



**MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #224**

September 14, 2017
10:00 a.m.

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



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
September 14, 2017**

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, September 14, 2017
10:00 a.m.
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA**

PUBLIC MEETING - #224

1. Call to order
2. Approval of Minutes
 - a. August 10, 2017 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
 - b. Review Massachusetts Gaming Commission Mission and Values – T. Grossman, Deputy General Counsel – **VOTE**
 - c. Review Massachusetts Gaming Commission Enhanced Code of Ethics – C. Blue, General Counsel
4. Workforce, Supplier and Diversity Development – Jill Griffin, Director
 - a. Vendor Diversity Exemption Process – J. Delaney, Construction Project Oversight Manager
 - b. Update on Economic Development Fund strategies – Commissioner Stebbins
5. Racing Division – Alex Lightbown, Director and Chief Veterinarian
 - a. Suffolk Downs Racecourse – Request for Additional Purse Money from the Race Horse Development Fund – **VOTE**
 - b. Suffolk Downs and Plainridge Park Requests for Approval of Capital Improvement Funds - **VOTE**
6. Ombudsman – John Ziemba
 - a. Plainridge Park Casino Quarterly Report
 - b. Gaming Policy Advisory Committee Reappointments – **VOTE**
 - c. 2018 Mitigation Fund Applications Guidelines
 - d. Medford Request to Amend Community Mitigation Fund Grant Agreement - **VOTE**



Massachusetts Gaming Commission

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

7. Legal Division – Catherine Blue, General Counsel
 - a. Hearing Process Regulations Discussion
 - b. Analysis of Authority to Issue Fines Discussion
 - c. Final Drafts and Amended Small Business Impact Statements – **VOTES**
 - i. 205 CMR 141.00 (updates to surveillance regulations) – Stempeck/Band
 - ii. 205 CMR 143.02 (updates to wide area progressive regulations) – Stempeck/Band
 - iii. 205 CMR 115.01 (continuing duty of gaming licensees and qualifiers) – Grossman/Wells
 - iv. 205 CMR 134.04 (gaming vendor qualifier update) – Blue/Lillios
 - d. Approval to send Regulations to the Legislature – **VOTES**
 - i. 205 CMR 3.00 (Harness Horse Racing) – Blue/Lightbown
 - ii. 204 CMR 4.00 (Rules of Horse Racing) – Blue/Lightbown
 - e. Small Business Impact Statement – **VOTE**
 - i. 205 CMR 138.13 (Monthly Rewards Card) – Grossman/Bedrosian
8. Commissioner’s Updates
 - a. Update on Legislation Regarding Gaming Service Employees – Chairman Crosby
 - b. Racing Legislation Testimony – Chairman Crosby
9. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

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

9/11/17
DATE


Stephen P. Crosby, Chairman

Date Posted to Website: September 12, 2017 at 10:00 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: August 10, 2017– 10:00 a.m.

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

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

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

Call to Order

See transcript pages 2-3

[10:03 a.m.](#) Chairman Crosby called to order the 223rd Commission meeting. Chairman Crosby noted that there was a technical problem with the meeting video but it was resolved in a few minutes.

Approval of Minutes

See transcript pages 3-4

[10:05 a.m.](#) *Commissioner Macdonald moved for the approval of the Commission meeting minutes of June 28, 2017 and July 13, 2017, subject to corrections for typographical errors and other nonmaterial matters. Motion seconded by Commissioner Stebbins. Chairman Crosby noted that the acronym SRPEDD was spelled incorrectly at time entry 1:58 p.m. for the meeting held on June 28th. Motion passed unanimously.*

Research and Responsible Gaming

See transcript pages 5-74

[10:06 a.m.](#) Director Mark Vander Linden introduced Lindsey Tucker and Victor Ortiz from the Department of Public Health (“DPH”). He stated that they will provide an update on problem gambling services at DPH.

[10:09 a.m.](#) Lindsey Tucker, Associate Commissioner at DPH, provided an overview of DPH. She noted that they have about 3000 employees and they provide services from birth to death. She also provided an overview of their mission and vision which included three pillars that drive their work: data, social determinates of health, and disparities and health equity. She stated that with expanded gaming they want to think broadly and involve multiple stakeholders from a public health perspective.

[10:15 a.m.](#) Victor Ortiz, Director of the Office of Problem Gambling Services at DPH, provided an overview of the work that DPH does for problem gambling which included outpatient treatment services, statewide capacity building contracts, and work with the Massachusetts Council on Compulsive Gambling. He also provided an overview of their strategic plan which included the following: priority areas, continuum of services, and eco-system map. He also provided an overview of their initiatives which included: prevention for youth, parents and at-risk populations (men of color with a history of substance abuse); workforce development for community health workers, and workforce development for treatment providers. He stated that in FY18 they plan to advance these three initiatives in Regions A and B. He also introduced three new initiatives which included suicide prevention, program assessments, and a communication campaign.

[11:03 a.m.](#) Director Vander Linden and Program Manager Teresa Fiore provided an overview of Responsible Gaming Education Week that took place from July 31 through August 4th. Ms. Fiore spearheaded the activities in collaboration with the GameSense Advisors and Plainridge Park Casino (“PPC”). Ms. Fiore stated that the concept for Responsible Gaming Education Week was created in 1998 to promote responsible gaming to casino patrons and staff. She reported that this is the second year that the Commission supported Responsible Gaming Education Week. She stated that they developed communication strategies to promote the week, increase awareness of the GameSense program, and educate the public with tips. She provided an overview of the “Get to Know GameSense” campaign which included new digital signage at PPC with daily tips, fun activities at PPC, and social media. She stated that there were over 140 patron interactions and an in-house survey revealed high satisfaction rates with the GameSense experience. She stated that the communications campaign resulted in increases in online engagements. She concluded her presentation with a video, produced by Digital Communications Coordinator Mike Sangalang, that highlighted the weeks activities. [video shown].

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

11:20 a.m. The meeting resumed.

Racing Division

See transcript pages 74-87

[11:20 a.m.](#) Director Alexandra Lightbown reported that Suffolk Downs is requesting two additional racing days to their schedule (September 30th and October 1st) and purse money from the Race Horse Development Fund.

Bruce Barnett, Attorney for Suffolk Downs, stated that this request came together quickly. He also stated that they will have a number of horses to support the days and they will use the outs money for additional expenses.

[11:30 a.m.](#) *Commissioner Cameron moved that the Commission approve the request of Suffolk Downs for two additional days of racing, September 30th and October 1st. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Commissioner Cameron also moved that the Commission approve the additional \$800,000 from the Race Horse Development Fund for purses for these two days. Motion seconded by Commissioner Stebbins. Motion passed unanimously.

Ombudsman

See transcript pages 88-159

[11:33 a.m.](#) Ombudsman John Ziemba reported that Wynn Boston Harbor and MGM Springfield will present on their quarterly reports for the second quarter of this year ending on June 30th.

Robert DeSalvio, President of Wynn Boston Harbor, reported that significant progress has been made on the site. He invited the Commissioners and their staff for a site tour in October. Chairman Crosby suggested hosting a Commission meeting in Everett in October.

Jacqui Krum, Senior Vice President and General Counsel of Wynn Resorts Development, presented an update on permitting which included off-site infrastructure improvements and sediment remediation.

Peter Campot, Director of Construction for Wynn Design and Development, provided an update on construction which included an overview of progress in the following areas: concrete, steel structure, design team, podium, convention area, living shore line, and utilities. He also went over photographs of the construction site which included the tower, retaining walls, foundation, and marine bulkhead. Mr. Campot also provided an overview of the project schedule. He reported that they are on schedule and they are hitting all the milestones. He also reported that there is a daily average of about 700 workers on the site.

Ms. Krum provide an update on off-site infrastructure improvements which included Wellington Circle, Sullivan Square, Cambridge Street, Santilli Circle, Sweetser Circle, and Lower Broadway. She also reported that bid packages have gone out.

[11:51 a.m.](#) Mr. DeSalvio provided a diversity update which included statistics for MBE, WBE, and VBE contract awards for design, construction, and construction workforce. He reported that they exceeded their goals. He also highlighted some of their numerous events and outreach activities. He noted that there was a good response to the event they held for Suffolk Downs employees.

[12:01 p.m.](#) Ombudsman Ziemba stated that MGM Springfield will present on their quarterly report, their 10-Q filing, and an update on the residential units. He also noted that MGM Springfield is one year out from their opening date and he suggested that the Commission schedule a status update in September on this issue.

[12:06 p.m.](#) Seth Stratton, Vice President and Legal Counsel for MGM Springfield, provided an update on the residential housing program. He stated that they amended the host community agreement to extend the time line for the residential unit development.

He stated that the development of the residential units will be pushed out to 18 months post-opening of the casino to allow the City of Springfield to pursue development of 31 Elm. He stated that everyone agrees that this will be transformative for the City. He also noted that this was supported by the City Council and various stakeholders.

[12:10 p.m.](#) Brian Packer, Vice President of Construction and Development for MGM, provided a construction update which included a slide summary of progress in the following areas: overall site progress, garage, armory, convention deck, plaza, roof work, hotel, podium, and 73 State Street façade. Mr. Packer also provided a design and schedule update.

[12:27 p.m.](#) Courtney Wenleder, the Vice President and CFO of MGM Springfield, provided a budget update which included spend to date in project costs and an increase in pre-opening costs and capitalized interest. She reported on the second quarter 10-Q which represents a \$95 million increase to the budget since the last filing. She also reported that they will come back to the Commission in September with a revised budget reflecting the project increase.

Brian Packer provided an update on diversity and he reported that they exceeded their goals for design and construction commitments, design and consulting commitments, construction commitments, and workforce diversity.

Alex Dixon, General Manager for MGM Springfield, reported that they are building their executive team and the gaming school. He also noted that they took over the responsibilities of the MassMutual Center and they look forward to bringing great entertainment to Springfield.

12:45 p.m. The Commission took a recess for lunch.

1:18 p.m. The meeting resumed.

Workforce, Supplier and Diversity Development

See transcript pages 160-213

[1:18 p.m.](#) Director Jill Griffin stated that she is pleased to see that our licensees are doing so well on their diversity goals. She stated that Bill McAvoy will provide an update on the certification program for Veteran-owned businesses and he will ask the Commission to consider relying solely on the Commonwealth's Veteran certification system. She also provided a background on the Commission's diversity certification for Veteran-owned businesses.

[1:24 p.m.](#) Bill McAvoy, General Counsel for the Operational Services Division and Executive Director of the Supplier Diversity Office, requested that the Commission consider accepting the Supplier Diversity Office's definition and certification for Veteran Business Enterprises in the operational phase of the casinos. He stated that they have streamlined their application and upgraded the online application process. He stated that they look at the following four components in their certification process: 51 percent ownership, operational and financial control, independence, and ongoing review. He proposed that the Commission promulgate changes to their regulations to rely on the Supplier Diversity Office for certification of Veteran Business Enterprises. Director Griffin stated that no vote is required by the Commission

today but she will be back before the Commission with a proposed regulation revision. General Counsel McAvoy and the Commissioners discussed the application process and Chairman Crosby offered suggestions.

[2:00 p.m.](#) Director Jill Griffin provided an update on the Portuguese Business Enterprise matter and reminded the Commission of a policy change that impacted the results of our licensee's diversity goals. She stated that our licensees can no longer consider Portuguese Business Enterprises as a minority business. She noted that \$8.8 million in commitments can no longer be counted by MGM and \$118 million cannot be counted by Wynn.

[2:02 p.m.](#) General Counsel McAvoy stated that he is limited in what he can say about this topic because there is pending litigation. He stated that a court order, issued in April 2016, required that the Supplier Diversity Office remove businesses owned by individuals of Portuguese origin from the definition of minority business enterprises. Executive Director Edward Bedrosian, Jr. stated that a preliminary injunction was issued and a final determination has not been made. Director Griffin stated that we will recommend to our licensees that they continue to collect Portuguese data as a separate footnote in their reports and not include the Portuguese data in their minority business enterprise data. She also stated that we will continue to monitor developments in this matter.

Investigations and Enforcement Bureau ("IEB")

See transcript pages 213-242

[2:10 p.m.](#) Loretta Lillios, Deputy Director/Chief Enforcement Counsel of the IEB, presented on the results of an MGM qualifier suitability investigation for John Forelli. Mr. Forelli is the Regional Vice President of Information Technology at MGM Resorts Regional Operations. She provided a summary of his professional and educational background. She stated that investigators conducted a background review and he has demonstrated suitability. She stated that the IEB recommends that the Commission find him suitable as a qualifier for MGM Springfield.

Commissioner Cameron moved that the Commission find Mr. Forelli suitable for licensure. Motion seconded by Commissioner Macdonald. Motion passed unanimously.

[2:14 p.m.](#) Todd Grossman, Deputy General Counsel, presented on the suitability requirements for outside directors of our gaming entities. He noted that concern was expressed regarding challenges finding directors due to the suitability process. He provided a legal review of this issue. Commissioner Cameron summarized that we do not have the ability to exempt directors from this process but we do have the ability to streamline or limit the process. Deputy General Counsel Grossman provided an overview of options including reciprocity. Commissioner Zuniga inquired about criminal background disclosures. Deputy General Counsel Grossman explained that certain legal proceedings, such as criminal conduct, have to be disclosed. Deputy Director Lillios stated that to date, all directors have submitted to this process and this is not a resource burden for the IEB. She stated that the IEB does not object to looking at different standards for directors, they would just ask that they keep the existing standard background categories. Commissioner Macdonald inquired why the Commission was spending time on this matter if the IEB has stated that this isn't

a resource burden and if directors would expect this level of background investigation. Commissioner Zuniga suggested streamlining the process and using information that is available. Commissioner Stebbins inquired about how much of the investigation drew on information that is shared with the SEC. Deputy Director Lillios stated that she hadn't done a side-by-side comparison. Commissioner Cameron stated that she believes that directors filling out this information have it readily available because they have been through this scrutiny in other jurisdictions. Chairman Crosby noted that this issue was initially raised by the CEO of Penn National. He stated that he would like the Commission to be at the forefront of best practices and if we contribute to the rethinking of the multi-jurisdictional form, that would be a good thing. Deputy Director Lillios stated that they are always looking for efficiencies in the way they conduct their background investigations. Commissioner Zuniga summarized that we are not going to change the form, we are still required to do some kind of investigation, and we will continue to look for efficiencies. Commissioner Macdonald stated that he is comfortable with the current practices and Commissioner Cameron agreed with him.

Bruce Band introduced a new staff member – Bill Pangoris. Bill will serve as the Compliance Manager for the IEB. He stated that Bill comes to the Commission with 30 years of accounting experience.

Legal Division

See transcript pages 242-244

[2:42 p.m.](#) General Counsel Catherine Blue presented on the final draft and amended small business impact statement for amendments to 205 CMR 134. She reported that the amendments take the administrative closure period from 30 days to 21 days. She also reported that the amendments make it easier for the applicant to refile because it removes the 30-day waiting period. She stated that a public hearing was held on these amendments and we are ready for final promulgation.

Commissioner Stebbins moved that the Commission approve the amended small business impact statement for 205 CMR 134 as provided in the packet and requested that staff take the final draft and [amended] small business impact statement through the final steps of promulgation. Motion seconded by Commissioner Cameron. Motion passed unanimously.

Administrative Update

See transcript pages 244-260

[2:44 p.m.](#) Executive Director Bedrosian reported that the new Compliance Manager, Bill Pangoris, has a lot of expertise in the casino industry and he looks forward to working with him.

Deputy General Counsel Grossman presented on revisions to the Commission's core values and mission statement. He noted that input was received from the Commissioners. The Commissioners discussed possible changes. Executive Director Bedrosian stated that they will make the suggested changes and bring it back to the Commission.

[2:53 p.m.](#) Executive Director Bedrosian reported on the monthly reward card statements. He stated that pursuant to Chapter 23K Section 29, a monthly reward card statement needs to be sent to patrons. He stated that we mistakenly informed our licensees that this was an opt in option for patrons. He stated that we have since determined that this is an opt out option for patrons. He stated that we have discussed this matter with our licensees and he asked Deputy General Counsel Grossman to work on adding clarity to our regulations. The Commissioners and staff discussed statement mailing methods – physical mail and email.

[2:59 p.m.](#) *Commissioner Stebbins moved that the Commission approve the proposed 205 CMR 138.13 monthly rewards and card statements and requested that staff begin the formal promulgation process. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

Executive Director Bedrosian expressed birthday wishes to Commissioner Cameron.

Commissioner's Updates

See transcript 260-267

[3:01 p.m.](#) Commissioner Macdonald reported that he will be attending the grand opening of the casino management program at Bristol Community College in Taunton. Commissioner Cameron stated that she attended the groundbreaking ceremony for the new Plainville town hall and public safety building. She noted that money is coming in from the Host Community Agreement and that a number of local officials and residents attended the event. Commissioner Stebbins reported that he went to the Spirit of Massachusetts horse racing event held at Plainridge Park. He stated that it was an exciting day and the event was well attended. Commissioner Zuniga stated that he attended the annual conference of the National Council on Problem Gambling in Portland. He noted that Massachusetts is recognized as a leader in this area. He also noted that Mark Vander Linden had a great plenary session that was attended by over 500 people. Chairman Crosby reported that we are moving towards a regional (New England) voluntary self-exclusion list and a standardized form has been drafted. He also reported that New York and Pennsylvania requested to join the regional group.

Other Business Not Reasonably Anticipated

See transcript page 267

[3:08 p.m.](#) *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated August 10, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes, June 28, 2017
3. Massachusetts Gaming Commission, Draft Meeting Minutes, July 13, 2017
4. Massachusetts Department of Public Health, Problem Gambling and Public Health: A Year in Review, dated August 10, 2017

5. Massachusetts Gaming Commission, GameSense Press Release, Responsible Gaming Education Week
6. Massachusetts Gaming Commission, Memorandum from Director of Racing Alexandra Lightbown to the Commission, dated August 7, 2017, regarding Suffolk Downs Additional Race Days Request, with attachment
7. Wynn Boston Harbor Quarterly Report dated August 10, 2017
8. MGM Springfield Quarterly Report dated August 10, 2017
9. Massachusetts Gaming Commission, Request for Veteran's Business Enterprise Form
10. Operational Services Division, Supplier Diversity Division, Veteran business documents
11. Final Draft and Amended Small Business Impact Statement for 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations
12. Massachusetts Gaming Commission, Core Values and Mission Statement
13. Draft Amendments to 205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls

/s/ Catherine Blue

Catherine Blue, Assistant Secretary

DRAFT

No Documents

Core Values

The Commissioners and all employees of the Massachusetts Gaming Commission are committed to public service and to a set of core values that will underpin and guide our work:

We value an unyielding commitment to a participatory, transparent and fair process for the licensing regulation of expanded gaming and horse racing in Massachusetts.

We value an environment with a free-flowing and open exchange of ideas in which all are encouraged to question and participate, with the understanding that all will use their best efforts to implement the resulting decisions.

We value an uncompromising commitment to the integrity of the licensing and regulatory process, and strict adherence to the letter and spirit of our Enhanced Code of Ethics, with which incorporates a thoughtful balance between the need for rigorous regulation and enforcement, and the burden effort and cost required to achieve of compliance.

We value strict adherence to the letter and spirit of our Enhanced Code of Ethics and the Conflict of Interest law.

We value a diverse workforce and supplier base, and an inclusive culture internally and among our partners in the Massachusetts Gaming Industry.

We value a deep commitment to customer service that assures a respectful and professional experience for all with whom we come in contact, no matter their point of entry or point of view.

Mission Statement

The mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011.

~~In creating that process,~~ The Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation expanded gaming, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

PROPOSED AMENDMENTS TO THE ENHANCED CODE OF ETHICS (2017)

Section		
3 (13, 14, 15)	The Code is made applicable to consultants in a number of areas. (e.g.- the prohibition on placing wagers and staying overnight at MA gaming establishment applies to consultants.) These provisions were included in the ECE originally with, largely, gaming consultants in mind. Now, the Commission retains a wide variety of consultants not directly related to gaming.	The State Conflict of Interest Law generally applies to consultants. Given that protection, there may be some areas of the Code for which the applicability to consultants could be reconsidered (e.g.- overnight stays in guest rooms, placing wagers in MA gaming establishments) while others (e.g.- prohibition on accepting gifts) be left in place. Further, the ECE definition of ‘consultants’ provides that “With respect to service contracts with firms or entities, the Commission shall determine which persons within that firm or entity are consultants for purposes of this Code.” Wider use can be made of this mechanism to focus the scope as well.
5C via A	Commissioners and employees are required to be provided with a copy of all ethics materials within 14 days of employment.	Clarify that materials need only be provided in hand upon initial employment as they are now all posted on the intranet.
5B & 6	Each Commissioner and employee is required to complete the SEC online COI training on an annual basis; state law mandates completion for all state employees every 2 years.	Continue to mandate annual ethics training by OGC but relax online training requirement to every 2 years.
6	Certification of completion of ethics requirements presently required to be filed with ED	Change to filing with HR with a non-compliance report to ED
6B	Receipt indicating filing of SFI with SEC to be filed with ED	Delete this requirement as SFI process is now fully automated including indication of individual filing status.
7, 8, et. al.	The terms ‘license’ and ‘licensee’ refer generally to all licenses issued under c.23K or c.128A or 128C. This is based on statutory language referencing a person “licensed under this chapter”, or “holds a license under this chapter”, or “person licensed by the commission”	Review whether the term ‘under this chapter’ <i>et. al.</i> was intended to encompass all licensees such as qualifiers, vendors, and horse trainers, or just gaming licensees. It may be necessary, based on statutory use of different terminology, to address each instance the term is used in the ECE individually.
7	The ECE defines “employee” in pertinent part to mean “a person who is hired by the Commission to perform services whether serving with or without compensation, on a full, regular, part-time, or intermittent basis, but shall not include consultants”	Consider adding language clarifying that for ECE purposes the term excludes an individual who is designated a ‘special state employee’ by virtue of their service on an advisory board or committee. (The state COI law would still apply to those individuals.)

PROPOSED AMENDMENTS TO THE ENHANCED CODE OF ETHICS (2017)

7	<p>ABCC employees and State Police troopers are included in the ECE definition of ‘Employee’. They were appropriately included pursuant to the applicable statutory authority subjecting them to the ECE. However, the ECE definition also provides, “[p]rovided, in addition to its use in this Code, this definition shall apply to use of the term employee in G.L. c.23K.” The practical effect of this is that the cooling off period containing in G.L. c.23K §3, for example, is made applicable to these groups in addition to the general Commission staff and Commissioners.</p>	<p>Review to determine whether this was the intended result. Otherwise, modify the definition to clarify the applicability of G.L. c.23K to the ABCC and State Police employees.</p>
7	<p>The term ‘immediate family’ mirrors that found in c.268A.</p>	<p>The term is only used in the ECE on one occasion. That provision, based on the statute, prohibits immediate family members of employees in major policy making positions from owning, or being in the employ of, or owning stock in, any business which is a current applicant or holds a license. In order to improve the application and enforcement of the provision, consider clarifying the term to include only those members who live in the same household as, are a minor child of, or are someone who has an active relationship with the employee in the MPP.</p>
8	<p>Per the ‘immediate family’ entry above, employees in MPP must disclose prior to employment and on an annual basis that their immediate family members do not own, are not in the employ of, and do not own stock in, any business which is a current applicant or holds a license.</p>	<p>Consider adding language into this section that clarifies the level of diligence expected for inquiry of immediate family members (e.g. - reasonable inquiry, written correspondence, oral confirmation, etc.).</p>
9C	<p>Commissioners, employees, and consultants must disqualify and recuse themselves, and abstain from participating or voting in any proceeding in which their “impartiality may reasonably be questioned.”</p>	<p>Consider adding language clarifying that by making a public disclosure of the facts one’s impartiality can no longer be reasonably questioned if prior approval is received from the Executive Director. In order to make such a disclosure, one must file a “Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268a, § 23(B)(3)” form with the Executive Director. (This would exclude actual financial conflicts as described in 9A). The ED could seek the approval of the chair.</p>
11A	<p>Commissioners and employees are prohibited from accepting any gifts from “an entity regulated by, or subject to the regulation of,</p>	<p>Confirm that a gift offered by an entity that is <u>not</u> subject to the Commission’s regulation is allowable subject to the general COI</p>

PROPOSED AMENDMENTS TO THE ENHANCED CODE OF ETHICS (2017)

	the Commission.” The state COI law prohibits receipt of gifts of substantial value (\$50) by a state employee for or because of their position.	law; in the alternative, prohibit receipt of gifts altogether.
11B(1)	An exception to the no gift rule allows for acceptance of food or refreshment of nominal value from a regulated entity where the employee is an invitee, and that the item “is available to all members of the general public”	Consider modifying this by deleting the quoted language such that an employee could accept a cup of coffee or bottle of water at a meeting with a licensee. If so, consider defining ‘nominal value’ to limit the scope.
13	Establishes a prohibition from staying overnight in a hotel in Massachusetts owned or operated by a licensed entity.	Consider extending prohibition to those outside Massachusetts.
13	“No Commissioner, employee, or consultant shall stay overnight in a guest room at any hotel, in Massachusetts, owned or operated by a person or entity licensed by the Commission or an Indian tribe with a gaming establishment in Massachusetts, <u>except in the course of their official duties and with the prior approval of the Commission or the Executive Director. Complimentary provision of such rooms to any Commissioner, employee, or consultant is prohibited and any approved use shall be at established governmental rates pre-approved by the Commission.</u> The Executive Director shall maintain and make accessible a list of all such prohibited facilities.”	Consider clarification allowing for stays by Commission staff during the pre-opening inspections of the gaming establishments and by gaming agents in the event of hazardous weather conditions.
15A	This provision establishes a general prohibition from engaging in any activity at/purchasing any item from a gaming establishment in Massachusetts outside the course of official duties. An exemption is carved out for family and social gatherings under certain circumstances.	A. Clarify that Commission employees on duty at the gaming establishment may purchase food or drink provided that they are mindful of appearance and unwarranted privilege issues. B. Consider prohibiting employees from being present at a gaming establishment altogether unless in the course of official duties.
15E	Provides that a Commissioner or employee may participate in any civic or charitable activities, not including bazaars governed by G.L. c.271, §7A, that do not interfere with his or her independence of judgment.	Consider removing the prohibition on attending bazaars (casino night).
22	Describes prohibited communications by Commissioners.	Review these provisions to ensure they address current concerns as these were drafted with the casino licensing process in mind.
25	Post-employment restrictions were left to the statutory language	Consider adding new language prohibiting Commissioners and

PROPOSED AMENDMENTS TO THE ENHANCED CODE OF ETHICS (2017)

and not incorporated into the ECE.

employees from being employed by subsidiaries of parents of gaming licensees as well.

DRAFT

Chapter 23 K

Section 21 (a). The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:

(21) formulate for commission approval and abide by an affirmative marketing program by which the gaming licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment; provided, however, that the specific goals for the utilization of such minority business enterprises, women business enterprises and veteran business enterprises shall be based on the availability of such minority business enterprises, women business enterprises and veteran business enterprises engaged in the type of work to be contracted by the gaming licensee;



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

FROM: Jill Lacey Griffin, Director Workforce, Supplier & Diversity Development
Joe Delaney, Construction Project Oversight Manager

CC: Ed Bedrosian, Executive Director; Catherine Blue, General Counsel

RE: Diversity Exemption Policy for Equipment Purchases and Contractors

DATE: September 14, 2017

Background

Diversity goals are applied to most public construction projects in the Commonwealth. While not utilizing public funds, the Expanded Gaming Act required that Casino developers set diversity goals for the utilization of Minority, Women and Veteran Business Enterprise (M/W/VBE) for casino construction in Massachusetts. Each of the licensees has developed a diversity plan that establishes project diversity goals and outlines the efforts that will be taken to meet these goals. These plans were reviewed and approved by the Massachusetts Gaming Commission (MGC).

In alignment with current practices for other Commonwealth agencies, there are certain expense categories that are excluded from the definition of discretionary budgets from which the diversity benchmarks are applied. Additionally, these agencies have policies and procedures to provide exemptions to the diversity requirements. For example, the Commonwealth's Supplier Diversity Office grants waivers from MBE and WBE goals to cities and towns performing public construction. It is standard industry practice to provide some type of mechanism to exempt from definition of qualified spend or modify the overall diversity goals. In fact, each of the licensees understood this and included in their diversity plans a method for exempting certain equipment purchases or contractors from the diversity requirements. The methods between the licensees do not exactly align, so it is the intention of this policy to establish a consistent method to track and approve or deny exemptions from diversity goals.

MGC staff is recommending that the Commission establish a formal diversity exemption policy for equipment purchases and contractors. This policy will remove from the



Massachusetts Gaming Commission

budget calculations those items or contractors in such categories that diversity is not possible. The new policy will accomplish two things: first, it will establish a consistent submission and review standard for each of our licensees, and second, it provides a system to help ensure that MGC is providing sufficient oversight of our licensees during the construction process.

It is not the intention of MGC staff to liberally approve requests for exemptions from the qualified diversity spend. Each request to MGC would be subject to a rigorous review and independent verification by MGC staff.

Exemption Categories

1. Equipment Purchases

In large scale construction projects, there are typically a number of items that are purchased directly by the owner for later installation by a contractor. These types of equipment are usually long lead items for which there are only a few manufacturers. For the most part, these are very large, expensive pieces of equipment, although there are some smaller pieces of equipment that would also meet this definition. Due to the limited number of manufacturers and the fact that the owner is purchasing these items directly from the manufacturer, there is often no opportunity to hire a diverse firm to provide this equipment. These items can include elevators, escalators, generators, and air handling equipment.

2. Contractors

In bidding projects with diversity requirements, there can be circumstances where there is a lack of diverse firms for various trades. This lack of diversity may be due to the trade being very specialized, there is a lack of diversity in a specific geographic region, or there are not sufficient diverse firms that are ready, willing and able to perform the work.

Exemptions

There are numerous federal and state construction programs that require the use of minority, women, veteran or disadvantaged businesses. In virtually all of these programs, there is some mechanism to provide an exemption from the diversity goals.



Massachusetts Gaming Commission

For purchases of equipment, the exemption process is typically fairly simple. The entity applying for the exemption needs to demonstrate that there are no diverse manufacturers or suppliers of the equipment, or that any diverse manufacturers or suppliers are either unwilling or unable to supply the necessary equipment. For example, elevators are only manufactured by a handful of companies, none of which is certified as a diverse firm. In this case, providing the necessary documentation is relatively easy.

For exemptions to contractors on a particular bid, the documentation threshold is higher. The entity applying for the exemption needs to demonstrate the good faith efforts used to identify and contract with diverse firms and document the reasons why a diverse firm was not able to be used. This can create difficulty because even if there are no certified firms that perform the particular trade, there may be subcontractors that could perform a portion of the work, or provide supplies to the prime contractor. There needs to be significant justification to grant an exemption to a contracting goal.

Recommendation

Staff recommends that two exemption policies be enacted: one for equipment purchases and one for contracting as outlined below.



Massachusetts Gaming Commission

Diversity Exemption Policy for Equipment Purchases

In order to exempt direct equipment purchases, the licensee shall submit a written request to the MGC Director of Workforce, Supplier and Diversity Development requesting a diversity exemption. The following documentation must be submitted by the licensee to document the efforts used to identify and contract with diverse firms in the purchase of this equipment:

1. The name of the item(s) to be exempted;
2. The estimated cost of the item(s), or actual bid price if available;
3. A list of all the manufacturers that make the type of equipment;
4. Verification that those manufacturers do not meet any of the diversity requirements;
5. A demonstration of the good faith efforts used to identify diverse suppliers of the equipment such as: searches of certification databases, advertisements, phone call logs, etc.; and
6. If any certified firms are identified, why they were not selected for use on the project.

Once MGC receives all required information and documentation, MGC staff shall review the request and a decision from the MGC Executive Director shall be made in writing whether the exemption is granted and shall provide that determination to the licensee. If the exemption request is denied, the facts upon which a denial is based will be set forth in writing.



Massachusetts Gaming Commission

Diversity Exemption Policy for Contractors

Licensees shall make every possible effort to meet the Minority/Women/Veteran Business Enterprise (M/W/VBE) goals established for the project. In the course of major construction, there can be instances where diverse firms are either unavailable or unwilling to perform work on certain trades within the project. Should these instances arise, the licensee may request to exclude that particular trade from the overall M/W/VBE calculation. If a licensee wishes to pursue an exemption for a particular contractor, the licensee shall submit a written request to the MGC Director of Workforce, Supplier and Diversity Development requesting a diversity exemption.

The request shall include detailed information as specified below to establish that the licensee has made a good faith effort to comply with the M/W/VBE goals established for the project. The request shall include the following:

A detailed record of the effort made to contact and negotiate with certified M/W/VBE firms including, but not limited to:

1. names, dates, addresses and telephone numbers of all such companies contacted;
2. copies of written notices(s) which were sent to certified M/W/VBE potential subcontractors, prior to bid opening;
3. a detailed statement as to why each subcontractor contacted was not willing to do the job or was not qualified to perform the work as solicited;
4. in the case(s) where a negotiated price could not be reached, the bidder should detail what efforts were made to reach an agreement on a competitive price; and
5. Copies of correspondences to trade associations regarding the bid.

MGC may require the licensee to produce such additional information as it deems appropriate. Once MGC receives all required information and documentation, MGC staff shall review the request and a decision from the MGC Executive Director shall be made in writing whether the exemption is granted and shall provide that determination to the licensee. If the exemption request is denied, the facts upon which a denial is based will be set forth in writing.



Massachusetts Gaming Commission



OPERATIONAL SERVICES DIVISION
SUPPLIER DIVERSITY OFFICE

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Register to fill out a SDO application online

Directory

- Search the Directory
- Download the Directory
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Search Results

Search Criteria:

Business Type: All
 Certifications: All
Company Keyword: escalator
 Industry Category: All
 City or Town: All
 Region Number: All
 Zip Code: n/a

No M/WBE Escalator companies were found in the SDO's directory.

There were no records found that match your search criteria. To submit a new search, use the Back button or [click here](#).

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Previous

Next



OPERATIONAL SERVICES DIVISION

The Pre-Certification Session was very informative and, I might add, impressive. The OSD/SDO session really puts Massachusetts in a leadership position in the areas of commitment to diversity and making state government truly user-friendly.

David A. Bamat
 Managing Director
 Jackson Securities



Bid Coverage Report

Wynn Boston Harbor

Bid Package: 14200 **Bid Due Date:** 02/19/16 02:00 PM **Pre Bid Meeting Date:** TBD

14200 - Elevators

Status	Notifications Sent	First	Last	#	MBE	WBE	DBE	Company	Contact	Work	Email	Address
No Bid				0				Draper Elevator Cab Co Inc	Giblin, Diane	781-961-3146	diane.giblin@draperelevator.com	260 Centre Street Holbrook, MA 02343
No Bid		01/20/16	01/20/16	1				Kone , Inc.	Juenemann, Casey	781-828-6355	casey.juenemann@kone.com	1 New Boston Drive Canton, MA 02375
Bidding		01/20/16	01/20/16	1				Otis Elevator	Venza, Jim	781-433-7750	james.venza@otis.com	61 Fourth Ave Needham, MA 02494
No Bid		01/20/16	01/20/16	1				Schindler Elevator Corp	Colonies, David	508-660-0760	david.colonies@us.schindler.com	23 Walpole Park South Drive Walpole, MA 02081
Bidding		01/20/16	01/20/16	1				ThyssenKrupp Elevator	Inglese, Peter	781-407-3330	peter.inglese@thyssenkrupp.com	31 Dartmouth St Westwood, MA 02090
No Bid				0				United Elevator	Christine, Christine	781-740-2440	christine@unitedelevatorcorp.com	150 Recreation Park, suite 8 Hingham, MA 02043

14300 - Escalators & Moving Walks

Status	Notifications Sent	First	Last	#	MBE	WBE	DBE	Company	Contact	Work	Email	Address
No Bid		01/20/16	01/20/16	1				Kone , Inc.	Juenemann, Casey	781-828-6355	casey.juenemann@kone.com	1 New Boston Drive Canton, MA 02375
Bidding		01/20/16	01/20/16	1				Mitsubishi Electric US, Inc.	Oliver, Michael	7142296504	michael.oliver@meus.me.com	5900-A Katella Avenue Cypress, CA 90630
Bidding		01/20/16	01/20/16	1				Otis Elevator	Venza, Jim	781-433-7750	james.venza@otis.com	61 Fourth Ave Needham, MA 02494

PROPOSAL FORM

Subcontractor agrees to enter into a Subcontract and furnish the work in accordance with the terms and conditions of the following documents:

1. Exhibit B – Scope of Work dated 5/30/16
2. Suffolk Subcontract Agreement. **Note:** By signing this document the Subcontractor acknowledges they have reviewed and accepted the Terms and Conditions of the Suffolk Subcontract Agreement.
3. All other documents listed in the Exhibit B – Scope of Work

This proposal will be valid if accepted within sixty (60) days of the bid submittal date (below).

