July 26, 2013 Meeting Minutes
4. Pinck and Company Letter
5. Massachusetts Gaming Commission August 7, 2013 Memorandum Regarding Recommendation to Select a Financial Advisor
6. Massachusetts Gaming Commission Racing Division August 9, 2013 Draft Letter to the Local Government Advisory Council Regarding Amendment of 205 CMR
7. Massachusetts Gaming Commission Draft Application for License to Hold or Conduct a Racing Meeting
8. Phase II (Parts 2 & 3) Regulations Grid
9. Status of Resort Casino Applicants Category 1 in Region A (Eastern Mass.)
10. Status of Resort Casino Applicants Category 1 in Region B (Western Mass.)
11. Timeline for Slots License
12. Massachusetts Gaming Commission August 7, 2013 Memorandum Regarding Update on Potential Surrounding Community Outreach
13. Citizen Notice to Voters of West Springfield

/s/ Catherine Blue
Catherine Blue
Assistant Secretary

THE MASSACHUSETTS SEAFOOD INDUSTRY



August 22, 2013



August 22, 2013

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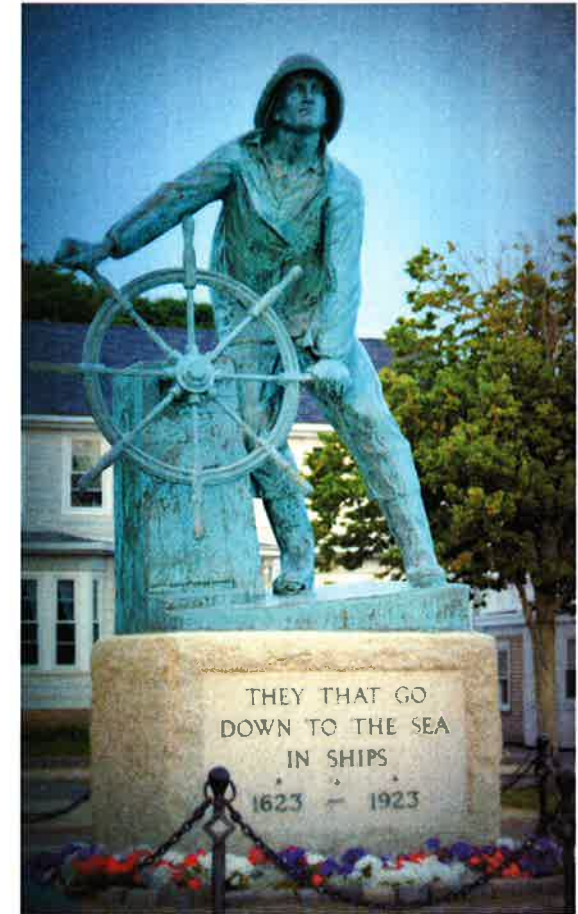
Slide 1

Marine Fisheries
Commonwealth of Massachusetts



Introduction

- Long tradition of Cod, Haddock, and Sole fishing in the Commonwealth
- Commercial fishing, recreational fishing, and seafood processing are an important part of the Commonwealth's history, culture, and economy
- The Commonwealth is the 2nd ranked state in the US in terms of landings value
- Destination for recreational anglers



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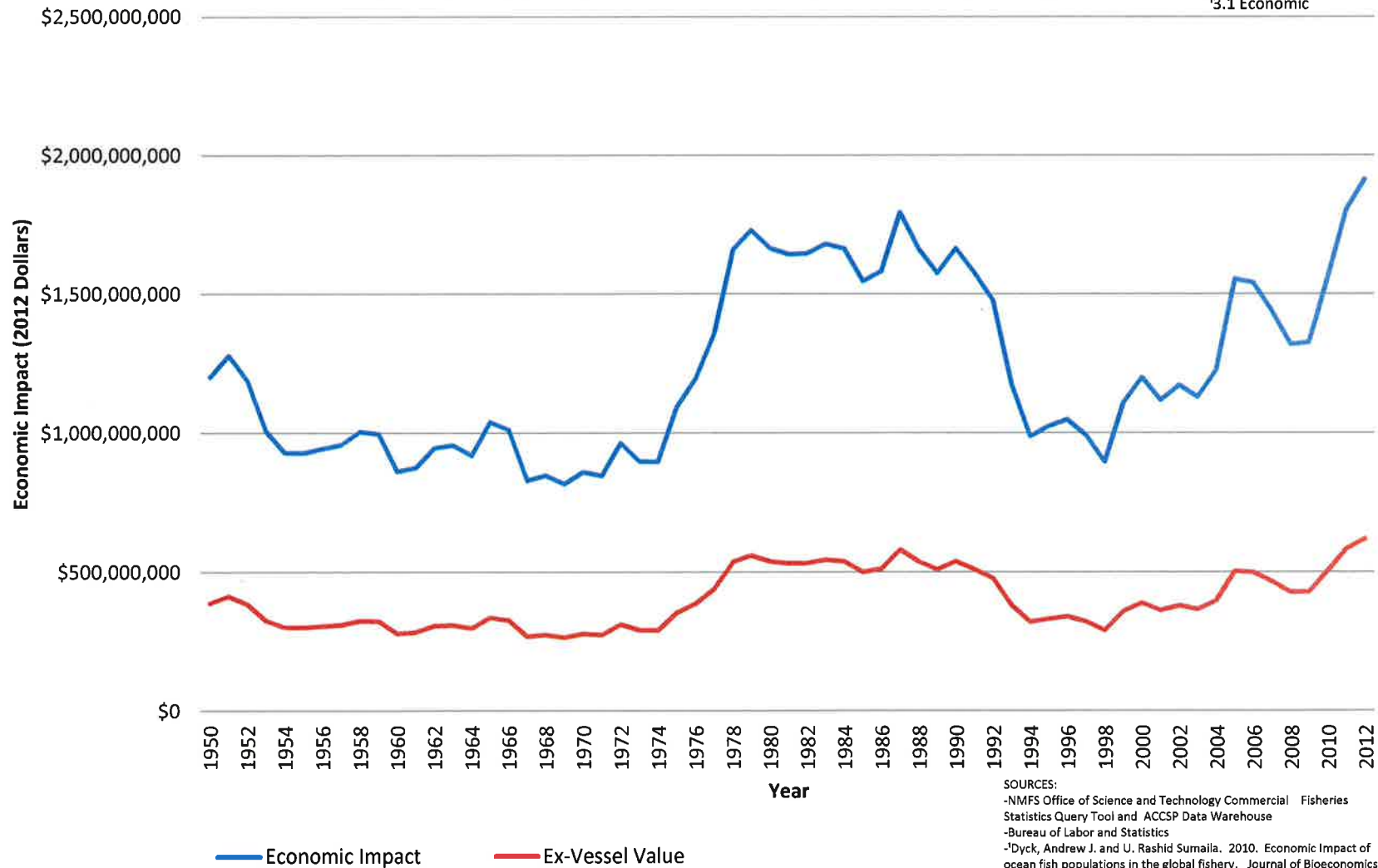
Marine Fisheries
Commonwealth of Massachusetts



Commercial Seafood Industry

MA Commercial Seafood Industry Economic Impact¹

'13.1 Economic



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Slide 3

Marine Fisheries
 Commonwealth of Massachusetts



Employment Impact

Total Jobs: 98,358

- Commercial Harvesters: 13,269
- Seafood Processors & Dealers: 7,587
- Importers: 14,708
- Seafood Wholesalers & Distributors: 3,097
- Retail: 59,697



Source: *Fisheries Economics of the United States*,
2011, NOAA Fisheries Office of Science & Technology