Mitsubishi Electric US, Inc. Elevator/Escalators

Company Name: _____
Company Address: 5900 A Katella Avenue, Cypress, CA 90630
Office Telephone/ Ext: 714-229-6504
Contact Person's Name: Michael Oliver
Contact Person's Title: National Sales Director
Contact Person's Email: michael.oliver@meus.mea.com
Contact Person's Cell: 14-981-7435
Officer's Signature: _____
Date: 6/3/16

PRICE:

1. Base Bid for work described in this Exhibit B excluding insurance (as defined in OCIP):

\$ 5,663,000.

BASE BID BREAKDOWN

\$100,000 discount offered if both escalator packages are combined.

Provide a breakdown of your base bid into the following categories. Values stated below are for accounting purposes and tracking historical costs and shall include all materials, labor, equipment, taxes, overhead, and profit.

1. Engineering	\$ 750,000	
2. Materials	\$ included in below	
3. Fabrication	\$ 3,250,000	
4. Mock-ups (complete)	\$ n/a	
5. Erection/Installation	\$ 1,663,000	
6. Miscellaneous	\$	
7. Grand Total Base Bid	\$ 5,663,000.	(must match Base Bid)

Subcontractor's Initials _____

SCCI's Initials _____

LABOR HOURS:

1. Provide the total estimated on-site labor hours. Man hours 8,400

DIVERSITY STRATEGY

1. This subcontractor intends to meet the Subcontractor diversity requirements by soliciting and engaging certain percentage value of the work to Subcontractors who are considered “Disadvantaged” – WBE, MBE and Veteran Owned Businesses. Please prepare and submit the “Commitment Strategy Form” found on the SCCI PDM site with your bid. The Subcontractor commits to dollar values as listed below:

none WBE
none MBE
none Veteran Owned Business

2. This subcontractor intends to meet the workforce diversity requirements by employing a diverse workforce that includes minorities, women and Veterans of the U.S. Armed Forces. This subcontractor anticipates an onsite workforce of n/a workers total with the following breakdown:

0 Women
0 Minorities
0 Veterans
0 Others
0 Total

ALTERNATE PRICES

At Suffolk Construction’s option, the following work may be added or deleted from Subcontract scope for the prices herein. All prices include all applicable permits, taxes, overhead, and profit and are to be as described in Article 13.4 of the Exhibit B.

1. Add to Performance and Payment Bond. Add \$ 27,600

BREAKOUT VALUES

Provide breakout values for the following work included in the Base Bid. Values stated below shall include all materials, labor, equipment, taxes, overhead, and profit. Note: the breakout values 1 and 2 are approximate breakouts of the total bid

1. Crane Use \$ n/a

Crane Use

This subcontractor has included rental of crane at the rate indicated in the exhibit for the panels that are too large to erect below the 5th floor of the hotel and at above the roof. Contractor has included 0 crane days.

VOLUNTARY ALTERNATES

Provide any voluntary cost savings that you determine are consistent with the design intent. Values stated below may be added or deleted from Subcontract scope for the prices herein. All prices include all applicable permits, taxes, overhead, and profit.

- 1. Voluntary Alternate #1: na
- 2. Voluntary Alternate #2: _____
- 3. Voluntary Alternate #3: _____
- 4. Voluntary Alternate #4: _____
- 5. Voluntary Alternate #5: _____
- 6. Voluntary Alternate #6: _____

LABOR RATES

Submit Hourly Wage Rates for all trade classifications as an attachment to this Proposal Form. Hourly Wage Rates will be subject to Owner review/approval.

SCHEDULE

- 1. This Subcontractor shall submit a Schedule outlining the overall durations for this Subcontractor's overall Work Schedule in accordance with the durations indicated in the Exhibit.

Procurement

- a. Prepare & Submit Procurement Schedule (From LOI/NTP Issuance). 4 Weeks
- b. Prepare & Submit All Submittals / Shop Drawings (From LOI/NTP Issuance). 8-10 Weeks
- c. Procure All Long Lead Time Items to Project Site (From Submittal Approval) 52 Weeks

Installation

- d. Define Key Interim Durations as Needed 38 Weeks
- e. All Work Complete (From LOI/NTP Issuance) TBD Weeks (need to add architect approval time)

END OF PROPOSAL FORM

EXHIBIT B
The Scope of Work

INDEX TO EXHIBIT B

Article 1: Contract Documents
Article 2: Submittals and General Coordination of Work
Article 3: Insurance and Bonding Requirements
Article 4: Equal Opportunity
Article 5: Sales Tax
Article 6: Labor Requirements
Article 7: Project Schedule
Article 8: Safety
Article 9: Jobsite Management & Logistics
9.1 Trash & Debris Removal
9.2 Layout & Field Engineering
9.3 Staging & Hoisting Requirements
9.4 Quality Management Program
Article 10: Job Closeout & Punch-list Requirements
Article 11: Change Order Management
Article 12: General Information
Article 13: Specific Scope of Work
13.1 Mock Ups
13.2 Accepted Value Engineering
13.3 Allowances
13.4 Alternate Scopes of Work
13.5 Unit Prices

ARTICLE 1: THE CONTRACT DOCUMENTS

1. The Work shall include, but not be limited to, all Division 1 Specification Sections (General Requirements), the Specification Sections listed below and all elements of the Work, as such term is otherwise defined or detailed in this Subcontract. As set forth in Articles 1 of the Subcontract, Subcontractor agrees to be bound to the Contractor with respect to the Work by all the terms of the Contract Documents, and further agrees to assume to the Contractor with respect to the Work, all obligations and responsibilities which the Contractor has assumed to the Owner with respect to the Work, including, without limitation, those set forth in Articles 10 and 18 in the General Contract. The separation of the documents into various sections is for convenience only and is not intended in any way to limit the scope of this agreement.

<u>Section</u>	<u>Description</u>
Division 1	General Requirements
033000	Cast in Place Concrete
143100	Escalators – Curved Escalators Only – MEE 1 and MEE 2

2. It is understood that the work of this Subcontract is based upon the drawings, specifications, addenda, bulletins and other miscellaneous documents identified in the attached *Exhibit A-1 List of Contract Drawings and Exhibit A-2 List of Contract Specifications both dated 02/29/16*, as such may be revised. Subcontractor recognizes and acknowledges the Contract Documents are not complete but agrees that they are sufficiently complete to have included all elements of the Work in the Subcontract Amount,

3. Subcontractor acknowledges they have reviewed all applicable documents, including, without limitation, the following documents, as may be finalized or amended, and have included the requirements (and all associated costs of the requirements) therein in the Subcontract Amount:
 - a. Suffolk Subcontract Agreement
 - b. Exhibit A-1 List of Contract Drawings and Exhibit A-2 List of Contract Specifications dated 03/15/16.
 - c. Howard Stein Hudson Draft Construction Management Plan (CMP) dated 02/26/16
 - d. Suffolk General Site Logistics Plan dated March 2016
 - e. Suffolk Summary Schedule dated 01/28/16
 - f. Suffolk Supplemental Language for 3D Coordination (BIM) Rider "B-1" dated 01/05/16
 - g. Modified Rider "S" Subcontractor Safety Requirements dated 01/05/16, revised 03/03/2016
 - h. Exhibit P Wynn, LLC OCIP Administration Manual dated 04/17/15
 - i. Exhibit Q Wynn Construction Safety and Health Guidelines) dated 04/17/15
 - j. Exhibit S Wynn Diversity Strategy Workforce Design & Construction Plan dated 02/02/15
 - k. Wynn Everett Truck Route (un-dated)
 - l. MBTA – Directorate Dated 11/4/97
 - m. MBTA – Construction Safety Manual dated 10/26/95

4. Subcontractor shall comply with all applicable orders, regulations and laws relating to gaming or the Massachusetts Gaming Commission, including, without limitation, M.G.L. Chapter 23K. Subcontractor shall timely and truthfully complete and update, as a continuing obligation, the Subcontractor Information Form required by the Massachusetts Gaming Commission and timely comply with all requirements of the Massachusetts Gaming Commission, the Owner and laws, including, without limitation, obligating any of its employees to be fingerprinted and photographed and/or to provide handwriting exemplars immediately upon request.

ARTICLE 2: SUBMITTALS AND GENERAL COORDINATION

1. Document Management System: The project will utilize Contractor's web-based document management system. Subcontractor is required to use the system for the following minimum project control functions: drawing / specification management, RFI's, submittals, payment applications, safety program / documentation, deliveries, and change management.

The document management system will be Subcontractor's point of reference for all project documents. It will contain other pertinent project information such as Contract Documents, BIM/Trade Coordination models, and Owner/Architect issued ASI's and CCD's. Contractor will provide a training session for subcontractors to learn how utilize the document management system which Subcontractor is required to attend. This Subcontractor shall provide all key project personnel (at least 1 Project Manager and at least 1 field person) with an iPad equipped with SharePlus so as to properly interface with the document management system

2. Plans & Specifications: All plans and specifications and subsequent updates will be made available through Contractor's ONtrac document management system. Subcontractor shall order all hard copy contract plans and specifications required for performance of the Work at their expense, including any further updates, bulletins, or revisions to the contract plans and specifications.

3. Submittals: All project submittals / shop drawings are to be submitted by Subcontractor electronically through the ONtrac document management system; however, in the event that a hard copy submission is required Subcontractor shall submit six (6) copies of all submittals/shop drawings. Subcontractor shall submit six (6) copies of all samples. Each submittal must contain the following information and be clearly marked:
 - a. Project name
 - b. Date

- c. Name and address of Architect
- d. Name and address of Contractor
- e. Name and address of Subcontractor
- f. Name and address of Supplier
- g. Name and address of Manufacturer
- h. Number and title of appropriate specification section
- i. Drawing number and detail references, as appropriate
- j. Other necessary identification

Submittals not having the above information listed will be sent back to the Subcontractor and no extension of contract time will be authorized because of failure to transmit the submittals as required.

This Subcontractor shall submit, for review/approval, a Submittal Schedule of all products or equipment scheduled for use on this Project, calling particular attention to anticipated submittal dates, identifying lead-times, and indicating required approval dates no later than 14 days from issuance of Letter of Intent. In absence of actual start dates, accurate durations will be provided by this Subcontractor.

Unless otherwise approved by Suffolk, all submittals will be provided no later than 60 days from issuance of Letter of Intent. Any required resubmittals are due within 15 days of receipt of the returned submittal.

This Subcontractor will pay special attention to ensure that submittals (shop drawings) depicting any penetrations to steel, concrete, or envelope be prioritized and submitted no later than 30 days from issuance of Letter of Intent.

Due to the size and complexity of the Project, the work will be separated into separate phases/areas. This Subcontractor will be required to submit complete submittal packages per phase/area which may result in multiple submittals for the same products or equipment.

Review or approval (by Contractor, the Architect, the Engineer, the Owner or any other party) of any submittal does not relieve Subcontractor of any of its obligations under the Subcontract Agreement and/or the Contract Documents. Subcontractor is responsible for all field-dimensioning and confirming actual conditions prior to proceeding with any work.

All manufacturers/materials shall be in accordance with the Contract Documents; no substitutions will be allowed.

4. **As-Builts:** Subcontractor shall update its as-built drawings **at the end of the project** and make them available to Suffolk, the Owner and the Architect or Engineers for their review and as each phase of the work is completed. Subcontractor shall provide certification of as-built updates along with their monthly payment application. Failure to properly update the as-built drawings will result in withholding of the monthly requisition until such time as the as-built drawings have been updated.

In accordance with Building Information Modeling Exhibit **B-1**, Subcontractor shall utilize AutoCAD or other electronic means to generate as-built information. Subcontractor shall include copies of the electronic data along with six (6) hard copies of all final as-built submissions and O&M / other closeout documentation.

Subcontractor shall provide as built drawings locating all embed placement, including any required surveying to ensure that any deviations from Subcontractor's shop drawings are identified prior to fabrication of work by others.

5. **Subcontractor Representative:** Subcontractor shall designate sufficient field representative(s) who shall have complete responsibility / authorization for the Work. Subcontractor shall provide separate field and office support staff, including a Project Manager(s), M/E/P Coordinator(s), etc., to service the project to the

satisfaction of Contractor Subcontractor's field representative and office support staff are required to attend weekly meetings as required by Contractor

6. Meetings: Subcontractor shall participate in all regularly scheduled coordination meetings as requested by Contractor (no less than weekly), as well as conduct daily coordination meetings with other Subcontractors who are performing work within the same general area, to communicate the key activities for the day and any measures required for managing interface issues.
7. BIM Coordination: **Subcontractor to provide Shop Drawings in Cad.** Certain Subcontractors are required to participate in the 3-D modeling process and attend all specialized BIM coordination meetings as required. Refer to the attachment identified as "Supplemental Language for 3D Coordination (BIM) Rider "X" dated 01/05/16 for further information on specific subcontractor participation needs within the 3-D modeling process, meeting requirements, and overall drawing / coordination requirements. The following key trades will lead in the 3-D Modelling Process:

Utilities

Structural Systems (CIP Concrete, Precast Concrete, Structural Steel, Timber Frame, Wood Frame, etc.)

Exterior Wall Systems (all major trades with work on the exterior skin)

Miscellaneous Metal Fabrications

Fire Protection

Plumbing

HVAC

Electrical

8. A Request For Information (RFI) may be initiated by Contractor, but the intent is for the Subcontractor to initiate this correspondence, if needed, and submit formally to Contractor for presentation to the appropriate entity. When submitting an RFI the Subcontractor shall do so electronically and shall include a clear description of the issue, referencing the applicable Drawings and/or Specifications as well as offer suggestions to assist in mitigating the concern. RFIs are expected to be submitted in a timely manner so as not to impact the progress of the work. In addition, RFIs are expected and required to properly coordinate the Work. Verbal discussions are to be followed up with "confirming RFIs" as a matter of course by Subcontractor.

ARTICLE 3: INSURANCE and BONDING REQUIREMENTS

OCIP X

1. Subcontractor understands and acknowledges that there shall be no commencement of any Work until all insurance required by this Subcontract has been provided and Subcontractor has been enrolled in the OCIP if applicable. Subcontractor shall immediately provide all information requested by Contractor to enable OCIP enrollment, if applicable. Subcontractor shall provide any information regarding its insurance costs as set forth in the Contract Documents, including, without limitation, the OCIP Manual.
2. At Contractor's sole discretion, Subcontractor may be required to provide payment, performance and lien bonds.
3. The surety issuing such bonds must have a minimum rating "A", be licensed to conduct business in the state in which the Project is located and be approved in Contractor's sole discretion. Bonds issued by First Sealord Surety, Inc. or Westin Insurance Company are prohibited.
4. Deleted

ARTICLE 4: EQUAL OPPORTUNITY

- A. Subcontractor shall:

1. comply with all obligations, and perform under the Subcontract so as to enable Contractor to meet all of Contractor's obligations set forth in the attached Wynn Diversity Strategy (Attachment "X"), as may be amended from time-to-time;
2. comply with, and perform under the Subcontract so as to enable Contractor to comply with the diversity and workforce requirements as required by the Contract Documents, Owner, Contractor, the Massachusetts Gaming Commission and all other applicable laws, rules, regulations, orders and consents that relate to diversity or workforce requirements on construction projects; and
3. provide Contractor with any and all information in Subcontractor's possession or within Subcontractor's control necessary to enable Contractor to comply with Contractor's reporting and/or notice obligations set forth in the Wynn Diversity Strategy (Attachment "X"), as may be amended from time-to-time, and/or as required by the Contract Documents, Owner, Contractor, the Massachusetts Gaming Commission and all other applicable laws, rules, regulations, orders and consents that relate to diversity or workforce requirements on construction projects. Subcontractor shall provide all such information promptly and in any event at least five (5) working days prior to the date Contractor is obligated to provide such information under any of the foregoing.

Subcontractor agrees that any fines, sanctions and/or any other costs, expenses or liabilities imposed upon the Owner, Contractor or Subcontractor arising out of or connected to any failure of Subcontractor or anyone for whom Subcontractor is responsible to comply with the above requirements shall be the sole responsibility of Subcontractor. Furthermore, Subcontractor shall defend, indemnify and hold harmless the Owner, Contractor and any other party that the Owner or Contractor is required to defend, indemnify or hold harmless from and against any such fines, sanctions or any other costs, expenses, or liabilities. Subcontractor shall require all of its subcontractors, vendors and suppliers of any tier to be bound by all of the foregoing obligations and requirements of Subcontractor herein by written agreement and shall attach the attached Wynn Diversity Strategy in all such agreements.

B. Specific Wynn Diversity Strategy Commitments by Subcontractor

Minority / Women / Veteran Business Enterprises

1. Subcontractor is required to achieve the specific goals for the utilization of minority, woman and veteran-owned business enterprises ("MBE/WBE/VBE") for the Project as set forth below:
 - 5% Minority Business Enterprise
 - 5.4% Women Business Enterprise
 - 1% Veteran Business Enterprise
2. In connection with its obligation to achieve the aforementioned MBE/WBE/VBE goals, Subcontractor shall perform the actions listed below and such others as may be reasonably requested by Contractor or Owner or as otherwise are necessary to fulfill Subcontractor's obligations. This is not intended to be an exclusive or exhaustive list, as other measures, actions or efforts may be necessary to achieving the aforementioned MBE/WBE/VBE goals.
 - a. Subcontractor shall submit a commitment strategy form (Attachment "X") outlining the potential subcontractors under Subcontractor that will be used to meet the MBE/WBE/VBE goals.
 - b. Subcontractor shall provide detailed back up documents outlining the following:
 - i. MBE/WBE/VBE subcontractor invite Bid List
 - ii. Bid Package List spreadsheet/tracking
 1. Name of Company

2. Company Contact Person
 3. Company phone #
 4. Jobsite Proximity (i.e. +/- 20 miles away)
 5. Bid Invitation Sent date
 6. Response on Intent to bid
 7. Submission status
 8. Bid Amount
- iii. Bid Package Cover Letter
 - iv. Individual bid invite letters
 - v. Scope of work Summary
 - vi. Correspondence between bidders (i.e. e-mails, phone call logs)
 - vii. MBE/WBE/VBE Subcontractors Quotes
3. In the event that the Subcontractor fails to meet the specific goals for the utilization of MBE/WBE/VBE, the Subcontractor shall submit in writing an explanation of why the specific goals have not been met, and identify any good faith efforts undertaken to achieve those goals, including but not limited to those set forth above. Additionally, Subcontractor shall provide a written plan to bring the utilization of MBE/WBE/VBE into compliance with the specific goals to the Contractor and the Owner. Subcontractor's failure to meet the specific goals for the utilization of MBE/WBE/VBE shall be a breach of this Subcontract.
 4. Subcontractor will be required to track all MBE/WBE/VBE payments in any system or method as required by Contractor.

Workforce Diversity

5. Subcontractor is required to achieve the specific goals for the hiring of construction workforce as set forth below based on manhours worked:
 - 15.3% Minorities
 - 6.9% Women
 - 3% Veterans
6. In the event that Subcontractor fails to meet the specific goals for the hiring of construction workforce, the Subcontractor shall submit in writing an explanation of why the specific goals have not been met, and identify any good faith efforts undertaken to achieve those goals, including but not limited to those set forth above. Additionally, the Subcontractor will provide a written plan to bring the utilization of minorities, women and veterans for the above-referenced workforce goals into compliance with the goals. Subcontractor's failure to meet the specific above workforce goals shall be a breach of this Subcontract.
7. Subcontractor is required to submit a workforce diversity plan that should include, without limitation, the following:

- a) ~~Name of the person at Subcontractor with hiring and firing power for this project.~~
- b) ~~Current list of potential workers that identifies minorities, women and veterans.~~
- c) ~~Description of Subcontractor's trade and make up of Subcontractor's crew (.i.e. carpenters, laborers, operators)~~
- d) ~~Duration of Subcontractor's scheduled work.~~
- e) ~~Projected Total Man Hours for the project.~~
- f) ~~Projected Man hours & number of workers for the next six months.~~
- g) ~~Projected Man hours & number of workers for Minorities and Women for the next six months, or your first six months on the job depending on your start date.~~
- h) ~~Name of Subcontractor's union Representative / Business Agent and his/her contact information and Subcontractor's plan for hiring minorities, women, and veterans signed/endorsed by above union agent.~~
- i) ~~A copy of Subcontractor's Equal Employment Opportunity Policy.~~

8. ~~Subcontractor is required to submit their weekly payrolls via any system or method as required by Contractor.~~

Local Hiring and Preference Implementation Strategy

~~In accordance with the Project Labor Agreement for the Project ("PLA"), the labor unions have agreed to "work in a good faith, legal and non-discriminatory manner to give preferential work opportunities to (i) qualified Union Everett Residents and (ii) qualified Union residents of Surrounding Communities."~~ For the purposes of the Project, "Surrounding Communities" are defined as ~~Malden, Medford, Chelsea, Cambridge and Boston (specifically Charlestown).~~

~~Accordingly, Subcontractor shall prioritize hiring workers for the Wynn Everett Project pursuant to the preference outlined below:~~

1. ~~Subcontractor shall request that each labor union with which it has a collective bargaining agreement identify all qualified union members that are residents of the Everett and Surrounding Communities and provide the union members current employment status (employed or unemployed).~~
2. ~~Subcontractor shall request that each labor union with which it has a collective bargaining agreement provide a list of resident union members, including name, phone number, city of residence, and employment status, to Owner and Contractor.~~
3. ~~When Subcontractor requests workers for the Project, Subcontractor shall ensure that the request for union members be fulfilled in this order:~~
 1. ~~FIRST: All available qualified union members that are residents of Everett.~~
 2. ~~SECOND: When all available workers from Everett are employed, provide, all available qualified union members that are residents of Malden.~~
 3. ~~THIRD: When all available residents of Malden have been hired, provide all available qualified union members that are residents of Medford, Chelsea, Somerville, Cambridge, and Boston (specifically Charlestown).~~

ARTICLE 5: SALES TAX

1. This project is not tax exempt. Include all applicable taxes, surcharges, and fees associated with Subcontractor's Work.

ARTICLE 6: LABOR REQUIREMENTS

1. All work performed by Subcontractor and its subcontractors of all tiers will be performed with Union Labor and in accordance with the PLA.
2. Contractor has a collective bargaining agreement with the New England Regional Council of Carpenters (the "NERCC CBA") to perform all work that falls within the jurisdiction of the NERCC CBA in New England with Union Carpenters. Therefore, all portions of the Work that falls within such jurisdiction must be performed within Union Carpenters.
3. If applicable, it will be the responsibility of Subcontractor to hire and pay for the stewards for each trade when Subcontractor is employing the majority of the labor workforce for that particular trade or as otherwise required by applicable collective bargaining agreements.
4. Subcontractor understands that the Project will be subject to a PLA. Subcontractor agrees to execute and be bound by the terms of the PLA through the signing of the Letter of Assent or as otherwise required and agreeing to become signatory to the appropriate area local collective bargaining agreement which forms the basis for the Schedule A with the Union(s) having jurisdiction over the work to be performed on this Project. Subcontractor agrees that the Subcontract Amount includes all costs, amounts and expenses arising out of or occurring in connection with Subcontractor's full compliance with the PLA and all applicable collective bargaining agreements.

ARTICLE 7: PROJECT SCHEDULE

1. Subcontractor agrees that the Subcontract Amount includes 1 shift working 40 hours a week but that if due to delays in fabrication of his equipment or , that he will work 2 shifts working 6 days a week and any additional time required to complete its work in order to maintain the applicable durations and schedules. Subcontractor also agrees that it shall in such a manner as to ensure that Subcontractor meets all of its obligations in the Subcontract, including, without limitation, its obligations regarding schedules and durations.
2. Subcontractor represents and warrants that it can meet all manpower and material requirements necessary to timely perform the Work for the Subcontract Amount.
3. See Article 13 (Specific Scope) for trade specific schedule information.
4. Lean Planning: Suffolk Construction intends to apply the following Lean Construction principles to this project:
 - a) Subcontractor will be required to participate in weekly "Last Planner" coordination meetings. Subcontractor shall require field personnel with the requisite authority, training and experience to make all required decisions and direct the flow of its work (i.e. field foreman, field superintendent, and/or PM) to attend all such meetings.
 - b) Subcontractor will be required to complete weekly work plans that are to be brought to the weekly "Last Planner" meetings. These weekly work plans are required to confirm that Subcontractor's progress complies with the Contractor's schedules and identify any/all potential constraints or impacts to Subcontractor's timely completion of the Work.

- c) Subcontractor has a duty to cooperate with all participants in the lean scheduling process. Subcontractor acknowledges that the lean scheduling process is a dynamic process. Accordingly, the dates and time periods for mobilization, installation, and work processes shall be subject to change at Contractor's sole discretion.

ARTICLE 8: JOBSITE SAFETY

1. Subcontractor shall comply with Rider "S" dated 01/05/16, the Wynn Everett Construction Safety and Health Guidelines and all other applicable rules, regulations and requirements.
2. This Subcontractor agrees to drug testing for all on-site employees that work on the Project in accordance with the PLA. It will be necessary for the employees to visit the main office of the drug testing company located on site to have the drug test performed prior to performing any on-site work for the Project. Failure of Subcontractor to timely provide an adequate number of workers who pass the required drug test will not relieve Subcontractor of any of its obligations.
3. Subcontractor shall provide all information and documentation from each of its employees as required by Contractor in its sole discretion in order to allow Contractor to implement turnstiles, gates, electric card readers or badges to monitor, among other things, worker entrance and egress to and from the Project site.

ARTICLE 9: JOBSITE MANAGEMENT & SITE LOGISTICS

1. The Subcontractor acknowledges they have received and understand the DRAFT Construction Management Plan (CMP) prepared by Contractor dated (01/07/16). All subcontractors acknowledge that no local street parking is permitted and no onsite parking is permitted. Contractor will run bus shuttles to the jobsite from the Wellington "T" Station. All bus shuttles will be per Suffolk's requirements. The cost of paying workers to use the shuttle, including, without limitation, wait time and transport time, is included in the Subcontract Amount.
2. Subcontractor will be responsible for providing and paying for police details if the Work is being performed directly in the street or during off hours (from 11:00pm to 7:00am Monday thru Saturday) or as otherwise required. When performing work directly in the street, Subcontractor is responsible for providing and paying for traffic control plans, flagmen, barricades, special permits and other conditions as may be required.
3. Subcontractor shall cooperate with and provide access and equipment (lifts, ladders, etc.) for testing agencies and inspectors for all inspections, testing, etc., required to be performed by others in accordance with the specifications or by code. Subcontractor will be responsible for all costs associated with retesting and inspections of items that are not in compliance with applicable rules, regulations, laws, codes or requirements. Many tests and inspections, especially from state and city agencies are required to be performed after normal working hours. Subcontractor **has included overtime** for testing and inspections in the Subcontract Amount. Furthermore, Subcontractor shall provide access to and allow use of any equipment furnished by it or anyone for whom it is responsible to Contractor, any other subcontractors and/or other parties upon Contractor's direction. **40 total hours has been included. If we exceed 40 hours, a change order will be necessary.**
4. Storage of materials on the site is not allowed unless approved by Contractor's Superintendent. **Contractor recognizes that approximately 5,000 sf is needed for storage.** Subcontractor shall assume all responsibility for any additional structural reinforcing requirements due to Subcontractor's stockpiling of material and equipment. Any costs for the same shall be included in the Subcontract Amount. Subcontractor shall return all unused materials to the stockpiles at the end of each day and protect stored materials from theft, vandalism and weather conditions.
5. Unless otherwise directed by Contractor, the Work must be conducted between the hours of 6:00 a.m. and 11:00 p.m., Monday through Saturday.
6. Subcontractor shall provide its own source of water for their construction needs from a central location provided by Suffolk Construction Company Inc.

7. Subcontractor shall bear all cost for its employee's drinking water, ice, and employee parking and transportation.
8. The Subcontractor shall provide, maintain and remove all temporary trailers, offices, shanties and toolboxes necessary for the completion of this Subcontract. Their location must be approved by Contractor, and constructed in compliance with all applicable rules, regulations, laws, codes and requirements. It will be Subcontractor's responsibility to make the necessary arrangements for electrical, water, sanitary and telephone services. Subcontractor will also be responsible for the utility consumption and service cost associated with these offices and shanties.
9. Construction equipment, personnel and material will not be allowed to occupy either public or private right-of-ways within or adjacent to the site without prior approval from local jurisdiction and Contractor's Site Superintendent.
10. Provide fire watches (if necessary) in accordance with local jurisdiction requirements. The cost of the fire watch including supervisor(s) if required by local jurisdiction is included in the Subcontract Amount.
11. Subcontractor's Field Supervisor must have a cell phone and a 2-way radio compatible with Contractor's field personnel devices in their possession and powered at all times while on site.
12. Breaks and lunches shall be at areas designated by Contractor's Superintendent. Trash bags and cleanup at these areas shall be the responsibility of Subcontractor.
13. Temporary toilets will be provided by Contractor at locations to be determined by Contractor.
14. All power requirements for work during foundation activities must be provided by Subcontractor. Temporary power consisting of 1,000 amp single-phase service with 110 volt receptacles will be available at centralized locations. However if Subcontractor requires power in a location other than those provided (or greater than the voltage provided) then the Subcontractor will be responsible for the associated connection and disconnection costs. Power for Tower Cranes will be provided by Contractor.
15. Subcontractor is responsible for providing extension cords, sockets, lamps, task lighting, motors and accessories as required performing their own work.
16. Subcontractor shall provide all vertical access (ramps, stairs, ladders, etc.) required to perform the Work.
17. Subcontractor acknowledges that access to the roof, once the roofing is laid, will be restricted to prevent damage. Unauthorized access will be monitored. Damage to the roof resulting from or arising out of the Work will be back-charged to Subcontractor. Subcontractor is responsible to protect finished roof areas, to complete their Scope or Work, to the satisfaction of Contractor prior to starting work.
18. Subcontractor shall provide flagmen to direct deliveries and trucks into the site.

ARTICLE 9.1: TRASH & DEBRIS REMOVAL

1. Clean-up Program

For purposes of this Section, the following terms have the following meanings:

Construction Waste: Any excess or surplus material (whole or remnant) intended to have been incorporated into the structure, sanding/spray residue, discarded tools/applicators, fasteners, fastener waste, packaging of any kind, packing material, etc.

General Debris: Anything brought on site by Subcontractor or its personnel that is not intended to be incorporated into the structure, including food and beverage containers, newspapers, garbage, boot trackings, discarded clothing/apparatus, etc.

For non-signatory laborers Union trades, Contractor shall be responsible for clean-up to a dumpster for General Debris and Construction Waste generated by Subcontractor and its subcontractors. Subcontractor will be responsible each day to clean up to a central location as designated by Contractor's Superintendent

For Subcontractors who are signatory to the Laborers Union, Subcontractor is responsible to clean up Construction Waste into a dumpster on a daily basis ~~on 2nd or 3rd shift~~. Subcontractor shall coordinate its clean-up efforts and take direction from Contractor's Superintendent.

Subcontractor is responsible for minimizing Construction Waste through efficient packing (including offsite breakdown and repacking when prudent), using re-useable crating material, prudent stocking and breaking down to a manageable size all crates, packing material, etc.... Removal of products not used or overstocked shall be by the Subcontractor. Clean-up of overspray, drippings, splatter, etc. from the Subcontractor's operation is by the Subcontractor. Subcontractor is responsible for minimizing General Debris by encouraging their employees to use proper waste receptacles for their personal trash.

ARTICLE 9.2: LAYOUT & FIELD ENGINEERING

1. Subcontractor will be responsible for providing manpower that is capable of performing all layout, surveying, measuring, and other tasks as required for the performance of the Work using control lines and a bench mark provided by the Owner to Contractor at each floor and street level. Damage to existing control caused by Subcontractor shall be replaced at Subcontractor's expense.
2. Subcontractor is solely responsible for proper installation of the Work including layout, and for all lines and measurements for the work executed under this Subcontract. Subcontractor shall verify the dimensions shown on the Contract Drawings before lay out of the work, and shall be responsible for any/all errors or inaccuracies resulting from its failure to do so. The Owner, Contractor, Architect or their representatives, will in no case assume the responsibility for layout of the Work.
3. Subcontractors shall use the Trimble system for layout work

ARTICLE 9.3: STAGING & HOISTING REQUIREMENTS

1. Subcontractor is responsible for providing labor and equipment such as staging, scaffolding, planks, aerial work platforms, swing staging, scissor lifts, fork lifts, cranes, rigging, etc., as required for the complete performance of the Work (including permits, load tests, third party inspections, etc. that may be required). Subcontractor is required to mark its lifts with their company name and provide Suffolk with a spare key. All lifts require white and/or non-marking tires. **We have not included any mobile crane or stand frames. BY Suffolk.**
2. Unless noted otherwise, Subcontractor is responsible for providing labor and equipment for transportation, rigging, unloading, hoisting, stockpiling if required and distribution of all material (including permits, load tests, third party inspections, etc. that may be required).
3. Subcontractor may use the personnel and material hoists and any interior elevators in operation after the hoists are removed during regular working hours at no charge. Use of the hoist for deliveries must be scheduled 48 hours in advance through a Contractor's Superintendent and shall be limited to the lesser of two consecutive picks or 30 consecutive minutes. During normal working hours, the hoist will be used to transport personnel only. All material loading and unloading must be performed during off hours and the costs of which shall be included in the Subcontract Amount.
 - a. For loading and cleaning purposes only, the hoist will service all floors, but for personnel the hoist will service every THIRD floor.

- b. The first hoist will be erected approximately when the structure has been placed and stripped to the sixth floor.
- c. The hoist will be approximately 8 to 10 levels below the concrete forming level.
- d. There will be comeback work when the hoist is removed which shall be included in the Subcontract Amount.

Note: Podium 2nd and 3rd Level areas will not be serviced by hoists.

4. Subcontractor will not require use of contractor's crane.

HOIST LEAVE OUT BAYS

Subcontractor shall include the phased installation of the Work at and around the hoist bay to be completed after (comeback work) the removal of the exterior hoist in accordance with the applicable schedule. Rooms will be impacted and will have plumbing roughed in but the kitchens will not be framed until the hoist is removed. The phased work includes but is not limited to work at the podium level, garage level and hotel facade steel and detailing, masonry, misc. metals, precast panels, windows/curtain wall, metal panel, caulking, waterproofing, drywall, electrical, plumbing, HVAC, room finishes. See Article 13 for more specific requirements.

Hotel #1 Column Line T12 Between TC and TB (B3 level to roof)

Hotel #2 Column Line T1 Between TC and TB (B3 level to roof)

NOTE: These are approximate locations for the hoists. Exact locations are to be determined by Contractor in its sole discretion, however, the number of hoists and floors impacted will remain the same.

TOWER CRANE LEAVE OUT BAYS

There will be a Tower Crane penetrating the garage/podium structure and hotel facade. Subcontractor shall include for the phased installation of its Work at and around the tower crane to be completed after (comeback work) the removal of the crane in accordance with the applicable schedule. Garage Parking levels (all), podium levels (all) and Hotel facade will be impacted. The phased work includes but is not limited to work at the street level, steel and detailing, concrete work, curtain wall, panelized wall, roofing and waterproofing/traffic topping, electrical, plumbing, fire protection. See Article 13 for more specific requirements.

Hotel TC #1 Column Line TA Between T11 and T10 (B3 Level to roof)

Hotel TC #2 Column Line TA Between T2 and T3 (B3 Level to roof)

NOTE: These are approximate locations. Exact locations are to be determined by Contractor in its sole discretion, however, the number of Cranes and floors impacted will remain the same.

ARTICLE 9.4: QUALITY / MANAGEMENT PROGRAM

1. Subcontractor shall participate in Contractor's Three-Tier Quality Management Program, including procedures for (1) Planning & Coordination, (2) First Delivery Inspections & Benchmarking and (3) Maintenance & Follow-up.
 - Tier 1 – The Planning and Coordination level of quality control begins upon prior to on-site work being performed. Subcontractor is required to carefully review all Construction Documents, identify quality expectations and develop the Quality Management Plan. Subcontractor will assist in identifying time frames for fabrication delivery and staging. The critical procurement activities shall be incorporated into

the applicable schedule. The Subcontractor shall be tasked with overseeing Quality Management issues throughout the Project. Subcontractor shall attend and participate in all Quality Management Meetings.

- Tier 2 – The First Delivery Inspection process entails the inspection of all materials delivered to the site, to be incorporated into the Work, to ensure that they meet the plans, specifications and approved submittals prior to installation. The Subcontractor shall execute First Delivery Inspections and notify the Contractor of compliance. Subcontractor shall identify Benchmark requirements for first-time completion of identified sections of work. Subcontractor shall notify the Contractor upon successful completion of all Benchmark items for Contractor's approval, prior to proceeding with other like work. Subcontractor shall work with Contractor's Site Superintendent to ensure that all First Delivery Inspection and Benchmark Inspection documents are maintained. Benchmark Inspections are required for all Footings Foundations; Walls and Wall Forms: Structural Framing; Roof Systems; Exterior Facades; Interior Finishes and MEP Systems.
- Tier 3 – The Maintenance & Follow-up process begins upon satisfactorily completing the Benchmarks Inspections established. Subcontractor shall ensure that subsequent assemblies and installations continue to meet or exceed the Benchmark standards established. Subcontractor agrees to schedule regular inspections with Contractor and document non-compliance. Quality Management and Benchmark issues will be reviewed at the Contractor's Weekly Foreman's Meeting and Monthly Schedule Meeting.

ARTICLE 10: JOB CLOSEOUT & PUNCH-LIST REQUIREMENTS

1. Scope of Work specifically includes all required Punch list crew (s) that are assigned full time (or as required) to the Project until all items are completed. This crew (s) shall be responsible for verifying all work is completed in accordance with the Contract Documents, within the acceptable and approved quality standards, and will verify in a systematic process (check lists, etc.) that all fixtures, devices, outlets systems are working in accordance with the documents. Subcontractor's designated foreman for this crew (s) shall report on a daily basis to Suffolk Construction Company Inc.'s Superintendent. Subcontractor shall be responsible for inspecting, correcting and maintaining the punch list schedule in accordance with Contractor's closeout schedule. Subcontractor acknowledges and agrees to comply with these requirements and has included all costs associated with this procedure. The intent is to eliminate/reduce the punch list items left to be corrected. As these items are identified they are corrected immediately, but no later than 24 hours, so as to allow a final walk-through and acceptance of the room or area by the Architect/Owner/User. Work lists and Punch lists will be recorded by using VELA Systems. All Foremen will be required to have a 3GiPad.

ARTICLE 11: CHANGE ORDER MANAGEMENT

1. The Subcontractor hereby acknowledges and agrees that, upon request from Contractor of a notification of a Change Order Request, the Subcontractor will respond no later than ten (10) days from the receipt thereof (unless a shorter time is necessary in order to allow Contractor to comply with its obligations in the Contract Documents), in writing, as to the effect on the Subcontract Price and/or schedule of said Change Order Request, and will provide full and complete detailed information to substantiate the effect. Subcontractor and any of its subcontractors and suppliers are limited to the overhead and profit mark-ups for Change Orders set forth in the General Contract.

Notes pertaining to Change Orders:

- a. Markup on Sale and Use Tax: Sales and use tax (if applicable) shall not be subject to any Markup Percentage Fee. Any sale or use tax properly payable by Subcontractors shall be added after computing the Change in the Work.
- b. Direct and Indirect Costs Covered by Markup Percentages: As a further clarification, the agreed upon Markup Percentage Fee covers the Subcontractor's profit, overhead and all indirect costs associated with the Change in the Work, including without limitation, home office expenses; branch and field office overhead expense of any kind; project management; superintendents, general foremen; estimating,

engineering; drafting; coordination; expediting; purchasing; detailing; legal, accounting, data processing or other administrative expenses; shop drawings; permits; auto insurance and umbrella insurance; vacation pay; sick-time pay; holiday pay; guaranteed show-up pay; travel-pay; training; bonuses; uniforms; phones; transportation; tolls; parking; pick-up truck costs; and the cost for the use of small tools & equipment. Small tools & equipment shall be defined as tools and equipment (power or non-power) with an individual purchase cost of less than \$500.

- c. All Time and Material Change Order Requests or Directives are required to have daily verified work tickets with an assigned Change Management ("CM") number signed by Contractor's Project Manager. Work shall not be performed until Subcontractor receives a directive and CM number in writing from the Project Manager. These signed daily tickets will be compiled at the completion of the change and submitted together for approval. Failure to provide these signed verification tickets will result in the Subcontractor not being compensated for such work. It is the Subcontractor's responsibility to notify Contractor of change work taking place on a Time and Material basis prior to that work beginning and getting signed verification of the work on a daily basis. Notwithstanding the foregoing or anything contained herein to the contrary, Suffolk's signature on a time and materials ticket or slip shall not, in and of itself, acknowledge any entitlement to an adjustment to the Subcontract Amount.
- d. All change order requests shall include a detailed breakdown of man hours, hourly rates, fringe benefits, labor insurance, labor taxes, material quantities, material unit prices, equipment rates (hourly, daily, monthly), and all other costs. All material and equipment costs shall be supported by quotations or paid invoices. Subcontractor acknowledges that the hourly wage rate for labor is to be based on the individual performing the work (and that a "blended" rate will not be allowed).
- e. Subcontractor understands and acknowledges that in the event of a deductive change order, Subcontractor shall include a deduct for mark-up equal to the mark-up percentage set forth above.
- f. Work performed on an overtime basis that is otherwise reimbursable in accordance with the terms and conditions of the Subcontract shall nonetheless not be subject to mark-up.

ARTICLE 12: GENERAL INFORMATION

1. The term "Contractor" noted in the Project Specifications(s) shall mean this Subcontractor. The term "Contractor", "Suffolk" "Suffolk Construction" or "Suffolk Construction Company", "Suffolk Construction Co." or any variation of the foregoing in the Exhibit B shall mean Suffolk Construction Company, Inc.
2. Subcontractor shall be responsible to receive, unload, hoist, distribute, handle, transport and protect its materials/work (with the appropriate union trade if a union project) against damage until final acceptance. Subcontractor shall put forth best effort to eliminate the potential of materials/work being damaged by others.
3. Subcontractor is aware that if it is working on or near the surface of a finished product, the product must be properly protected against any damage. The protection and maintenance (and eventual removal/disposal) will be the responsibility of Subcontractor.
4. Subcontractor shall designate and maintain a Foreman and/or Project Manager on the job at all times who is a competent English speaker for the purpose of being able to manage safety issues, legal compliance issues and/or any work-related crises. In addition, Subcontractor agrees to provide at least one person on site at all times who can communicate or translate from English to the appropriate language of each employee (for that respective Subcontractor) working on each of the project sites. At a minimum, this individual must be able to communicate/translate safety and basic work instructions. As needed, this individual will attend safety orientations with any of their Subcontractor's non-English speaking employees that start work at the site later than the individual (in addition to the individual's own safety orientation) to ensure that the non-English speaking employees understand all of the site safety requirements.

5. Subcontractor shall receive all direction from Contractor, and shall not communicate directly with or proceed with direction of the Architect, Engineer or Owner or their respective agents unless directed in writing by Contractor
6. Subcontractor's bid proposal, with any listed inclusions, exclusions and/or clarifications is excluded and superseded by this Subcontract. Qualifications and exclusions contained in Subcontractor's proposal for the Work are not accepted or agreed to unless specifically incorporated in this Exhibit.
7. Subcontractor shall be responsible to provide any materials built into other subcontractor(s)' work, including, without limitation, anchors, pipe sleeves, inserts, conduit pipes, lugs, clips, brackets, braces, hanger, bolts, miscellaneous metals, access panels and similar items. If Subcontractor fails to supply the embedded item to the other subcontractor at the time of installing the rough work, all cutting and patching will be the responsibility of Subcontractor.
8. Subcontractor shall submit daily field force reports that describe work performed, manpower, deliveries, off-haul load counts, etc. on a daily basis to Contractor. Daily field force reports shall be provided no later than 10:00 A.M. the following day. Compliance with this and all other requirements of this Contract are mandatory and a condition of the progress payment process. Submission of daily field force reports shall be through Contractor's ONtrac web based management system.
9. Subcontractor has reviewed all existing conditions on site; failure to be acquainted with the existing site conditions shall in no way relieve this Subcontractor from any obligations with respect to the Work.
10. Environmental control and monitoring will be the responsibility of each Subcontractor for their own work areas. Any work that generates fumes will require proper ventilation and/or will be required to be performed on a third shift. If Suffolk determines that additional ventilation and/or third-shift work is required, there will be no additional reimbursement to Subcontractor.
11. Subcontractor shall provide and pay for all necessary permits (excluding the general building permit), fees, and notices required for and associated with the complete performance of the Subcontract Work and the cost of such is included. Subcontractor shall work in harmony with all agencies or others requesting/requiring inspection. Include coordination with Contractor's Superintendent for the scheduling of all inspections.
12. Contractor acknowledges that certain members of The Wynn Group are engaged in businesses that are or may be subject to privileged licenses or other permits issued by governmental authorities. Owner may direct Contractor to immediately terminate this Subcontract if any member of The Wynn Group: (a) is directed to cease doing business with Subcontractor by any such authority or sovereignties; or (b) determines, in its sole and exclusive judgment, that Subcontractor, its affiliates or any of its or their directors, officers, employees, agents or other representatives is, might be or is about to be engaged in or involved in any activity or relationship that could or does jeopardize any of the businesses or licenses of any of The Wynn Group (including, without limitation, any denial, suspension or revocation (or the threat thereof)). If requested, Subcontractor shall, and Subcontractor shall cause all Subcontractors and vendors to, timely provide Owner via Contractor with such documentation and information to substantiate the fact that it has recent experience working in the resort casino industry and shall timely obtain any qualification or clearance required by any regulatory authority having jurisdiction over Owner or any of the foregoing entities or subsidiary or affiliate thereof. Any termination of this Subcontract by Owner in accordance with this paragraph shall be deemed a termination for convenience unless otherwise directed by Owner. This paragraph shall be incorporated into all agreements between Subcontractor, on the one hand, and subcontractors and vendors, on the other hand.
13. In performing the Work, Subcontractor will not, and will cause its members, managers, employees, agents and subcontractors and vendors not to, (i) pay, offer or promise to pay, or authorize the payment, directly or indirectly, of anything of value to any person or firm employed by or acting for or on behalf of any government official or employee or any political party or candidate for political office, for the purpose of inducing or rewarding any favorable action in any matter; (ii) engage a third party to make such payments; and (3) assign,

transfer or subcontract its obligations under the Agreement without the prior written consent of Owner. Subcontractor further represents and warrants that, except as otherwise as notified in writing to Contractor and Owner at the time of the signing of this Subcontract, neither it nor any of its members, managers, employees, agents or contractors (as well as any partners, owners, principals, employees, and agents of the contractors of the foregoing) are officials, officers, representatives, or employees of any government or political party or candidates for political office. In the event that Contractor or Owner has a reason to believe that a breach of any of the anti-corruption representations and warranties has occurred or will occur, Contractor and Owner will have the right to audit Subcontractor in order to satisfy itself that no breach has occurred. Subcontractor shall fully cooperate in any such audit. In the event of a breach of any of these anti-corruption representations and warranties, this Subcontract may be terminated upon written notice, such termination to be effective as of the date of such notice. Any termination of this Contract by Owner in accordance with this paragraph shall be deemed a material breach of the Subcontract by Subcontractor. This paragraph shall be incorporated into all agreements between Subcontractor, on the one hand, and subcontractors and vendors, on the other hand.

ARTICLE 13.0: SPECIFIC SCOPE OF WORK

1. The Scope listed below is intended to highlight the Work of this Subcontract and does not intend to list each and every item required by the Contract Documents. This Subcontractor shall perform all Work required by the Contract Documents, *including all work similar in description to the items listed in this specific scope.*
2. This Subcontractor recognizes and acknowledges that while the Contract Documents are not complete in every detail, there is sufficient information to determine the requirements for a complete project and, as such, have included all Work depicted and/or reasonably inferred to produce a complete project for their Scope of Work consistent with the overall character and quality of the Project.
3. **Specification Section 143100 – ESCALATORS:** Except as modified by Addenda or the following clarifications and/or exceptions, this Subcontractor shall complete the work of this Specification Section in conformance with the Contract Documents.
 - a. This Subcontractor acknowledges that the “Rise” and the “Floors Served” as noted in the Specifications are not necessarily correct. Accordingly, this Subcontractor shall reference the drawings and/or the actual field conditions instead.
 - b. This Subcontractor shall provide a 90 f.p.m speed (as per Specification Section 143100 2.2A) as opposed to a 82 f.p.m. speed (as per Sheet VT.0001).
 - c. This Subcontractor shall exclude the straight/linear escalators (to be furnished & installed by others).
 - d. This Subcontractor shall include one left hand and one right hand escalator.
 - e. Escalator to be based on Mitsubishi standard spiral escalator products.
 - f. Escalator to include black handrails and colored stainless steel deck boards.
 - g. Glass balustrades are included as clear- not colored.
 - h. Maximum weight of truss cladding to be limited to 4lbs per square foot.
 - i. Subcontractor will assist owner in obtaining code variance required for use of curved escalator.
 - j. Contractor to provide hoisting beam and rigging points assuming subcontractor completes all layout for floor penetrations in 3rd floor, and engineering to determine size of hoist beam.
 - k. Subcontractor to include Warranty maintenance.
 - l.
4. This Subcontractor shall employ a full-time Project Manager, approved by Suffolk, with experience on similar projects. This Subcontractor’s Project Manager must be available locally when required and dedicate enough hours as required to manage the Project including making multiple weekly meeting, reviewing “what-if” scenarios, price changes, etc.
5. This Subcontractor agrees that they have reviewed the Contract Documents, specifically the Architectural and Structural Drawings and have verified that this Subcontractor’s proposed escalator equipment/components will fit within the wellways and machine rooms as shown on the Contract Documents (allowing for the proper clearances/tolerances) without any building modifications.

6. This Subcontractor shall coordinate with all parties (Suffolk, the Architect, the Elevator Consultant and interfacing subcontractors) to ensure that all Code requirements for escalators (and escalator equipment) including electrical (emergency and normal power), well ways, machine rooms, fire alarm, etc. are met without impact to the schedule. This Subcontractor shall advise Suffolk of machinery sizes and access requirements for installation in sufficient time for Suffolk to coordinate access requirements with other trades and meet the Project Schedule. If this Subcontractor fails to provide this information in a timely manner then Subcontractor shall be liable for any additional costs incurred by Suffolk and/or other subcontractors.
7. This Subcontractor shall identify discrepancies/deficiencies at time of bid, if possible, but no later than preparation of Shop Drawings. This Subcontractor shall provide all applicable Code references and text of cited Code. This Subcontractor must verify that the size of the escalator machine rooms meet all Code requirements in regards to clearance, access, egress, etc. prior to the rooms being constructed. If discrepancies/deficiencies could have reasonably been identified by this Subcontractor prior to preparation of Shop Drawings but were not, Subcontractor will be responsible for the out-of-sequence cost of correcting the discrepancies/deficiencies.
8. This Subcontractor shall provide a template which locates all block-outs and/or sleeves that must be installed into the structure. These templates shall be provided with the initial Shop Drawings to assure that the placement of the concrete reinforcing does not interfere with penetrations required for the escalator work.
9. This Subcontractor shall provide dimensions and other information (embed locations, electrical requirements, etc.) necessary for placing concrete at the escalator wellways and core walls.
10. This Subcontractor shall provide custom job-specific Shop Drawings that show the exact sizes and locations of the escalator pits as they relate to adjacent column grid lines and floor elevations (including top-of-concrete elevations and top of finished floor elevations). Said Shop Drawings shall show the adjacent structures and finishes in relation to the work by this Subcontractor. Locate and size all devices and all device block-out openings on elevation and plan views.
11. This Subcontractor shall provide layout drawings stamped by a Professional Engineer registered in the Commonwealth of Massachusetts.
12. This Subcontractor shall provide calculations prepared by a Professional Engineer registered in the Commonwealth of Massachusetts. These calculations shall show all imposed forces on the building structure from each of the escalators.
13. This Subcontractor shall include meeting all seismic codes in operation and components per the Contract Documents.
14. This Subcontractor shall provide all HVAC and electrical loads for all escalators.
15. This Subcontractor acknowledges that fabrication and delivery of escalator materials/components/equipment shall be coordinated with the current Project Schedule at the time of release and that no additional costs will be entertained for off-site storage.
16. This Subcontractor acknowledges that one mobilization will be required for delivery/hoisting of the escalator material/components/equipment.
17. This Subcontractor acknowledges that on-site access/storage will be determined by Suffolk based on the needs of the Project and availability of space.
- ~~18.~~ This Subcontractor shall coordinate location of stored materials and test weights with Suffolk's Project Superintendent. ~~This Subcontractor shall relocate one time if necessary to allow access by other trades to their work.~~

19. This Subcontractor shall inspect the proposed delivery route through the site and building one week prior to the scheduled delivery and shall notify Suffolk of any issues.
20. This Subcontractor understands that access to the building at the ground/access floor may not be a smooth level surface, but will provide the necessary equipment/supplies to deliver materials into the building.
21. This Subcontractor acknowledges that the escalator installation "kick-off" date is defined as that date when the pits are complete (weather-tight, clean, and dry) and temporary power (with characteristics of permanent power) is brought to the controller.
22. This Subcontractor shall coordinate with all other subcontractors and shall reasonable access to escalator well ways, etc. as required for completing their work
23. This Subcontractor will maintain protective barricades around well way openings for safety during the course of this Subcontractor's work. Barricades will be installed initially by others.
24. This Subcontractor is responsible for removing the existing fireproofing with minimal disturbance to the fireproofing for this Subcontractor's work. Patching of the fireproofing is to be done by others unless the removal is in excess of 120% of device attached to the structural steel, in which case the Subcontractor will be financially responsible for the patching. Any fireproofing debris cleanup required as a result of these activities is the responsibility of this Subcontractor.
- ~~25. This Subcontractor shall include installation of fire stopping as required per the Contract Documents.~~
26. This Subcontractor shall include all necessary welding.
27. This Subcontractor shall furnish and install all embedment items as required for the proper completion of this work even if they are not shown on the drawings.
28. This Subcontractor shall coordinate the location of all local disconnect switches with the Electrical Subcontractor to ensure unobstructed visibility of the motors from the switches.
29. This Subcontractor includes all wiring from the disconnect switch that is provided by the Electrician.
30. This Subcontractor shall include painting of escalator equipment as required.
- ~~31. This Subcontractor shall provide all required hatchways at the top of the elevator cars.~~
- ~~32. This Subcontractor shall include all equipment as required by Code in the Fire Command Center including fire status panel and emergency power selection.~~
33. This Subcontractor shall provide all signage for escalators per all applicable codes, including ADA requirements, local Fire Department, etc.
34. This Subcontractor acknowledges that all escalators will be adjusted from either permanent power or temporary power having permanent characteristics. No delay shall be claimed if permanent power is not available.
35. This Subcontractor acknowledges that name plates will not be permitted on any device or fixture provided by this Subcontractor.
36. This Subcontractor shall clean all construction debris from the bottom of the escalator pits prior to temporary and/or permanent testing & inspection.
- ~~37. This Subcontractor shall provide all necessary supervision and stand-by personnel for testing. ~~which includes premium time if required.~~~~
38. This Subcontractor shall be responsible for the costs (including the costs incurred by Suffolk and other Subcontractors) of re-testing required due to failure or incompleteness of this Subcontractor's work.

- 39. This Subcontractor acknowledges that temporary use during construction does not constitute final acceptance and that final acceptance will be by the Architect/Owner.
- 40. This Subcontractor shall turn-over the permanent keys to the escalators upon successful completion of the final inspections and shall not "hold the keys hostage" in exchange for payments.
- ~~41. This Subcontractor acknowledges that no hoist beam will be provided for the installation of the escalators. Accordingly, this Subcontractor will provide all material, equipment and labor to set the escalators in place.~~
- ~~42. This Subcontractor shall include square tube truss construction for escalators. Trusses shall be "stiffened" by escalator manufacturer which will eliminate the need for intermediate steel support by others.~~
- 43. This Subcontractor shall include all colored stainless steel bronze trim pieces at side rails and bronze floor access panels. Exclude all other cladding (to be furnished & installed by others).
- 44. Upon completion of the escalator installation, this Subcontractor shall include providing sufficient temporary protection/wrapping of all escalator components/elements in order to prevent excess construction debris for accumulating while other work is being performed overhead and nearby. This Subcontractor shall include removal & disposal of said temporary protection/wrapping. This Subcontractor shall perform all necessary cleaning/vacuuming of escalators upon removal of the temporary protection/wrapping so that the escalators are "construction clean" and ready for inspection. This Subcontractor shall exclude the final cleaning of the escalators (to be done by the Final Cleaning Subcontractor).

Exclusions

- 1. This Subcontractor shall exclude furnishing and installing the straight/linear escalators.

Schedule

- 1. All costs associated with expediting and special freight for the delivery of material and equipment are included in the Subcontract Amount **if fabrication is delayed.**
- 2. **Subcontract Durations:** The following itemizes out the overall maximum procurement schedule duration and key installation durations for the Work prosecution for their overall Work Schedule as agreed (all days reference below are working days):

Procurement

- a. Prepare & Submit Procurement Schedule (From LOI/NTP Issuance)..... 15 Days
- b. Prepare & Submit All Submittals / Shop Drawings (From LOI/NTP Issuance)..... 30 Days
- c. Procure All Long Lead Time Items to Project Site (From Submittal Approval)..... ___ Days

Installation

- d. Define Key Interim Durations as Needed..... ___ Days
- e. All Work Complete (From LOI/NTP Issuance)..... ___ Days

- 3. **Subcontractor proposal is based on 100% installation in the year 2018.**
- 4.

ARTICLE 13.1: MOCK-UPS

- 1. N/A

ARTICLE 13.2: ACCEPTED VALUE ENGINEERING

- 1. N/A

ARTICLE 13.3: ALLOWANCES

1. Certain Subcontracts may include allowances within the Subcontract amount for work that is not clearly defined at the time of the Subcontract award and may be performed at a later date. Contractor will control these allowances in their entirety. Subcontractor will not be paid for any work that it performs that is related to the allowance unless they receive written authorization from Contractor, to proceed with the work. Subcontractor must also have daily work orders with a detailed description and location of the work performed signed by the jobsite Superintendent from Contractor verifying the labor and material that will be billed against each allowance. Payment for the performance of Work included in allowances will be made to the Subcontractor in accordance with the terms and conditions of the Subcontract. Any allowance funds not used will be returned to Contractor, in the form of a deductive change order. The following allowances are included in the scope of work:
 - a. N/A

ARTICLE 13.4: ALTERNATE PRICING

1. The following alternate scopes of work are to be priced separately on the Proposal Form:

Alternate #1	Add to Provide Payment & Performance Bonds
--------------	--

2. The above Alternates are to be used for additions and/or deletions to the Scope of Work at the sole discretion of Suffolk. These alternate prices are totally inclusive of labor, materials, overhead, profit, taxes, insurance, escalation, permits, fees, delivery, layout, engineering, tools, equipment, supervision, receiving, hoisting, handling, distribution, storage, protection, and all other costs arising out of or related to such alternates and shall remain in effect throughout the duration of the project. These alternates are not subject to any hidden or added costs.

ARTICLE 13.5: UNIT PRICES

1. The following unit prices are to be priced separately on the Proposal Form:
 - a. N/A

END OF SCOPE OF WORK

SECTION 143100
ESCALATORS

PART 1 - GENERAL

1.1 SUMMARY

- A. Twelve (10) Linear escalator(s) as follows:
 - 1. Ten (10) Linear escalator(s). Escalator(s) ECE 1 and 2, EEE 1 and 2, BEE 1 and 2, PLE 1 and 2, and PRE 1 and 2.
- B. Two (2) Curved escalator(s) as follows:
 - 1. Two (2) Spiral escalator(s). Escalator(s) MEE 1 and 2
- C. LEED Requirements. This specification section has USGBC LEED® point ramifications. Contractor(s) shall execute all work in full compliance to LEED® requirements associated with this and related specification sections. The LEED project manual has been included as a part of the general and special requirements of this specification and applies to this and all other sections of the specification. Where discrepancies exist between specification references, the most stringent shall apply.
- D. Related Requirements:
 - 1. Division 01 Section "Temporary Facilities and Controls" for temporary use of escalators for construction purposes.
 - 2. Division 03 Section "Cast-in-Place Concrete" for setting sleeves, inserts, and anchoring devices in concrete.

1.2 DEFINITIONS

- A. Terms used are defined in the latest edition of the Safety Code for Elevators and Escalators, ASME A17.1.
- B. Reference to a device or a part of the equipment applies to the number of devices or parts required to complete the installation.
- C. Provisions of this specification are applicable to all escalators unless identified otherwise.

1.3 PERFORMANCE REQUIREMENTS

- A. Regulatory Requirements: Comply with ASME A17.1/CSA B44.
- B. Accessibility Requirements: Comply with 2010 ADA standards for Accessible Design and with ICC A117.1.
- C. Seismic Performance: Escalator system shall withstand the effects of earthquake motions determined according to SEI/ASCE 7 and shall comply with escalator safety requirements for seismic risk Zone 2 or greater in ASME A17.1/CSA B44.
 - 1. The term "withstand" means the system will remain in place without separation of any parts when subjected to the seismic forces specified and the system will be fully operational after the seismic event.
 - 2. Provide earthquake equipment required by ASME A17.1/CSA B44.
 - 3. Design earthquake spectral response acceleration short period (Sds) for Project is 0.303g.
 - 4. Occupancy Category: III.
 - 5. Project Seismic Design Category: B.
 - 6. Escalator Component Importance Factor (Ip): 1.5.

1.4 SUBMITTALS

- A. Product Data: Include capacities, sizes, performances, operations, safety features, finishes, and similar information. Include product data for and operation, control, and signal systems. Include product data for signal fixtures, lights, graphics plates, and details of mounting provisions.
- B. Shop Drawings:
 - 1. Include plans, elevations, sections, and large-scale details indicating layout, coordination with building structure, relationships with other construction, and locations of equipment.
 - 2. Indicate maximum dynamic and static loads imposed on building structure at points of support and maximum and average power demands.
 - 3. Power Confirmation Information: Include motor horsepower, code letter, starting current, full-load running current, and demand factor.
- C. Samples for Initial Selection: For finishes involving surface treatment, paint or powder coat color selection.
- D. Samples for Verification: For exposed finishes:
 - 1. Samples of sheet materials: 3" (75 mm) square.
 - 2. Running trim members: 4" (100 mm) lengths.
- E. Operation and Maintenance Data:
 - 1. To include in emergency, operation, and maintenance manuals.
 - 2. In addition to items specified in Division 01 Section "Operation and Maintenance Data," include diagnostic and repair information available to Manufacturer's and Installer's maintenance personnel.
- F. Inspection and Acceptance Certificates and Operating Permits: As required by authorities having jurisdiction for normal, unrestricted escalator use.
- G. Continuing Maintenance Proposal: Submit a continuing maintenance proposal from Installer to Owner with terms, conditions, and obligations as set forth in, and in same form as, "Draft of Escalator Maintenance Agreement" included as Section 143250, starting on date initial maintenance service is concluded.

1.5 QUALITY ASSURANCE

- A. Compliance with Regulatory Agencies: Comply with most stringent applicable provisions of following codes, laws, and/or authorities, including revisions and changes in effect:
 - 1. Safety Code for Elevators and Escalators, ASME A17.1
 - 2. Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2
 - 3. Elevator and Escalator Electrical Equipment, ASME A17.5
 - 4. National Electrical Code, NFPA 70
 - 5. Americans with Disabilities Act, ADA
 - 6. Local Fire Authority
 - 7. Requirements of IBC, and all other Codes, Ordinances and Laws applicable within the governing jurisdiction
 - 8. Life Safety Code, NFPA 101
 - 9. Massachusetts Elevator Regulations 524 CMR

1.6 PRODUCT DELIVERY, STORAGE, AND HANDLING

- A. Deliver material in Contractor's original unopened protective packaging.
- B. Store material in original protective packaging. Prevent soiling, physical damage, or moisture damage.

- C. Protect equipment and exposed finishes from damage and stains during transportation and construction.

1.7 WARRANTY

- A. **Manufacturer's Warranty:** Manufacturer agrees to repair, restore, or replace escalator work that fails in materials or workmanship within specified warranty period.
- B. Failures include, but are not limited to: operation or control system failure, including excessive malfunctions; performances below specified ratings; excessive wear; unusual deterioration or aging of materials or finishes; unsafe conditions; need for excessive maintenance; abnormal noise or vibration; and similar unusual, unexpected, and unsatisfactory conditions.
- C. **Warranty Period:** One year from date of Substantial Completion of all units and beneficial use.

1.8 MAINTENANCE

- A. **Initial Maintenance Service:** Beginning at Substantial Completion, maintenance service shall include twelve months full maintenance by skilled employees of escalator Installer. Include monthly preventive maintenance, repair or replacement of worn or defective components, lubrication, cleaning, and adjusting as required for proper escalator operation at rated speed and capacity. Parts and supplies shall be manufacturer's authorized replacement parts and supplies.
 - 1. Perform maintenance during non – casino operating hours.
 - 2. Perform emergency callback service during normal working hours. Include 24-hour-per-day, 7-day-per-week emergency callback service with response time of thirty minutes for entrapment and sixty minutes or less for normal callbacks.

PART 2 - PRODUCTS

2.1 MANUFACTURERS

- A. **Manufacturers:** Subject to compliance with requirements, provide products by one of the following available manufacturers offering products that may be incorporated into the Work include the following:
 - 1. KONE Inc.
 - 2. Mitsubishi Electric Corporation.
 - 3. Otis Elevator Co.
 - 4. Schindler Elevator Co.
 - 5. ThyssenKrupp Elevator.
- B. **Source Limitations:** Obtain escalators and elevators specified in another Division 14 Section from single manufacturer.

2.2 ESCALATORS

- A. **Summary of Escalator Equipment**

Number

Escalator(s) Nos. 1 - 12

Size:

Escalator(s) ECE 1 and 2	32" Wide (24" Step)
Escalator(s) EEE 1 and 2	32" Wide (24" Step)
Escalator(s) BEE 1 and 2	40" Wide (32" Step)
Escalator(s) PLE 1 and 2	48" Wide (40" Step)
Escalator(s) PRE 1 and 2	48" Wide (40" Step)
Escalator(s) MEE 1 and 2	48" Wide (40" Step)

Speed:

Linear Escalators: 100 F.P.M.; Curved
Escalator(s) MEE 1 and 2: 90 F.P.M.

Rise:

Escalator(s) ECE 1 and 2	18' - 6" ±
Escalator(s) EEE 1 and 2	28' - 6" ±
Escalator(s) BEE 1 and 2	12' - 0" ±
Escalator(s) PLE 1 and 2	16' - 5" ±
Escalator(s) PRE 1 and 2	16' - 5" ±
Escalator(s) MEE 1 and 2	16' - 5" ±

Floors Served:

Escalator(s) ECE 1 and 2	1 - 2
Escalator(s) EEE 1 and 2	1 - 3
Escalator(s) BEE 1 and 2	G - 1
Escalator(s) PLE 1 and 2	1 - 2
Escalator(s) PRE 1 and 2	1 - 2
Escalator(s) MEE 1 and 2	1 - 2

Configuration:

Escalator(s) ECE 1 and 2	Linear
Escalator(s) EEE 1 and 2	Linear
Escalator(s) BEE 1 and 2	Linear
Escalator(s) PLE 1 and 2	Linear
Escalator(s) PRE 1 and 2	Linear
Escalator(s) MEE 1 and 2	Curved

Arrangement:

Parallel Adjacent

Angle of Inclination:

30°

Operation:

Reversible

Drive Motor Gear Box:

Worm, Planetary or Helical

Balustrades:

Vertical to Deck

Balustrade Finish:	Clear Tempered Glass
Deck Configuration:	Low Inner and Outer
Deck Finish:	Satin Stainless Steel
Molding and Trim:	Match Deck Finish
Skirt Panels:	Stainless Steel Low Friction Material Applied to Metal Panels;
Handrail Color:	Black
Step Tread and Riser:	Cleated and Meshed with Adjacent Step with Tread Demarcation Inserts, Tread Sides and Rear. Demarcation Color: Yellow
Power Supply:	480 Volts, 3 Phase, 60 Hertz
Additional Features, All Escalator(s):	Step Demarcation LED Lighting Emergency Stop Buttons Caution Signs At Each Landing Engraved Plate to Match Deck Material and Finish Remote Operating Indicator in Fire Control Panel Truss Extensions to Suit Structural Support Locations Truss Isolation Under Handrail Lighting, Escalator(s) Nos. 1 - 12 Continuous Skirt Lighting, Escalator(s) Nos. 1 - 12 Comb Plate Lighting Floor Intersection Guards Deck Guards Seismic Design Requirements

Monitoring System

2.3 MATERIALS

- A. Steel
 - 1. Sheet Steel (Furniture Steel for Exposed Work): Stretcher-leveled, cold-rolled, commercial quality carbon steel, complying with ASTM A366, matte finish.
 - 2. Sheet Steel (for Unexposed Work): Hot-rolled, commercial quality carbon steel, pickled and oiled, complying with ASTM A568/A568 M-03.
 - 3. Structural Steel Shapes and Plates: ASTM A36.
- B. Stainless Steel: Type 302 or 304 complying with ASTM A240, with standard tempers and hardness required for fabrication, strength, and durability. Apply mechanical finish on fabricated work in the locations shown or specified, Federal Standard and NAAMM nomenclature, with texture and reflectivity required to match Architect's sample. Protect with adhesive paper covering.
 - 1. No. 4 Satin: Directional polish finish. Graining directions as shown or, if not shown, in longest dimension.
- C. Aluminum: Extrusions per ASTM B221: sheet and plate per ASTM B209.
- D. Paint: Clean exposed metal parts and assemblies of oil, grease, scale, and other foreign matter and factory paint one shop coat of standard rust-resistant primer. After erection, provide one finish coat of industrial enamel paint. Galvanized metal surfaces shall be neatly touched up with Galvacon™ or equal following installation.
- E. Prime Finish: Clean all metal surfaces receiving a baked enamel paint finish of oil, grease, and scale. Apply one coat of rust-resistant primer followed by a filler coat over uneven surfaces. Sand smooth and apply final coat of primer.
- F. Baked Enamel Finish: Prime finish per above. Unless specified "prime finish" only, apply and bake three additional coats of enamel in the selected solid color.

2.4 PERFORMANCE

- A. Step Speed: Unit shall be capable of operating at contract speed under any loading condition in either direction of travel.
- B. Handrail Speed: Consistent with step speed.
- C. Noise and Vibration Control: Provide sound isolation within truss as required to limit noise levels relating to escalator equipment and its operation to no more than 50 dBA measured 3'-0" above escalator at any point of its length.

2.5 OPERATION

- A. Each unit shall be capable of operating smoothly and quietly at rated speed with synchronized step and handrail operation and speed in either direction of travel.