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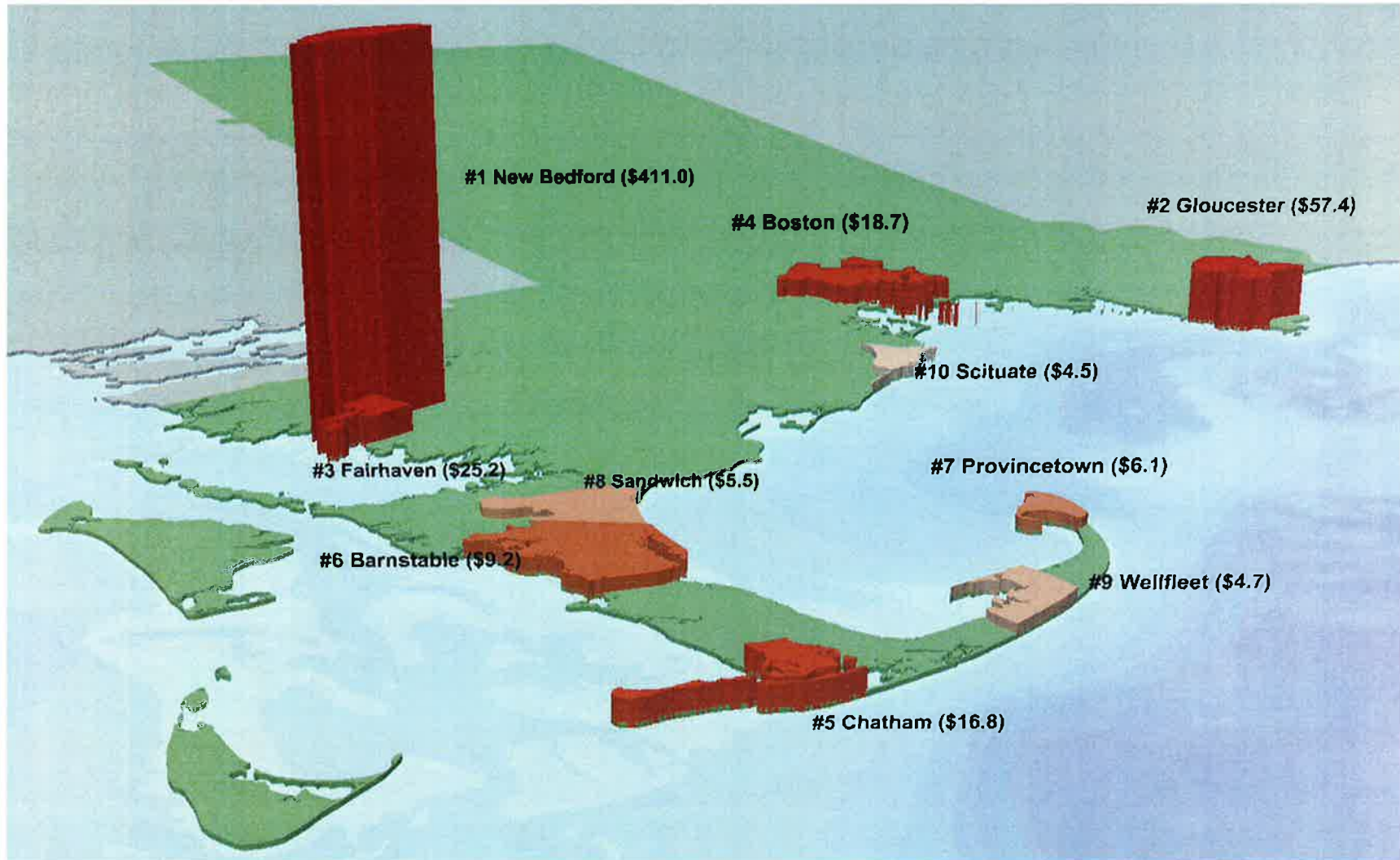
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Slide 4

Marine Fisheries
Commonwealth of Massachusetts



Top Massachusetts Commercial Ports in 2012



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Marine Fisheries
Commonwealth of Massachusetts



Top Commercial Species in 2012 by Value

Rank	Species	Live Pounds	Value
1	SCALLOP, SEA	305,944,169	\$364,895,602
2	LOBSTER, AMERICAN	14,482,740	\$53,345,841
3	COD, ATLANTIC	8,983,602	\$18,558,123
4	SURFCLAM, ATLANTIC	95,598,601	\$16,074,267
5	GOOSEFISH (MONKFISH)	11,582,869	\$13,595,613
6	OYSTER, EASTERN	4,125,447	\$12,069,381



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Marine Fisheries
Commonwealth of Massachusetts



Sea Scallop



- Accounts for the majority of landings value in the Commonwealth
- New Bedford is the top port in the country in terms of landings value largely because of the sea scallop industry
- Steady supply for consumers



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Marine Fisheries
Commonwealth of Massachusetts



Lobster



- Catches have been increasing over the past 5 years
- Steady supply for consumers
- Increased retail sales by lobstermen



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Marine Fisheries
Commonwealth of Massachusetts



Oyster

- Primarily aquaculture harvest
- Harvest has more than doubled since 2008
- Available year-round with a slight decrease in landings during the winter months
- Emerging aquaculture industry in MA



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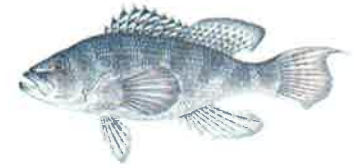
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Marine Fisheries
Commonwealth of Massachusetts





Seasonal Offerings



- Northern Shrimp, Black Sea Bass, Striped Bass, and Summer Flounder (Fluke)
- Quota-managed seasons impact availability

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern Shrimp	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Black Sea Bass	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue
Striped Bass	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue
Summer Flounder	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue



Dark Blue	Landed and available in Massachusetts
Medium Blue	Limited landings and availability in Massachusetts
Light Blue	Out of season or extremely limited availability



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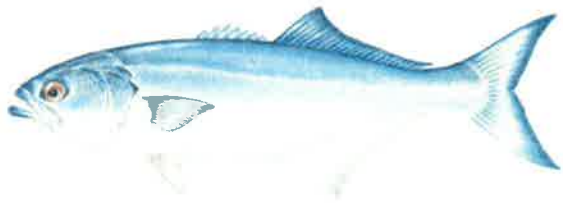
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Marine Fisheries
Commonwealth of Massachusetts



Affordable and Available Species

- Emerging markets for healthy and underutilized species
- Species include Redfish, Monkfish, Bluefish and Dogfish
- Generally steady supply throughout the year



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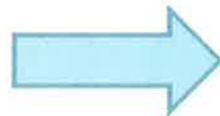
Marine Fisheries
Commonwealth of Massachusetts



Moving Forward

Marketing Local Seafood

- High Quality
- Sustainability
- Traceability



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Slide 12

Marine Fisheries
Commonwealth of Massachusetts



Finding Local Seafood Dealers

- *Marine Fisheries*' website contains an updated list of dealers authorized to purchase seafood directly from harvesters

Home > Department of Fish & Game > Marine Fisheries > Seafood & Bait Dealers > Primary Buyer Lookup

Primary Buyer Lookup

Primary buyers are MA Seafood or Bait Dealers who are permitted to purchase marine species directly from fishermen. These include bait dealers who buy directly from fishermen, as well as fishermen acting as their own dealers.

Several marine species are **quota managed** and primary buyers who purchase these species must obtain authorization from MA DMF. For current quotas, landings and regulations for quota managed species, visit our [quota and landings](#) page.

Click link for [Massachusetts Seafood Availability Chart](#)

2013 Primary Buyers			2012 Primary Buyers								
Dealer	#	City/Town	BSB	BLU	SDF	PLU	ILL	LQL	SCU	STB	TOG
A & A Seafood, Inc.	6479	New Bedford, MA	X	X	X	X		X	X	X	X
A B Seafood Inc.	9105	Boston, MA		X	X	X				X	X
Acushnet Fish Corp.	5857	New Bedford, MA	X	X	X	X		X	X	X	X
Afc Trading Corp.	8195	New Bedford, MA	X	X	X	X		X	X	X	X
All Island Seafood Inc.	0912	Chilmark, MA	X	X	X	X		X	X	X	X
American Seafoods Processing Llc	9070	New Bedford, MA	X	X	X	X		X	X	X	X
Andy Roberts Inc Dba Relays Quater	10760	Nantucket, MA									
Antonio Jorge Inc	5664	Provincetown, MA	X	X	X	X		X	X	X	X
Aqua World Seafood Inc	7819	Vineyard Haven, MA	X	X	X	X		X	X	X	X
Aquacultural Research Corp.	0273	Dennis, MA									
Aquamar Marketing, Inc.	6476	Boston, MA	X	X						X	
Ashley Kate Lobsters	10747	Plymouth, MA									
Atlantic Banks Fisheries Llc	5476	Gloucester, MA	X	X	X	X		X	X	X	X
Atlantic Cape Fisheries Inc	9666	New Bedford, MA									
Atlantic Coast Seafood, Inc.	5076	Boston, MA	X	X	X	X		X	X	X	X
Atlantic Oysters Llc	10303	East Falmouth, MA									
Atlantic Red Crab Co Llc	5679	New Bedford, MA			X						
Atlantic Red Crab Co	10391	New Bedford, MA			X						
Atlantic Sea Pride, Inc.	8347	Boston, MA	X	X	X	X		X	X	X	X
Back River Fishing Corp.	9387	Hingham, MA									
Back River Seafood	5901	Weymouth, MA									

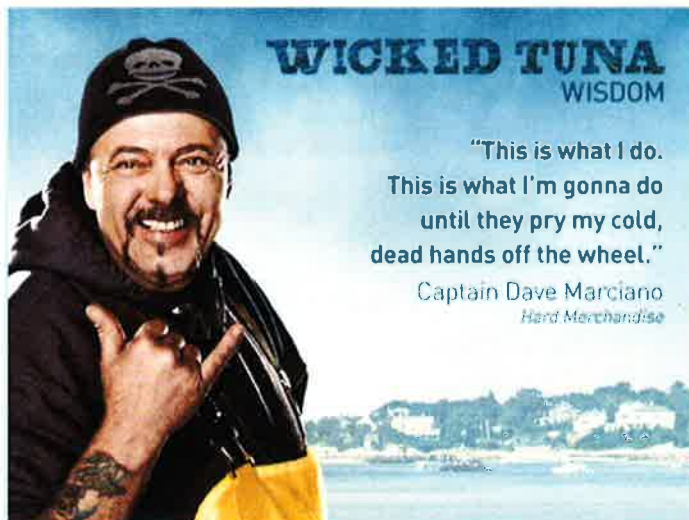
Details for selected dealer:

DEALER: A & A Seafood, Inc.
 PERMIT TYPE: Wholesale Truck
 PERMIT NUMBER: 6479
 ADDRESS: 7 Conway Street, New Bedford, MA
 PHONE: (508) 991-5886



Recreational Fishing Industry

- Charter trips for Cod, Haddock, Winter Flounder, Striped Bass, Black Sea Bass, Scup, Bluefin Tuna, and more
- Fishing from private boats and public access sites
- \$1+ Billion Industry
- 5,300+ jobs



Charter head boat locations.