2.6 MACHINE ROOM EQUIPMENT

- A. Driving Machine: Worm geared, planetary, or helical spur gear reduction unit coupled directly to AC induction or P.M.S.M. drive motor. Handrail drive shall be directly coupled to drive machine

- B. Drive Motor: Three-phase, operating at no greater than 1800 rpm. Motors shall be designed to operate in confined unvented spaces. Motor insulation class "F" or greater. Motor starting shall incorporate SCR soft start with closed transition.
- C. Brake: Electromechanical brake to safely decelerate, stop, and hold rated load. Brake shall stop escalator operating in the down direction at a relatively constant rate not greater than three feet/second².
- D. Controller: UL/CSA labeled.
1. Compartment: Securely mount all assemblies, power supplies, chassis switches, relays, etc., in a substantial steel cabinet, removable from machine space for ease of access to controls and wiring. Include mainline circuit breaker, phase, and overload protection.
 2. Microprocessor-Related Hardware:
 - a. Provide built-in noise suppression devices which provide a high level of noise immunity on all solid-state hardware and devices.
 - b. Provide power supplies with noise suppression devices.
 - c. Isolate inputs from external devices, such as safety switches, with opto-isolation modules.
 - d. Design control circuits with one leg of power supply grounded.
 - e. Safety circuits shall not be affected by accidental grounding of any part of the system.
 - f. System fault log memory shall be retained in the event of power failure or activation of any safety device.
 - g. Equipment shall be provided with Electro Magnetic Interference (EMI) shielding within FCC guidelines.
 3. Wiring: CSA labeled copper for factory wiring. Neatly route all wiring interconnections and securely attach wiring connections to studs or terminals.
 4. Permanently mark components (relays, fuses, PC boards, etc.) with symbols shown on wiring diagrams.
 5. Provide controller with energy saving controls to reduce escalator speed while idle.
 6. Monitoring System Interface: Provide controller with serial data link through RJ 45 Ethernet connection and install all devices necessary to monitor items outlined in Section 2.13. Escalator Contractor responsible to connect monitoring system interface to machine room monitoring compartment and LAN. Wiring from LAN to the machine room monitoring compartment by others.
 7. Remote Monitoring and Diagnostics: Equip each controller with standard ports, interface boards, and drivers to accept maintenance, data logging, fault finding diagnostic, and monitoring system computers, keyboards, modems, and programming tools. The system shall be capable of driving remote color CRT monitor(s) which continually scan and display the status of each escalator.
- E. Step Drive Assembly: Direct or indirect drive. Machine sprockets at each side over which step chains, step chain rollers, or steel cord reinforced polyurethane cog belt shall pass and transmit motion from machine to steps. If indirect chain drive is used between machine and drive sprocket, provide emergency brake on drive assembly to automatically set if drive chain fails. Provide roller-type sealed bearings.

2.7 WELLWAY EQUIPMENT

- A. Truss: Steel truss to safely carry entire load of escalator, including all components, full-capacity load and weight of exterior truss and balustrade covering material; manufacturer's standard

(not to exceed 10 lb. p.s.f.). Provide required factor of safety. Provide clearly identified exterior cladding support attachment locations on exposed sides and bottom of the entire length of truss. Provide low friction material on lower landing bearing surfaces on trusses spanning expansion joints.

- B. Truss Extensions and / or Reductions: Provide truss and access cover extensions and / or reductions at upper and/or lower landings as required and/or as shown on contract drawings to suit building structural support locations.
- C. Intermediate Supports: Provide intermediate truss supports at back of pit at locations shown on contract documents to suit building structural support locations.
- D. Truss Isolation: Provide isolation pads at support locations to isolate truss and prevent transmission of vibration to building structure.
- E. Drip Pans: Oil-tight, steel pans with sufficient strength to withstand weight of workmen entire width and length of truss.
- F. Step Tracks: Construct from steel. Tracks shall be bolted sections including transitions to facilitate maintenance and replacement if required. Track sections, including transitions, shall be factory installed and aligned to insure smooth, quiet operation of running gear under all conditions. The individual track section, together with transition section, lower reversing station tension carriage, main drive shaft, and handrail drive shaft shall form a fully independent assembly.
- G. Step Bands: Roller chain constructed of steel links with hardened pins or cast links connecting adjacent steps and engaging step drive assembly. Provide synthetic composition roller assemblies with sealed bearings. Escalator design shall permit step band inspection and operation while unit is running with steps removed.
- H. Step Guidance System: Provide a step guidance system to control the horizontal and vertical movement of the steps.
- I. Lower Reversing Station Tension Carriage: Fully independent, floating track system with spring tensioning device to maintain constant step band tension.
- J. Step Assembly: Single piece die-cast aluminum, fastened to the step band. Step rollers shall have sealed bearings and be tired with synthetic composition material. Treads and riser shall be cleated. Steps shall be covered on the underside with sound-deadening material. Steps shall be removable from unit without disassembly of balustrade. Provide renewable step demarcation inserts on trailing edge of each step tread and both sides of each step tread. Paint step tread and riser black between machined surfaces of cleats.
- K. Safety Devices: Provide step and handrail safety devices.
 - 1. Broken drive train/step chain
 - 2. Broken drive chain/drive belt
 - 3. Skirt obstruction
 - 4. Reversal stop
 - 5. Step up-thrust
 - 6. Handrail speed
 - 7. Missing step
 - 8. Step level
 - 9. Handrail entry
 - 10. Combplate impact
 - 11. Step Demarcation Lights
 - 12. Step lateral displacement (curved units only)
 - 13. Stop switch

L. Electrical Wiring:

1. Conductors: Copper throughout with individual wires coded and all connections identified on studs or terminal blocks. Type SO cable may be utilized for wiring conducting 30 volts or less, per NEC 620-21.
2. Conductors: 31 Volt RMS or greater. Provide conduit, junction boxes, connections, and mounting means per requirements of Division 16. Provide painted or galvanized steel or aluminum conduit, conduit size minimum 3/8". Flexible conduit exceeding 18" in length shall not be used.

2.8 HANDRAILS

- A. Construction: Reinforced rubber running on metal guides. Handrail shall be spliced and vulcanized with smooth joint. Handrail shall be driven at the same speed as the steps. Provide tensioning device and slack-tension switch.
- B. Under Handrail Lighting: Provide LED type under handrail lighting all units.

2.9 BALUSTRADE

- A. Interior Panel: **Clear Glass.**
- B. Skirt Panels: Reinforced 14 gauge metal, if required by Contractor's own design. Install to maintain loaded step gap clearance per code. Provide panels with skirt brushes. Extend skirt panel beyond combplates and wrap around base of newel.
- C. Deck Boards: Reinforced 14 gauge metal. All deck section joints shall abut to provide a smooth surface to surface connection with butt joint transition, top and bottom, horizontal to incline sections.
- D. Newel Ends: Continuous metal guides at upper and lower end of the balustrade, matching profile of handrail guides. Newel end shall include a multi-roller bearing system to minimize friction and provide smooth return of handrail.
- E. Finishes:
 1. Interior Panels: Provide 1/2" **clear glass** with section joints vertical to horizontal.
 2. Skirt Panels: Match deck material and finish with low friction application. Black, low friction material applied to metal panels.
 3. Inner and Outer Deck: Satin finish stainless steel.
- F. Trim and Moldings: Match deck finish.
- G. Floor Intersection Guards: Provide clear Plexiglas intersection guards at floor penetrations.
- H. Deck Guards: Provide clear Plexiglas guards between adjacent units at top and bottom of trusses.
- I. Skirt Lighting: Provide continuous LED strip lighting from upper and lower landings through entire incline.
- J. Comb Plate Lighting: Provide LED Comb Plate Lighting at top and bottom landings.

2.10 LANDINGS

- A. Flat Steps: Provide upper and lower landings with two flat steps (1-1/2 flat steps on curved units).
- B. Step Demarcation Lighting: Provide minimum of two green fluorescent step demarcation lights within the step band at upper and lower landings. Locate within a maximum of 16" from combplates.
- C. Combplates: Aluminum or other alloy provided with non-slip surface. Provide removable comb sections. Apply yellow powder coat finish.

- D. Landing Plates: Aluminum or other alloy with non-slip surface. Plate shall extend from combplates to equipment access plates at upper and lower ends. Plates shall extend full width of truss.
- E. Equipment Access Plates: Aluminum or other alloy with non-slip surface. Provide removable access plates to provide for entry into equipment spaces at upper and lower ends. Plates shall cover entire truss openings. Access plates shall match material and finish of adjacent landing plates. Provide landing plate and access floor plate without visible manufacturer's name or logo.

2.11 SIGNAL AND CONTROL FIXTURES

- A. Operating Station: Provide upper and lower newel or stanchion mounted operating stations. Mount on right side when facing unit. Match deck finish. Function and operating positions of switches and buttons shall be identified with engraved characters which are readily visible from a standing position. Each station shall contain the following:
 - 1. Red "emergency stop" button. The button shall be covered with a transparent cover which can be readily lifted or pushed aside. When the cover is moved, an audible warning signal shall be activated. The signal shall have a minimum sound intensity of 80 dBA at the button location. The cover shall be engraved "EMERGENCY STOP"; "MOVE COVER" or equivalent legend (i.e. "LIFT COVER," "SLIDE COVER," etc.); and "PUSH BUTTON." "EMERGENCY STOP" shall be in letters not less than 1/2" (13mm) high. Other required wording shall be in letters not less than 3/16" (4.8mm) high. The cover shall be self-resetting.
 - 2. Key switch to "start" unit.
 - 3. Key directional control switch.
- B. Fault Indicator: Provide upper and lower end of truss with fault indicator to display source of fault without removal of equipment access plate. Locate indicator in handrail inlet box or deck board visible from landing plate.
- C. Diagnostic Access Port: Provide upper and lower landings with RJ-11 diagnostic access port.

2.12 SIGNS

- A. Landing Signs: Provide caution signs at top and bottom landings. Engraved plate with material and finish to match decking.

2.13 SECURITY CONTROL AND DISPLAY PANEL

- A. Control Panel, All Escalators: Provide a control panel and color SVGA with the capability to activate, display, monitor, or control the following functions.
 - 1. Escalator operating on normal power.
 - 2. Escalator in/out of service.
 - 3. Fixtures and monitor shall be located as directed by Architect. Where applicable, identify all indicators and manual switches with appropriate engraving. Provide conduit and wiring to control panel. Coordinate size and location with Building Console Supplier.

PART 3 - EXECUTION

3.1 EXAMINATION

- A. Prior to beginning installation of equipment, examine wellway and pit areas. Verify no irregularities exist which affect execution of work specified.
- B. Do not proceed with installation until work in place conforms to project requirements.

3.2 INSTALLATION

- A. Install all equipment in accordance with Contractor's instructions, referenced codes, specification, and approved submittals.
- B. Install all equipment so it may be easily removed for maintenance and repair.
- C. Install all equipment for ease of maintenance.
- D. Install all equipment to afford maximum accessibility, safety, and continuity of operation.
- E. Remove oil, grease, scale, and other foreign matter from the following equipment and apply one coat of field-applied machinery enamel.
 - 1. All exposed equipment and metal work installed as part of this work which does not have architectural finish.
 - 2. Machine room equipment truss.
 - 3. Neatly touch up damaged factory-painted surfaces with original paint color. Protect machine-finish surfaces against corrosion.
- F. Clean all architectural finishes and replace or restore any surfaces damaged during construction to like new condition.

3.3 FIELD QUALITY CONTROL

- A. Acceptance Testing: On completion of escalator installation and before permitting escalator use, perform acceptance tests as required and recommended by ASME A17.1/CSA B44 and by governing regulations and agencies.
- B. Advise Owner, Architect, and authorities having jurisdiction in advance of dates and times that tests are to be performed on escalators.

3.4 ADJUSTING

- A. Track Alignment: Re-align factory installed tracks if required to ensure continuous 4-point contact with step and chain rollers. Secure joints without gaps and file any irregularities to a smooth surface.
- B. Lubricate all equipment in accordance with Contractor's instructions.
- C. Adjust motors, brakes, controllers, stopping switches, and safety devices to achieve required performance levels.
- D. Adjust brakes and controlled descent devices to stop escalator with variable load. Drive machine brakes shall stop the down running escalator at a rate no greater than three feet/second².
- E. Adjust handrail speed to coincide with step speed.

3.5 CLEANUP

- A. Keep work areas orderly and free from debris during progress of project. Remove packaging materials on a daily basis.
- B. Remove all loose materials and filings resulting from work.
- C. Clean machine room equipment, truss interior, and pit.
- D. Clean balustrades, deck boards, skirt panels, operating and signal fixtures, and trim.

3.6 TEST RESULTS

- A. Review procedure shall apply for individual escalators, portions of groups of escalators, and completed groups of escalators accepted on an interim basis or escalators and groups of escalators completed, accepted, and placed into operation.

- B. Contractor shall perform review and evaluation of all aspects of its work prior to requesting Consultant's final review. Work shall be considered ready for Consultant's final contract compliance review when all Contractor's tests are complete and all elements of work or a designated portion thereof are in place and escalator or groups of escalators are deemed ready for service as intended.
- C. Furnish labor, materials, and equipment necessary for Consultant's review. Notify Consultant a minimum of five working days in advance when ready for final review of escalator or group.
- D. Equipment and Instruments: Furnish equipment and instruments to perform required tests. The following instruments may be necessary to complete the tests:
1. Multi meter
 2. 500 Volt Megger
 3. Alternating-current voltmeter and ammeter
 4. Celsius-calibrated thermometers (two minimum)
 5. Precision tachometer
 6. Decibel meter for noise test
- E. Consultant's written list of observed deficiencies of materials, equipment, and operating systems will be submitted to Contractor for corrective action. Consultant's review shall include as a minimum:
1. Workmanship and equipment compliance with Contract Documents.
 2. Contract speed and performance comply with Contract Documents.
 3. Performance of following is satisfactory:
 - a. Starting and running
 - b. Stopping
 - c. Controlled descent
 - d. Equipment noise levels
 - e. Signal and operating devices
 - f. Overall ride quality
 - g. Handrail speed
 - h. Operations of safety devices
 4. Operating Tests:
 - a. Overspeed Protection Device: Test by operating at rated speed, tripping overspeed device manually.
 - b. Handrail-Tension Device: Test manually.
 - c. Broken Drive Chain Devices: Test by operating at rated speed, tripping broken chain device manually.
 5. Test Results
 - a. In all test conditions obtain specified contract speed, handrail speed, controlled descent, performance, stopping, ride quality, and operation noise levels to satisfaction of Purchaser and Consultant.
 - b. Temperature rise in motor windings limited to 50° Celsius above ambient.
- F. Performance Guarantee: Should Consultant's review identify defects, poor workmanship, variance, or noncompliance with requirements of specified codes and/or ordinances, or variance or noncompliance with the requirements of Contract Documents, Contractor shall complete corrective work in an expedient manner to satisfaction of Purchaser and Consultant at no cost as follows:
1. Replace equipment which does not meet code or Contract Document requirements.
 2. Perform work and furnish labor, materials, and equipment necessary to meet specified operation and performance.

3. Perform retesting required by Governing Code Authority, Purchaser, and Consultant.
- G. A follow-up final contract compliance review shall be performed by Consultant after notification by Contractor that all deficiencies have been corrected. Provide Consultant with copies of the initial deficiency report marked to indicate items which Contractor considers complete.

3.7 PURCHASER'S INFORMATION

- A. Provide three sets of neatly bound written information necessary for proper maintenance and adjustment of equipment within 30 days following final acceptance. Final retention will be withheld until data is received by Purchaser and reviewed by Consultant. Include the following as minimums:
 1. Straight-line wiring diagrams of "as-installed" escalator circuits with index of location and function of components. Provide one set reproducible master. Mount one set wiring diagrams on panels, racked, or similarly protected, in escalator machine room space. Provide remaining set rolled and in a protective drawing tube. Maintain all drawing sets with addition of all subsequent changes. These diagrams are Purchaser's property.
 2. Written Maintenance Control Program (MCP) specifically designed for the equipment included under this contract. Include any unique or product specific procedures or methods required to inspect or test the equipment. In addition, identify weekly, bi-weekly, monthly, quarterly, and annual maintenance procedures, including statutory and other required equipment tests.
 3. Lubrication instructions, including recommended grade of lubricants.
 4. Parts catalogs for all replaceable parts including ordering forms and instructions.
 5. Four sets of keys for all switches and control features properly tagged and marked.
 6. Diagnostic equipment complete with access codes, adjusters manuals and set-up manuals for adjustment, diagnosis and troubleshooting of escalator system, and performance of routine safety tests.

END OF SECTION

MGM Springfield
Diversity Exclusion Summary

1. Scope of Work: **Precast Material – Garage**

2. Estimated Cost \$30,945,438.00 – reference Attachment A

3. List of Available Manufacturers:

- There are seven (7) major precast garage manufacturers in the Massachusetts region of the United States (reference Attachment B). Those manufacturers are:
 - Blakeslee – widely regarded as one of the nation's foremost builders of parking structures, Blakeslee has been involved in projects ranging from a 75 - car one (1) level parking deck to an eleven (11) level 4,500 - car, 1.2 million square foot parking structure and just about every size project in between. Reference Attachment C for additional information.
 - Dailey Precast, LLC. – manufacturers precast parking garage structures, buildings, stadiums, bridges and retaining walls.
 - J.P. Carrara & Sons, Inc. – third generation family owned and operated company that produces sand and stone aggregates, ready-mixed concrete, and precast/pre-stressed concrete. Reference Attachment D for additional information.
 - Oldcastle Precast – N.E. – North American arm of CRH plc, one of the world's leading building products and materials companies based in Dublin, Ireland. Reference Attachment E for additional information.
 - Unistress Corporation – manufacturers bridges, roadways, offices, industrial, commercial manufacturing and stadiums.
 - Tindall – manufacturers mixed-use, institutional, commercial, industrial, and parking structures.
 - Spancrete – manufacturers parking structures, mixed-use, industrial and, retaining walls.

4. Massachusetts Supplier Diversity Office database search results:

- The Owner performed a search of the Massachusetts SDO database and it resulted in naming ten (10) companies listed under the precast scope (reference Attachment F). They are:
 - Atlantic Bridge & Engineering, Inc. – the Owner accessed their website and learned that they only provide steel erection. Please reference Attachment G for the information accessed from Atlantic Bridge & Engineering website.
 - Baseline Supply, LLC. – the Owner accessed their website and learned that they only provide material for roadway (cable guardrails, pavement markings, etc.) construction. Please reference Attachment H for Baseline Supply website.
 - Costa Brothers Masonry, Inc. – the Owner accessed their website and learned that they only provide masonry construction services. Please reference Attachment I for information accessed from Costa Brothers Masonry website.

MGM Springfield
Diversity Exclusion Summary

- Jacob Erecting & Construction, LLC. – no additional information was available as the company website was for sale and the phone number only had an answering machine. Please reference Attachment J for information accessed from Jacob Erecting website.
- Lindon Group, Inc. – the Owner accessed their website and learned that they only supply other manufacturers precast to customers. Please reference Attachment K for Lindon Group website.
- M Solberg Enterprises, Inc. – the Owner accessed their website and learned that they only provide erecting services and concrete cutting. Please reference Attachment L for M. Solberg website.
- Marmelo Bros. Construction Co. Inc. – the Owner accessed their website and learned that they only provide masonry construction services. Please reference Attachment M for information accessed from Marmelo Bros. website.
- New Form Building Systems, Inc. – the Owner accessed their website and learned that they only distribute insulating concrete forms and accessories. Please reference Attachment N for New Form website.
- Saugus Construction Corporation – the Owner accessed a generic website and learned that they only provide steel erection. Please reference Attachment O for the information accessed from the website.
- T & T Steel Erectors, Inc. – the Owner accessed a generic website and learned that they only provide steel erection. Please reference Attachment P for the information accessed from the website.

MGM Springfield
Diversity Exclusion Summary

<u>Attachment #</u>	<u>Title</u>	<u>Buzzsaw Record</u>
Attachment A	Payment Application – Precast Material – Garage	N/A
Attachment B	Major equipment manufacturers – precast material - garage	N/A
Attachment C	Blakeslee company information	N/A
Attachment D	J.P. Carrara & Sons, Inc company information	N/A
Attachment E	Oldcastle Precast – N.E company information	N/A
Attachment F	Massachusetts SDO database results	N/A
Attachment G	Atlantic Bridge & Engineering, Inc. company information	N/A
Attachment H	Baseline Supply, LLC. company information	N/A
Attachment I	Costa Brothers Masonry, Inc. company information	N/A
Attachment J	Jacob Erecting & Construction, LLC. company information	N/A
Attachment K	Lindon Group, Inc. company information	N/A
Attachment L	M Solberg Enterprises, Inc. company information	N/A
Attachment M	Marmelo Bros. Construction Co. Inc. company information	N/A
Attachment N	New Form Building Systems, Inc. company information	N/A
Attachment O	Saugus Construction Corporation company information	N/A
Attachment P	T & T Steel Erectors, Inc. company information	N/A

Attachment A

CONTINUATION SHEET

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed Certification is attached.

In tabulation below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 14

APPLICATION DATE: 31-Mar-17

PERIOD FROM: 1-Mar-17

TO: 31-Mar-17

A ITEM No.	B Code	C DESCRIPTION OF WORK	D SCHEDULED VALUE	E WORK COMPLETED			H TOTAL COMPLETED AND STORED TO DATE (E + F + G)	I % Complete H / D	J BALANCE TO FINISH D - H	K Ret. %	L RETAINAGE AMOUNT	M NET VALUE
				Previous Applications	This Application Work in Place	Stored Materials (not in E or F)						
5		PRECAST	30,945,438	26,088,000			28,269,500	91%	2,675,938		1,413,475	26,856,025
		Shop Drawings and Coordination	500,000	500,000			500,000	100%	-	5%	25,000	475,000
		Member Design and Production Drawings	400,000	400,000			400,000	100%	-	5%	20,000	380,000
		Fabrication	16,125,000	15,705,750		419,250	16,125,000	100%	-	5%	806,250	15,318,750
		Mobilization	500,000	375,000			375,000	75%	125,000	5%	18,750	356,250
		Erect Seq 1 -3	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 4 - 6	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 7-9	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 10 - 12	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 13 - 15	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 16 - 18	1,365,000	1,365,000			1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 19 - 21	1,365,000	341,250	1,023,750		1,365,000	100%	-	5%	68,250	1,296,750
		Erect Seq 22 - 24	1,365,000	-	682,500		682,500	50%	682,500	5%	34,125	648,375
		Erect Seq 25 & 26	1,364,438	-			-	0%	1,364,438	5%	-	-
		Caulk & Seal Seq 1 -3	112,000	112,000			112,000	100%	-	5%	5,600	106,400
		Caulk & Seal Seq 4 - 6	112,000	112,000			112,000	100%	-	5%	5,600	106,400
		Caulk & Seal Seq 7-9	112,000	112,000			112,000	100%	-	5%	5,600	106,400
		Caulk & Seal Seq 10 - 12	112,000	112,000			112,000	100%	-	5%	5,600	106,400
		Caulk & Seal Seq 13 - 15	112,000	-	56,000		56,000	50%	56,000	5%	2,800	53,200
		Caulk & Seal Seq 16 - 18	112,000	-			-	0%	112,000	5%	-	-
		Caulk & Seal Seq 19 - 21	112,000	-			-	0%	112,000	5%	-	-
		Caulk & Seal Seq 22 - 24	112,000	-			-	0%	112,000	5%	-	-
		Caulk & Seal Seq 25 & 26	112,000	-			-	0%	112,000	5%	-	-
		Bond	128,000	128,000			128,000	100%	-	5%	6,400	121,600

Attachment B

MGM Springfield

PreCast Material - Garage

Prepared: March 6, 2017

<u>Ref #</u>	<u>PreCast Material - Garage</u>	<u>Year Established</u>	<u>Notes</u>
1	Blakeslee*	1844	Provided precast for UCONN Football stadium
2	Dailey Precast, LLC.		
3	J.P. Carrara & Sons, Inc.*	1940s	Provided precast for New England Patriots stadium
4	Oldcastle Precast - N.E.*	1978	
5	Spancrete	1946	
6	Tindall	1932	One of the largest privately held precast concrete companies in North America
7	Unistress Corporation		

Notes

* Top company with details provided

* Sources referenced for Attachment A

J.P. <http://www.jpcarrara.com/Products/ParkingGarages.aspx>

Carrara <http://www.jpcarrara.com/History.aspx>

Blakeslee <http://www.blakesleeprestress.com/index.cfm/about/index>

Oldcastle <http://www.oldcastle.com/our-story.php>

<http://www.oldcastle.com/about-oldcastle.php>

Attachment C

MGM Springfield

Top PreCast Material Companies – Blakeslee

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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1	<u>Blakeslee</u>
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Founded: 1844

Headquarters: Branford, Connecticut

Primary Services: Designer and fabricator of precast concrete

Notable Projects: University of Connecticut Stadium at Rentschler Field, 275 Wyman Street Parking Garage & Logan International Airport Parking Structure

ABOUT BLAKESLEE

“Blakeslee's entry into the construction industry dates back to 1844 with a family run business known as C.W. Blakeslee and Sons. Recognizing the benefits of what was at the time an emerging technology prestressed concrete, a prestressed division was formed in 1958. Since then we have been providing customers in the construction industry with value engineered solutions utilizing precast, prestressed concrete building structures. Blakeslee's level of quality has long set the standards in the prestressed, precast concrete industry for state-of-the-art design and construction. Our design innovation and flexibility allows us to meet the ever-changing demands of the marketplace as we continue to provide Building Solutions for the 21st Century and beyond.”

BLAKESLEE IN U.S.

Blakeslee operates exclusively in the New England market from New York to Rhode Island and everywhere in between.

Attachment D

MGM Springfield

Top PreCast Material Companies – J.P. Carrara & Sons, Inc.

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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2	<u>J.P. CARRARA</u>
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Founded: 1940s

Headquarters: Greenfield, Indiana

Primary Services: Designer and supplier of precast parking garage structure components

Notable Projects: John E. Gare Municipal Parking Garage - Northampton, MA; Rensselaer Rail Station - Rensselaer, NY & SUNY Albany Parking Garage - Albany, NY

ABOUT J.P. CARRARA

“J. P. Carrara & Sons, Inc. is a third generation family owned and operated company that produces sand and stone aggregates, ready-mixed concrete, and precast/pre-stressed concrete products out of our plants in Rutland and Middlebury, Vermont, and Crown Point, New York. From its founding in the early 1940s, when an Italian immigrant named Joseph P. Carrara Sr. purchased an old concrete mixer truck to supplement his barn building business, to its position today as one of the leading manufacturers of precast/pre-stressed concrete products in the Northeast, J. P. Carrara & Sons, Inc. has sustained its commitment to making the highest quality concrete products and delivering the most reliable service.”

J.P. CARRARA IN U.S.

“Precast, pre-stressed concrete has long been considered the ideal material for parking garage construction, and J. P. Carrara & Sons, Inc. is proud to be one of New England’s leading designers and suppliers of precast parking structure components.”

Attachment E

MGM Springfield

Top PreCast Material Companies – Oldcastle

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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3	<u>Oldcastle</u> Founded: 1978 Headquarters: Atlanta, Georgia Primary Services: Road & concrete materials, glazing, precast materials, hardscapes & masonry Notable Projects: United States Marine Corps Museum and 400 Fifth Avenue
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ABOUT OLDCASTLE

“Oldcastle Materials is the leading supplier of aggregates, asphalt, ready mix concrete, and construction and paving services in the United States. Oldcastle Products and Distribution is a portfolio of businesses that have leading market positions across North America. Activities are organized into four Product Groups: Architectural Products (concrete masonry and hardscapes, packaged cement mixes, packaged lawn and garden products), Precast (utility and structural precast, composite utility enclosures, construction accessories), Building Envelope® (architectural glass, aluminum glazing systems). and Distribution (distributor of roofing, siding, window, and interior products for specialty contractors).”

OLDCASTLE IN U.S.

“Oldcastle, Inc., is the North American arm of CRH plc, one of the world’s leading building products and materials companies based in Dublin, Ireland. Oldcastle operations include more than 1,700 operations in 50 states and 6 Canadian provinces. Oldcastle has 40,000 employees.”

Attachment F

MGM Springfield

Massachusetts Supplier Diversity Office-Business Directory--Precast

Prepared: March 10, 2017

Item	Business Name	Address	City	State	Zip	County	First Name	Last Name	Telephone	Fax	Email	Website	MBE - Y/N	WBE - Y/N	PBE - Y/N	Non Profit - Y/N	SDO Cert. Date	Description of Services
1	Atlantic Bridge & Engineering, Inc.	150 High Street	Hampton	NH	03842	OutOfState	Victoria	Kolenda	(603) 601-7487	(603) 601-7983	vkolenda@atlanticbr.com	http://www.atlanticbr.com	N	Y	N	N	03/01/2016	Installation and Erection of Structural Steel: Complex and Simple, Precast Concrete, Reinforcing Steel, Post-tensioning, Temporary Bridge Structures, Metal Decking, Bearings, Miscellaneous and Ornamental Iron; Fabrication: Simple Bridge Steel, Structural Steel for Buildings, Major Bridge with Fracture Critical Endorsement, Miscellaneous and Ornamental Iron
2	Baseline Supply, LLC	65 Turnberry Drive	Monroe Township	NJ	08831	OutOfState	Tracey Okin	Meents	(917) 301-1512	(888) 398-2080	baselinesupply@gmail.com		N	Y	N	N	06/30/2011	Regular Dealer who Procures and Delivers Construction Materials and Building Supplies, Plumbing, HVAC, Lumber, Millwork, Paint, Metals, Electrical Apparatus and Equipment, Roofing, Precast Concrete Products, Pipe and Tube, Brick, Stone, Industrial Machinery and Equipment, and Related Construction Materials all as a Merchant Wholesaler; and General Freight Trucking, Long Distance and Local
3	Costa Brothers Masonry, Inc.	2 Lambeth Park Drive	Fairhaven	MA	02719	Bristol	Lisa	Da Costa	(508) 991-7634	(508) 991-7635	Lisa@Costamasonry.com	http://www.costabrothersmasonry.com	N	N	Y	N	11/12/2008	Masonry Subcontractor Providing Services with Brick, Block, Precast and Stonework; Also ABAA Certified to Provide Waterproofing and Air & Vapor Barrier Systems
4	Jacob Erecting & Construction, LLC	42 Ozick Drive, Suite 5	Durham	CT	06422	OutOfState	Dayna	Perry	(860) 788-2676	(860) 788-2466	dmperry@jecllc.com	http://www.jecllc.com	N	Y	N	N	06/24/2010	Precast Concrete Erection Services
5	Lindon Group, Inc.	28 Sutton Avenue	East Providence	RI	02914	OutOfState	Melinda	Penney	(401) 272-2081	(401) 276-0243	info@lindongroup.com	http://www.lindongroup.com	N	Y	N	N	02/09/2012	Product Designer of Consumer Medical Products, Manufacturer of Explosion Test Kits, Security Products, Supplier of Piping, Pipe Remediation Products, Stormwater and Sewer Control Products, Precast & Rain Water Tanks; Geotechnical, Erosion Control and Environmental Construction Materials, Brick, Stone and Related Construction Material Wholesaler, Building Material Dealer and Design Services; Manuf of REC bags, Manuf & Supp of Security Prod; Consumer Product Designer & Developer
6	M Solberg Enterprises, Inc.	149 Cross Street	Winchester	MA	01890	Middlesex	Cheryl	Solberg	(781) 729-2655	(781) 729-1882	chughes@msolberg.com		N	Y	N	N	12/12/1994	Concrete Cutting, Erect Precast Concrete
7	Marmelo Bros. Construction Co., Inc.	13 Ventura Drive	North Dartmouth	MA	02747	Bristol	Antonio	Marmelo	(508) 995-6582	(508) 995-6926	vicki@marmeloconstruction.com		N	N	Y	N	06/30/2010	Mason Subcontractor of Commercial Property Using Brick, Block, Architectural Block, Precast, Architectural Precast, Limestone, Ariscraft
8	New Form Building Systems, Inc.	90 Heritage Park Road, Suite 2	Bucksport	ME	04416	OutOfState	Michelle	Schleck	(207) 469-2711	(207) 433-1027	info@newformbuilding.com	http://www.newformbuilding.com	N	Y	N	N	11/30/2006	Regular Dealer/Broker of Precast Concrete Products, Waterproofing and Drainage Materials, Pipe and Drainage Products, Erosion Control Products, Highway and Bridge Products, Steel Products, Concrete Accessories, Masonry Products, Cement and Adhesive Products, Safety and Tool Products and Insulating Concrete Forms and Accessories; Brick, Stone and Related Construction material, plumbing and heating equipment merchant wholesaler
9	Saugus Construction Corporation	One Farm Lane	Georgetown	MA	01833	Essex	Usha N.	Wood	(978) 352-7171	(978) 352-7998	saugusconst@aol.com		Y	Y	N	N	01/13/1992	Steel Erection and Reinforcing, Iron Work and Installation of Concrete Products, Including: Precast Panels/Slabs, Prestressed Beams/Slabs, Curtain Walls
10	T & T Steel Erectors, Inc.	21 Taunton Avenue	Hyde Park	MA	02136	Suffolk	Carlyle	Rose	(617) 361-8939	(617) 361-7415	trinirose4@verizon.net		Y	N	N	N	12/04/1997	Miscellaneous Iron Work, Welding, Structural and Precast Work

Attachment G

History

[View Our Certifications](#)

1996	<p>Atlantic Bridge & Engineering was founded as a small union steel erector by Victoria Kolenda. At that time, Victoria's goal was to address the need of building and bridge contractors throughout New England for high-value installation of complex structural steel and precast.</p> <p>Not long after the company's founding, ABE was awarded several contracts on the Central Artery/tunnel Project (known as the "Big Dig") in Boston, MA.</p>
2001	<p>ABE diversified by opening a steel fabrication facility in Amesbury, MA, specializing in the fabrication of miscellaneous metals and structural steel for buildings and bridges.</p>
2004	<p>ABE joined a select group of New England companies to earn the exclusive designation of the American Institute of Steel Construction's (AISC) Advanced Certified Steel Erector and Certified Steel Erector.</p>
2005	<p>Due to increased industry demand, ABE relocated its fabrication business to Candia, NH. This move allowed the firm to maximize its capabilities and fabricate structural steel in addition to miscellaneous metals.</p> <p>During that year, ABE successfully completed the AISC Audit Program and met the quality certification requirements to become an AISC Certified Fabricator of Structural Steel Buildings and Simple Bridges.</p>
2009	<p>ABE successfully completed the AISC Audit Program and met the quality certification requirements to become an AISC Certified Fabricator of Structural Steel Buildings and Major Bridges with a Fracture Critical Welding Endorsement.</p>
Today	<p>ABE is a well-diversified and growing company specializing in all facets of the steel business. The entire ABE team is committed to meeting contractors' goals and accommodating the complete steel erection, fabrication, installation and project management needs of every contractor with the highest levels of efficiency and quality.</p>

About Us

Atlantic Bridge and Engineering provides one-stop shopping for contractors seeking to remain efficient, productive and profitable with every new job or repair project.

From complex projects to tight deadlines, ABE offers exemplary lead time and ensures optimal schedule compliance in order to avoid the risk of delays or penalties.

 (603) 601-7487

Attachment H

Baseline Supply LLC

DBE/WBE Certified



Products



Geotextiles



Permanent and Removable
Temporary Pavement
Marking Tape



Geo



Attachment I

About



Founded in 1989 by brothers Domingos (Dominic) and Fernando DaCosta (Freddy), Costa Brothers Masonry began in earnest with small house projects building chimneys, porches and walkways. As the company’s reputation for masonry excellence continued to evolve, local residential jobs soon gave way to new and more challenging opportunities in the form of large, multi-state commercial projects.

Family Values

Today, along with its active founding brothers, the firm remains privately-owned and operated as a “family values” based entity that also includes Domingos’ son, Mike, as General Project Manager and daughter, Lisa, who is Controller. With annual revenues exceeding \$20M, the family values business model has proved viable in providing financial growth and employment opportunities even during difficult economic times.

The Costa Brothers Masonry family-centric approach to business not only benefits our highly-skilled craftsmen, professional engineering and support staff, but equally applies to the way we treat our valued customers— like family!

“Family Values permeate our organization helping us maintain close employee and productive customer relationships at all levels... it makes us an attractive company to work for, and work with,” explains Mike DaCosta.

• About Us

Costa Brothers Masonry is the firm General Contractors confidently rely on for expert masonry construction no matter the project size-scope, technical challenges or completion schedule. We provide on-time quality performance without compromise or excuse.



Costa Brothers Masonry
*Laying the Cornerstones
for Building Success!*

Attachment J

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o

.com

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us

OR
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15





(See More)

- [ProjectProfs.com](#)
- [ProjectManagementProfessionals.com](#)
- [PartnershipProject.com](#)
- [EaProject.com](#)
- [ProjectWI.com](#)
- [Project50.com](#)
- [ProjectMans.com](#)
- [PackerProjects.com](#)

Service You Can Trust
 Testimonials
 No Hassle Return Policy
 Terms & Conditions

Only Deals
 Advanced Search

Avoiding Problems

Contact Us

Download the App



Attachment K

Precast

Lindon Supply works with New England's largest and most reputable precast concrete manufacturers. We supply everything from watertight septic tanks, to manholes and drainage structures, to bulkheads, curbing, and retaining walls.

The following list is a sample of precast products available from Lindon Supply.



Attachment L



About M. Solberg Enterprises Corp

Since 1972, M. Solberg Enterprises Corp., has been the leading provider of erecting services and concrete cutting in New England. We take pride in the company's enduring reputation for innovation, expertise and safety. As a pioneer in the precast concrete plank industry, we have the experience you can only gain through actual hands on involvement. Our concrete cutting expertise was born through many of these experiences.

M. Solberg Enterprises Corp. developed many of the precast concrete erecting techniques that have become the de facto standard in the industry. With over 40 years of experience, M. Solberg Enterprises Corp. is the most knowledgeable and qualified choice for every precast concrete manufacturer in New England.

To ensure that our building partners continue to benefit from the quality workmanship and safety standards that set the company apart, we invest heavily in the training of the next generation and its highly skilled workforce. The career histories of many of our employees span over several decades – a testament to our promise: "We cut concrete clean."

Attachment M

Like 0

Tweet

2 ▾ (/iProView/798270/marmelo-bros-construction-co-inc/subcontractors/current-projects/)

7581

MARMELO BROS. CONSTRUCTION CO., INC.

(/iProView/798270/marmelo-bros-
construction-co-
inc/subcontractors/)

Marmelo Bros. Construction Co., Inc.
N. Dartmouth, Massachusetts 02747
(508) 995-6582

Request a Quote

Download



elo-bros-construction-co-inc/subcontractors/images/615805_services/895795_masonry-work.html)

Marmelo Bros. Construction Co., Inc. has served Massachusetts and Rhode Island since 1982.

We are commercial mason contractors. We are a member of the ASM (Associated Subcontractors of Massachusetts).

THE BLUE BOOK NETWORK Building & Construction
An Employee-Owned Enterprise

Attachment N

get a free estimate
(<http://www.newformbuilding.com/contact/>)

207-469-2711

Save money on energy costs with insulating concrete forms

Serving all of Maine, New Form Building Systems is a distributor of high quality Insulating Concrete Forms and Accessories providing sales, service and technical support.

Attachment O

Company

< See All Companies and Organizations



Overview

Events

People

Competitors

Help Us Improve

Vehicle Fleet



Phone Number:



(978) 352-7171

Address:

1 Farm Ln Ste 102

Georgetown, Massachusetts

01833-1843

United States

Founded in 1991, Saugus Construction Corp is a small organization in the structural steel erection contractors industry located in Georgetown, MA. It has 20 full time employees and generates an estimated \$3.7 million in annual revenue.

 Find Another Company

See Credit Report

lendza

Choose the
Right

- Funding \$10,000 to \$350,000+

Attachment P

- AOL
- MapQuest
- Yahoo Local
- Apple/Siri
- Groupon
- Hotfrog.com
- Comcast.net
- ReachLocal
- Admedia
- Dealsplus
- Shoptopia.com
- Alteryx
- Dogtime M
- KSL.com
- Sirtune
- AmericanT
- Driverside
- Kudzu.com



Business Credit Report

Receive a one-time comprehensive credit report on this company.

[SEND MESSAGE](#)

[GET FULL CREDIT REPORT](#)

Company Summary

Since 2001, T & T Steel Erectors Inc has been providing Structural Steel Erection from Hyde Park. T & T Steel Erectors Inc is incorporated in Massachusetts.



VERIFIED Status:	UNVERIFIED	✗
Address:	UNVERIFIED	✗
LAST VERIFIED:	--	✗
Phone:	UNVERIFIED	✗
Payment Method:	UNVERIFIED	✗
VIEW FULL REPORT		

 [CHAT WITH US LIVE!](#) ▼

MGM Springfield
Diversity Exclusion Summary

1. Scope of Work: **Generator Equipment**

2. Estimated Cost \$1,680,000.00 – reference Attachment A

3. List of Available Manufacturers:

- There are nine (9) major generator equipment manufacturers in the United States (reference Attachment B). Those manufacturers are:
 - Briggs and Stratton – manufacturers engines used on lawnmowers, pressure washers, electrical generators, etc. Reference Attachment C for additional information.
 - Caterpillar – manufacturers construction and mining equipment, diesel and natural gas engines, industrial gas turbines and diesel-electric locomotives. Reference Attachment D for additional information.
 - Cummins – manufacturers engines, filtration, and power generation products. Reference Attachment E for additional information.
 - Generac – leading designer and manufacturer of a wide range of generators, transfer switches, and other engine powered products. Reference Attachment F for additional information.
 - Gillette Generators – manufacturers standby and portable generators. Reference Attachment G for additional information.
 - Hitachi – manufacturers a wide spectrum of consumer and business products, solution services including generators. Reference Attachment H for additional information.
 - Honeywell – manufacturers a wide array of technologies in multiple business sectors. Reference Attachment I for additional information.
 - Kohler – manufacturers plumbing products, furniture, cabinetry, tile, engines, and generators. Reference Attachment J for additional information.
 - Komatsu Limited – manufacturers construction, mining and military equipment, and generators. Reference Attachment K for additional information.

4. Massachusetts Supplier Diversity Office database search results:


- The Owner performed a search of the Massachusetts SDO database resulted and it resulted in naming five (5) companies listed under the generator equipment scope (reference Attachment L). They are:
 - Batallas Electric, Inc. – the Owner tried to locate a company website but was unsuccessful. Several phone calls were placed for services provided. Please reference Attachment M for the only information available
 - Francisco Equipment – the Owner accessed their website and learned that they provide rental, sales and service of small construction equipment. Please reference Attachment N for information from Francisco Equipment’s website.
 - R.A. Mitchell Co. Inc. – the Owner accessed their website and learned that they provide engines, sales of non-specified generators, automatic transfer switches,

MGM Springfield
Diversity Exclusion Summary

- pumps, parts and service. Please reference Attachment O for information from R.A. Mitchell’s website.
- o Richardson Electrical Company – the Owner accessed their website and learned that they’re an electrical design build contractor not a manufacturer. Please reference Attachment P for the information from Richardson’s website.
 - o Stadium Oil Heat – the Owner accessed their website and learned that they provide the sale of heating oil, biofuel, diesel fuel, and kerosene. Please reference Attachment Q for Stadium’s website.

<u>Attachment #</u>	<u>Title</u>	<u>Buzzsaw Record</u>
Attachment A	Bid Form - Collins Electric Co. Inc.	N/A
Attachment B	Major equipment manufacturers – generator equipment	N/A
Attachment C	Briggs and Stratton company information	N/A
Attachment D	Caterpillar company information	N/A
Attachment E	Cummins company information	N/A
Attachment F	Generac company information	N/A
Attachment G	Gillette Generator company information	N/A
Attachment H	Hitachi company information	N/A
Attachment I	Honeywell company information	N/A
Attachment J	Kohler company information	N/A
Attachment K	Komatsu Limited company information	N/A
Attachment L	Massachusetts SDO database results	N/A
Attachment M	Batallas Electric, Inc. company information	N/A
Attachment N	Francisco Equipment company information	N/A
Attachment O	R.A. Mitchell company information	N/A
Attachment P	Richardson Electrical Company information	N/A
Attachment Q	Stadium Oil Heat company information	N/A

Attachment A

 <p>TISHMAN An ISECON Company</p> <p>MGM Springfield 19 Howard Street, Springfield, MA.</p> <p>Scope of Work - ELEC SWGR & POWER BID PACKAGES Date: August 31, 2016</p>		Sub Name: Collins / Motor City Contact: Joe Collins Phone: (413) 592-9221 Cell: (413) 531-3989 Email: jcollins@collinselectrico.com	
		Y/N	
DOCUMENTS			
1			
2	BID FORM		
3			
4	Scope of Work - ELEC MEDIUM VOLTAGE SWGR:		
5	CEF & SUBSTATIONS - ELECTRICAL BID PACKAGE #1- ORIGINAL BID PRICE:	S's	
6	OCIP Deduct - Liability Insurances	S's	
7	Deduct for Bond	S's	
8	Manufacturer Carried for Emergency Generators		CAT
9	Breakout # for Emergency Generators:	S's	\$1,680,000.00
10	Manufacturer Carried for GVSS-1		
11	Breakout # for Paralleling Gear	S's	
12	Manufacturer Carried for MVSS-1		
13	Breakout # for MVSS-1	S's	
14	Manufacturer Carried for Medium Voltage Substations		
15	Breakout # for (6) Substations	S's	
16	Total LF of Conduit / Raceways Carried in Bid Proposal:	LF	
17	Total LF of Feeders Carried in Bid Proposal:	LF	
18	Total # of Man Hours Included in Bid Proposal - Direct On-Site Labor:	HRS	
19	(Direct Field Labor Incl. Gen Super, Foremen, Commissioning Participation, Etc.)		
20	Breakout # for Rigging Scope of Work	S's	
21	DE-SCOPE MTG. CLARIFICATIONS - Bid Package #1:		
22	See Drgs. #EL.00.A & #EL.00.E for Locations Where TCC will Provide 2-Hr. Rated Enclosure for Access to Transition from THHN to MI Cable Carry Architectural Access Panels as Req'd by Original Scope of Work.	S's	
23	All Emergency Feeders Will Be MI Cable - NO Exceptions. Applies to Above Ground Feeders ONLY. See Line Item #21 for UG Feeders & Transitions Between MI & THHN.	S's	
24	Refer To "Snapshot from EPC070" Showing 2-Hr. Rated Shaft Enclosure for Emergency Feeders to Substation Room.	Y	
25	See Bid Clarification From Matt Dix Dated 2016-08-17 - ALL Feeders Not Identified on the Drgs./Schedule shall be 4-Wire w/ the Feeder Sizing Based off of the Breaker Trip Rating.	S's	
26	See Bid Clarification From Matt Dix Dated 2016-08-17 - ALL UG Oversized Conduits shall be extended full size.	S's	
27	Construction Waste Mgmt. Plan Cost is to be Carried as a Direct Cost by the ELEC - Carried in Bid Package #1 ONLY.	S's	
28	Carpenters for Temporary Protection are to be Carried as a Direct Cost by the ELEC - Carried in Bid Package #1 ONLY.	S's	
29	MEP Inspection Sign-Off Form w/ Matt Dix Email Dated 2016-08-17 (Attached for Reference)	S's	
30	SQUARE D Equipment is the Basis of the REVISED Bid Proposal - See DEDUCT Alternate #3.	S's	
31	ELEC Shall assume and carry (3) Separate Submissions for Short Circuit & Coordination Studies - (1) Initial Submission w/ (2) Revisions.	S's	
32	ADD/DEDUCT # for Rigging Scope of Work Above \$'s Carried in Initial Proposal (HALLAMORE CORP.)	S's	
33	Carry as a Direct Cost (4) Mos. Rental of Storage Space @ Hallamore's Facility in Smithfield, RI Monthly Rental is \$9,500. Include OII & FEE per Contract Req'ts - Carried in Bid Package #1 ONLY	S's	

Attachment B

MGM Springfield

Generator Equipment

Prepared: March 6, 2017

<u>Ref #</u>	<u>Generator Company</u>	<u>Year Established</u>	<u>Notes</u>
1	Briggs & Stratton*	1908	World's largest producer of gasoline engines for outdoor power equipment
2	Caterpillar (CAT)*	1925	Caterpillar was ranked #59 on the Fortune 500
3	Cummins*	1919	
4	Generac*	1959	The #1 Name in Home Backup Generators
5	Gillette Generators*	1960s	
6	Hitachi*	1910	Ranked 38th in the 2012 Fortune Global 500
7	Honeywell*	1906	Honeywell ranked 75th in the Fortune 500
8	Kohler*	1873	Fabricates plumbing accessories, cabinets, tile and engines
9	Komatsu Limited*	1921	

Notes

* Sources referenced for Attachment A

Briggs [https://en.wikipedia.org/wiki/Briggs %26 Stratton](https://en.wikipedia.org/wiki/Briggs_%26_Stratton)
<https://www.basco.com/company-profile/our-history.html>

CAT <http://www.caterpillar.com/en/company/history.html>

Cummins <https://en.wikipedia.org/wiki/Cummins>
<http://www.cummins.com/about-us>

Generac <http://www.generac.com/industrial/>
[https://en.wikipedia.org/wiki/Generac Power Systems](https://en.wikipedia.org/wiki/Generac_Power_Systems)

Gillete <https://www.gillettegenerators.com/page/3/About>

Hitachi <https://en.wikipedia.org/wiki/Hitachi>
<http://www.hitachi.us/about/about-hitachi>

Honeywell <https://www.honeywellgenerators.com/>
<https://en.wikipedia.org/wiki/Honeywell>

Kohler https://en.wikipedia.org/wiki/Kohler_Co.
<http://www.corporate.kohler.com/#history>

Komatsu https://en.wikipedia.org/wiki/Komatsu_Limited
<http://www.komatsuamerica.com/our-company/careers/locations>

Attachment C

MGM Springfield

Top Generator Companies – Briggs and Stratton

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
--------------	----------------

1	<u>Briggs</u>
---	---------------

Founded: 1908

Headquarters: Wauwatosa, Wisconsin

Primary Services: Briggs & Stratton is a manufacturer and marketer of power generation, pressure washers, lawn and garden, turf care and job site products

ABOUT BRIGGS & STRATTON

Briggs & Stratton engines are commonly used on lawnmowers, as well as pressure washers, electrical generators, and a wide variety of other applications. Their original cast-iron engines were known for their durability, but the company's success was established following the development of lightweight aluminum engines in 1953. The aluminum engine was the perfect solution for the recently invented rotary lawnmower due to its lighter weight and lower cost.

BRIGGS AND STRATTON IN U.S.

Briggs and Stratton produces on average 10 million engine units per year as of April 2015. The company reports that it has 13 large facilities in the US and 8 more in Australia, Brazil, Canada, China, Mexico and the Netherlands. The company's products are sold in over 100 countries across the globe.

Attachment D

MGM Springfield

Top Generator Companies - Caterpillar

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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2	<u>Caterpillar</u>
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Founded: 1925

Headquarters: Peoria, Illinois

Primary Services: Caterpillar is a leading manufacturer of construction and mining equipment, diesel and natural gas engines, industrial gas turbines and diesel-electric locomotives.

Recognized Product: Caterpillar machinery is recognizable by its trademark "Caterpillar Yellow" livery and the "CAT" logo

ABOUT CATERPILLAR

“The history of Caterpillar is all about doing: creating, building, problem solving, innovating, testing, servicing and improving. Enjoy the ingenious machines from our rich heritage, and more importantly, the people who founded and built the company one breakthrough at a time. Beginning with Benjamin Holt and C. L. Best, the people of Caterpillar have always been – and continue to be – extraordinary. With more than US\$89 billion in assets, Caterpillar was ranked number one in its industry and number 44 overall in the 2009 Fortune 500. In 2016 Caterpillar was ranked #59 on the Fortune 500 list and #194 on the Global Fortune 500 list.”

CATERPILLAR IN U.S.

“Caterpillar products and components are manufactured in 110 facilities worldwide and 51 plants are located in the United States. Caterpillar's historical manufacturing home is in Peoria, Illinois, which also has been the location of Caterpillar's world headquarters and core research and development activities. Although Caterpillar has contracted much of its local parts production and warehousing to third parties, Caterpillar still has four major plants in the Peoria area: the Mapleton Foundry, where diesel engine blocks and other large parts are cast; the East Peoria factory, which has assembled Caterpillar tractors for over 70 years; the Mossville engine plant, built after World War II; and the Morton parts facility.”

Attachment E

MGM Springfield

Top Generator Companies – Cummins

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
--------------	----------------

3	<u>Cummins</u>
---	-----------------------

Founded: 1919

Headquarters: Columbus, Indiana

Primary Services: Designs, manufactures, and distributes engines, filtration, and power generation products

Credits: Cummins operates internationally in almost over 200 countries through approximately 6,000 dealers

ABOUT CUMMINS

“The Cummins Engine Company was founded in 1919 by namesake Clessie Cummins, an Indiana mechanic. The Columbus, Indiana company focused on developing the engine invented 20 years earlier by Rudolf Diesel, but in spite of several well publicized endurance trials, it was not until 1933 that they introduced the successful Model H, used in small railroad switchers. In World War II, U.S. road building boom Cummins, with their N Series engines, became the leader in heavy duty truck engines, from 1952 to 1959 they had more than half the market. In the 1960s the company opened an assembly plant in Shotts, Scotland. By 2013 they had operations in 197 countries and territories. Cummins Power Generation Business Unit consists of Alternators, Automatic Transfer Switches, Commercial Power Systems, Consumer Systems, Engines, and Paralleling Systems. Cummins is a global provider of power generation systems, components and services in standby power, distributed power generation, as well as auxiliary power in mobile applications to meet the needs of a diversified customer base.”

CUMMINS IN U.S.

“Headquartered in Columbus, Indiana, (USA) Cummins currently employs approximately 55,000 people worldwide and serves customers in approximately 190 countries and territories through a network of approximately 600 company-owned and independent distributor locations and approximately 7,200 dealer locations. What makes Cummins different is the way in which we take the time to understand our customers and then exceed their expectations by always being the first to market with the best products. The other advantage Cummins has over the competition is that we produce and supply superior integrated power systems, making us a one-stop shop for all of our customers’ needs.”

Attachment F

MGM Springfield

Top Generator Companies – Generac

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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4	
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	<u>Generac</u>
--	-----------------------

Founded: 1959

Headquarters: Waukesha, Wisconsin

Primary Services: Leading designer and manufacturer of a wide range of generators, transfer switches, and other engine powered products.

Credits: # 1 name in home back-up generators

ABOUT GENERAC

Generac is an American manufacturer of backup power generation products for residential, light commercial and industrial markets. Generac's power systems range in output from 800 watts to 9 megawatts, and are available through independent dealers, retailers and wholesalers

GENERAC IN U.S.

Generac Industrial Power is one of North America's largest suppliers of power generation equipment with an intense focus on innovation creating a disruptive force in the marketplace. For more than five decades, Generac has designed and manufactured diesel, natural gas, and bi-fuel generators that can work alone or be paralleled to provide you with genset solutions.

Attachment G

MGM Springfield

Top Generator Companies – Gillette Generators

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
---------------------	-----------------------

5	
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	<u>Gillette</u>
--	------------------------

Founded: 1960s

Headquarters: Elkhart, Indiana

Primary Services: Manufactures quality standby and portable generators

ABOUT GILLETTE

Gillette Generators introduced its first generator in the early 1960's, beginning a legacy of manufacturing quality standby and portable generators. Nearly 50 years later Gillette has grown into a diversified company providing standby generators to commercial, military, institutional, agricultural, industrial, and residential markets.

GILLETTE IN U.S.

Gillette offers American made products that are produced in 3 plants, that total 75,000 square feet of manufacturing space located in Elkhart Indiana, right in the middle of America's Heartland! Natural gas, LPG, and diesel fueled standby generators are available from 12 kilowatt to 400 kilowatt featuring world class components such as: GM Vortec and John Deere engines, and Marathon generator ends.

Attachment H

MGM Springfield

Top Generator Companies – Hitachi America, LTD.

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
---------------------	-----------------------

6	
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	<u>Hitachi</u>
--	-----------------------

Founded: 1910

Headquarters: Tokyo, Japan

Primary Services: Information & Telecommunication Systems, Social Infrastructure, High Functional Materials & Components, Financial Services, Power Systems, Electronic Systems & Equipment, Automotive Systems, Railway & Urban Systems, Digital Media & Consumer Products, Construction Machinery and Other Components & Systems

Credits: Hitachi offers a broad spectrum of consumer and business products, solutions, and services

ABOUT HITACHI

“Hitachi, Ltd. manufactured its first industrial generator unit in 1933, and has supplied various nations of the world with numerous turbine generators for power stations. These turbine generators are known for their high levels of efficiency and reliability. Hitachi, Ltd. has the integrated capacity to supply thermal power stations with everything from raw materials for construction to all necessary equipment for operations. We produce not only turbine generators but also instruments and control equipment by means of electronic technology. Further, Hitachi is able to manage and control turnkey projects of power station, the construction work, the operations and other related work. We believe that Hitachi's total capacity of supplying turbine generators and other equipment is of great benefit to the economic growth of countries throughout the world.”

HITACHI IN U.S.

Hitachi's history with the U.S. dates back to 1926 when Hitachi first exported 30 electric fans to the U.S. Hitachi America, Ltd. was established in 1959 as a regional subsidiary, and the first Hitachi manufacturing facility in the U.S. opened in 1977. Today, Hitachi's presence and commitment to the U.S. economy has grown to 94 group companies, 14 major R&D facilities, 19 main manufacturing sites and over 20,000 employees.

Attachment I

MGM Springfield

Window Contractors – Honeywell

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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7	<u>Honeywell</u>
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Founded: 1906

Headquarters: Morris Plains, NJ

Primary Services: Invents and manufactures technologies that address some of the world's most critical challenges around energy, safety, security, productivity and global urbanization.

Notable Accomplishments: In the 1910s the first "airplane stabilizer" changed flying forever and gave birth to the science of controlled flight, in the 1940s the first refrigeration turbine to fly on an aircraft, and the 1970s the first successful turbofan engine for business jets.

ABOUT HONEYWELL

"Honeywell's story stretches back more than 125 years and encompasses several predecessor companies and the inspiring work of tens of thousands of people. But our core mission and values have been consistent from the start. Our vision for a secure, comfortable, cleaner, more efficient future. Our steadfast belief in the power of innovation and our relentless drive for continuous improvement. From our genesis in 1885 to today, these are the principles that led us to the advancements and innovations of the past century and a quarter.

HONEYWELL IN U.S.

Honeywell is a Fortune 100 company. In 2016, Honeywell ranked 75th in the Fortune 500. Honeywell has a global workforce of approximately 130,000, of whom approximately 58,000 are employed in the United States.

Attachment J

MGM Springfield

Top Generator Companies – Kohler

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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8	<u>Kohler</u>
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Founded: 1873

Headquarters: Kohler, Wisconsin

Primary Services: Kohler is best known for its plumbing products, but the company also manufactures furniture, cabinetry, tile, engines, and generators. Destination Kohler also owns various hospitality establishments in the United States and Scotland

Credits: Most notable in the plumbing industry for their plumbing fixtures

ABOUT KOHLER

Kohler's bath and kitchen fixtures are available in American hardware and home improvement stores and from Kohler Kitchen and Bath distributors. Kohler still makes traditional cast iron bathtubs, one of the few United States manufacturers to do so. Besides residential products, Kohler manufactures a commercial line of bathroom fixtures. The company also does artistic custom work, such as hand-painted sinks and toilets. Kohler was named by "The Builder Magazine" as the "most used" and "best quality" in the "Bath Accessories" category as well as the top spot for "brand familiarity", "most used" and "quality rating" in the "Bath Fixtures" and "Whirlpool Baths" categories. Kohler also makes a wide range of small industrial engines. Traditionally, the company manufactured gasoline engines; however, after purchasing the Italian company Lombardini, it extended its range and now offers diesel engines up to 134 HP. Kohler engines power a range of devices from water pumps to off-road vehicles. The Global Power group manufactures generators of varying sizes. Kohler was the first company to offer residential back-up generators, starting in 1920s.

KOHLER IN U.S.

Today, with more than 50 manufacturing locations on 6 continents, more than 30,000 Kohler associates are able to present the concept of gracious living in every corner of the world.

Attachment K

MGM Springfield

Top Generator Companies – Komatsu Limited

Prepared: March 6, 2017

<u>Ref #</u>	<u>Details</u>
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9	<u>Komatsu</u>
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Founded: 1921

Headquarters: Tokyo, Japan

Primary Services: Manufacturers construction, mining, and military equipment, as well as industrial equipment like press machines, lasers and thermoelectric generators.

Credits: Komatsu is one of the world's largest manufacturer of construction equipment and mining equipment

ABOUT KOMATSU

“The corporation was named after the city of Komatsu, Ishikawa, where the company was founded in 1921. Worldwide, the Komatsu Group consists of Komatsu Ltd. and 182 other companies (146 consolidated subsidiaries and 35 companies accounted for by the equity method). Komatsu produced its first agricultural tractor prototype in 1931. Through the 1930s, Komatsu also produced military tractors for the Japanese military, as well as bulldozers, tanks and howitzers. After World War II, under its new president Yoshinari Kawai, Komatsu added non-military bulldozers and forklifts to its line of equipment. In 1949 it began production of its first diesel engine. Its growth as a company was aided by the strong demand for its bulldozers during Japan's post-war reconstruction in the 1950s. Our vision is to become Indispensable to our Customers. We can achieve this by always being driven by our customer's success where every customer contact is an opportunity to enhance our brand value. We will engage our employees to innovate and progressively earn the trust of our customers and sustainably grow the business for our shareholders.”

KOMATSU IN U.S.

“The Komatsu America Corp. (KAC) Headquarters is located in Rolling Meadows, Illinois. Departments represented at this location include, but are not limited to, Accounting, Finance, Human Resources, IT, Legal, Parts, Product Marketing, Tax, Treasury, Komatsu Financial, Sales and Service. Komatsu has a strong belief in the importance of collaborating cross functionally and employees located in Rolling Meadows often work with departments in our other locations. Our Headquarters has approximately 250 employees within a three building office complex that offers such amenities as a health club, cafeteria, and dry cleaner. Throughout the United States Komatsu has call centers, manufacturing operation and proving grounds like the Arizona Proving Grounds is located in Sahuarita, Arizona. AZPG operates on 660 acres of leased Mine property to perform engineering tests and activities on our products, primarily the rigid chassis mining trucks. The Arizona Proving Grounds is responsible for analyzing every component on prototype machines before they go to production. The Proving Grounds evaluates model changes and investigates customer problems. Proving Grounds personnel are responsible for engineering field tests at customer sites worldwide. The employees here at AZPG and other Komatsu Facilities from around the globe, work hard to produce the Safest and best Quality Machines in the world.”

Attachment L

MGM Springfield
Massachusetts Supplier Diversity Office-Business Directory-Generators
 Prepared: March 10, 2017

Item	Business Name	Address	City	State	Zip	County	First Name	Last Name	Telephone	Fax	Email	Website	MBE - Y/N	WBE - Y/N	PBE - Y/N	Non Profit - Y/N	SDO Cert. Date	Description of Services
1	Batallas Electric, Inc.	49 Belmont Street	Fitchburg	MA	01420	Worcester	Raul	Batallas	(978) 400-5291	(978) 400-5291	raulbatallaselectric@verizon.net		Y	N	N	N	03/31/2016	Industrial, Commercial, Residential Electrical Contractor; Temperature Controls, Solar Installations, Fire Alarm, Generators, Data
2	John W. Francisco, Inc. d/b/a: Francisco Equipment	P.O. Box 279	Ravena	NY	12143	OutOfState	Barbara	Lisa	(518) 756-2116	(518) 756-9480	barbara@franciscoequipment.com	http://www.franciscoequipment.com	N	Y	N	N	09/20/2012	Rental Sales & Service of Construction and Industrial Equipment; Compressors & Equip; Generators; Sandblast Equipment; Crane; Repair Of All Diesel Engines Customers' Equipment
3	R. A. Mitchell Co., Inc.	103 Popes Island	New Bedford	MA	02740	Bristol	Jennifer	DeMello	(508) 999-5685	(508) 997-8954	jen@ramitchell.com	http://www.ramitchell.com	N	Y	N	N	09/26/2013	Engines, Generators, & Pumps - Sales, Service, Parts
4	Richardson Electrical Company, Inc.	17 Batchelder Road	Seabrook	NH	03874	OutOfState	Linda	Richardson	(603) 474-3900 x122	(603) 474-8810	lrichardson@richardsonelectrical.us		N	Y	N	N	02/10/2011	Power, Lighting, Fire Alarm, Generators, Photovoltaic, Wind Turbines Related to Electrical Industry; Automation, Instrumentation, Controls For HVAC, Pumping Systems, Lightning Protection
5	Stadium Oil Heat, Inc.	525 Lowell Street	Peabody	MA	01960	Essex	Rhonda	Zero	(978) 535-4478	(866) 615-9703	rhonda@stadiumoil.com	http://www.stadiumoil.com	N	Y	N	N	09/29/2011	Petroleum and Fuels Oils including #2 Heating Oil, Ultra Low Sulfur Diesel Fuel and Kerosene for Residential and Commercial use; Onsite Fueling of On and Off Road Vehicles and Generators; Sales, Repair, Oil Burner Service Maintenance and Installation and Removal of HVAC Systems and Heating Systems

Attachment M



Batallas Electric
0 Reviews
**49 Belmont St Fitchburg,
Massachusetts 01420
(978) 345-5656**

About

Batallas Electric is located at the address 49 Belmont St in Fitchburg, Massachusetts 01420. They can be contacted via phone at (978) 345-5656 for pricing, hours and directions. Batallas Electric specializes in Showers, Farms, Basements.

Batallas Electric has an annual sales volume of 501K - 999,999. .

Batallas Electric provides Water Systems, Telephone Services, Construction to it's customers. For maps and directions to Batallas Electric view the map to the right. For reviews of Batallas Electric see below.



Business Features

PRODUCTS

Ducts , Compressors , Cranes , Filters , Heating Products & Supplies , Fans , Trenchers , generators , Air Filters , Water Heaters

SERVICES

Radio Dispatching , Construction , Water Systems , Cleaning & Maintenance , Automation , Sand & Gravel Work , Telephone Services , Data Communication Systems , Plumbing , Sewer Lines

BRANDS

Amana , York , Moen , Panasonic , Lutron , Kohler , Bradford White , Briggs & Stratton , Energy Star , Delta

SPECIALTIES

Commercial , Land Development , Farms , Toilets , Air Conditioning Systems , Mobile Homes , Basements , Landscape Lighting , Showers , Sinks & Faucets

CONTACT INFORMATION

Phone: (978) 345-5656

ADDITIONAL INFORMATION:

Employee Size: 1 To 4

Exact Employee Count: 2

Exact Sales Volume: 96000

Location Type: Single Location

Sales Volume: 501K - 999,999

CATEGORIES:

[Electricians](#)

[Construction](#)

[Specialty Contractors](#)

Reviews

Attachment N



 (518) 756-2116

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Utility Vehicles

Welders



Francisco Equipment

Attachment O

Home	Engines	Generator Systems	Automatic Transfer Switches	Pumps	Parts	Service	News	Toll Free: (800) 990-5685
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Welcome to R.A. Mitchell Co. Inc.

The R.A. Mitchell Company, WBE/DBE certified, occupies a 21,000 sq. ft. building on Route 6, between Fairhaven and New Bedford, Massachusetts. Bob's daughters Jennifer and Kara[®] joined the Company and quickly became indispensable in a long-standing family tradition of being in this industry for over 50 years.

The fishing industry is an important part of the Company's business, but also serves municipal, emergency, residential, construction, agricultural, industrial, pollution control and pleasure boat markets. We customize generator systems and power units as well as provide local and regional distributorships for many other manufacturers.

We provide parts, service, custom-built applications, turnkey systems and we hope to have you as a customer!

Residential Generators

KOHLER
GENERATORS

WINGCO

BALDOR

R.A. Mitchell also offers the following services:

- Repair & Rebuild Diesel Engines to factory and OEM Specs.
- Exhaust silencers, flexible sections, rain caps, manifold blankets.
- Clutch power take-offs and transmissions.
- Racor fuel/water separators.
- Murphy engine instruments and controls.
- Heat exchangers and keel coolers.
- Battery chargers - Charles and LaMarche.
- AC Meter panels.
- Air, Fuel & Oil Filters for all lines...

The R.A. Mitchell Company is pleased to be an Authorized Distributor, Dealer & Reseller for the following manufacturers.



JOHN DEERE



Attachment P

ELECTRICAL

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[Design+Build](#)

[Industrial Construction](#)

[Renewable Energy](#)

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[Testing, Maintenance, & Service](#)

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Richardson Electrical Company: Premier Electrical Solutions

As a full-service electrical construction firm, Richardson Electrical Company provides construction, design, and Design+Build services, as well as maintains all types of electrical equipment and systems. From small to large, simple to complex, our staff provides support for new projects and existing facilities. As a project team member, we can provide services from engineering through construction, including construction feasibility studies and value engineering to maintain budgets. As a project general contractor, we will provide electrical designs and contract other disciplines including mechanical, structural, and civil design and construction firms to provide complete turnkey solutions.

OUR SERVICES

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[Renewable Energy](#)

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[o](#)

Attachment Q

About Stadium Oil Heat

Serving the North Shore and it's surrounding communities for over 25 years!
Stadium Oil Heat Inc. Provides for the sale of heating oil, Biofuel, Diesel Fuel, and Kerosene on a wholesale or retail basis to commercial and residential customers. We provide 24-hour burner service. The company was established and incorporated in Massachusetts in 1988. Rhonda Yanco Zero is the president of the company.

Stadium Oil Heat has been serving families and businesses for over 25 years. We are proud of our reputation for superior service, quality products and personal attention.

"Our customers come first... They know they can count on us for dependable, courteous drivers, a friendly motivated staff, state of the art equipment and modern delivery trucks. We are committed to providing that kind of personal service every day, 24 hours a day at a price our customers know is fair."

- Rhonda Yanco Zero, President-Owner

Areas of Service

Beverly	Georgetown	Magnolia	Middleton	Revere	Topsfield
Boxford	Gloucester	Malden	North Andover	Rockport	Wakefield
Burlington	Hamilton	Manchester By The Sea	North Reading	Salem	Wenham
Danvers	Ipswich	Marblehead	Nahant	Saugus	Wilmington
Essex	Lynn	Medford	Peabody	Stoneham	Winchester
Everett	Lynnfield	Melrose	Reading	Swampscott	Woburn

Stadium Oil Heat is a proud member of these organizations:



No Documents



Division of Racing

TO: Steve Crosby, Chairman
Gayle Cameron, Commissioner
Lloyd Macdonald, Commissioner
Bruce Stebbins, Commissioner
Enrique Zuniga, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Edward Bedrosian, Executive Director
Catherine Blue, General Counsel

DATE: September 11, 2017

RE: Suffolk Downs Additional Purse Money Request

Dear Commissioners:

Suffolk Downs' Chief Operating Official Chip Tuttle has submitted a request for up to an additional \$288,000 from the Race Horse Development Fund for purses. As mentioned in his letter, the second weekend they raced 15 races each day, several more each day than they normally do. Suffolk will use the additional money to keep the purses and the race card for the final two days of racing at previous levels. There is enough money in the Race Horse Development Fund to easily cover this amount.

Anthony Spadea, President of the New England Horsemen's Benevolent and Protective Association, has submitted a letter in support of Suffolk's request.

Recommendation: That the Commission approve the request of Suffolk Downs for up to an additional \$288,000 from the Race Horse Development for purses.



Massachusetts Gaming Commission



September 11, 2017

Dr. Alexandra R. Lightbown
Director of Racing
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Re: Suffolk Downs 2017 Supplemental RHDF Request

Dear Dr. Lightbown:

I write to provide the update I promised in my letter of August 25, 2017, regarding Suffolk Downs' expenditure of Race Horse Development Funds for purses during our 2017 racing meeting. The Commission has granted Suffolk Downs \$3.2 million in purse funding from the RHDF for 2017. Due to the success of the racing program so far, including our ability to fill more races than originally anticipated and thereby provide more opportunities for local horsemen to earn purse money, Suffolk Downs, with the support of the NEHBPA, is requesting distribution of up to an additional 9% (\$288,000).

As I explained in my previous letter, we have received significant interest in our racing program from thoroughbred owners and trainers throughout the East Coast. We think this is due to a combination of horsemen enjoying the opportunity to return to Suffolk Downs and the purse levels and participation incentives we have offered. For our second weekend of festival racing, horsemen's interest in bringing horses to Suffolk Downs was sufficient to fill 15 races each day, rather than the 10 or so races that we anticipated in our original RHDF request. Because we did not want to turn horsemen away, we accepted the entries and carded the extra races, in effect, holding the equivalent of an extra day of racing.