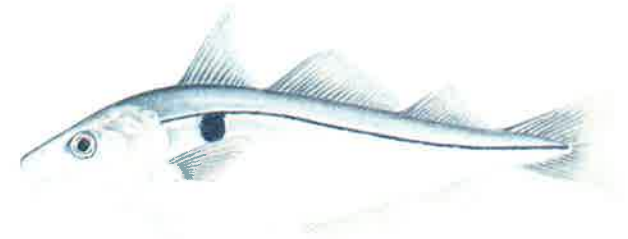
Contact Information

Website: www.mass.gov/marinefisheries

Director Paul Diodati
paul.diodati@state.ma.us
(617) 626-1530

Commissioner Mary Griffin
mary.griffin@state.ma.us
(617) 626-1550

Story Reed, DMF
story.reed@state.ma.us
(978) 282-0308 ext. 115



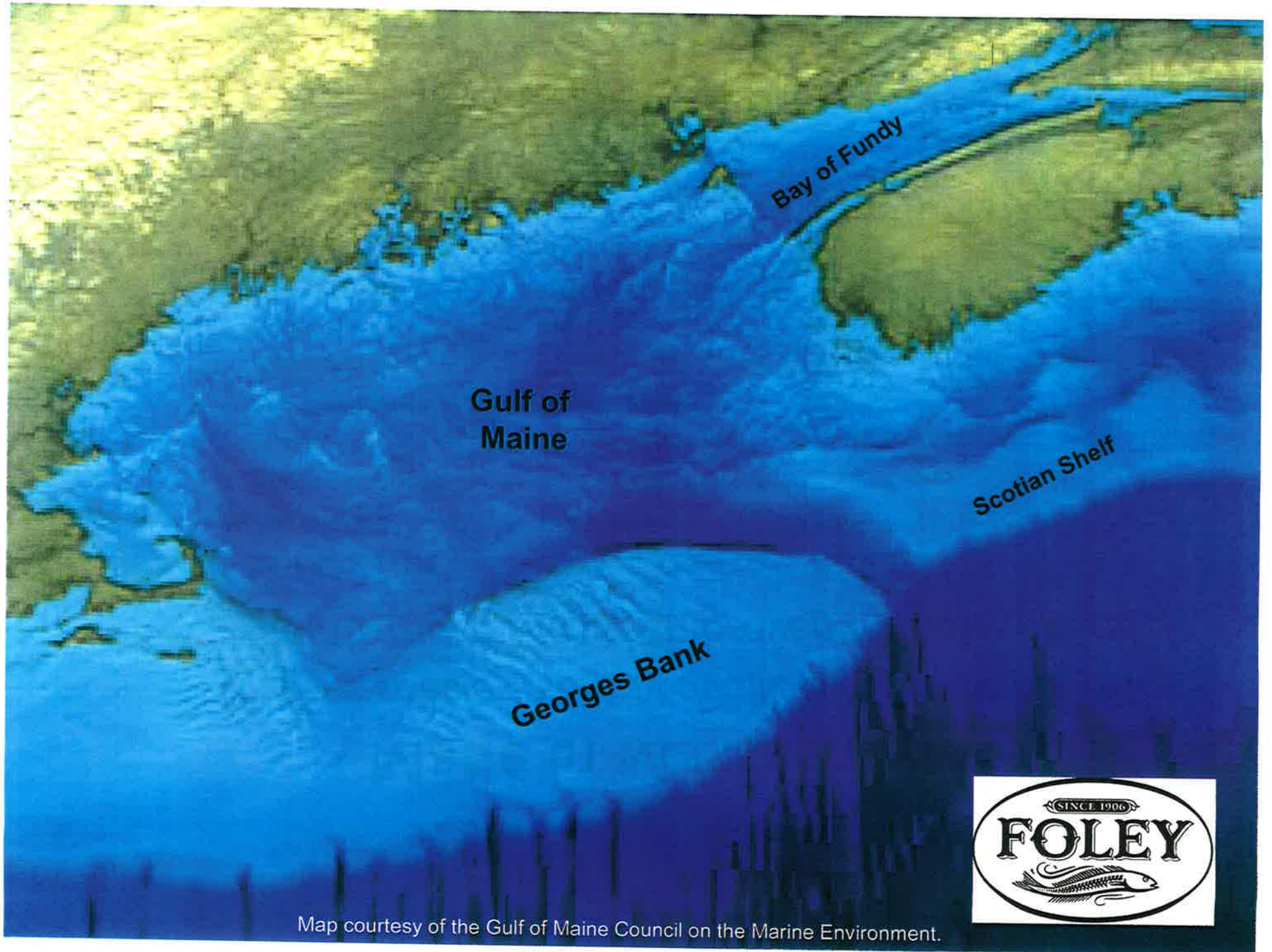
August 22, 2013

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Marine Fisheries
Commonwealth of Massachusetts





Map courtesy of the Gulf of Maine Council on the Marine Environment.





Made In Massachusetts

Diverse species, steady availability, multiple price points make Mass fish proven menu winners!

Year Round Fish

Atlantic Cod
Atlantic Haddock
Hake
Acadian Redfish
Atlantic Pollock
Monkfish
Flounder
Skate
Bluefish
Scup

Year Round Shellfish

Sea Scallops
Hard & Soft Shell Clams
Mussels –Wild and
Aquacultured
Oysters
Lobster
Farmed Bay Scallops
Jonah Crab

Seasonal

Fluke
Striped Bass
Black Sea Bass
Tautog
Wild Bay Scallops
Atlantic Swordfish







Species W. CLAM		Individual Weights 10
Total Weight 22.15		
Vendor WILLIAMS)
Date 1-8-04		
Lot # 529369		
		
7	8	Comments
7+	8	
8	8+	Comments
	9	











FOLEY'S

Georges Bank
SEA SCALLOPS
Fresh Shucked Flavor

11

Foley Fish

Introduces SeaTrace™



Learn where your seafood comes from and who harvested it!

SeaTrace™ makes tracking your seafood easy.

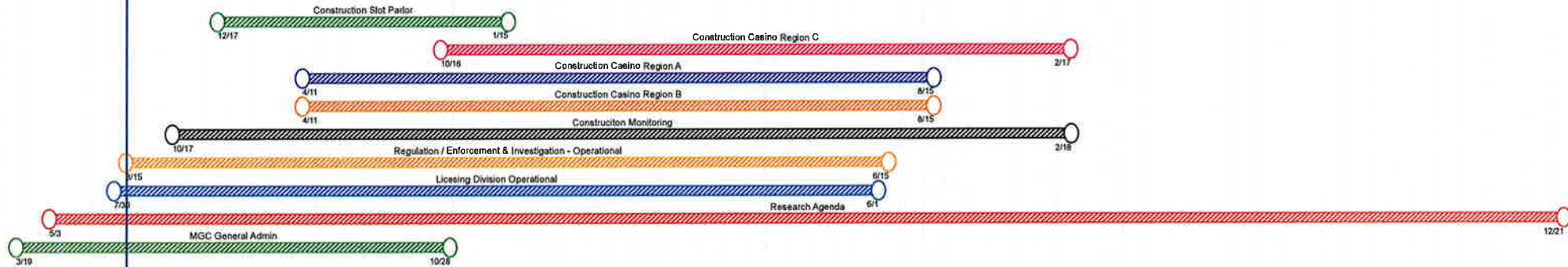
Foley Fish, Boston's real fish house since 1906, now offers **SeaTrace™** with all wild caught local seafood. This cutting edge technology uses QR (quick response) coding to pass along vessel and harvest information directly to the consumer. Use any bar code scanning application loaded into your smart phone to access real-time information about the seafood you are purchasing. Simply scan the QR code displayed at the case and learn where your seafood was harvested, how it was harvested and even see a picture of the fishing vessel that worked so hard to land your seafood. With Foley Fish, you can always be confident you are getting all-natural products and now with **SeaTrace™** you can also be confident that you are buying local seafood. Foley Fish has a proud history of partnering with New England fishermen for four generations.