A further distribution of up to \$288,000 from the RHDF will enable Suffolk Downs to run nearly a full complement of races each day of the final weekend. Our alternative is to manage the number of races and/or reduce purse levels. I should note that in past years, when our actual purse distribution did not meet or exceed our RHDF funding, we returned the excess to the Commission and did not carry it over for future use. We would, of course, do the same with this additional distribution.

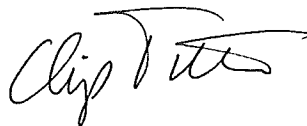
Telephone: 617-567-3900
525 McClellan Highway, East Boston, Massachusetts 02128

Made in Massachusetts 1780

Given the success of the program thus far, and the current unspent surplus in the RHDF, we believe it would be in the best interest of thoroughbred racing in the Commonwealth for the Commission to grant this request.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tuttle". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke extending to the right.

Chip Tuttle
Chief Operating Officer

Dr. Alexandra Lightbown, Director of Racing

Massachusetts Gaming Commission

101 Federal Street, 12th Floor

Boston, MA 02110

Dear Dr. Lightbown:

I am writing in support of Suffolk's Downs request for a supplemental disbursement from the Race Horse Development Fund. I write this not only in the best interests of the HBPA and its members, but on behalf of all horsemen that have supported and benefitted from the racing festivals this season at Suffolk Downs, especially those owners and trainers that have stabled and raced here in New England in the past. In the two prior years, we have actually disbursed less than the allocation that was requested by Suffolk Downs on our behalf. This year we are in need of a supplemental disbursement beyond the initial request for two primary reasons, both of which speak volumes for the racing programs that have taken place.

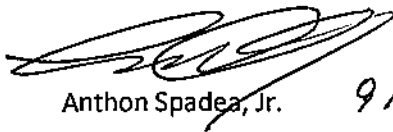
First and foremost, during the second festival on August 5-6, there were a total of thirty-one races carded. This was not done so unilaterally by Suffolk Downs, but at the urging of the New England HBPA. This was an increase of ten over what was initially anticipated and budgeted for. In other words, it was akin to running an extra day of racing which, based upon prior projections and requests, means that an additional \$400,000 would be needed to fund those days. One might question why so many races had to be contested. The answer is that the support for the program was so strong that it was determined that it was in the best interests of the horsemen to run as many as possible so as not to disappoint those that wanted to take part in the cards. This is extremely important when horsemen are shipping from great distances. Often it doesn't make sense for a trainer to ship only one or two horses so, when that individual enters into multiple races and those events fill, it behooves the track to use those races. There is no option to carry those races over as "extras" for the next day's card due to the structure of the weekend festivals. The end result was that many New England trainers benefitted from these additional opportunities and, subsequently, did so during the racing on September 2-3.

The second major reason for needing a supplemental disbursement of funds has been the size of the fields. When budgeting for this year and calculating the various incentives, it was anticipated the average field size would be similar to last year when it was approximately 7 horses per race. This year in the overnight races, those not dedicated to MA-Breds, the average has been closer to 9 starters per

event. The racing program at Suffolk Downs has drawn the attention of many horsemen from the region and their participation has resulted in larger fields and greater interest from the betting public. Most importantly, this season has seen the return of many New England horsemen to the winners circle. Owners such as Adel Salim, Old Coach Farm, and Anthony Zizza, as well as Boston owner/trainers Jay Bernadini, Kevin McCarthy, Bob Raymond and John Rodriguez, just to name a few, have had successful meets because of the many opportunities in addition to the variety and value of the races. Hopefully, this season will be the catalyst for continued involvement.

In closing, I reiterate my personal support and that of the HPBA board for the additional funding that is being requested. It has been and will continue to be a great help to the many horsemen that have supported racing in Massachusetts.

Sincerely,


Anthon Spadea, Jr. 9/7/17



August 25, 2017

Dr. Alexandra Lightbown, Director of Racing
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Dear Dr. Lightbown:

Thoroughbred owners from across the east coast, especially those that raced at Suffolk Downs when we held a longer season, have responded positively to our 2017 racing program, its purse levels and participation incentives. We are pleased that we can provide the NEHBPA and the MTBA with a venue where their members can compete for purse money and we appreciate the Commission's recent approval of two additional days this season.

One byproduct of the success of the festival weekends is that we find ourself having overpaid our original purse allocation from the Race Horse Development Fund. On the second festival weekend, August 5th and 6th, we carded 15 races each day, in part because they all filled and we didn't want to turn people (and horses) away. However, due to the additional races, total purses for the first four racing days are approximately \$375,000 more than the \$1.6 million RHDF allocation.

We hope to avoid reducing overnight purses for the next two weekends of racing and we anticipate that we will be able to reduce the delta between purses paid and purses allocated from the RHDF, in part by carding fewer races than we carded over the August weekend. We will update you again after our races on Labor Day weekend.

Even so, we may come back to the Commission in early September with a supplemental request for purse funding from the RHDF. I do not anticipate that this request would be in excess of \$250,000 and will update you after Labor Day.

Thanks for your consideration.

Very truly yours,

Chip Tuttle
Chief Operating Officer

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

Made in Massachusetts



Division of Racing

MEMORANDUM

TO:	Massachusetts Gaming Commission
FROM:	Doug O'Donnell, Senior Financial Analyst - Racing Division
SUBJECT:	Request for Reimbursement, Suffolk Downs Capital Improvement Trust Fund
DATE:	September 14, 2017

In accordance with General laws of Massachusetts, Chapter 128A, Section 5g.

The trustees may expend without appropriation all or any part of the capital improvement trust funds to the appropriate track licensee in proportion to the amount deposited in each said fund by the track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire the services of architectural/engineering consultants or the services of such other consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed and approved by the architectural/engineering consultant.

<u>SDCITF</u>	<u>Fund balance (9/8/17)</u>	<u>\$824,303.01</u>
• #2012-8	Computer system upgrades	\$10,242.16
• #2012-21	Tractor repairs	\$18,339.89
• #2012-24	Purchase of front-end loader for truck	\$11,206.49
• #2013-20	Purchase of window air-conditioners	\$2,069.76

Total Request for Reimbursement: **\$116,658.43**

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

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



Massachusetts Gaming Commission



**DIXON SALO
ARCHITECTS**
INCORPORATED



Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 28, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2012-8
Computer Upgrades
Request for Reimbursement

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$10,242.16 for the cost of Computer Upgrades at Suffolk Downs.

The project involved computer systems upgrades consisting of the following:

- Installation of replacement printer at Accounting Office and Mutuels Office.
- Set-up blackberry.
- Install new workstation at Executive Office
- Install new antivirus client for laptop
- Install antivirus on 8 workstations at Racing Office
- Install new workstation at Steward's Office
- Set up new printer to network at Executive Office
- Install replacement printer at Legends
- Change printer properties in Executive Office
- Remap network drive in Racing Office and Bookkeeper Office
- Reconfigure scan folder redirect to Ricoh printer in Executive Office
- Resolve e-mail issue at Payroll Office
- Install new workstation at Racing Office
- Install new workstation at Payroll Office

This office did during our site visit of August 25, 2017 view the computer installations. Please see attached photos.

2017 AUG 31 PM 1:03
Kasey G. Hillen
Principal



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell, Senior Financial Officer
August 28, 2017
Page 2.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$10,242,16.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Consideration CIF Project SD 2012-8 (RFR)



August 16, 2017

RECEIVED

AUG 21 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc., Suite 210
501 Park Avenue
Worcester, MA 01610-1221

Dixon Salo Architects, Inc.

Dear Neil: Re: CIF Project SD 2012-8 (RFR)

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$10, 242.16 for Project SD 2012-8 (Computer Upgrades).

Also enclosed please find copies of checks, cancelled checks, ticket details, Quote and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

- 1. Date August 16, 2017
- 2. Association Making This Request Suffolk Downs
- 3. Project # SD 2012-8 (unique project number)
- 4. Project Computer Upgrades unique descriptive title of this property)

5. Type of Request (indicate RFC or RFR)

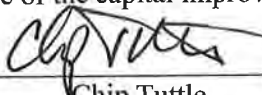
- RFC / Request for Consideration
- RFR / Request for Reimbursement
- Capital Improvement Fund
- Promotional Trust Fund

6. Total Project Amount Requested: \$ 10,242.16 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official:  Title: Chief Operating Officer Date: August 16, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



2

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 10, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2012-21
Tractor Repairs
Request for Reimbursement

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$18,339.89 for Tractor Repairs.


This project involve the repairs to the tractor used in the general maintenance of the racetrack at Suffolk Downs.

This office did during our site visit of November 18, 2016 view the tractor and verified it as being a John Deere model 7810. Please see the attached photo.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$18,339.89.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.


Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Reimbursement CIF Project SD 2012-21 (RFR)



July 17, 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc., Suite 210
501 Park Avenue
Worcester, MA 01610-1221

Dear Neil: **RE: CIF Project SD 2012-21 (RFR)**

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$18,339.89 for Project SD 2012-21 (Tractor Repair).

Also enclosed please find copies of cancelled checks and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle

RECEIVED
AUG 8 - 2017
Dixon Salo Architects Inc

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

Made in Massachusetts



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date July 17, 2017

2. Association Making This Request Suffolk Downs

3. Project # SD 2012-21 (unique project number)

4. Project Tractor Repair (unique descriptive title of this property)

5. Type of Request (indicate RFC or RFR)

RFC / Request for Consideration

RFR / Request for Reimbursement

Capital Improvement Fund

Promotional Trust Fund

6. Total Project Amount Requested: \$ 18,339.89 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: July 17, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



3

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 10, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2012-24
Front End Loader for Truck
Request for Reimbursement

2017 AUG 15 PM 1:23
MASSACHUSETTS GAMING
COMMISSION

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$11,206.49 for Front Loader for Truck .

This project actually involved the repairs to the Front End Loader used in the general maintenance of the racetrack at Suffolk Downs. The work included the repair of the right front tire mount and the purchase of three re-tread tires for the front end loader as listed on the following invoices from Service Tire Truck Centers, Inc.:

• Invoice H29794-37	\$7,894.84
• Invoice F72673-37	<u>\$3,311.65</u>
Total	\$11,206.49

This office did during our site visit of November 11, 2016 view the front end loader. Please see attached photo.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$11,206.49.

Should you have any questions please do not hesitate to contact this office.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell, Senior Financial Analyst
August 10, 2017
Page 2.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Reimbursement CIF Project SD 2012-24 (RFR)



July 31, 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc., Suite 210
501 Park Avenue
Worcester, MA 01610-1221

Dear Neil:

RE: CIF Project SD 2012-24 (RFR)

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$11,206.49 for Project SD 2012-24 (Front Loader for Truck).

Also enclosed please find copies of checks, cancelled checks and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle

RECEIVED

AUG 8 - 2017

Dixon Salo Architects, Inc.

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

Made in Massachusetts 



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date July 31, 2017
2. Association Making This Request Suffolk Downs
3. Project # 2012-24 (unique project number)
4. Project Front Loader for Truck unique descriptive title of this project)
5. Type of Request (indicate RFC or RFR)

<input type="checkbox"/> RFC / Request for Consideration	<input checked="" type="checkbox"/> RFR / Request for Reimbursement
<input checked="" type="checkbox"/> Capital Improvement Fund	<input type="checkbox"/> Promotional Trust Fund
6. Total Project Amount Requested: \$ 11,206.49 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: July 31, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



4

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 10, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2013-20
Window Air Conditioners (2)
Request for Reimbursement

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$2,069.76 for the purchase of (2) Window Air Conditioners.

The project involved the purchase of (2) new window air conditioning units to replace (2) broken/inoperative existing air conditioning units in the Racing Secretary's Office at Suffolk Downs. The invoices for these units from Grainger, Inc. are as follows:

• Invoice 9188837927	\$1,034.88
• Invoice 9205599682	<u>\$1,034.88</u>
Total	\$2,069.76

This office did, during our site visit of November 18, 2016 view the air conditioning units.

Based upon the above, it is our recommendation that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$2,069.76.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

A handwritten signature in blue ink, appearing to read 'Neil R. Dixon', written over the printed name.

Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs
Enclosure: Suffolk Downs, Request for Reimbursement CIF Project SD 2013-20 (RFR)



July 31, 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc., Suite 210
501 Park Avenue
Worcester, MA 01610-1221

Dear Neil: Re: CIF Project SD 2013-20 (RFR)

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$2,069.76 for Project SD 2013-20 (Window Air Conditioners) (2).

Please note that the sum of \$1,167.05 was deducted from this check for a credit pertaining to a different matter, therefore, the total charge for this account was in the amount of \$2,069.76.

Also enclosed please find copies of check, cancelled check and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle

RECEIVED

AUG 8 - 2017

Dixon Salo

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

Made in Massachusetts



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date July 31, 2017

2. Association Making This Request Suffolk Downs

3. Project # 2013-20 (unique project number)

4. Project Window Air Conditioners (2) (unique descriptive title of this property)

5. Type of Request (indicate RFC or RFR)

RFC / Request for Consideration

RFR / Request for Reimbursement

Capital Improvement Fund

Promotional Trust Fund

6. Total Project Amount Requested: \$ 2,069.76 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: July 31, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



Division of Racing

MEMORANDUM

TO:	Massachusetts Gaming Commission / State Racing Division
FROM:	Doug O'Donnell, Senior Financial Analyst
SUBJECT:	Request for Consideration, Suffolk Downs Capital Improvement Trust Fund
DATE:	September 14, 2017

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g.

The trustees may expand without appropriation all or any part of the capital trust fund to the appropriate track licensee in proportion to the amount deposited in each fund for use of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire architectural and engineering consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed.

SDCITE

- | | | |
|-------------|---|-------------|
| • # 2012-8 | Computer upgrade cost | \$10,242.16 |
| • # 2012-11 | Sprinkler system repair | \$28,168.15 |
| • # 2013-17 | EPA Sewer Inspection/Meter Install/Sampling/Reporting | \$50,540.97 |

Total Request for Consideration: **\$88,951.28**

All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the manager of the licensee setting forth the capital improvements completed with funds obtained under this section. All documentation has been submitted and reviewed.

After review and confirmation of request, with your authorization, we will approve scope of work to be completed at the licensee facility.



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION
2017 AUG -9 AM 11:28

1

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 3, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2012-8
Computer Upgrades
Request for Consideration

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$10,242.16 for the cost of Computer Upgrades at Suffolk Downs.

The project involved computer systems upgrades consisting of the following:

- Installation of replacement printer at Accounting Office and Mutuels Office..
- Set-up blackberry.
- Install new workstation at Executive Office
- Install new antivirus client for laptop
- Install antivirus on 8 workstations at Racing Office
- Install new workstation at Steward's Office
- Set up new printer to network at Executive Office
- Install replacement printer at Legends
- Change printer properties in Executive Office
- Remap network drive in Racing Office and Bookkeeper Office
- Reconfigure scan folder redirect to Ricoh printer in Executive Office
- Resolve e-mail issue at Payroll Office
- Install new workstation at Racing Office
- Install new workstation at Payroll Office

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$10,242.16.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell
August 3, 2017
Page 2.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Consideration CIF Project SD 2012-8 (RFC)



July 17, 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc.
501 Park Avenue, Suite 210
Worcester, MA 01610-1221

Dear Neil:

RE: CIF Project SD 2012-8 (RFC)

Enclosed are three copies of a Request for Consideration from the Running Horse Capital Improvement Trust Fund for Project SD 2012-8 (Computer Upgrades)

This project was necessary for the upgrading of the present computers at Suffolk Downs.

Should you have any questions please call me at (617) 568-3327.

Thank you for your consideration of this matter.

Sincerely,

Chip Tuttle
Chief Operating Officer

Encs.
CT:jf

RECEIVED

JUL 20 2017

Dixon Salo Archi.

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

Made in Massachusetts



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date July 17, 2017

2. Association Making This Request Suffolk Downs

3. Project # 2012-8 (unique project number)

4. Project Computer Upgrades unique descriptive title of this project)

5. Type of Request (indicate RFC or RFR)

RFC / Request for Consideration RFR / Request for Reimbursement

Capital Improvement Fund Promotional Trust Fund

6. Total Project Amount Requested: \$ 10,242.16 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

This project was necessary for the upgrading of the present computers at Suffolk Downs.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: July 17, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____

CEN Associates, Inc.
 P.O.Box 122
 East Derry, NH 03041
 1-877-239-1219



Bill To:
Sterling Suffolk Racetrack LLC 525 McClellan Highway East Boston, MA 02128 United States

Date	Invoice
01/05/2012	1083
Account	
Sterling Suffolk Downs	

Terms	Due Date	PO Number	Reference
Net 30 days	02/04/2012		

Billing Method	Actual Rates
Detail	Wed 1/4/2012 5:05 PM UTC-05/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello

Services	Work Type	Staff	Hours	Rate	Amount
Billable Services					
Technician	Onsite	Rick Frizzell	2.00	95.00	190.00
Total Services:					190.00

Other Charges	Quantity	Price	Amount
Billable Other Charges			
Trend Micro Worry Free Business Standard - 26-50U-1year	50.00	28.00	1,400.00
Replacement Battery for the Compaq 8510p Laptop	1.00	150.00	150.00
HP Officejet Pro 8000 Black	1.00	160.00	160.00
HP P2305 LaserJet 30PPM, 16MB	1.00	205.00	205.00
Next Day Shipping - Overnight	1.00	48.70	48.70
Total Other Charges:			1,963.70

Make checks payable to CEN Associates, Inc.	Invoice Subtotal:	2,153.70
	State Sales Tax:	119.69
	Invoice Total:	2,273.39

$$\begin{array}{r}
 2273.39 \\
 - 1400.00 \\
 \hline
 873.39
 \end{array}$$
 1505-100
 Thank you for your business!

873.39

Invoice Time Detail

Invoice Number: 1083
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, Rick Date: 12/14/2011

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, Rick	Installed replacement printer for Charlotte and Jim Alcott. Set up Blackberry for Steve Pini.	Y	2.00	95.00	\$190.00
9:00 AM - 11:00 AM					

Subtotal: \$190.00

Invoice Time Total: **Billable Hours:** 2.00

CEN Associates, Inc.
 P.O. Box 122
 East Derry, NH 03041
 1-877-239-1219



Bill To:
Sterling Suffolk Racetrack LLC 525 McClellan Highway East Boston, MA 02128 United States

Date	Invoice
04/10/2012	1200
Account	
Sterling Suffolk Downs	

Terms	Due Date	PO Number	Reference
Net 30 days	05/10/2012		

Billing Method	Actual Rates
Detail	Mon 4/9/2012 9:39 PM UTC-04/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello

Services	Work Type	Staff	Hours	Rate	Amount
Billable Services					
Technician	Onsite	Rick Frizzell	6.00	95.00	570.00
Total Services:					570.00

Other Charges	Quantity	Price	Amount
Billable Other Charges			
Intel G630 2.70GHz LGA1155 3MB Cache, 24x DVD0R/W, 4GB (1x4GB) DDR3-1333 MHz Gigabyte Motherboard, Case, keyboard/Mouse, Windows 7 Pro-32Bit.	1.00	600.00	600.00
Shipping	1.00	25.00	25.00
Total Other Charges:			625.00

Make checks payable to CEN Associates, Inc.	Invoice Subtotal:	1,195.00
	State Sales Tax:	37.50
	Invoice Total:	1,232.50

Thank you for your business!

Handwritten calculation:
 1232.50
 - 570.00

 662.50

Handwritten note: 1505-100

Handwritten note: 662.50

Invoice Time Detail

Invoice Number: 1200
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, Rick Date: 4/9/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, Rick	Installed new workstation. Installed new antivirus client for John Rizzo laptop. Installed antivirus on 8 workstations in RO Office.	Y	6.00	95.00	\$570.00
9:00 AM - 3:00 PM					

Subtotal: \$570.00

Invoice Time Total: **Billable Hours:** 6.00

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC
111 Waldemar Ave.
East Boston, MA 02128

Date	Invoice
05/18/2012	1256
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	06/17/2012		

Other Charges	Quantity	Price	Amount
<u>Billable Other Charges</u>			
Hp Workstation for Stewards office	1.00	\$385.00	\$385.00
Miscellaneous Invoice			
Total Other Charges:			\$385.00
Make checks payable to CEN Associates, Inc.		Invoice Subtotal:	\$385.00
		State Sales Tax:	\$24.06
		Invoice Total:	\$409.06

Thank you for your business!

*OK
J. Smith*

CEN 001
1505-100
106175

Account Number _____
Branch _____
Check Number _____
Check Code _____
Approved By _____

OK

Jim Costello

From: support@cenassociates.com**Sent:** Wednesday, May 23, 2012 4:46 PM**To:** Jim Costello**Subject:** Ticket#1670/Sterling Suffolk Racecour/New workstation install for Stewards ooffice -- has been updated

--REPLY above this line to respond--

This ticket has been updated by Rick Frizzell

Picked up switch and CAT5 cable at Staples, installed workstation, downloaded MS Office 2003, removed trial software.

Full ticket details**Ticket #1670****Ticket:** New workstation install for Stewards ooffice**Status:** Completed**Company:** Sterling Suffolk Racetrack LLC**Contact:** Jim Costello**Phone:** 617-568-3231**Address:** 111 Waldemar Ave.
East Boston, MA 02128**Detail Description:****Wed 5/23/2012/5:42 PM EDT/ Rick Frizzell-**[View Ticket](#)

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC 111 Waldemar Ave. East Boston, MA 02128

Date	Invoice
01/17/2012	1095
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	02/16/2012		

Billing Method	Actual Rates
Detail	Tue 1/17/2012/9:17 PM EST/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello
Ship To Address	111 Waldemar Ave. East Boston, MA 02128 United States

Services	Work Type	Staff	Hours	Rate	Amount
<u>Billable Time & Materials Services</u>					
Technician	Onsite	Rick Frizzell	1.00	95.00	\$95.00
Total Services:					\$95.00
Make checks payable to CEN Associates, Inc.				Invoice Subtotal:	\$95.00
				State Sales Tax:	\$0.00
				Invoice Total:	\$95.00

Thank you for your business!

Handwritten signature

Vendor Number	CEN1001
Distribution	8017-100
Voucher Number	104318
Check Code	
Approved By	

Handwritten signature

Invoice Time Detail

Invoice Number: 1095
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 1/13/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Set up Sarah's new printer to the network. Assigned IP address 192.168.2.53 Installed printer for Chip tuttle.	Y	1.00	95.00	95.00
9:00 AM - 10:00 AM					

Subtotal: \$95.00

Invoice Time Total: **Billable Hours:** 1.00

Jim Costello

From: support@cenassociates.com
Sent: Tuesday, January 17, 2012 9:20 PM
To: Jim Costello
Subject: Ticket#1517/Sterling Suffolk Racecour/New printer install for Sarah Kennedy -- has been updated

--Please enter your response above this line--
This ticket has been updated by Rick Frizzell

Set up Sarah's new printer to the network.
Assigned IP address 192.168.2.53
Installed printer for Chip tuttle.

Full ticket details**Ticket #1517**

Ticket: [New printer install for Sarah Kennedy](#)

Status: Closed

Company: Sterling Suffolk Racetrack LLC

Contact: Jim Costello

Phone: 617-568-3231

Address: 111 Waldemar Ave.
East Boston, MA 02128

Detail Description:

Tue 1/17/2012/9:17 PM EST/ Rick Frizzell-

[View Ticket](#)

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC 111 Waldemar Ave. East Boston, MA 02128

Date	Invoice
01/27/2012	1101
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	02/26/2012		

Billing Method	Actual Rates
Detail	Wed 1/25/2012/10:01 PM EST/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello
Ship To Address	111 Waldemar Ave. East Boston, MA 02128 United States

Services	Work Type	Staff	Hours	Rate	Amount
Billable Time & Materials Services					
Technician	Onsite	Rick Frizzell	1.00	95.00	\$95.00
Total Services:					\$95.00
Make checks payable to CEN Associates, Inc.				Invoice Subtotal:	\$95.00
				State Sales Tax:	\$0.00
				Invoice Total:	\$95.00

Thank you for your business!

OK
Jim Costello

Vendor Number	<i>03N1001</i>
Distribution	<i>5017-100</i>
Voucher Number	<i>104472</i>
Check Code	
Approved By	

Invoice Time Detail

Invoice Number: 1101
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 1/16/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Installed replacement printer in Legends. Loaded win 98 drivers	Y	1.00	95.00	95.00
9:00 AM - 10:00 AM					

Subtotal: \$95.00

Invoice Time Total: **Billable Hours:** 1.00

Jim Costello

From: support@cenassociates.com
Sent: Wednesday, January 25, 2012 10:03 PM
To: Jim Costello
Subject: Ticket#1524/Sterling Suffolk Racecour/Printer install -- has been updated

--Please enter your response above this line--
This ticket has been updated by Rick Frizzell

Installed replacement printer in Legends.
Loaded win 98 drivers

Full ticket details**Ticket #1524**

Ticket: [Printer install](#)
Status: Closed

Company: Sterling Suffolk Racetrack LLC
Contact: Jim Costello
Phone: 617-568-3231
Address: 111 Waldemar Ave.
East Boston, MA 02128

Detail Description:

Wed 1/25/2012/10:01 PM EST/ Rick Frizzell-

[View Ticket](#)

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC 111 Waldemar Ave. East Boston, MA 02128

Date	Invoice
01/27/2012	1107
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	02/26/2012		

Billing Method	Actual Rates
Detail	Wed 1/25/2012/10:09 PM EST/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello
Ship To Address	111 Waldemar Ave. East Boston, MA 02128 United States

Services	Work Type	Staff	Hours	Rate	Amount
Billable Time & Materials	Services				
Technician	Onsite	Rick Frizzell	1.00	95.00	\$95.00
Total Services:					\$95.00
Make checks payable to CEN Associates, Inc.				Invoice Subtotal:	\$95.00
				State Sales Tax:	\$0.00
				Invoice Total:	\$95.00

Thank you for your business!

Vendor Number	03N1001
Distribution	2012-100
Voucher Number	104471
Check Code	
Approved By	

Invoice Time Detail

Invoice Number: 1107
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 1/23/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Changed printer properties for Paul Evan's default printer, was set to print to file. Cleared printer jam in legends.	Y	1.00	95.00	95.00
10:30 AM - 11:30 AM					

Subtotal: \$95.00

Invoice Time Total: **Billable Hours:** 1.00

Jim Costello

From: support@cenassociates.com
Sent: Wednesday, January 25, 2012 10:23 PM
To: Jim Costello
Subject: Ticket#1526/Sterling Suffolk Racecour/Troubleshoot print issues. -- has been updated

--Please enter your response above this line--
This ticket has been updated by Rick Frizzell

Changed printer properties for Paul Evan's default printer, was set to print to file.
Cleared printer jam in legends.

Full ticket details**Ticket #1526**

Ticket: [Troubleshoot print issues.](#)

Status: Closed

Company: Sterling Suffolk Racetrack LLC

Contact: Jim Costello

Phone: 617-568-3231

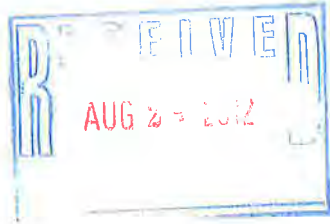
Address: 111 Waldemar Ave.
East Boston, MA 02128

Detail Description:

Wed 1/25/2012/10:09 PM EST/ Rick Frizzell-

[View Ticket](#)

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC
111 Waldemar Ave.
East Boston, MA 02128

Date	Invoice
08/21/2012	1333
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	09/20/2012		

Billing Method: Actual Rates
Detail: Mon 8/20/2012/5:20 PM EDT/ Rick Frizzell-

95.00
Company Name: Sterling Suffolk Racetrack LLC
Contact Name: Jim Costello
Ship To Address: 111 Waldemar Ave.
East Boston, MA 02128
United States

Services	Work Type	Staff	Hours	Rate	Amount
Billable Time & Materials Services					
System Engineer	Onsite	Rick Frizzell	10.50	95.00	\$997.50
Total Services:					\$997.50

Other Charges	Quantity	Price	Amount
Billable Other Charges			
HP Proliant ML350 G6* Quad-Core Intel(r) Xeon(r) Processor E5504 (2.00GHz, 4M Cache, 80 Watts, 800MHz) * HP 4GB PC3-10600R 2x2GB 2Rank Memory * Embedded P410i/256MB (SAS Array Controller) * 3x HP 160GB SATA 7.2K Hot Plug SATA ETY Hard Drive - 1-year warranty * HP 6-Bay Drive Cage * HP SATA DVD-ROM Drive * Embedded NC326i Dual Port Gigabit Server Adapter * 2x HP 460W CS HE Hot-Plug Power Supply	1.00	\$4,042.94	\$4,042.94
* Integrated Lights Out 2 (iLO 2) Standard Management * 3 years parts, labor and onsite service (3/3/3) standard warranty.			
Shipping	1.00	\$70.49	\$70.49
Total Other Charges:			\$4,113.43

Vendor Number: *CEN1001*
Distribution: *1305-100*
Voucher Number: *108014*
Check Code: _____
Entered By: _____

3-26-2012

Make checks payable to CEN Associates, Inc.	Invoice Subtotal:	\$5,110.93
	State Sales Tax:	\$252.68
	Invoice Total:	\$5,363.61

Thank you for your business!

A handwritten signature in black ink, appearing to be 'Oleg', is located in the upper right corner of the page.

Invoice Time Detail

Invoice Number: 1333
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 8/16/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Set up server hardware. Installed Operating system. Updated Active directory schema. Joined to domain and synchronized domain policies and user accounts. migrated data from Suffolk2k to suffolkfs3. remapped network drives on workstations in Accounting, mutuels, exec office and money room.	Y	8.50	95.00	807.50
9:30 AM - 6:00 PM					

Subtotal: \$807.50**Member: Frizzell, R Date: 8/18/2012**

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	remapped network drives for tom creel and mandy. Reconfigured scan folder redirect on Ricoh printer in Exec office and tested. Resolved mark's email issue.	Y	2.00	95.00	190.00
9:00 AM - 11:00 AM					

Subtotal: \$190.00

Invoice Time Total: **Billable Hours: 10.50**

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC
111 Waldemar Ave.
East Boston, MA 02128

Date	Invoice
09/01/2012	1340
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	10/01/2012		

Billing Method	Actual Rates
Detail	Sat 9/1/2012/10:07 AM EDT/ Rick Frizzell-
	95.00
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello
Ship To Address	111 Waldemar Ave. East Boston, MA 02128 United States

Services	Work Type	Staff	Hours	Rate	Amount
Billable Time & Materials Services					
Technician	Onsite	Rick Frizzell	1.50	95.00	\$142.50
Total Services:					\$142.50

Other Charges	Quantity	Price	Amount
Billable Other Charges			
HP Compaq DC5100 workstation	4.00	\$258.00	\$1,032.00
Total Other Charges:			\$1,032.00

Make checks payable to CEN Associates, Inc.	Invoice Subtotal:	\$1,174.50
	State Sales Tax:	\$64.50
	Invoice Total:	\$1,239.00

Thank you for your business!

Voucher Number	<i>CEN 1001</i>
Distribution	<i>1505-100</i>
Voucher Number	<i>105286</i>
Check Code	
Approved By	

Invoice Time Detail

Invoice Number: 1340
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 8/18/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Installed new workstation for Mike Gonzalez. Mapped network printers , installed applications and Anti Virus	Y	1.50	95.00	142.50
9:00 AM - 10:30 AM					

Subtotal: \$142.50

Invoice Time Total: **Billable Hours: 1.50**

Jim Costello

From: support@cenassociates.com
Sent: Saturday, September 01, 2012 10:14 AM
To: Jim Costello
Subject: Ticket#1771/Sterling Suffolk Racecour/New workstation install -- has been updated

--REPLY above this line to respond--
This ticket has been updated by Rick Frizzell

Installed new workstation for Mike Gonzalez.
Mapped network printers , installed applications and Anti Virus

Full ticket details**Ticket #1771**

Ticket: [New workstation install](#)

Status: Closed

Company: Sterling Suffolk Racetrack LLC

Contact: Jim Costello

Phone: 617-568-3231

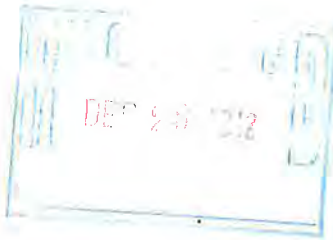
Address: 111 Waldemar Ave.
East Boston, MA 02128

Detail Description:

Sat 9/1/2012/10:07 AM EDT/ Rick Frizzell-

[View Ticket](#)

CEN Associates, Inc.
P.O.Box 122
East Derry, NH 03041
18772391219



Bill To:
Sterling Suffolk Racetrack LLC 525 McClellan Highway East Boston, MA 02128

Date	Invoice
12/21/2012	1471
Account	
Suffolk Downs Racetrack	

Terms	Due Date	PO Number	Reference
Net 30 days	01/20/2013		

Billing Method	Actual Rates
Detail	Fri 12/21/2012/5:01 PM EST/ Rick Frizzell-
Company Name	Sterling Suffolk Racetrack LLC
Contact Name	Jim Costello
Ship To Address	525 McClellan Highway East Boston, MA 02128 United States

Services	Work Type	Staff	Hours	Rate	Amount
Billable Time & Materials Services					
System Engineer	Onsite	Rick Frizzell	4.00	95.00	\$380.00
Total Services:					\$380.00

Other Charges	Quantity	Price	Amount
Billable Other Charges			
HP 8300c CMT i5-3470 workstation 8.GB Ram, Win 7 Pro, DVDRW	1.00	\$939.38	\$939.38
Shipping	1.00	\$31.51	\$31.51
Total Other Charges:			\$970.89

Make checks payable to CEN Associates, Inc.	Invoice Subtotal:	\$1,350.89
	State Sales Tax:	\$58.71
	Invoice Total:	\$1,409.60

Thank you for your business!

OK
Jim Costello

A

ck

CENi 001
1505-100
110196

Invoice Time Detail

Invoice Number: 1471
Company: Sterling Suffolk Racetrack LLC

Member: Frizzell, R Date: 12/13/2012

Staff	Notes	Bill	Hours	Rate	Ext Amt
Frizzell, R	Joined new workstation to domain. Installed Virtual XP environment and tested.	Y	4.00	95.00	380.00
9:00 AM - 1:00 PM					

Subtotal: \$380.00

Invoice Time Total:

Billable Hours: 4.00

Jim Costello

From: support@cenassociates.com**Sent:** Friday, December 21, 2012 5:05 PM**To:** Jim Costello**Subject:** Ticket#1866/Sterling Suffolk Racecour/Install new payroll workstation -- has been updated

--REPLY above this line to respond--
This ticket has been updated by Rick Frizzell

Joined new workstation to domain.
Installed Virtual XP environment and tested.

Full ticket details**Ticket #1866****Ticket:** [Install new payroll workstation](#)**Status:** Closed**Company:** Sterling Suffolk Racetrack LLC**Contact:** Jim Costello**Phone:** 617-568-3231**Address:** 525 McClellan Highway
East Boston, MA 02128**Detail Description:**

Fri 12/21/2012/5:01 PM EST/ Rick Frizzell-

[View Ticket](#)



p.o. box 122, New hampshire
t. 603 552 5942 f. 603 52 5943

QUOTE

Number AAAQ1010

Date Nov 16, 2012

Sold To
Sterling Suffolk Downs Racetrack Dave Lanzilli Phone Fax

Ship To
Sterling Suffolk Downs Racetrack Dave Lanzilli Phone Fax

Salesperson	P.O. Number	Ship Via	Terms
Administrator			

Line	Qty	Description	Unit Price	Ext. Price
1	1	HP 8300e CMT i7-3770 QC 3.4 8GB/500GB DVDRW W7P64 Smart Buy	\$939.38	\$939.38

SubTotal	\$939.38
Tax	\$61.06
Shipping	\$0.00
Total	\$1,000.44

PRICES SUBJECT TO CHANGE - PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH INVOLVED - GENERALLY ALL HARDWARE COMPUTER COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOUR HARDWARE ONLY AND ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED OR WITH REGARD TO ANY LICENSED PRODUCTS. WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING.

Jim Costello

From: Rick Frizzell [rfrizzell@cenassociates.com]
Sent: Thursday, November 15, 2012 3:56 PM
To: David Lanzilli
Cc: Jim Costello
Subject: Payroll PC

Hi Dave,

Hp is releasing a special promotion for my distributor tomorrow morning.
This means I will be able to get the Payroll workstation that was going to be \$1200 for \$220 less.
This is why I have been delayed in giving you the quote in writing.
As soon as it is confirmed I will give you an official quote.

Best regards,

Rick Frizzell
President
Cen Associates, INC.
603 231 4226



CIF Project SD 2012-8 RFC Computer Upgrades

Invoice No. 1083 – 1-5-12 - \$873.39

Installed replacement printer for Charlotte (Accounting Office) and Jim Alcott (Mutuels Office).

Set-up Blackberry for Steve Pini (Maintenance)

Replacement battery for the Compaq 8510p Laptop

HP Officejet Pro 8000 Black

HY P2305 LaserJet 30PPM, 16MB.....\$705.00

Overnight shipping charge.....\$ 48.70

Sales Tax charge.....\$119.69

Invoice No. 1200 – 4-10-12 - \$662.50

Installed new workstation (Executive Office)

Installed new antivirus client for John Rizzo laptop

Installed antivirus on 8 workstations in Racing Office

Intel G630 2.70GHzLGA11553MB Cache, 24xDVDOR/W, 4GB (1x4GB)

DDR3-1333 MIz Gigabyte Motherboard, Case, keyboard, Mouse, Windows 7

Pro-32Bit43.....\$600.00

Shipping charge.....\$ 25.00

Sales Tax charge.....\$ 37.50

Invoice No. 1256 – 5-18-12 - \$409.06

New workstation install (Stewards Office)

HP Workstation for Stewards Office.\$385.00

Sales Tax Charge..... \$ 24.06

Invoice No. 1095 – 1-17-12 - \$95.00

Set up Sarah's new printer to the network (Executive Office)

Assigned IP address 192.168.2.53

Installed printer for Chip Tuttle

Onsite Technician charge.....\$ 95.00

Invoice No. 1101 – 1-27-12 - \$95.00

Installed replacement printer (Legends)
Loaded win 98 drivers

Onsite Technician charge.....\$ 95.00

Invoice No. 1107 – 1-27-12 - \$95.00

Changed printer properties for Paul Evan's default (Executive Office)
Printer, was set to print to file
Cleared printer jam in Legends

Onsite Technician charge.....\$ 95.00

Invoice No. 1333 – 8-21-12 - \$5363.61

Remapped network drives for Tom Creel and Mandy (Racing and Bookkeeper)
Reconfigured scan folder redirect on Ricoh printer
in Executive Office and tested
Resolved Mark's e-mail issue (Payroll)

HP Proliant ML350 G6* (Server Room)
Quad-Core Intel®Xeon® Processor
E5504 (2.00GHz, 4M Cache, 80 Watts, 800MHz)
HP 4GB PC3-10600R 2x2GB 2 Rank Memory
Embedded P410i/256MB (SAS Array Controller)
3x HP 160GB SATA 7.2K Hot Plug
SATA ETY Hard Drive – 1 year warranty
*HP 6-Bay Drive Cage
*HP SATA DVD-ROM Drive
Embedded NC326i Dual Port Gigabit Server Adapter
*2x HP 460W CS HE Hot-Plug Power Supply
*Integrated Lights Out 2 (iLO 2) Standard Management
*3 years parts, labor and onsite service (3/3/3) standard warranty..\$4042.94
Shipping charge.....\$ 70.49
Sales Tax.....\$ 252.68
Set up server hardware
Installed Operating system
Updated Active directory schema
Joined to domain and synchronized domain policies and user accounts
Migrated data from Suffolk 2k to Suffolk's 3
Remapped network drives on workstations in Accounting, Mutuels, Executive Office and
Money Room (System Engineer/onsite).....\$ 997.50

Invoice No. 1340 – 9-1-12 - \$1239.00

HP Compaq DC5100 workstation (4) (Racing Office).....\$1032.00
Sales Tax.....\$ 64.50
Installed new workstation for Mike Gonzalez
Mapped network printers, installed applications and Anti Virus

Onsite Technician charge (1.50 hours).....\$ 142.50

Invoice No. 1471 – 12-21-12 - \$1409.60

HP 8300c CMT i5-3470 workstation 8.GB Ram, Win 7 Pro, DVDRW (Payroll)
Onsite System Engineer charge

Joined new workstation to domain
Installed Virtual XP environment and tested.....\$ 939.38
Shipping charge.....\$ 31.51
Sales Tax.....\$ 58.71

System Engineer (onsite).....\$ 380.00

Total charges.....\$10,242.16

Neil Dixon

From: Neil Dixon <ndixon@dixonsaloarchitects.com>
Sent: Saturday, July 22, 2017 10:11 AM
To: 'Jackie Fawcett'
Subject: SD 2012-8 RFC Computer Upgrades

Contacts: Jackie Fawcett

Hi Jackie:

It has been sometime since I walked thru with Ernie to look at all of the old projects. Could you please provide a brief description to where and what the computer upgrades were?

Also, if you could provide a summary of the invoices for this project that would be helpful.

Thanks.



Neil R. Dixon

Neil R. Dixon
Principal/Architect
Dixon Salo Architects, Inc.
501 Park Avenue, Suite 210
Worcester, MA 01610
508-755-0533 (T)
508-755-0050 (F)
ndixon@dixonsaloarchitects.com



2

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 10, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2012-11
Sprinkler Repair
Request for Consideration

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$28,168.15 for Sprinkler Repairs at Suffolk Downs.

2017 AUG 15 PM 1:28
MASSACHUSETTS GAMING COMMISSION

This project involved various repairs to Sprinkler Systems and Fire Alarm Systems as follows:

- Replace switch on compressor in Barn #8, drains in Barn #25 and testing of sprinkler systems In the barns. \$8,337.12
- Replace accelerators in Grandstand and Clubhouse 4,321.00
- Replace leaking sprinkler piping in Barn #25 & #5, blow down Barn #5 supply 2 pieces of 4" G & G for stock 2,411.90
- Labor and material to test Grandstand sprinkler system and replace check valves on systems 10, 9, 8, 7 and 6. 2,198.17
- Labor and material to replace 2" line in Barn #16A, 1 1/2" line in Barn #32, Blow down Barns #16A, #16, and #5. 2,655.13
- Labor and material to replace clapper gasket, 2" piece of pipe and blow down Barn #8 and #10. 1,160.00
- Replace Fire Alarm Control Panel in Barn #5 2,170.00
- Labor and material to replace 4" sprinkler main in Barn #20. 4,914.83
- Total \$28,168.15

This office did during our site visit of November 11, 2016 view the various areas where the sprinkler and fire alarm systems repairs were performed.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$28,168.15.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell
August 10, 2017
Page 2.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Reimbursement CIF Project SD 2012-11 (RFR)



RECEIVED

AUG 9 - 2017

Dixon Salo Architects, Inc

July 31, 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc., Suite 210
501 Park Avenue
Worcester, MA 01610-1221

Dear Neil:

RE: CIF Project SD 2012-11 (RFR)

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$28,168.15 for Project SD 2012-11 (Sprinkler Repair).

Also enclosed please find copies of checks, cancelled checks, purchase orders, job invoices and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle

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

Made in Massachusetts



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date July 31, 2017
2. Association Making This Request Suffolk Downs
3. Project # 2012-11 (unique project number)
4. Project Sprinkler Repair (unique descriptive title of this property)
5. Type of Request (indicate RFC or RFR)

<input type="checkbox"/> RFC / Request for Consideration	<input checked="" type="checkbox"/> RFR / Request for Reimbursement
<input checked="" type="checkbox"/> Capital Improvement Fund	<input type="checkbox"/> Promotional Trust Fund
6. Total Project Amount Requested: \$ 28,168.15 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: July 31, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



THE FIRE PROTECTION
PEOPLE

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-8650
Fax: 617-522-9021

INVOICE



BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: BARN 8 AND 25
59020

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
91282 -000		NET 30	64397	5/08/12

PROVIDE LABOR AND MATERIAL TO REPLACE SWITCH ON COMPRESSOR IN BARN 8, DRAINS IN BARN 25, AND TEST BARN, AS PER JOB INVOICE #59020

MATERIAL		1,296.12
TAX		81.00
48 LABOR	145.00RT	6,960.00
INVOICE TOTAL		\$8,337.12

Vendor Number 0ARh 005
 Distribution 7080-200
 Voucher Number 105444
 Check Code _____
 Approved By _____

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.

CARLYSLE ENGINEERING, INC.
 The Fire Protection People
 132 Brookside Ave.
 BOSTON, MA 02130
 (617) 522-6650 FAX (617) 522-9021

7 V
JOB INVOICE
 91282 59020

CUSTOMERS ORDER NO	DATE ORDERED 4-5-49
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO Suffolk Downs	PHONE
ADDRESS Barns	MECHANIC 5616 J. DeB...
CITY Revere	HELPER
JOB NAME AND LOCATION	<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA

DESCRIPTION OF WORK
BARN 25 Repair / Barn 8
Replace Switch on compressor Barn 8 and
trains in barn 25 Test Barns

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
2pc	3" 6x6 20'0"	369.20	728.40
3	3" Ground caps	72.00	216.00
2	2 1/2 caps	64.00	129.00
1	2 1/2 4' x 6		132.24
1	2 1/2 6' x 6		90.48
	cust. supplied compressor switch		

HOURS 48	LABOR MECHANICS @ 145.00	AMOUNT 6960.00	TOTAL MATERIALS 1296.12
	HELPERS @		TOTAL LABOR 6960.00
I hereby acknowledge the satisfactory completion of the above described work.		TOTAL LABOR	TAX 81.00
SIGNATURE		DATE COMPLETED	TOTAL 8337.12



PURCHASE ORDER 12704
PCF/SD

IMPORTANT: Show above order number on each Package, invoice, Bill of Lading and all Correspondence.

A packing slip **MUST** accompany this order. If shipper does not comply, this order may be returned at shipper's expense.

STERLING SUFFOLK RACECOURSE, LLC
SUFFOLK DOWNS RACE TRACK
111 WALDEMAR AVENUE
EAST BOSTON, MA 02128

VENDOR

Carlyste

SHIP TO

DATE OF ORDER	PROJECT NO.	TERMS	F.O.B	DELIVERY DATE
<i>5-8-12</i>	<i>Sprinkler Barns</i>			
QTY. ORDERED	QTY. REC'D	CATALOG #	DESCRIPTION	TOTAL
1.			<i>Test Barns</i>	<i>8,337.12</i>
2.			<i>Replace switch and</i>	
3.			<i>Barn 8 and drain 25</i>	
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

VENDOR NOTE:

Read conditions on reverse side prior to shipment.

ACCT #
7080 - 200

DEPARTMENT
Maint

REQUISITIONED BY
SP

EXECUTIVE OFFICER

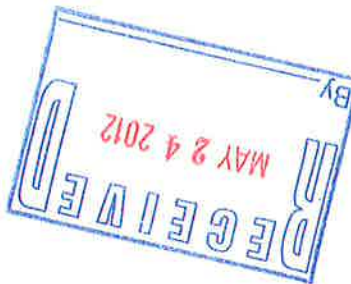
DIRECTOR OF PURCHASING/BUYER



**THE FIRE PROTECTION
PEOPLE**

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-6650
Fax: 617-522-9021



I N V O I C E

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: SUFFOK DOWNS
57983

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
90922 -000		NET 30	64533	5/21/12

PROVIDE LABOR AND MATERIAL TO REPLACE ACCELERATORS
IN MAIN BUILDINGS, AS PER JOB INVOICE #57983

MATERIAL		3,248.00
TAX		203.00
6 LABOR	145.00RT	870.00
INVOICE TOTAL		\$4,321.00

Vendor Number	CAR1005
Distribution	7080-400
Voucher Number	106157
Check Code	
Approved By	

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.

CARLYSEE ENGINEERING, INC.

The Fire Protection People
 132 Brookside Ave.
 BOSTON, MA 02130
 (617) 522-6650 FAX (617) 522-9021

JOB INVOICE

57983

CUSTOMERS ORDER NO.	DATE ORDERED
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO	Suffolk Downs	PHONE
ADDRESS	11 Waldemar	MECHANIC
CITY	East Boston	HELPER
JOB NAME AND LOCATION		<input type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA
DESCRIPTION OF WORK	Repair or replace accelerators in main buildings	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
2	Accelerator tycoas ACC-1		
7080-400			

HOURS	LABOR	AMOUNT	TOTAL MATERIALS
6	MECHANICS @		TOTAL LABOR
	HELPERS @		TOTAL
I hereby acknowledge the satisfactory completion of the above described work.		TOTAL LABOR	TAX
SIGNATURE	DATE COMPLETED	TOTAL	



SUFFOLK DOWNS.

PURCHASE ORDER 12714
PCF/SD

IMPORTANT: Show above order number on each Package, invoice, Bill of Lading and all Correspondence.

A packing slip MUST accompany this order. If shipper does not comply, this order may be returned at shipper's expense.

STERLING SUFFOLK RACECOURSE, LLC
SUFFOLK DOWNS RACE TRACK
111 WALDEMAR AVENUE
EAST BOSTON, MA 02128

V
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R

Carlisle

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T
O

DATE OF ORDER	PROJECT NO.	TERMS	F.O.B	DELIVERY DATE	
5-21-22	Fire Sprinkler				
QTY. ORDERED	QTY. REC'D	CATALOG #	DESCRIPTION	UNIT PRICE	TOTAL
1.			Replace 2 accelerators		4321.00
2.			in G.S. + Ch. house		
3.			sprinkler system		
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

VENDOR NOTE:

Read conditions on reverse side prior to shipment.

ACCT #
7080-400

DEPARTMENT
Maint

REQUISITIONED BY
SP

EXECUTIVE OFFICER

DIRECTOR OF PURCHASING/BUYER





THE FIRE PROTECTION
PEOPLE

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-6650
Fax: 617-522-9021

I N V O I C E

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: SUFFOLK-DOWNS, BARN-25 & 5
61683

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
78397 -000		NET 30	66099	12/11/12

PROVIDE LABOR AND MATERIAL TO REPLACE LEAKING MAIN
IN BARN 25. REPLACE LEAKING 2" COLD SIDE OF BARN
5, BLOW DOWN BARN 5. SUPPLY 2 PIECE OF 4" G & G
FOR STOCK, AS PER JOB INVOICE #61683

MATERIAL		1,178.26
TAX		73.64
8 LABOR	145.00RT	1,160.00
INVOICE TOTAL		\$2,411.90

Vendor Number: CALH-005
 Distribution: 7040-200
 Order Number: 160052
 Date: _____

CMP

[Signature]

[Signature]

TERMS: A finance charge of 1 1/2% per month (1.8% per year) will be charged on all past due accounts over 30 days.

CARLYSLE ENGINEERING, INC.

The Fire Protection People

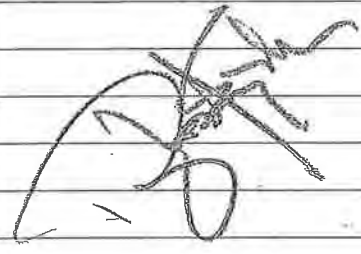
132 Brookside Ave.

BOSTON, MA 02130

(617) 522-6650 FAX (617) 522-9021

CUSTOMERS ORDER NO.	DATE ORDERED 10 29 12
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO Sulfolk Downs	PHONE
ADDRESS	MECHANIC 8676
CITY Revere	HELPER
JOB NAME AND LOCATION Replace Locking main on BAIN 25 Replace Locking 2"	<input checked="" type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA
DESCRIPTION OF WORK Cold side of bairns Blow down bairns. Supply 2pc 4" Galv for	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
	Stacks		
4 pc	4" 6x6 Galv (Lvs) 10-6	182.69	730 71
3	4" Grooved Galv coups	146.50	439 50
			

HOURS	LABOR	AMOUNT	TOTAL MATERIALS
8 man hrs	MECHANICS @ 145.00	1160 00	1178 26
	HELPERS @		TOTAL LABOR 1160 00
I hereby acknowledge the satisfactory completion of the above described work.			TAX 73 64
SIGNATURE		DATE COMPLETED	TOTAL 2411 90



PURCHASE ORDER 12829
PCF/SD

IMPORTANT: Show above order number on each Package, invoice, Bill of Lading and all Correspondence.
A packing slip **MUST** accompany this order. If shipper does not comply, this order may be returned at shipper's expense.

STERLING SUFFOLK RACECOURSE, LLC
SUFFOLK DOWNS RACE TRACK
111 WALDEMAR AVENUE
EAST BOSTON, MA 02128

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DATE OF ORDER	PROJECT NO.	TERMS	F.O.B	DELIVERY DATE
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VENDOR NOTE:

Read conditions on reverse side prior to shipment.

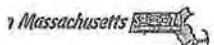
ACCT #

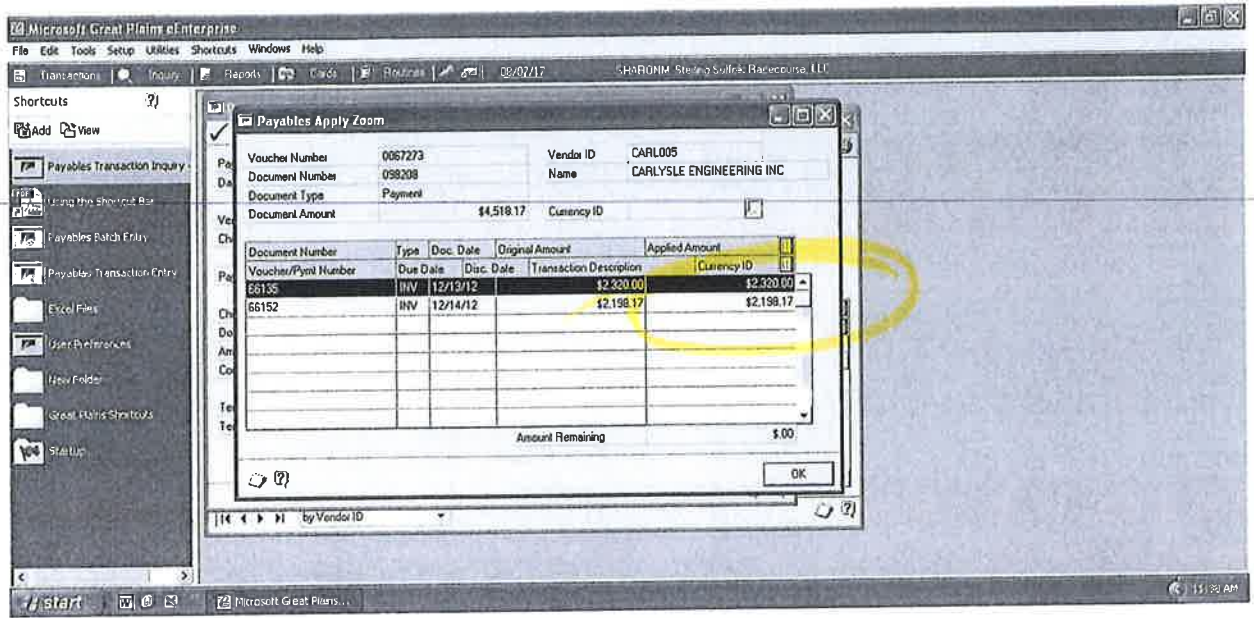
DEPARTMENT

REQUISITIONED BY

EXECUTIVE OFFICER

DIRECTOR OF PURCHASING/BUYER





*Support yellow copy
lost in flood.*



THE FIRE PROTECTION
PEOPLE

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-822-6650
Fax: 617-822-9021

I N V O I C E

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: SUFFOLK DOWNS GRAND STAND
AND SYSTEMS 6,7,8,9,&10
61685

CUST# 74218

JOB NO.	CUST. ORDER#	TERMS	INVOICE NUMBER	DATE
78413-000		NET 30	66152	12/14/12

PROVIDE LABOR AND MATERIAL FOR TESTING GRAND STAND
AND REPLACING CHECK VALVES ON SYSTEM 10,9,8,7, &
6, AS PER JOB INVOICE #61685

MATERIAL		431.22
TAX		26.95
12 LABOR	145.00RT	1,740.00
INVOICE TOTAL		\$2,198.17

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.



THE FIRE PROTECTION
PEOPLE

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-6650
Fax: 617-522-9021

INVOICE

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: BARN 16A, 32, & 16A, 16 & 5.
61687

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
78442 -000		NET 30	66305	12/31/12

PROVIDE LABOR AND MATERIAL TO REPLACE A2" LINE IN BARN 16A AND 1 1/2" LINE IN BARN IN 32. BLOW DOWN 16A, 16, & 5, AS PER JOB INVOICE #61687

MATERIAL		315.42
TAX		19.71
16 LABOR	145.00RT	2,320.00
INVOICE TOTAL		\$2,655.13

CM

ORDER NO. 7080-200
 QUOTE NO. 110395
 DATE 12/29/12

*7080-200
S Pini*

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.



**THE FIRE PROTECTION
PEOPLE**

ENGINEERING, INC

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-6650
Fax: 617-522-9021

I N V O I C E

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: SUFFOLK-DOWNS, BARN 8 & 10
61680

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
78387 -000		NET 30	66101	12/11/12

PROVIDE LABOR TO REPLACE CLAPPER GASKET AND 2" PIECE OF PIPE (USED CUSTOMER MATERIAL). BLOW DOWN BARN 8 AND 10 WITH LARGE COMPRESSOR, AS PER JOB INVOICE #61680

8 LABOR	145.00RT	1,160.00
INVOICE TOTAL		\$1,160.00

cap

CAH 005
7046-200
110065

S Pini

Ch

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.



SERVING NEW ENGLAND
SINCE 1976

INVOICE

25 Waverly Street, Stoneham, MA 02180
Phone (781) 279-0127

DATE: 12/13/2012
INVOICE #: 15192

BILL TO:

Steve Pini
Suffolk Downs
525 McClellan Highway
East Boston, MA 02128

SYSTEM LOCATION:

Stables
Barn 5

ACCOUNT #	JOB #	TERMS
65-0149	12-312	Net 15

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	12/13/12: Replace existing fire alarm control panel with Firelite MS4.	2,100.00	2,100.00
2	12/13/12: Replace 2 12v7ah batteries.	35.00	70.00
1	All applicable sales tax on materials used is paid by North Shore Protection.		0.00

*NOTE 006
7080-200
110202*

1505-100

Project # 2013-04

		TOTAL	\$2,170.00
--	--	--------------	-------------------



SUFFOLK DOWNS®

PURCHASE ORDER 12844
PCF/SD

IMPORTANT: Show above order number on each Package, invoice, Bill of Lading and all Correspondence.

A packing slip MUST accompany this order. If shipper does not comply, this order may be returned at shipper's expense.

STERLING SUFFOLK RACECOURSE, LLC
SUFFOLK DOWNS RACE TRACK
111 WALDEMAR AVENUE
EAST BOSTON, MA 02128

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North Shore Protection

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DATE OF ORDER	PROJECT NO.	TERMS	F.O.B	DELIVERY DATE	
12-17-12	Barn 5 Fire Panel 1				
QTY. ORDERED	QTY. REC'D	CATALOG #	DESCRIPTION	UNIT PRICE	TOTAL
1.			Replace fire panel in Barn 5		2100.00
2.					
3.					
4.			Replace 2 Batteries	35.00	70.00
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

VENDOR NOTE:

Read conditions on reverse side prior to shipment.

ACCT #
7080 - 200

DEPARTMENT
Maint

REQUISITIONED BY
SP

EXECUTIVE OFFICER

DIRECTOR OF PURCHASING/BUYER



THE FIRE PROTECTION
PEOPLE

132 Brookside Avenue - P.O. Box 300129 - Boston, MA 02130 - 617-522-6650
Fax: 617-522-9021

INVOICE

BILL TO: STERLING SUFFOLK RACE COURSE
ATTN: STEVE PINI
111 WALDEMAR AVE.
EAST BOSTON MA 02128

WORK DONE AT: SUFFOLK DOWNS, BARN 20
61681

CUST# 74218

JOB NO.	CUST ORDER#	TERMS	INVOICE NUMBER	DATE
78395-000		NET 30	66100	12/11/12

PROVIDE LABOR AND MATERIAL TO REPLACE 4" MAIN ON
COLD SIDE OF BARN 20, AS PER JOB INVOICE #61681

MATERIAL		2,442.20
TAX		152.63
16 LABOR	145.00RT	2,320.00
INVOICE TOTAL		\$4,914.83

CBP

Account Number 04R3005
 Description 70410-000
 Voucher Number 110067
 Check Date _____
 Date Paid _____

TERMS: A finance charge of 1 1/2% per month (18% per year) will be charged on all past due accounts over 30 days.

CARLYSLE ENGINEERING, INC.
The Fire Protection People
132 Brookside Ave.
BOSTON, MA 02130
(617) 522-6650 FAX (617) 522-9021

CUSTOMERS ORDER NO.	DATE ORDERED <i>Nov 26 20</i>
ORDER TAKEN BY	DATE PROMISED <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.

BILL TO <i>Suitalk downs</i>	PHONE
ADDRESS	MECHANIC <i>8615</i>
CITY <i>Revere</i>	HELPER <i>Joe Dwyer</i>
JOB NAME AND LOCATION <i>BARN 20</i>	<input checked="" type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA
DESCRIPTION OF WORK <i>Replace 4" main on cold side of BARN 20</i>	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
<i>80'</i>	<i>80' 4" Light wall galvney 6x6</i>		<i>1467 20</i>
<i>16</i>	<i>4" board cours</i>	<i>103.50</i>	<i>1635 00</i>
<i>[Handwritten Signature]</i>			

<i>16</i>	MECHANICS @ <i>145.00</i>	AMOUNT	TOTAL MATERIALS	<i>2442 20</i>
	HELPERS @		TOTAL LABOR	<i>2320 00</i>
I hereby acknowledge the satisfactory completion of the above described work.			TOTAL LABOR	TAX <i>152 63</i>
SIGNATURE		DATE COMPLETED	TOTAL	<i>491483</i>



MASSACHUSETTS PUBLIC
2017 JUL 26 PM 12:38

2

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

July 19, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Suffolk Downs
CIF Project SD 2013-17
EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation.
All hours and Travel
Request for Consideration

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$50,540.97 for the EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation. All hours and Travel.

The project involved the services of Tetra Tech, Inc. consulting engineers to provide Inspection, monitoring of meter installation, sampling and report generation for the installation of the EPA Sewer project at Suffolk Downs.

Work involved consulting services for:

1. On-site construction oversight of work performed by the contractor, J. F. White including Inspection, monitoring, shop drawing review and responses to Requests for Information (RFI's), preparation of drawings and sketches to revise or supplement the proposed Design as necessary to address field conditions and utility coordination.
2. These services were provided from December 12, 2011 through April 18, 2012 for the project through completion and from April 18, 2012 through December 5, 2013 for the post oversight and follow-up inspections and repairs by the contractor.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$50,540.97.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell, Senior financial Advisor
July 19, 2017
Page 2.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon
Principal/Architect
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs
Enclosure: Suffolk Downs, Request for Consideration CIF Project SD 2013-17 (RFC)



RECEIVED

June 14, 2017

JUN 20 2017

Mr. Neil R. Dixon
Dixon Salo Architects, Inc.
501 Park Avenue, Suite 210
Worcester, MA 01610-1221

Dixon Salo Architects, Inc.

Dear Neil:

RE: CIF Project SD 2013-17 (RFC)

Enclosed are three copies of a Request for Consideration from the Running Horse Capital Improvement Trust Fund for Project SD 2013-17 (EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation All Hours and Travel).

This project involved interim stormwater management, wet and dry weather discharge sampling, coordination of reporting, permit supporting and construction services at the track.

Should you have any questions, please call me at (617) 568-3327.

Thank you for your consideration of this matter.

Sincerely,

Chip Tuttle
Chief Operating Officer

Encs.
CT:jf

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

Made in Massachusetts



The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12th Floor
Boston, Massachusetts 02110
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date June 14, 2017
2. Association Making This Request Suffolk Downs
3. Project # 2013-17 (unique project number)
4. Project EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation all Hours and Travel (unique descriptive title of this property)
5. Type of Request (indicate RFC or RFR)

RFC / Request for Consideration RFR / Request for Reimbursement

Capital Improvement Fund Promotional Trust Fund

6. Total Project Amount Requested: \$ 50,540.97 Estimate / RFC ♦ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

This project involved interim stormwater management, wet and dry weather discharge sampling, coordination of reporting, permit supporting and construction services at the track.

RFR only – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: June 14, 2017
Chip Tuttle

RFR approval by the Trustees (signature and date) _____



Tetra Tech, Inc.
One Grant Street
PO Box 9005
Framingham, MA 01701
(508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
111 Waldemar Avenue
EAST BOSTON, MA 02128

INVOICE NUMBER: 50689741
INVOICE DATE: 06/25/13
SERVICES THROUGH: 05/31/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 STERLING SUFFOLK RACECOURSE/EAST BOSTON MA
Top Task 001 Construction Services

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Sr Scientist 2	8.00	\$988.80
TOTAL LABOR	8.00	\$988.80

Subtotal Top Task# 001 \$988.80
Total Project# 127-3787-12001 \$988.80

TOTAL AMOUNT DUE THIS INVOICE: \$988.80

Invoice Number: TETR 001
 Distribution: ~~\$505.100~~
 Voucher Number: 1505-100
 Check Code: 113570
 Approved By: _____

59

Remit to:
Tetra Tech Rizzo
PO BOX 901681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
 One Grant Street
 PO Box 9005
 Framingham, MA 01701
 (508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50677516
INVOICE DATE: 05/16/13
SERVICES THROUGH: 05/03/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 **STERLING SUFFOLK RACECOURSE/EAST BOSTON MA**
Top Task 001 **Construction Services**

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Sr Scientist 2	33.50	\$4,140.60
TOTAL LABOR	33.50	\$4,140.60

OTHER DIRECT COST TYPE

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Vehicles (mile)	\$177.05
TOTAL OTHER DIRECT CHARGES	\$177.05

Subtotal Top Task# 001 \$4,317.65
Total Project# 127-3787-12001 \$4,317.65

TOTAL AMOUNT DUE THIS INVOICE: \$4,317.65

VOID wrong acct 6/30/13

Vendor Number	TETRA 001
Distribution	1505-100
Voucher Number	113541
Check Code	
Approved By	

OK (M)

*EPA Construction
1505-*

5

Vendor Number	TETRA 001
Distribution	1505-100
Voucher Number	113541
Check Code	
Approved By	

Remit to:
 Tetra Tech Rizzo
 PO BOX 901681
 DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
 100 Nickerson Road
 PO Box 9005
 Marlborough, MA 01752
 (508) 786-2200

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50643219
INVOICE DATE: 01/23/13
SERVICES THROUGH: 01/04/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 **STERLING SUFFOLK RACECOURSE/EAST BOSTON MA**
Top Task 001 **Construction Services**

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Program Director	1.00	\$257.50
Technical Director 2	13.50	\$2,920.05
Sr Scientist 2	90.00	\$11,124.00
TOTAL LABOR	104.50	\$14,301.55

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Reproduction (each)	\$36.03
Vehicles (mile)	\$169.28
TOTAL OTHER DIRECT CHARGES	\$205.31

Subtotal Top Task# 001 **\$14,506.86**
Total Project# 127-3787-12001 **\$14,506.86**

TOTAL AMOUNT DUE THIS INVOICE: **\$14,506.86**

Remit to:
Tetra Tech Rizzo
PO BOX 901681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
 100 Nickerson Road
 PO Box 9005
 Marlborough, MA 01752
 (508) 786-2200

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50652435
INVOICE DATE: 02/22/13
SERVICES THROUGH: 02/01/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 **STERLING SUFFOLK RACECOURSE/EAST BOSTON MA**
Top Task 001 **Construction Services**

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Technical Director 2	1.50	\$324.45
Sr Scientist 2	23.00	\$2,842.80
TOTAL LABOR	24.50	\$3,167.25

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Reproduction (each)	\$51.60
Vehicles (mile)	\$135.98
TOTAL OTHER DIRECT CHARGES	\$187.58

Subtotal Top Task# 001 **\$3,354.83**
Total Project# 127-3787-12001 **\$3,354.83**

TOTAL AMOUNT DUE THIS INVOICE: **\$3,354.83**

Remit to:
Tetra Tech Rizzo
PO BOX 901681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
 One Grant Street
 PO Box 9005
 Framingham, MA 01701
 (508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50661407
INVOICE DATE: 03/26/13
SERVICES THROUGH: 03/01/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number	127-3787-12001	STERLING SUFFOLK RACECOURSE/EAST BOSTON MA		
Top Task	001	Construction Services		
TITLE			CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Sr Scientist 2			14.00	\$1,730.40
TOTAL LABOR			14.00	\$1,730.40
				CURRENT AMOUNT
OTHER DIRECT COST TYPE				
Reproduction (each)				\$62.14
Vehicles (mile)				\$140.98
TOTAL OTHER DIRECT CHARGES				\$203.12
Subtotal Top Task# 001				\$1,933.52
Total Project# 127-3787-12001				\$1,933.52

TOTAL AMOUNT DUE THIS INVOICE: \$1,933.52

Remit to:
Tetra Tech Rizzo
PO BOX 901681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
 100 Nickerson Road
 PO Box 9005
 Marlborough, MA 01752
 (508) 786-2200

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50618613
INVOICE DATE: 11/08/12
SERVICES THROUGH: 10/26/12
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number	127-3787-12001	STERLING SUFFOLK RACECOURSE/EAST BOSTON MA		
Top Task	001	Construction Services		
TITLE			CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Program Director			4.00	\$1,030.00
Technical Director 2			22.00	\$4,758.60
Sr Scientist 2			47.00	\$5,809.20
Engineer 2			1.00	\$82.40
TOTAL LABOR			74.00	\$11,680.20

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Mileage	\$233.10
Vehicles (mile)	\$536.16
TOTAL OTHER DIRECT CHARGES	\$769.26

Subtotal Top Task# 001 **\$12,449.46**
Total Project# 127-3787-12001 **\$12,449.46**

TOTAL AMOUNT DUE THIS INVOICE: **\$12,449.46**

Remit to:
 Tetra Tech Rizzo
 PO BOX 901681
 DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
One Grant Street
PO Box 9005
Framingham, MA 01701
(508) 903-2000



Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
111 Waldemar Avenue
EAST BOSTON, MA 02128

INVOICE NUMBER: 50697460
INVOICE DATE: 07/18/13
SERVICES THROUGH: 07/05/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 STERLING SUFFOLK RACECOURSE/EAST BOSTON MA
Top Task 001 Construction Services

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Sr Scientist 2	26.50	\$3,275.40
TOTAL LABOR	26.50	\$3,275.40

OTHER DIRECT COST TYPE

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Vehicles (mile)	\$32.75
TOTAL OTHER DIRECT CHARGES	\$32.75

Subtotal Top Task# 001 \$3,308.15
Total Project# 127-3787-12001 \$3,308.15

OK (M)
Cap Imp - EPA COST

TOTAL AMOUNT DUE THIS INVOICE: \$3,308.15

Vendor Number	TETR 008
Distribution	1505-100
Voucher Number	113838
Check Code	
Approved By	

Remit to:
Tetra Tech Rizzo
PO BOX 901681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
One Grant Street
PO Box 9005
Framingham, MA 01701
(508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
111 Waldemar Avenue
EAST BOSTON, MA 02128

INVOICE NUMBER: 50719911
INVOICE DATE: 09/27/13
SERVICES THROUGH: 08/30/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number	127-3787-12001	STERLING SUFFOLK RACECOURSE/EAST BOSTON MA		
Top Task	001	Construction Services	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
TITLE			5.50	\$679.80
Sr Scientist 2			5.50	\$679.80
TOTAL LABOR				

OTHER DIRECT COST TYPE

Vehicles (mile)				CURRENT AMOUNT
				\$29.97
TOTAL OTHER DIRECT CHARGES				\$29.97

Subtotal Top Task# 001 \$709.77
Total Project# 127-3787-12001 \$709.77

Distribution: TETR 001
 Check Number: 1508-100
 Check Code: 115501
 Approved By:

TOTAL AMOUNT DUE THIS INVOICE: \$709.77

OK

OP

CAP Imp - EPA

2013-21

Remit to:
Tetra Tech Rizzo
PO BOX 911681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per terms and conditions.