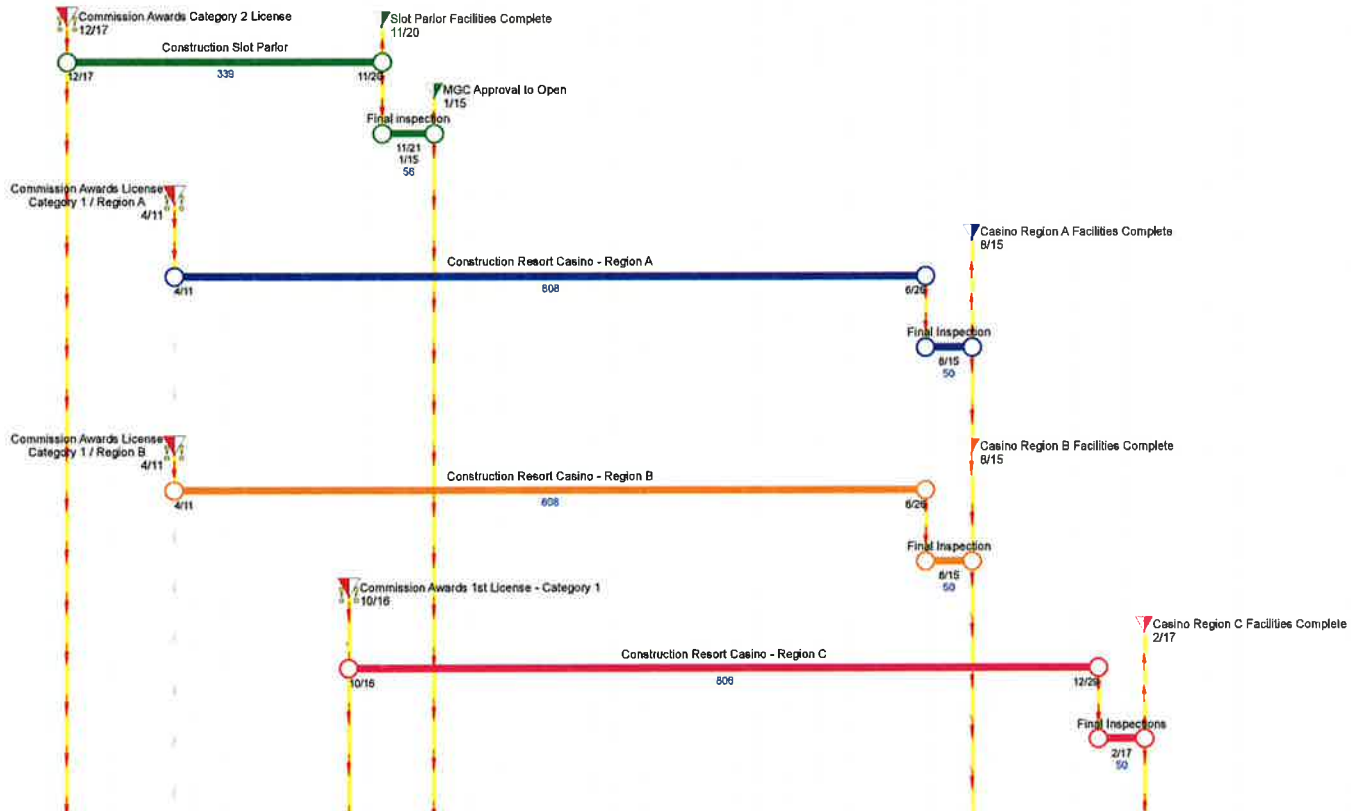
www.foleyfish.com

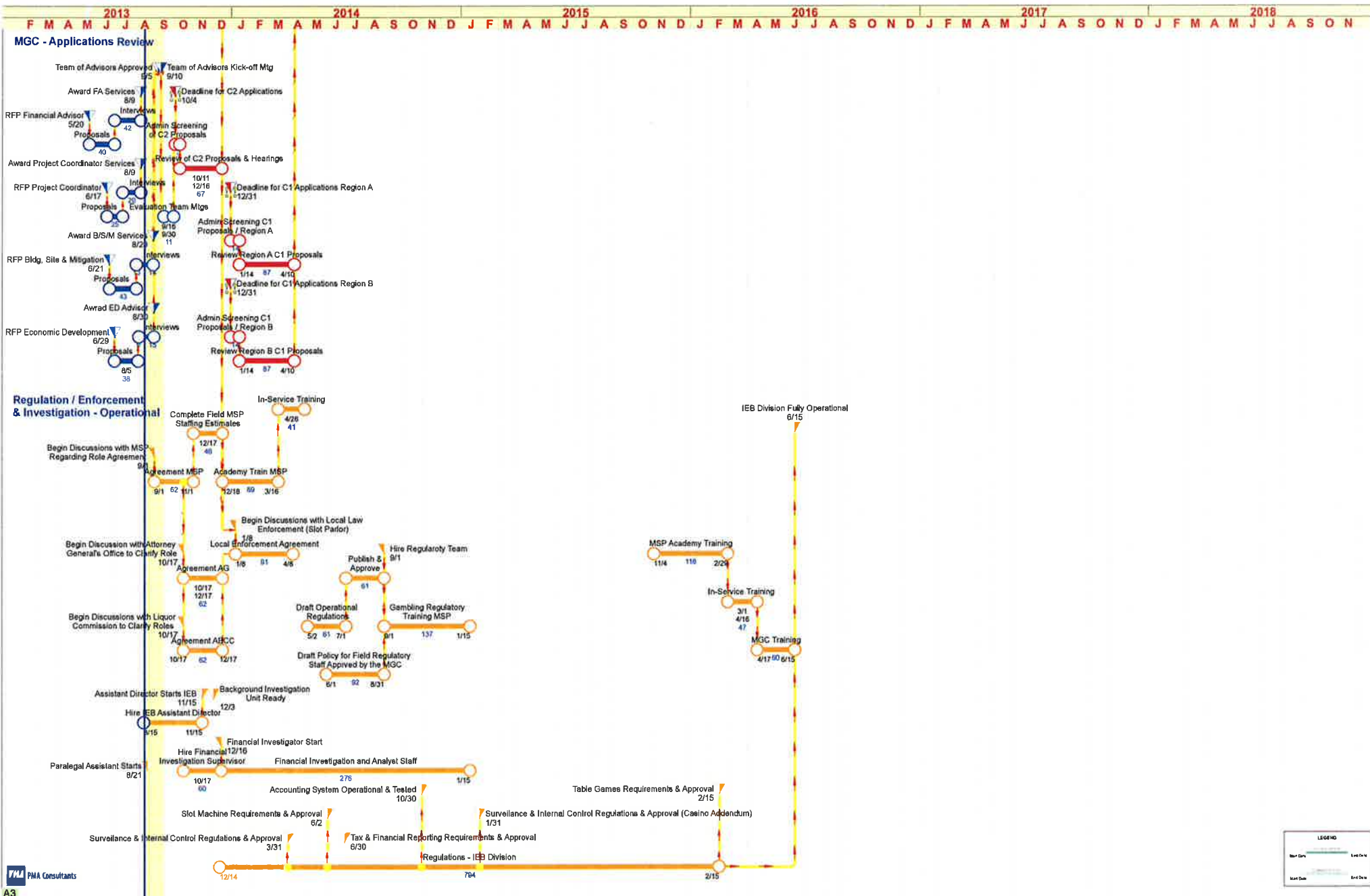
Massachusetts Gaming Commission / 2013-08-15 Summary Master Schedule Update

Data Date
08/15/2013



Facilities Construction

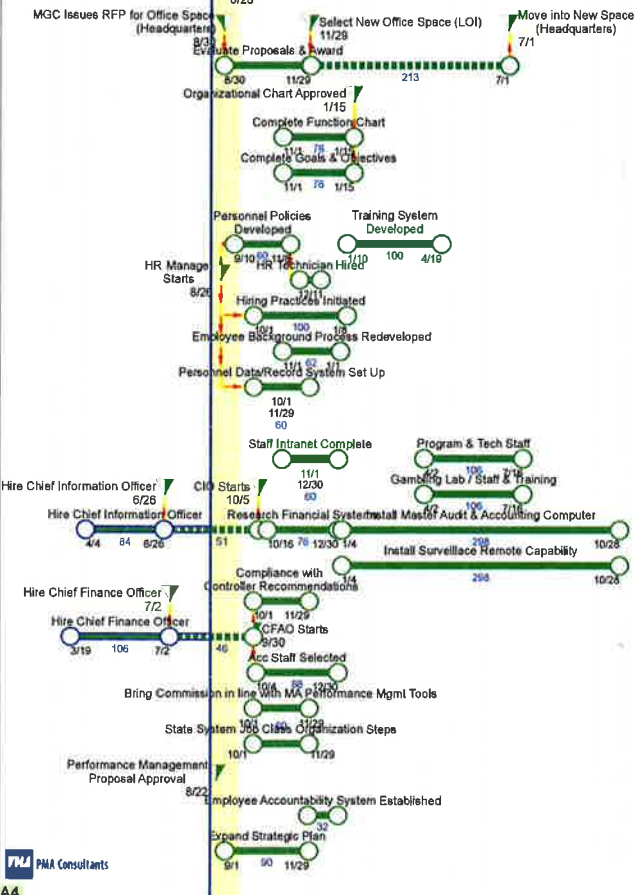


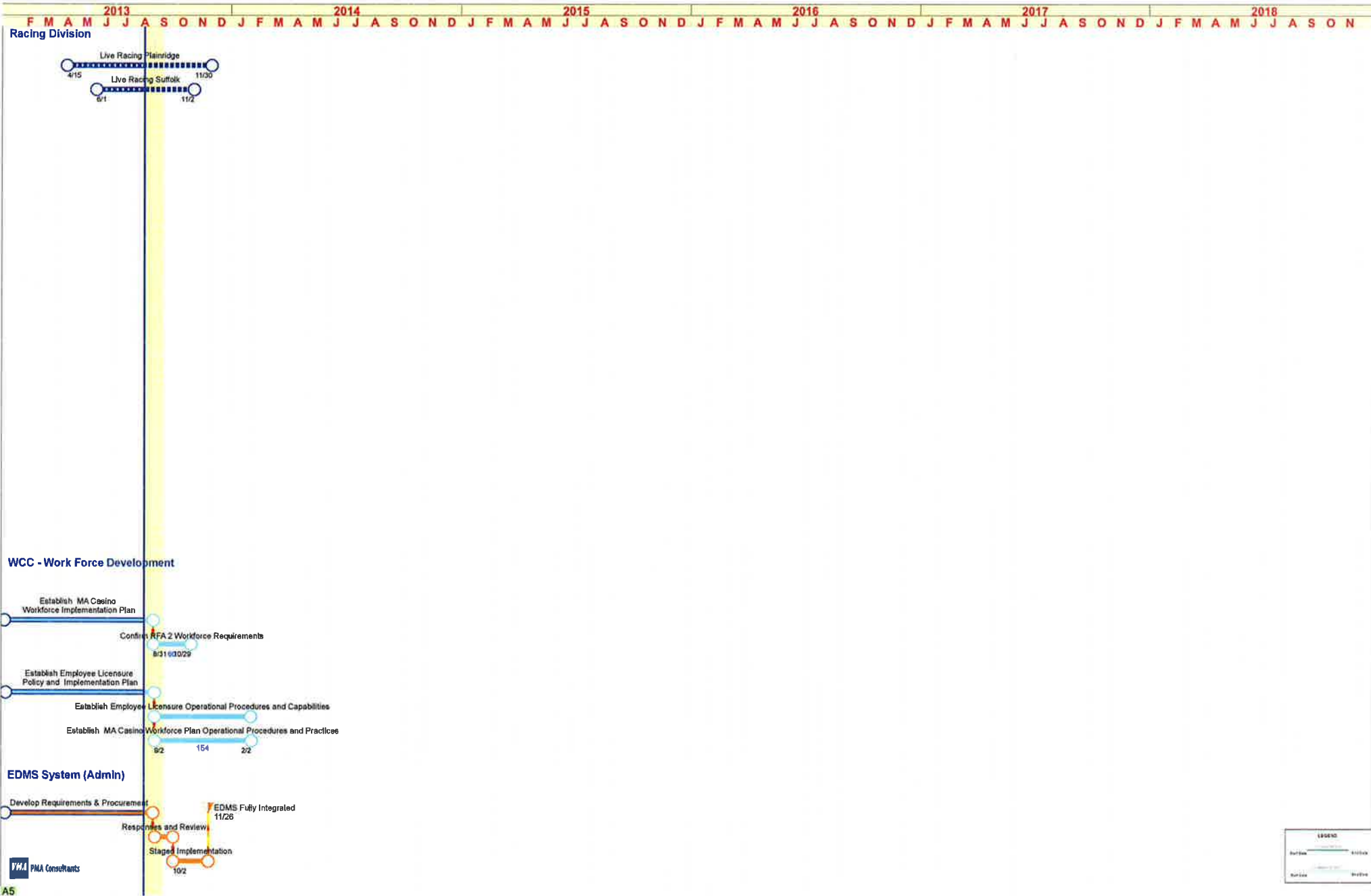


Licensing - Individuals & Vendors



MGC General Admin







Division of Racing

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

From: Jennifer Durenberger, Director of Racing
Catherine Blue, General Counsel

Date: 22 August, 2013

Re: Proposed changes to 205 CMR 3.29 and 4.52: Medications and Prohibited Substances

The Racing Division introduces redline versions of 205 CMR 3.29 and 205 CMR 4.52, incorporating some amendments to existing language as well as two entirely new provisions.

The new provisions reflect the culmination of a two-year process of promulgation and review by Racing Medication and Testing Consortium committees and, ultimately, the Association of Racing Commissioners International (ARCI).

Section (3)(a)(2) was approved by the ARCI board of directors on April 2, 2013. This provision incorporates a schedule of controlled therapeutic medications and associated decision levels. Section (2)(f) was approved by the ARCI board of directors on July 31, 2013. This provision introduces a point system that will attach to occupational licenses for medication violations and will enhance suspensions incurred as a result of multiple offenses.

These two provisions together constitute the Uniform Medication and Drug Testing Program initiative that we have discussed and prepared for at previous meetings. Eight jurisdictions, including this one (Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Virginia, and West Virginia), pledged initial support to this program this past spring. Since that time, another four jurisdictions (Arkansas, California, Illinois, and Kentucky) have begun to deliberate on the matter.

The goal is for the Northeast and Mid-Atlantic states to go through the rule-making process in parallel, with a simultaneous regional effective date of January 1, 2014.



Massachusetts Gaming Commission

3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors

Upon a finding of a violation of 205 CMR 3.27-3.30, inclusive, the judges shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness ~~or~~ of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race, and;
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties

- (a) In issuing penalties against individuals found guilty of medication and drug violations a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the ARCI *Uniform Classification Guide lines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current ARCI *Uniform Classification Guidelines for Foreign Substances*

shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple Medication Violations (MMV)

1. A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the *ARCI Uniform Classification for Foreign Substances*, shall be assigned points based upon the medication’s ARCI Penalty Guideline as follows:

Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A¹	N/A	6
Class B	2	4
Class C	1	2
Class D	½	1

2. The points assigned to a medication violation shall be included in the Judges’ ruling. Such ruling shall determine, in the case of multiple positive tests as described in paragraph (4), whether they shall thereafter constitute a single violation. The Judges’ ruling shall be posted on the official website of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

3. A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall then subject the trainer to the mandatory enhanced penalties by the Judges or Commission as provided in this regulation.

4. Multiple positive tests for the same medication incurred by a licensed trainer prior to delivery of official notice by the Commission may be treated as a single violation.

¹ Except for Class 1 and 2 environmental contaminants, e.g., cocaine which shall be determined by the Judges based upon the facts of the case.

5. The official ARCI record shall constitute prima facie evidence of a licensed trainer's past record of violations and cumulative points. Nothing in this regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

6. The Judges or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

7. In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

MMV's are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensed trainer:

- a. Has more than one violation for the relevant time period, and
- b. Exceeds the permissible number of points.

8. The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.

9. The Judges' ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the licensed trainer's cumulative points.

10. Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expungement
A	Permanent
B	3 years
C	2 years
D	1 year

(3) Medication Restrictions

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;

2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication in effect at the time of the violation;

3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;

2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;

3. The name of each patient (horse) for whom the product is intended/prescribed;

4. The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:
 - a. Phenylbutazone – 2 micrograms per milliliter;
 - b. Flunixin – 20 nanograms per milliliter;
 - c. Ketoprofen – 10 nanograms per milliliter.
2. These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.
3. The presence of more than one of the three approved NSAIDs, in the post-race serum or plasma sample is not permitted.
 - a. A finding of phenylbutazone below a concentration of one-half (.5) microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).
 - b. A finding of flunixin below a concentration of three (3) nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).
4. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(b) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide

(a) In order for a horse to be placed on the Furosemide List the following process must be followed:

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or his or her designee shall be notified, using the prescribed form, that the horse is to be put on the Furosemide List.
2. The form must be received by the official veterinarian or his or her designee by the time of entry.
3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.
4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
5. Furosemide shall only be administered on association grounds.
6. Furosemide shall be the only authorized bleeder medication.
7. The use of furosemide shall not be permitted in two year olds.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.
2. The furosemide dosage administered shall not exceed 250 mg. nor be less than 150 mg.
3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010;
2. Quantitation of furosemide in serum or plasma may be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to these rules shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:

1. First incident – 14 days;
2. Second incident – 30 days;
3. Third incident – 180 days;
4. Fourth incident – barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.

(e) A horse which has been placed on a Bleeder List in another jurisdiction under conditions similar to 205 CMR 3.29(7) shall be placed on a Bleeder List in this jurisdiction.

(8) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following **plasma or serum thresholds for unchanged (i.e. not conjugated) substance** or urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):

1. **Stanozolol: 1 ng/ml of total 16 β -hydroxystanozolol (metabolite of stanozolol)—1 ng/ml in urine ~~of for~~ all horses regardless of sex;, or 25 pg/ml of stanozolol in plasma or serum of all horses regardless of sex;**
2. **Boldenone: 15 ng/ml of total boldenone in urine of (~~Equipoise[®] is the undecylenate ester of boldenone~~) in male horses other than geldings, —15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses. or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;**
3. **Nandrolone: 1 ng/ml of total nandrolone in urine, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares. (~~Durabolin[®] is the phenylpropionate ester and Deca-Durabolin[®] is the decanoate ester~~)**
 - a. ~~In geldings—1 ng/ml in urine~~
 - b. ~~In fillies and mares—1 ng/ml in urine~~
4. **Testosterone:**
 - a. In geldings – 20 ng/ml **total testosterone** in urine, **or 25 pg/ml of testosterone in plasma or serum;**
 - b. In fillies and mares – 55 ng/ml **total testosterone** in urine, **or 25 pg/ml of testosterone in plasma or serum.**

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(9) Alkalinizing Substances

The use of agents that elevate the horse's TCO₂ or base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels ~~also~~ apply to blood gas analysis:

- (a) ~~The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide and;~~ **or a base excess level of 10.0 millimoles, and;**
- (b) ~~The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample for horses treated with furosemide. or a base excess level of 10.4 millimoles per liter of plasma/serum.~~

4.52: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors

Upon a finding of a violation of 205 CMR 4.50-4.53, inclusive, the stewards shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The stewards may consult with the official veterinarian, laboratory director or other individuals to determine the seriousness ~~or~~ of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug ;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race, and;
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties

- (a) In issuing penalties against individuals found guilty of medication and drug violations a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the *ARCI Uniform Classification Guide lines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

(c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current ARCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple Medication Violations (MMV)

1. A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the *ARCI Uniform Classification for Foreign Substances*, shall be assigned points based upon the medication’s ARCI Penalty Guideline as follows:

Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A¹	N/A	6
Class B	2	4
Class C	1	2
Class D	½	1

2. The points assigned to a medication violation shall be included in the Stewards’ ruling. Such ruling shall determine, in the case of multiple positive tests as described in paragraph (4), whether they shall thereafter constitute a single violation. The Stewards’ ruling shall be posted on the official website of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

3. A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall then subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

¹ Except for Class 1 and 2 environmental contaminants, e.g., cocaine which shall be determined by the Stewards based upon the facts of the case.

4. Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation.

5. The official ARCI record shall constitute prima facie evidence of a licensed trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

6. The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

7. In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

MMV's are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensed trainer:

- (a) Has more than one violation for the relevant time period, and
- (b) Exceeds the permissible number of points.

8. The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.

9. The Stewards' ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the licensed trainer's cumulative points.

10. Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expungement
A	Permanent
B	3 years
C	2 years
D	1 year

(3) Medication Restrictions

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;

2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication in effect at the time of the violation;

~~2.3.~~ Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

~~3.4.~~ Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 4.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 4.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 4.52(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;

2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;

3. The name of each patient (horse) for whom the product is intended/prescribed;

4. The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- a. Phenylbutazone – 2 micrograms per milliliter;
- b. Flunixin – 20 nanograms per milliliter;
- c. Ketoprofen – 10 nanograms per milliliter.

2. These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

3. The presence of more than one of the three approved NSAIDs, in the post-race serum or plasma sample is not permitted.

- a. A finding of phenylbutazone below a concentration of one-half (.5) microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).
- b. A finding of flunixin below a concentration of three (3) nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).

4. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(b) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide

(a) In order for a horse to be placed on the Furosemide List the following process must be followed:

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or his/her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.

2. The form must be received by the official veterinarian or his or her designee by the time of entry.

3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

5. Furosemide shall only be administered on association grounds.

6. Furosemide shall be the only authorized bleeder medication

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.

2. The furosemide dosage administered shall not exceed 500 mg nor be less than 150 mg.

3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010;

2. Quantitation of furosemide in serum or plasma may be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on a Furosemide List in another jurisdiction pursuant to rules similar to 205 CMR 4.52(6) shall be placed on a Furosemide List in this jurisdiction. A notation on the horse's foal papers of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following minimum time periods:

1. First incident – 14 days;

2. Second incident – 30 days;

3. Third incident – 180 days;

4. Fourth incident – barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by 205 CMR 4.52(7).

(e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 4.52(7) shall be placed on a Bleeder List in this jurisdiction.

(8) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following **plasma or serum thresholds for unchanged (i.e. not conjugated) substance** or urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):

1. **Stanozolol: 1 ng/ml of total 16 β -hydroxystanozolol (metabolite of stanozolol)—1 ng/ml in urine for all horses regardless of sex; or 25 pg/ml of stanozolol in plasma or serum of all horses regardless of sex;**

2. **Boldenone: 15 ng/ml of total boldenone in urine of (Equipoise[®] is the undecylenate ester of boldenone) in male horses other than geldings, —15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses. or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;**

3. **Nandrolone: 1 ng/ml of total nandrolone in urine, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares. (Durabolin[®] is the phenylpropionate ester and Deca-Durabolin[®] is the decanoate ester)**

a. ~~In geldings—1 ng/ml in urine~~

b. ~~In fillies and mares—1 ng/ml in urine~~

4. **Testosterone:**

a. **In geldings — 20 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum;**

b. **In fillies and mares — 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.**

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(9) Alkalinizing Substances

The use of agents that elevate the horse's TCO₂ or **Bbase** excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels ~~also~~ apply to blood gas analysis:

(a) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum ~~for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide and;~~ **or a base excess level of 10.0 millimoles, and;**

(b) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample, ~~for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide plus the measurement uncertainty of the laboratory analyzing the sample for horses treated with furosemide.~~ or a base excess level of 10.4 millimoles per liter of plasma/serum.



Division of Racing

August 20, 2013

Ms. Marilyn Contreas
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

&

Mr. John Robertson
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110

RE: Amendment of 205 CMR

Dear Ms. Contreas and Mr. Robertson,

The Massachusetts Gaming Commission (“Commission”) is proposing amendments to 205 CMR 3.29 and 205 CMR 4.52: *Medications and Prohibited Substances*. These amendments incorporate important updates to existing rules as recently approved by the Association of Racing Commissioners International (“ARCI”) *Model Rules of Racing for the use of the Pari-Mutuel Industry* in the areas of medication, testing, and associated penalties. These proposed updates do several important things including, but not limited to:

- finding any occupational licensee found to have administered prohibited substances to a racehorse subject to penalty;
- preventing the transfer of horses in a suspended trainer’s care to his or her spouse during the period of suspension;
- incorporating a schedule of controlled therapeutic medications and associated threshold and treatment restriction times; and
- incorporating a “point” penalty scheme assigned to occupational licensees who incur multiple medication violations.

The Commission does not anticipate that any part of these proposed changes would affect local governments or municipalities.



Massachusetts Gaming Commission

The Commission will convene a public hearing on this amendment on October 9, 2013, at 12:30 P.M. at 84 State Street, 7th Floor, Boston, MA, 02109. If you have any questions regarding this proposal, please feel free to contact me at (617) 979-8400.

Respectfully submitted,

Jennifer Durenberger, DVM, JD
Director of Racing



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Division of Racing

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

From: Jennifer Durenberger, Director of Racing
Catherine Blue, General Counsel

Date: 22 August, 2013

Re: Draft application to conduct a live racing meeting in 2014

The Racing Division brings forward a draft application for a license to conduct a live racing meeting in 2014. The majority of the questions appeared in previous years' applications, but we have added several new items.

- Item #17: These agreements go to, among other things, purse structure for the meet and required approvals for simulcasting;
- Item #23: Information regarding internal controls and business practices;
- Item #26: Draws out information pertaining to existing item #25 and to statutory considerations as to the benefit to the Commonwealth of granting the license;
- Items #27-29: Outlines a new process for ensuring that simulcast imports, exports and account wagering are in compliance with applicable federal and state laws as well as agency regulations; and
- Item #30: Incorporates some existing Association of Racing Commissioners International Model Rule language into the "General Conditions" section.



Massachusetts Gaming Commission

The Racing Division plans to put forth suggested amendments to 205 CMR as it pertains to duties of licensees over the winter. During that time, we intend to revise the application in its entirety so that the substantive changes made here will parallel those made in the regulations. In the meantime, we are comfortable that the material requested as part of this application, with its new additions, serves the purpose at hand. The goal for next year's application will be elimination of outdated requests, clarification and modernization of existing requests, and additional requests needed to conform to newly adopted regulations.

By statute (M.G.L. c.128A § 2(7)), this application is due back from the applicants on or before October 1, 2013. A public hearing on the application will be scheduled toward the end of the month in each applicant's host community (M.G.L. c.128A §3), and the Commission then votes whether to grant the license. In doing so, "the commission shall take into consideration, in addition to any other appropriate and pertinent factors, the following: the financial ability of an applicant to operate a race track; the maximization of state revenues; the suitability of racing facilities for operation at the time of the year for which dates are assigned; the circumstance that large groups of spectators require safe and convenient facilities; the interest of members of the public in racing competition honestly managed and of good quality; the necessity of having and maintaining proper physical facilities for racing meetings and the necessity of according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities." (M.G.L. c.128A §3(i))

Last week, a first draft was sent to our current 128A licensees and public comment was requested. To date, no comments have been received.



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



APPLICATION FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING

APPLICATION OF: _____
FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING AT
_____ FOR CALENDAR YEAR 2014.

Pursuant to the provisions of Chapter 128A of the General Laws of the Commonwealth of Massachusetts, inserted by Chapter 374 of the Acts of 1934, as amended, the Applicant hereby makes application for license to hold or conduct a _____ racing meeting at _____ County of _____.

As used in this application the word "applicant" has the following meanings, respectively: In case of an individual applicant, the applicant. In case of a partnership applicant, all partners, including limited and silent partners. In case of a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock and persons who voted any of the voting stock at the last stockholders. In the case of an LLC, all members and managers. In the case of a trust, all trustees. In the case of an unincorporated association, all members of the association.

Attached hereto, is a certified check or bank draft payable to the Massachusetts Gaming Commission in the sum of \$_____ which is the greater of .0013 times the average daily handle for the racing meeting that occurred in 2012 or Three hundred dollars (\$300.00).

Applicant has provided the Massachusetts Gaming Commission with a surety bond issued by surety qualified to do business in the Commonwealth of Massachusetts and approved by the Commission in the amount of \$125,000 in accordance with Section 3(o) of Chapter 128A of the General Laws.

1. The name of the applicant:
2. The post office address of the applicant:
3. Address of principal office:
4. Trade name, if any, under which business is or is to be conducted:
5. The location of the race track where it is proposed to hold or conduct such meeting, including street address, municipality and county.
6. The days on which it is intended to hold or conduct such a meeting, the number of races to be run daily and the minimum purse per race.
7. The hours of each day between which it is intended to hold or conduct racing at such meeting in accordance with c. 128A §2 (5).
8. Name and Address of attorney, if any, of the applicant:
9. Applicant is (check one):
 - An individual
 - A limited partnership
 - An unincorporated association
 - A general partnership
 - A trust
 - A corporation
 - An LLC
 - Other (specify)
10. If applicant is an individual, give name, address, place and date of birth.

Name _____

Residence _____

Place of Birth _____ Date of Birth _____

Submit as Exhibit **10** three personal references including one of a bank.
11. If applicant is a corporation, LLC, partnership or other business entity:
 - (a) Submit as Exhibit **11 (a)** the name, place, date of birth and legal residence of each shareholder, member, manager, partner and/or officer of applicant and the office held by each.
 - (b) Submit as Exhibit **11 (b)** a statement showing (a) class of stock issued or to be issued (designate which), (b) par value, (c) vote per share, (d) number of shares authorized, (e) number of shares issued (f) number of shares subscribed, and (g) total number of shares and the percentage of shares owned by each shareholder.

- (c) If applicant is a foreign corporation, LLC or partnership, submit as Exhibit **11 (c)** a statement listing the state of formation, the entity's qualification to do business in Massachusetts and the name and address of the registered agent for service of process in Massachusetts.
- (d) If business entity is an LLC or other organized entity that does not issue stock, submit as Exhibit **11 (d)**, a schedule of ownership listing all members/managers and percentage of entity held.
- (e) If business entity is a partnership or other organized entity, submit as Exhibit **11 (e)** a schedule listing the partners or others holding an interest and the percentage of the entity held.
- (f) Is the beneficial owner of any stock or share of business entity a person other than the owner of record or subscriber? If the answer to this question is yes, submit as Exhibit **11 (f)** a statement showing (1) the name of the owner of record, or subscriber, (2) the name of the beneficial owner, (3) the conditions under which the owner or subscriber holds and votes or has subscribed for such stock or share of business entity (4) whether applicant has any other obligations or securities authorized or outstanding which bear voting rights whether absolutely or upon any contingency (5) the nature of such securities, (6) the face value or par value, (7) the number of units authorized, (8) the number of units issued and outstanding, (9) the number of units, if any, proposed to be issued, (10) the conditions or contingency upon which such securities may be voted, and (11) facts showing whether or not such securities have been voted or entitled to be voted in in the period commencing five (5) years prior to this application.
- (g) Does the applicant have officers, directors, members or managers who are also officers, directors, members, or managers of any other race track that is or has been licensed by this or any other racing or gaming commission? If the answer to this question is yes, submit as Exhibit **11 (g)** a list of such officers, directors, members or managers, the race track or gaming facility involved, the date of licensure, the type of license and the jurisdiction in which such race track or gaming facility is located

12. (a) Has applicant had a race track or gaming license revoked by order of decree of any Federal or State Court or any State Racing or Gaming Commission?
 Yes No

If the answer to this question is yes, submit as Exhibit **12 (a)** a list of such licensees, the name of the court or commission that revoked the license, the date the license was revoked and the reason for the revocation.

- (b) Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant or any officer, director, member or manager of applicant?
 Yes No

If the answer to this question is yes, submit as Exhibit **12 (b)** a list describing the name of the person or entity filing for bankruptcy, the type of petition filed in

bankruptcy, the date of the filing, the court in which filed and the date of final discharge, or if ongoing, indicate the expected date of final discharge.

- (c) Are there outstanding any unsatisfied judgments, decrees or restraining orders against applicant or any officer, director, member or manager of applicant?
 Yes No

If the answer to this question is yes, submit as Exhibit **12 (c)** a list describing the type of the judgment, the court or other body entering the judgment, the date of the judgment, the person against whom the judgment is entered, the amount of the judgment and the reason why the judgment is unsatisfied.

13. Does the applicant or any of its officers, directors, members, or managers, have now, or have ever had, any direct or indirect financial or other interest in:

- (a) Any harness horse, running horse, or dog racing meeting conducting legalized pari-mutuel wagering?
 Yes No

If the answer to this question is yes, submit as Exhibit **13 (a)** a list describing the name of the officer, director, member or manager having the interest, the type of the interest, the amount of the interest, the name of the entity in which the interest is held, and the location of the entity and the jurisdiction licensing the entity.

- (b) Any application other than this pending before the Massachusetts Gaming Commission?
 Yes No

If the answer to this question is yes, submit as Exhibit **13 (b)** a list of all such applications, the type of application, the date such application was filed, the date the application was granted or rejected or whether the application is currently pending.

- (c) Any application for a racing license or a gaming license which has been denied by the Massachusetts Gaming Commission, the predecessor Massachusetts State Racing Commission or any other State Commission or authority?
 Yes No

If the answer to this question is yes, submit as Exhibit **13 (c)** a list of all such applications, including the jurisdiction in which it was filed, the type of application, the date the application was denied, the name of the applicant, and the reason for such denial.

- (d) Any racing meeting or gaming establishment, the license for which has been revoked?
 Yes No

If the answer to this question is yes, submit as Exhibit **13 (d)** a list of such revoked licenses, the jurisdiction revoking the license, the date the license was revoked and the reason the license was revoked.

- (e) Any harness horse, running horse, or dog racing meeting conducting pari-mutuel wagering in a State where pari-mutuel wagering, betting, pool making or gambling was not or is not legalized by State law?
 Yes No

If the answer to this question is yes, submit as Exhibit 13 (e) a list of such racing meetings, the jurisdiction where the racing meetings are located and the date such racing meetings occurred.

14. How does applicant control the real property on which the race track is located (indicate by check mark):

Fee Simple Ownership Lease Other Authority

- (a) Submit as Exhibit 14 (a) the exact description, by metes and bounds, number of acres in premises, a plot plan showing the entire premises with all buildings presently on premises or proposed to be erected on said premises, information showing accessibility by highway, railroad and/or other means of public transportation, population within a 50 mile radius, and distances from principal cities, within said 50 mile radius. If applicant does not control the real property on which the race track is located by fee simple ownership, include the name and address of the fee simple owner or lessor of the real property. If the fee simple owner or lessor is a corporation, LLC, partnership or other business entity, also include a list of the officers, directors, managers, member or other persons with an interest in the fee simple owner or lessor.
- (b) Does the applicant have and maintain control of the personal property necessary to operate and maintain the race track, including equipment and have and maintain control over the entire operation?

Submit as Exhibit 14(b) a list describing all agreements relating to the operation and control of all equipment, personal property or other operational matters. This includes any agreement pertaining to operation of food, beverage, parking or other concessions, printing of programs or other materials, equipment leases, and subcontracting of services necessary to maintain and operate the race track. This also includes any financial interests, such as loans, and any agreement that, in the event of a default under such agreement, would have the consequence of creating a change in control of the race track.

15. Has applicant's entire premises been approved by local authorities in accordance with Section 13A of Chapter 128A of the General Laws?

Submit as Exhibit 15 a copy of the applicant's approval. If applicant's premises have not been approved in accordance with c.128A §13A, explain why such approval was not obtained.

16. Is the applicant delinquent in the filing of any report or the payment of any tax as required by Chapter 128A of the General Laws of the Commonwealth of Massachusetts or delinquent in the filing of any other report or the payment of any other tax required by the laws of the Commonwealth of Massachusetts?

Yes No

If the answer to the question is yes, submit as Exhibit 16 list of all delinquencies, the reason for such delinquencies and when all delinquencies will be cured.

17. Submit as Exhibit 17 a copy of all executed agreements with representative horsemen's organizations.

18. If license is granted applicant will carry: Check

Workmen's Compensation Insurance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Public Liability Insurance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Jockey Insurance	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Drivers' Insurance	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Submit as Exhibit 18 copies of all policies of insurance carried by applicant as well as a statement setting forth all other types of insurance carried for the protection of employees and patrons.

19. Submit as Exhibit 19 the following information:

- (a) Grandstand:
- (1) Seating capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
 - (2) Is Grandstand enclosed
 - (3) Is Grandstand heated
 - (4) Is any portion of Grandstand Air Conditioned
 - (5) Type of construction of Grandstand
 - (6) Ground area covered by the Grandstand
- (b) Club House
- (1) Seating Capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
 - (2) Is Club House enclosed
 - (3) Is Club House heated
 - (4) Is any portion of the Club House air conditioned
 - (5) Type of construction of Club House
 - (6) Ground area covered by the Club House
- (c) Bleachers
- (1) Seating Capacity
 - (2) Type of construction of Bleachers
 - (3) Ground area covered by the Bleachers
- (d) Parking Space:
- (1) Area
 - (2) Automobile capacity

- (3) Is parking area lighted
- (4) Is parking area treated - and if so how
- (5) Is parking area numbered
- (6) Is charge made for parking, if so how much
- (7) Are the parking area and walkways cleared of snow and ice

- (e) Number of pari-mutuel ticket windows provided:

Grandstand:	Selling:	Cashing:
Club House:	Selling:	Cashing:
Other Locations:	Selling:	Cashing:
- (f) Toilet facilities for patrons of each sex in Grandstand, Club House and/or other locations.
- (g) System of sewerage disposal. If not connected to main sewerage system give details of system used.
- (h) Number of outlets for fresh, pure drinking water for patrons in grandstand, clubhouse and/or other locations.

20. Submit as Exhibit **20** a detailed statement of security measures which will be employed for the protection of patrons, employees, occupational licensees and horses and the control of traffic within the premises and on roads leading to and from the said premises. This statement should include but not be confined to:

- (a) number of uniformed police officers to be on duty each day inside the track;
- (b) whether such police officers will be regular police officers or special officers;
- (c) number of uniformed police officers detailed to traffic within the premises and on roads leading to and from the premises before, during and after racing hours;
- (d) number of plain clothes officers or detectives assigned within the track proper;
- (e) system to be used for the detection and suppression of illegal gambling within the premises of the applicant;
- (f) system to be used in the detection and barring of pick-pockets, touts and other undesirable characters;
- (g) name of person who will be in charge of security within the track proper;
- (h) name of person who will have supervision of traffic control within the premises of the applicant and will act as liaison between the applicant and local police authorities in the control of traffic outside of the premises of the applicant;
- (i) name of police authority that has been consulted in setting up security measures within the track and the control of traffic within and outside of the premises of the applicant.

- (h) system used to protect money received by the track, including security systems protecting the cash room and measures taken to ensure that all wagering equipment is working properly and free from tampering.

21. Submit as Exhibit 21, a description of the following:

- (a) Size of Track
- (b) Number of Chutes
- (c) Number of Stables
- (d) Number of Stalls
- (e) Number of Tack Rooms
- (f) Number of Tack Rooms Heated
- (g) Number of Shower baths in stable area
- (h) Toilet facilities in stable area
- (i) Fire protection in stable area including:
 - Number of sprinklers
 - Number of fire alarm boxes
 - Other fire protective measures in stable area
- (j) a detailed statement of measures which will be employed in the policing of the stable area. This statement should include but not be confined to:
 - (1) Is stable area enclosed, if so, describe method of enclosure;
 - (2) Number of gates to enclosure, where located and method of control;
 - (3) system of passes to be issued to persons employed in stable area;
 - (4) method to be followed in allowing persons in and out of stable area;
 - (5) number of uniformed police officers to be assigned to the stable area indicating the number in daytime hours and nights;
 - (6) number of plain clothes officers or detectives to be assigned to the stable area, days and nights;
 - (7) name of person who will be in charge of policing in the stable area.
- (k) Recreation room
- (l) Track Kitchen, including seating capacity
- (m) Size of jockey or driver's room and equipment available including number of shower baths, toilets, hot-boxes, etc.
- (n) List of other accommodations, facilities or services in stable area.
- (o) List any other accommodations, facilities or services for the benefit of the patrons attending.

22. Submit as Exhibit 22 the trade name of any of the following equipment used at the track-date of purchase or the date of present contract or lease and expiration date of said contract:

- (a) Pari-Mutuel Equipment
- (b) Starting Gate
- (c) Photo Finish Camera

- (d) Film Patrol
- (e) Timing Devices
- (f) Inter-communication system
- (g) Public Address System
- (h) Closed Circuit Television System
- (i) Horse Shoe Board
- (j) Scales

23. Submit as Exhibit **23**

- (a) a copy of applicant's employee handbook;
- (b) a copy of all of applicant's policies and procedures regarding internal controls including but not limited to those policies that deal with the handling of money, or the placing of wagers both in person and via telephone or other methods;
- (c) a copy of applicant's audit committee and compliance committee charters as well as a list of the audit and compliance committee members and their relationship to the applicant;
- (d) any other policies that indicate that applicant meets general industry standards for business and financial practices, procedures, and controls.

24. Submit as Exhibit **24** a copy of the applicant's most recent audited financial statements, most recent audited or unaudited quarterly financial statement, an audited profit and loss statement for the applicant's most recent fiscal year, a statement showing the total gross receipts for the past five calendar years received by each concessionaire operating at the race track and the amount paid to the applicant. If the receipts to the applicant are based on other than the gross receipts, explain how the receipts are calculated. Also include a description of any interest held by the applicant or any officer, director, member, manager, majority shareholder or partner in any concessionaire.

25. Submit as Exhibit **25** a statement setting forth the reasons why the applicant believes that the dates applied for will be beneficial to the public, the Commonwealth and the applicant.

26. Submit as Exhibit **26** the following information:

- (a) Actual amount of purses paid in the last calendar year;
- (b) Estimated amount of purses to be paid in the next calendar year;
- (c) Actual handle generated by applicant on its live races in the last calendar year (all sources);
- (d) Direct employment numbers attributable to applicant in the last calendar year as evidenced by the number of people who received a Form W-2 and / or Form 1099 MISC and direct employment numbers of employees who are citizens of the Commonwealth;
- (e) Indirect employment numbers attributable to applicant in the last calendar year as evidenced by statements from sub-contract companies (such as

concession workers, security guards, tote personnel, etc.) as to employees assigned to applicant's facility;

- (f) Number of occupational licenses attributable to applicant in the last calendar year 2012;
 - (g) Amount of tax revenue and other revenues paid to the Commonwealth in the last calendar year including total Massachusetts income tax withheld from employees, Massachusetts sales taxes paid to the Commonwealth, Massachusetts corporate taxes actually paid or payable for the most recent fiscal year, and real estate taxes, as evidenced by appropriate source documents such as Forms W-2, M941, sales tax remittance forms, etc.;
 - (h) Total pari-mutuel revenue generated and paid to the Commonwealth in the last calendar year including state commissions, assessments, association license fees, occupational license fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the Massachusetts State Racing Commission and Massachusetts Gaming Commission.
27. Include as Exhibit **27** a master list of requested simulcast imports. A new form ("Licensee Request for Simulcast Import") MUST be completed for EACH signal and submitted to the Commission no later than November 29 of each calendar year. Approval letters from the host racetrack's regulatory authority and both representative horsemen's groups must be on file with MGC by the close of business on the day prior to the first day of import.
28. Include as Exhibit **28** a master list of requested simulcast export outlets with this application. Such list should identify all secondary, satellite, and/or guest sites serviced by the primary outlet. In addition, a new form ("Licensee Request for Simulcast Export") MUST be completed for each signal and submitted to the Commission, along with an approval letter from the applicant's representative horsemen's group, no later than 30 days before the first scheduled day of the live race meet.
29. Include as Exhibit **29** a request for authorization for a system of account wagering in accordance with 205 CMR 6.20: General Account Wagering. The request shall include information related to any planned, non-monetary, incentive programs and account security plans. If a service provider is used, include copies of any and all agreements between the service provider and the applicant regarding the services to be provided by the service provider to the applicant in respect to the applicant's account wagering operations
30. General Conditions
- (1) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.

- (2) By submitting this application, applicant agrees to indemnify, save and hold harmless the Commission from any and all liability arising from unsafe conditions at the applicant's premises and default in payment of purses.
- (3) Applicant shall provide the Commission with a certificate of liability insurance as required by the Commission.
- (4) Applicant shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Ch. 128A, 128C, and Commission rules.
- (5) Applicant and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Ch. 128A, 128C, and Commission rules and not otherwise.
- (6) Applicant and its managing officers shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with Ch. 128A, and Commission rules.

The applicant agrees, if a license is issued, to abide by and comply with the provisions of Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and any rules and regulations heretofore or hereafter promulgated by the Massachusetts Gaming Commission. The applicant agrees that that if a license is granted, it will become the duty of the applicant as long as the license shall remain in effect, to file with the Massachusetts Gaming Commission such reports as may be required by Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and such rules and regulations as it has adopted or may hereafter adopt, and to make such payments as may be required by law, and for failure so to do, the licensee shall incur the penalties set forth in Chapters 128A and 128C of the General Laws, or in such rules and regulations as said Massachusetts Gaming Commission has adopted or may hereafter adopt.

The applicant agrees to comply with all federal, state or local laws, rules, regulations or ordinances, now in effect or hereafter adopted applicable to applicant's activities allowed under a license granted by the Commission.

The applicant agrees that any construction on the premises covered by a license granted by the Commission shall be subject to the inspection of Commission and to that end further agrees that the Commission, its agents, representatives or employees, shall have access to the same during construction, and further agrees to so construct in strict accordance with such plans and specifications as may hereafter be approved by the Commission and to pay for the cost and expense incurred for the study and approval of the plans and specifications and inspection of the construction by said Massachusetts Gaming Commission. The applicant agrees that all buildings erected or to be erected on the premises here involved may be inspected by the Massachusetts Gaming Commission and their duly authorized agents, representatives or employees at any time, with or without prior notice to applicant.

Applicant agrees that all exhibits, statements, plans reports, papers, etc. submitted with the application are made a part hereof and are incorporated into this application as if set forth herein in full.

Applicant states under penalty of perjury that the answers provided in this application are true and correct. Applicant agrees that any license which may hereafter be granted is predicated upon statements and answers herein contained and that if the Commission determines that any information provided herein is false or misleading said license may be revoked.

Applicant:

By: _____

Date: _____

WITNESS: _____

WITNESS _____

ATTEST: _____
Secretary (Affix Corporate Seal)

AFFIDAVIT BY INDIVIDUAL APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon his oath deposes and says that:
The answers, statements and declarations made in the foregoing application are true.

Subscribed and sworn to before me this ____ day of _____

_____ Signature of Affiant

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY CORPORATE APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon his oath deposes and says that:

1. She/he is the _____ of the corporation named as the applicant and signed the foregoing application.
2. She/he was duly authorized by the Board of Directors of said corporation to sign said application in its name and in its behalf.
3. She/he has read and fully understands all of the questions pertaining to such applicant corporation and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____

Signature of Affiant

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY PARTNERSHIP APPLICANT

Commonwealth of Massachusetts, County of _____

_____, each being duly sworn say on
their respective oaths that:

1. They are the partners of the partnership named as the applicant in the foregoing application.
2. They have read and fully understand all of the questions pertaining to such applicant partnership and are authorized by all of said partners to make this affidavit.
3. That all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY LIMITED LIABILITY COMPANY APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon ___ oath deposes and says that:

1. ___ is the _____ of the Limited Liability Company named as the applicant and signed the foregoing application.
2. ___ was duly authorized to sign said application in its name and in its behalf.
3. ___ has read and fully understands all of the questions pertaining to such applicant and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this _____ day of _____.

Signature of Affiant

Signature of officer administering oath

Title of such officer

EXHIBITS