Tetra Tech, Inc.
 One Grant Street
 PO Box 9005
 Framingham, MA 01701
 (508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
 111 Waldemar Avenue
 EAST BOSTON, MA 02128

INVOICE NUMBER: 50732324
INVOICE DATE: 10/25/13
SERVICES THROUGH: 10/04/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number	127-3787-12001	STERLING SUFFOLK RACECOURSE/EAST BOSTON MA		
Top Task	001	Construction Services		
TITLE			CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Program Director			8.00	\$2,060.00
Sr Scientist 2			27.00	\$3,337.20
Engineer 2			0.25	\$24.46
TOTAL LABOR			35.25	\$5,421.66

SUBCONTRACTOR CHARGES	CURRENT AMOUNT
KROHNE INC	\$715.07
TOTAL SUBCONTRACTOR CHARGES	\$715.07

OTHER DIRECT COST TYPE	CURRENT AMOUNT
Vehicles (mile)	\$116.00
TOTAL OTHER DIRECT CHARGES	\$116.00

Subtotal Top Task# 001 **\$6,252.73**
 Total Project# 127-3787-12001 **\$6,252.73**

OK (RD)

CAP IMP - EPA

TOTAL AMOUNT DUE THIS INVOICE: \$6,252.73

Vendor Number	<i>TETR001</i>
Distribution	<i>1505-100</i>
Voucher Number	<i>116096</i>
Check Code	
Approved By	

Remit to:
 Tetra Tech Rizzo
 PO BOX 911681
 DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Tetra Tech, Inc.
One Grant Street
PO Box 9005
Framingham, MA 01701
(508) 903-2000

Bill To: STERLING SUFFOLK RACECOURSE LLC
ATTN: John Rizzo
111 Waldemar Avenue
EAST BOSTON, MA 02128

INVOICE NUMBER: 50753388
INVOICE DATE: 12/20/13
SERVICES THROUGH: 12/06/13
FEDERAL TAX ID#: 95-4148514
TERMS: NET 30

PROFESSIONAL SERVICES:

Project Number 127-3787-12001 STERLING SUFFOLK RACECOURSE/EAST BOSTON MA
Top Task 001 Construction Services

TITLE	CURRENT LABOR HOURS	CURRENT LABOR AMOUNT
Sr Scientist 2	22.00	\$2,719.20
TOTAL LABOR	22.00	\$2,719.20
Subtotal Top Task# 001		\$2,719.20
Total Project# 127-3787-12001		\$2,719.20

TOTAL AMOUNT DUE THIS INVOICE: **\$2,719.20**

OK
(M)
CAP Imp - EPA Protect

Vendor Number	TETR 001
Distribution	1505-100
Voucher Number	116904
Check Code	
Approved By	

Remit to:
Tetra Tech Rizzo
PO BOX 911681
DENVER, CO 80291-1681

To ensure accurate posting, please note the invoice number on your check. Interest will be charged on all past-due amounts per contract terms and conditions.



Division of Racing

MEMORANDUM

TO:	Massachusetts Gaming Commission / State Racing Division
FROM:	Doug O'Donnell, Senior Financial Analyst
SUBJECT:	Request for Reimbursement, Plainridge Racecourse Capital Improvement Trust Fund
DATE:	September 14, 2017

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expand without appropriation all or any part of the capital improvement trust funds to the appropriate track licensee in proportion to the amount deposited in each said fund by the track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire the services of architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed and approved by the architectural/engineering consultant.

<u>HHCITF</u>	<u>Fund balance (9/8/17)</u>	<u>\$386,789.89</u>
• #2016-2	New HD Video display board	\$214,342.59
• #2017-1	Water truck purchase	\$29,608.09
Total Request for Reimbursement		\$243,950.68

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

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



Massachusetts Gaming Commission



DIXON SALO
ARCHITECTS
 INCORPORATED



Neil R. Dixon, Principal
 Wayne O. Salo, Principal
 Jesse G. Hilgenberg, Principal

August 28, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
 Massachusetts Gaming Commission/Racing Division
 101 Federal Street
 Boston, MA 02110

RE: Plainville Gaming & Redevelopment, LLC
 HHCITF 2016-2
 Tote Board Visual Display
 Request for Reimbursement

2017 AUG 31 PM 1:03

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Plainville Gaming & Redevelopment, LLC to the Massachusetts Gaming Commission/Racing Division in the amount of \$214,342.59 for the cost of a new High Definition Video Display Board which was installed in the infield adjacent to the existing tote board at Plainridge Park.

The new display board is capable of displaying messages, odds, will pays, live video feed, replays, race results, etc. The display board also carries all property messages including Game Sense and property advertisements such as Flutie's and Slacks. It also capable of being programmed to view feeds from other tracks such as the Kentucky Derby, Belmont Stacks and Preakness.

There was considerable work required beyond just the installation of the visual display board. Please note that the cost of the work did exceed the original Request for Consideration by \$26,342.59 due to unanticipated conditions.

The following is a summary of the work required for this project:

- Visual Display Board 80,880.00
 Racing Systems International
 \$57,735.00 + \$23,145.00
- General Contractor 126,733.06
 Currie Building Systems
 \$112,000.00 + \$14,733.06
- MA DOR 3,937.50
 Sales tax on Display board



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell, Senior Financial Analyst
August 28, 2017
Page 2.

• Osborne Nursery & Landscaping Landscaping	<u>2,792.03</u>
Total	\$214,342.59

This office, did during our site visit of August 25, 2017 view the video display board. Please see attached photo.

Based upon the above, it is our opinion that this project is an appropriate Capital Improvement Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$214,342.59.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.


Neil R. Dixon,
Principal/Architect
NRD/hs


cc: Steve O'Toole, Director of Racing, Plainridge Park

Enclosure: Plainridge Park, Request for Reimbursement HHCITF 2017-2 (RFR)



**Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund**

1. Date: **8/18/2017**
2. Association: **Plainville Gaming & Redevelopment, LLC**
3. Project #: **Plainridge HHCITF 2016-2**
4. Project Description: **Tote Board Video Display**
5. Type of Request: **RFR - HHCITF**
 - Request for Consideration / RFC
 - Request for Reimbursement / RFR
 - Harness Horse Capital Improvement Fund / HHCIF
 - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: **\$214,342.59 - RFR**
 - Estimate / RFC
 - Actual / RFR
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure: **Attached is a breakdown of the final costs for the project**
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. By Track Official:  Title: **Director of Racing** Date: **8/18/17**
Steve O'Toole
10. Trustee Approval and Date:



Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 28, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Plainville Gaming & Redevelopment, LLC
HHCITF 2017-1
Water Truck
Request for Reimbursement

2017 AUG 31 PM 1:03

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Plainville Gaming & Redevelopment, LLC to the Massachusetts Gaming Commission/Racing Division in the amount of \$29,708.09* for the purchase of a Water Truck at Plainridge Park.

The project involved the purchase of a used water truck to supplement the existing water truck and serve as a backup watering vehicle.

Summary of Costs:

1. Loeb Winternitz Industrial Auctioneers	\$25,587.50
2. Mass State Sales Tax	\$1,599.22
3. Witmer's	<u>\$2,421.37</u>
Total	\$29,608.09*

*Please note that the total amount of the Request has been revised to correct a \$100.00 error in the original Request.

This office did, during our site visit of August 25, 2017 view the water truck. Please see attached photos.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the revised amount of \$29,608.09.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell, Senior Financial Analyst
August 28, 2017
Page 2.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,
Principal/Architect
NRD/hs

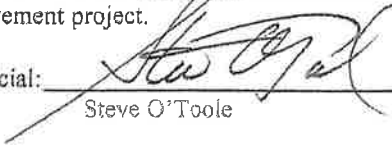
cc: Steve O'Toole, Director of Racing, Plainridge Park

Enclosure: Plainridge Park, Request for Reimbursement HHCITF 2017-1 (RFR)



**Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund**

1. Date: 8/15/2017
2. Association: Plainville Gaming & Redevelopment, LLC
3. Project #: Plainridge HHCITF 2017-1
4. Project Description: Water Truck
5. Type of Request: RFC/RFR - HHCITF
 - Request for Consideration / RFC
 - Request for Reimbursement / RFR
 - Harness Horse Capital Improvement Fund / HHCIF
 - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: \$29,708.09 RFC / RFR
 - Estimate / RFC
 - Actual / RFR
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack: Former harness racing track Maywood Park in Chicago, Illinois ceased operations and sold track equipment at Public Auction. This was an opportunity to acquire a water truck for track operations. Plainridge has only one truck in service and an additional truck provides a backup watering vehicle at all times.

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure: Documentation enclosed.
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. By Track Official:  Title: Director of Racing Date: 8/15/2017
Steve O'Toole
10. Trustee Approval and Date:



Division of Racing

MEMORANDUM

TO:	Massachusetts Gaming Commission / State Racing Division
FROM:	Doug O'Donnell, Senior Financial Analyst
SUBJECT:	Request for Consideration, Plainridge Racecourse Capital Improvement Trust Fund
DATE:	September 14, 2017

In accordance with General Laws of Massachusetts, Chapter 128A, Section 5g. The trustees may expand without appropriation all or any part of the capital trust fund to the appropriate track licensee in proportion to the amount deposited in each fund for use of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire architectural and engineering consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed.

HHCITF

- | | | |
|-----------|---|-------------|
| • #2017-1 | Water Truck purchase | \$29,608.09 |
| • #2017-2 | Purchase and installation of new photo finishing system | \$42,512.50 |
| • #2017-3 | Purchase and installation of infield fencing | \$18,000.00 |

Total Request for Consideration **\$90,120.59**

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

After review and confirmation of request, with your authorization, we will approve scope of work to be completed.



Massachusetts Gaming Commission



Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 21, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Plainville Gaming & Redevelopment, LLC
HHCITF 2017-1
Water Truck
Request for Consideration

2017 AUG 23 PM 5:11
MASSACHUSETTS GAMING COMMISSION

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Plainville Gaming & Redevelopment, LLC to the Massachusetts Gaming Commission/Racing Division in the amount of \$29,708.09* for the purchase of a Water Truck at Plainridge Park.

The project involved the purchase of a used water truck to supplement the existing water truck and serve as a backup watering vehicle.

Summary of Costs:

1. Loeb Wintemitz Industrial Auctioneers	\$25,587.50
2. Mass State Sales Tax	\$1,599.22
3. Witmer's	\$2,421.37
Total	\$29,608.09*

*Please note that the total amount of the Request has been revised to correct a \$100.00 error in the original Request.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the revised amount of \$29,608.09. ✓

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.


Neil R. Dixon,
Principal/Architect
NRD/hs

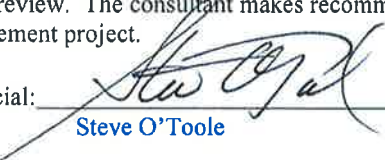
cc: Steve O'Toole, Director of Racing, Plainridge Park

Enclosure: Plainridge Park, Request for Considerations HHCITF 2017-1 (RFC)



**Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund**

1. Date: 8/15/2017
2. Association: Plainville Gaming & Redevelopment, LLC
3. Project #: Plainridge HHCITF 2017-1
4. Project Description: Water Truck
5. Type of Request: RFC/RFR - HHCITF
 - Request for Consideration / RFC
 - Request for Reimbursement / RFR
 - Harness Horse Capital Improvement Fund / HHCIF
 - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: \$29,708.09 RFC / RFR
 - Estimate / RFC
 - Actual / RFR
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:
Former harness racing track Maywood Park in Chicago, Illinois ceased operations and sold track equipment at Public Auction. This was an opportunity to acquire a water truck for track operations. Plainridge has only one truck in service and an additional truck provides a backup watering vehicle at all times.

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure: Documentation enclosed.
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. By Track Official:  Title: Director of Racing Date: 8/15/2017
Steve O'Toole
10. Trustee Approval and Date:

PAID IN FULL

Invoice #:	7078
Date:	4/29/2016
Page:	1

SOLD TO: # 3404
 Steve O'Toole
 487 Main St
 Clinton, MA 1510
 Phone:(508) 369-9424
 o2lprc@aol.com
 E-Mailed on 4/29/2016 to o2lprc@aol.com

Lot#	INVENTORY# - DESCRIPTION	QUANTITY UNIT PRICE	EXTENDED PRICE
2103	39902 - 2000 - International 4700 DT 466E Single Axle 4 x 2 Water Truck, VIN: 1HTSCAAN8YH315175; with Etnyre Water Pumping System and Control Panel, 2,700 Gallon Capacity, 5-Speed Manual Transmision, Air Brakes, AC/Heat, 64,392 Miles (at Time of Description), (Overweight, Not Road Legal - Sold with Bill-of-Sale Only, No Title) (Garage)	1 x 22,250.00	22,250.00 T
Total Extended Price:			22,250.00
15% Buyer's Premium:			3,337.50
Tax1 Tax Exempt:			0.00
Invoice Total:			\$25,587.50
Wire - 5/2/2016			- 25,587.50
Remaining Invoice Balance:			<u>\$0.00</u>

X _____
 By signing buyer agrees to all the terms and conditions of the auction sale
 PLEASE NOTE ALL SALE ARE FINAL.

MA SALES
 TAX 6.25%

If your invoice is less than \$5,000 your signature can serve as an authorization for Loeb Winternitz to charge your credit card on file.

Buyers are responsible to remit sales or use tax as required.

\$1,599.22

There is no removal on the Weekends. !!!!

Please Fax the signed invoice back to (773) 548-2608 Attn: Sheldrick Holmes. Sheldrickh@loebequipment.com

REMITTED IN SEPTEMBER
 FOR AUGUST FILING

Credit Card Payment will only be accepted for Invoice up to \$10,000.00.

PLEASE NOTE ALL SALE ARE FINAL.

Loeb Winternitz Industrial Auctioneers 4131 South State Street Chicago, IL 60609

You created this PDF from an application that is not licensed to print to novaPDF printer (<http://www.novapdf.com>)




MASSEY FERGUSON P.O. Box 368 Columbiana, OH 44408 • (330) 427-2147 or 1 (888) 427-6025
 FAX PARTS: (330) 427-2970 • FAX OFFICE: (330) 427-2611

PLAINRIDGE PK RACECOURSE
 301 WASHINGTON ST
 PLAINVILLE MA 02762

Page 1
 STMT DATE: 07/25/2016
 PHONE: 508-369-9424
 CUSTOMER NO: 09424

PAST DUE

Finance charge is computed by periodic rate of 1.5% per month which is an annual percentage rate of 18% applied to all charges which have become more than 30 days past due as of billing date shown on this statement. Minimum finance charge \$1.00

DATE	REFERENCE	CHARGES	PAST DUE AMOUNT	DAYS	DATE PAID	AMOUNT PAID	UNPAID BALANCE
053116	12128S	4798.87	4798.87	55			4798.87
072516	FIN CHG	71.98		0			71.98
FIN CHG CALCULATED ON \$4798.87 CURRENT PERIOD CHARGES \$71.98 ***** WE APPRECIATE YOUR CONTINUED PATRONAGE AND PROMPT PAYMENTS ***** <div style="text-align: center;"> kwiktag® 207 197 886  </div>							
ANALYSIS OF ACCOUNT CURRENT OVER 30 DAYS OVER 60 DAYS OVER 90 DAYS OVER 120 DAYS							TOTAL BALANCE DUE 4870.85
71.98	4798.87	0.00	0.00	0.00			
STATEMENT							
SEE US AT WWW.WITMERSINC.COM							

4798.87

4870.85

Cut here and return this portion with your remittance. Thank you!

PLAINRIDGE PK RACECOURSE 09424 07/25/2016 Total Amt. Paid _____
 Date Inv # Inv Amt Date Inv # Inv Amt
 0531 12128S 4798.87 [] 0725 FIN CHG 71.98 []

LESS \$ 2,377.50 IN UNRELATED CHARGES

CHECK # 106648
 \$ 2,421.37

General Posting Journal

[Handwritten Signature]
9/1/16
DD/WR 622 538
9/1/16

Batch: PTR083116

J.E. Total Actual: 1 J.E. Total Control: 0
Batch Total Actual: \$5,388.80 Batch Total Control: \$0.00

Approved: No Approved by: Approval Date:

Journal Entry	Transaction Type	Transaction Date	Reversing Date	Source Document	Transaction Reference	Audit Trail Code	Reversing Audit Trail Code
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21,813	Standard	8/31/2016		GJ	Misc Sales Tax Accr		
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Account	Description
046-004-0040-20411-001	State Sales and Use Tax
046-001-0015-10421-009	CIP - Property
046-010-0100-83500-000	Maintenance Contracts
046-010-0100-83500-000	Maintenance Contracts
046-010-0100-83500-000	Maintenance Contracts

Debit	Credit
	\$2,694.40
\$1,599.22	
\$365.06	
\$365.06	
\$365.06	
Totals: \$2,694.40	\$2,694.40

[Handwritten: TO ACCOUNT]

Total Distributions: 046-010-01

Total Journal Entries: 1

SALES TAX ACCRUAL



Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 21, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

RE: Plainville Gaming & Redevelopment, LLC
HHCITF 2017-2
Photo Finish Cameras
Request for Consideration

2017 AUG 23 PM 2:11

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Plainville Gaming & Redevelopment, LLC to the Massachusetts Gaming Commission/Racing Division in the amount of \$42,512.50 plus sales tax for the cost of New Photo Finishing System Equipment at Plainridge Park.

The project involved the purchase of new photo finish cameras and equipment to replace the existing cameras and equipment which are more than 20 years old. This replacement was requested by the Chief Commission Judge to aid the judges in determining the finishing place for the races.

Three bids were received for the work:

- | | |
|---------------------------------------|-------------|
| 1. International Sound | \$42,512.50 |
| 2. Racing Systems International, Inc. | \$44,268.00 |
| 3. American Teletimer Corp. | \$47,850.00 |

Please note that these bids did not include Massachusetts State Sales Tax.

Plainridge Park chose to have International Sound, the low bidder perform the work.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$42,512.50 plus sales tax.



**DIXON SALO
ARCHITECTS
INCORPORATED**

**Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal**

Mr. Douglas O'Donnell,
August 21, 2017
Page 2.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.


Neil R. Dixon,
Principal/Architect
NRD/hs

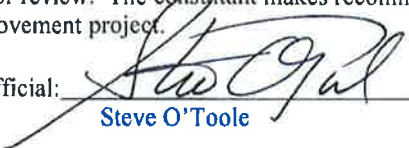
cc: Steve O'Toole, Director of Racing, Plainridge Park

Enclosure: Plainridge Park, Request for Considerations HHCITF 2017-2 (RFC)



**Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund**

1. Date: **8/15/2017**
2. Association: **Plainville Gaming & Redevelopment, LLC**
3. Project #: **Plainridge HHCITF 2017-2**
4. Project Description: **Photo Finish Cameras**
5. Type of Request: **RFC - HHCITF**
 - Request for Consideration / RFC
 - Request for Reimbursement / RFR
 - Harness Horse Capital Improvement Fund / HHCIF
 - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: **RFC - International Sound quotation \$42,512.50 + sales tax RFC**
 - Estimate / RFC
 - Actual / RFR
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:
At the request of the Chief Commission Judge, new photo finish cameras would enhance the visual aid the judges use to determine finish placings. The current cameras are more than 20 years old and have outlived their expected timeframe.

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure.
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.
9. By Track Official:  Title: Director of Racing Date: 8/15/2017
Steve O'Toole
10. Trustee Approval and Date:



International Sound

Quotation

7130 Milford Industrial Rd.
 Pikesville, Maryland 21208
 Phone (410) 484-2244 Fax (410) 484-2499

DATE May 16, 2017
Quotation # PPC-05162017
Customer ID 033

Bill To:
 Mr. Chris McErlean
 VP of Racing Operations
 Plainridge Park Casino
 301 Washington Street
 Plainville, MA 02762
 Phone: (508) 576-4480

Quotation valid until: June 15, 2017
Prepared by: James Pelrine

Comments or special instructions:
New Photo Finish System Equipment

Quantity	Description	Unit Cost	AMOUNT
2	VisionPro 5L600TZ Cameras 3,000 fps. with 5LEVF View Finder, and 5LLUX4 Boost Level 4 for Vision Series	\$ 19,687.50	\$ 39,375.00
1	MD Sales Tax (6%)	\$ 2,362.50	\$ 2,362.50
1	Shipping Charges	\$ 275.00	\$ 275.00
1	Installation Charges	\$ 500.00	\$ 500.00
Approval X			
TOTAL			\$ 42,512.50

NOTES:

Sale price will include the transfer of ownership of all remaining Photo Finish system components from **ISC** to the track that includes: 2 Rackshelves, 2 Computer Workstations, 1 PLC, 1 X-Key USB device, 1 - 22" LCD Monitor, 2 Ethernet Switches, 2 PCI N/C Cards, 2 PCI Serial Cards, 2 DVI Adapters, 1 DVI KVM Switch Kit, 1 DVI Converter, 1 UPS device, Power Strips, and all mounts and interconnect cabling.

Routine maintenance of the system including track opening and closing procedures will be covered as part of the CCTV Agreement for no additional charges.

System component failure that will require a technician on site will be billed on an as needed basis as requested and approved by the track. On site maintenance will be billed at a labor rate of \$400.00 per day, plus all related technician travel cost, and any required material cost.

THANK YOU FOR YOUR BUSINESS!

James Pelrine
 305-459-7649
jpelrine@isctv.com



Racing Systems International, Inc.
 21113 Johnson Street #119
 Pembroke Pines, FL 33029
 954-243-8337

OFFICIAL QUOTATION

QUOTE # **51217-01**
 DATE: May 12, 2017
 Valid for 30 days

TO:
 Penn National Gaming
 825 Berkshire Blvd.
 Wyomissing, PA 19610

SHIP TO:
 Plainridge Racecourse
 301 Washington Street
 Plainville, MA 02762

PROJECT:
 Photo Finish

DELIVERY:
 2-3 Weeks

CONTACT: Christopher McErlean

TERMS:
 75% with PO
 Balance at delivery

SHIPPING:
 Ground

ITEM	QTY	DESCRIPTION	UNIT	TOTAL
1	2	5L600TZ - VisionPro High Sensitivity, Color Camera @ 3,000fps, 2K, 2D Preview <ul style="list-style-type: none"> • 5LTE - Timer Enabling Option for EtherLynx Camera • 5L600ZOOM - 5L600 Vertical Resolution Increase from 1024 to 2048 pixels • 5LLEVEL - Internal Camera Level Function for Vision Series • 5LLUX8 - LuxBoost Boost Level from Lux4 to Lux8 for Vision Series • 5LEVF - Electronic View Finder Option for Vision Series • 5LVision-EVF1 - 3.5" Electronic View Finder for Vision Series cameras (1) • MV-RF - F-mount adapter with RC Iris, RC Focus for Vision Pro • F-Mount 18-35mm f/1.8 Lens (Remote Iris Only) • 1A205L-U Capture Button & 15' cord with USB to Serial Converter (1 for spare) 	\$18,500.00	\$37,000.00
11	2	Heavy Duty Deluxe Geared Head (camera mount)	\$897.00	\$1,794.00
12	2	Lenovo - 510S-08ISH Desktop Computer; i3-4GB mem-1TB hard drive (1 for backup)	\$440.00	\$880.00
13	3	22" Monitor (operator, preview, judges)	\$130.00	\$390.00
14	1	Color Laser Printer - Starter cartridges	\$330.00	\$330.00
15	1	Matrox DVI Plus HD-SDI Scan Converter	\$1,154.00	\$1,154.00
16	1	Netgear ProSafe 5-Port Gigabit Switch	\$50.00	\$50.00
17	1	Misc. Cables & Connectors	\$150.00	\$150.00
18	1	WIN-PLACE-SHOW Custom Graphics	NC	\$0.00
19	1	LIFETIME/Web-control-phone support	NC	\$0.00
20	1	Latest Version of Software with Lifetime updates - Operation Manual - Release Notes	NC	\$0.00
21	1	Installation/Setup/Training - Includes Airfare-Hotel-Car-Meals-Tech Fee (4 days)	\$2,400.00	\$2,400.00

Optional Equipment:

Custom Aluminum Camera Stand: add \$500.00
 Rooftop Finish Line Flood Lights available: price to be determined.

Owner provides:

Cat6 cable to Television Production Room
 Power
 Finish Line Flood Lights

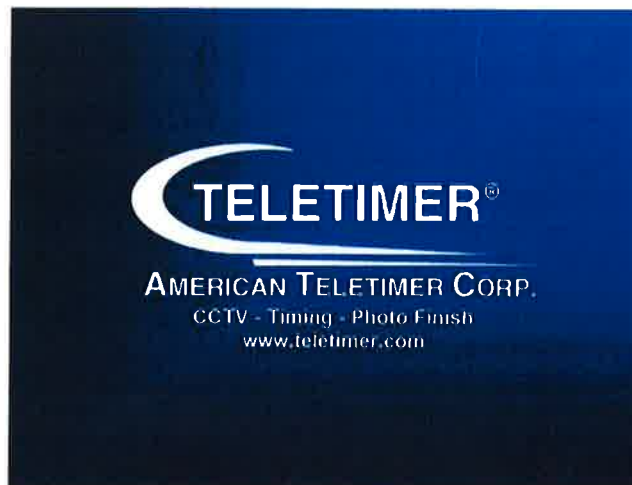
* If International Sound supplies interface to CCTV, remove ITEM 15 (\$1,154.00)

Sub-Total \$44,148.00
 Shipping \$120.00
TOTAL \$44,268.00



**PHOTO FINISH EQUIPMENT
SALE PROPSOAL**

Presented by:
AMERICAN TELETIMER CORP.
Teletimer®
SINCE 1938



1167 Globe Avenue
Mountainside, NJ 07092
Phone: 908-654-4200 Fax: 908-653-1155
www.teletimer.com

AMERICAN TELETIMER CORP.

1167 Globe Avenue
Mountainside, New Jersey 07092

Telephone (908) 654-4200
Fax (908) 653-1155

Plainridge Park Casino
Attn: Mr. Christopher McErlean
301 Washington St.
Plainville, MA 02762

May 16, 2017

Dear Mr. McErlean,

Further to our discussions, American Teletimer is pleased to present the following proposal for a full, turnkey photo finish system. As per the requirements that you provided us, here is what we propose.

The technical specifications of the equipment are included in Schedule A, attached hereto and made part of this proposal.

Along with the equipment sale and installation, a 5-year maintenance contract is required. Specifications of this are outlined in Schedule B, attached hereto and made part of this proposal.

INSTALLATION

American Teletimer will provide technician(s) to professionally install the Photo Finish equipment in the current Photo Finish room at Plainridge Park Casino. The installation should take no more than three (3) days. Plainridge will supply all the infrastructure according to the specification requirements to be provided by American Teletimer. Plainridge Park Casino will also be responsible for having the location prepared and free of any prior equipment. American Teletimer will work with your authorized personnel to schedule the installation so that it causes the least amount of disruption to your normal race track operations. Teletimer requires approximately thirty (30) days to source all components of the Photo Finish System.

Upon completion of the installation, American Teletimer will provide technical training to Plainridge Park Casino employees on the operation of the system. American Teletimer will also provide basic maintenance training to designated Plainridge Park Casino staff at the time of installation. Both trainings will take place in conjunction with the installation. Training shall not exceed two (2) additional days after the completion of the installation of the system.

PRICING STRUCTURE

For all of the equipment listed in **Schedule A**, the cost shall be Forty-Seven Thousand Eight Hundred & Fifty Dollars (\$47,850.00).

1. A deposit of 50% is due with the acceptance of this proposal. The balance of funds is due upon completion of the installation.

For the Service Contract listed in **Schedule B**, the cost shall be Thirty-Five Dollars (\$35.00) per day and/or night of live racing.

1. This fee will be billed on a weekly basis (Sunday – Saturday) during the live racing meet.
2. Pricing is based on One Hundred Twenty-Five (125) live racing days per calendar year. If at any time during the contract term the number of live racing days is reduced by more than 10%, Plainridge agrees to negotiate additional compensation to Teletimer® in good faith.
3. Invoices are due on a NET 7-day term. An email address is required for Teletimer® to send all invoices.
 - A. Any invoice not paid within 30 days of the due date is subject to a 1.5% interest charge.
 - B. Acceptable forms of payment are check or electronic bank transfer (i.e., EBT, ACH, Wire). Credit cards are not accepted.

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TERMS AND CONDITIONS

The following terms and conditions will apply

- Acceptable forms of payment are check or electronic bank transfer (i.e., EBT, ACH, Wire) only. Credit cards are not accepted.
- Any federal, state, city or local sales and/or use tax on the installed equipment and/or services shall be the sole responsibility of Plainridge Park Casino.
- The parties agree to keep the terms and conditions of this proposal confidential except as may be required by law.
- All Equipment listed in Schedule A is being sold in new condition and all manufacturer warranties will apply. No warranties above and beyond these are offered or implied.
- Plainridge Park Casino is responsible for preparing the site and removing any existing equipment that may be located in the desired installation location.
- Plainridge Park Casino must provide American Teletimer with suitable power at the desired installation location for all the equipment.
- Plainridge Park Casino must provide all infrastructure (including but not limited to cable, fiber optics, suitable power) outside of the Photo Finish room where the equipment will be installed. American Teletimer will wire all the equipment inside the Photo Finish room.
- Plainridge Park Casino must provide a wired, high speed internet connection to the computers located in the Photo Finish room.
- Each of the parties represents covenants and warrants that the signatory whose signature is set forth below is authorized to enter into this Agreement on behalf of the relevant party.
- This proposal is valid until June 15, 2017.

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ACCEPTANCE

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their duly authorized officers.

Plainridge Park Casino

By: _____
Signature & Title

Date: _____, 2017

Print: _____
Name & Title

Plainridge Park Casino
2nd Signature (if required)

By: _____
Signature & Title

Date: _____, 2017

Print: _____

American Teletimer Corp.
Teletimer®

By: _____
Joel Rosenzweig, President & CEO

Date: _____, 2017

SCHEDULE A

PHOTO FINISH EQUIPMENT INCLUDED IN SALE

- 2 – VisionPro (5L600) Photo Finish Camera's @ 3,000fps, 2k with electronic viewfinder option
- 2 – Remote controlled zoom c-mount lens 12.5-75mm F1.2
- 2 – Capture Button's with 15' cord and USB to Serial Converters
- 1 – Dell Precision commercial grade computer of Teletimer's own design
- 1 – 24" HD LED Computer Monitor for the Photo Finish Operator
- 1 – 27" HD LED Computer Monitor for the Judges viewing
- 1 – HD LED Preview Monitor to preview any photo finish images before sending the image to TV for broadcast
- 1 – Scan converter
- 1 – Ethernet gigabit 8 port hub
- 1 – Hewlett-Packard inkjet printer with ink cartridges and paper
- 1 – 4 port DVI-D Splitter
- 1 – DVI Emulator
- 1 – programable USB keypad
- Camera mounts (as required)
- Camera Rack (as required)
- All interconnecting cabling including but not limited to Cat 5/6, DVI/HDMI/DP to properly wire the Teletimer® Photo Finish system inside the photo finish room.

PHOTO FINISH EQUIPMENT – OPTIONAL

Please initial next to choices

- 1 – Dell Precision commercial grade computer of Teletimer's own custom design, Cost to Plainridge \$1,250.00

_____ Accept _____ Reject

- Extended Warranty for Photo Finish Cameras are available. Cost is per camera.

_____ 1 Year \$3,075.00

_____ 2 Years \$5,375.00

_____ 3 Years \$6,895.00

_____ Decline all extended warranty options

SCHEDULE B

SERVICE CONTRACT

As part of the sale, Teletimer® will provide technical service for all the components of the Photo Finish System listed in Schedule A. This service will include:

- Pre-Season testing of all components. This will take place within Thirty (30) days prior to the opening of a racing season. Plainridge must notify Teletimer® via email when their live racing calendar is approved by the appropriate local authorities so that Teletimer® can schedule a technician to visit the property.
- Live telephone technical support during live racing meets. Teletimer® technicians are available 24 hours a day, 7 days a week to address any technical problems that may arise.
- Remote live support. Teletimer® can remotely access the photo finish computers via the internet to diagnose, troubleshoot, and solve many issues.
- Teletimer® will also monitor the computers and remotely perform any software updates (as required). These diagnostics and updates take place during "off hours" and will not interfere with live racing operations.
- On-site Technical support. Should an issue arise that cannot be solved via Telephone and/or remote live support, Teletimer will send a technician to Plainridge to diagnose and/or fix the problem as soon as possible.
- Should any hardware components fail, Teletimer® will act as an agent with the manufacturer to facilitate warranty repairs and/or replacements in as timely manner as possible. If Teletimer® does have a spare component readily available, they will ship the component to Plainridge on loan until said component can be repaired and/or replaced.
- Should any hardware component fail and be out of warranty, Teletimer® will facilitate repair of the component and charge Plainridge cost plus a 10% processing fee. Should the component be unrepairable, Teletimer® will source a suitable replacement part from their suppliers and charge Plainridge cost plus the 10% processing fee. If Teletimer® does have a spare component readily available, they will ship the component to Plainridge on loan until said component can be repaired and/or replaced.

John Bezzog
9/1/16
DD/LW GA 53
9/1/16

JOB: Total: Actual: 1 J.E. Total: Control: 6

Batch: 010: Actual: \$5,368.80 Batch: Total: Control: 90,00

Approved: No Approved by: Approval Date:

Journal Entry	Transaction Type	Transaction Date	Reversing Date	Source Document	Transaction Reference	Audit Trail Code	Reversing Audit Trail Code
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27,813	Standard	8/31/2016		03	Misc Sales Tax Accr		
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Account	Description
046-004-0040-20411-001	State Sales and Use Tax
046-001-0015-10421-009	CIP - Property
046-010-0100-83500-000	Maintenance Contracts
046-010-0100-83500-000	Maintenance Contracts
046-010-0100-83500-000	Maintenance Contracts

Debit	Credit
	\$2,694.40
91,599.22	
\$365.06	
\$365.06	
\$365.06	
Totals:	Totals:
\$2,694.40	\$2,694.40

TO ACCOUNT

Total Distributions: 046-010-01

Total Journal Entries: 1

SALES TAX ACCRUAL

Ranges: From: To:
 Date: 8/1/2016 9/30/2016
 Account: 046-004-0040-20411-001 046-004-0040-20411-001

Sorted By: Company Subtotal By: No Subtotals
 Include: Posting, Inactive, Zero Balance/No Trx Print Currency In: Functional (Z-US\$)

^ Inactive Account

Account	Description	Beginning Balance	Ending Balance
Trx Date	Jrnl No. Source Doc Audit Code	Debit	Credit
046-004-0040-20411-001	State Sales and Use Tax		
8/1/2016	25,959 PMTRX Roberts Communications Net542		\$0.88
8/1/2016	25,960 PMTRX Roberts Communications Net542		\$225.00
8/1/2016	25,961 PMTRX Roberts Communications Net542		\$225.00
8/1/2016	25,962 PMTRX Roberts Communications Net542		\$225.00
8/1/2016	25,963 PMTRX Roberts Communications Net542		\$150.00
8/2/2016	26,029 PMTRX ALL Mobile Video 544		\$28.13
8/2/2016	26,031 PMTRX Sportech, Inc. 544		\$258.41
8/2/2016	26,035 PMTRX Roberts Communications Net544		\$75.00
8/2/2016	26,036 PMTRX Roberts Communications Net544		\$275.00
8/2/2016	26,179 PMTRX NUCO2 545		\$10.25
8/2/2016	26,196 PMTRX Liberty Creative Solutions545		\$90.19
8/3/2016	26,227 PMTRX Bank Supplies, Inc. 546		\$8.16
8/3/2016	26,228 PMTRX AmTote International 546		\$162.19
8/3/2016	26,229 PMTRX AmTote International 546		\$43.75
8/4/2016	26,255 PMTRX Sportech, Inc. 547		\$258.41
8/4/2016	26,273 PMTRX Roberts Communications Net547		\$225.00
8/8/2016	26,376 PMTRX The Printer Inc. 551		\$266.72
8/8/2016	26,377 PMTRX The Printer Inc. 551		\$140.89
8/8/2016	26,378 PMTRX The Printer Inc. 551		\$81.71
8/8/2016	26,379 PMTRX The Printer Inc. 551		\$395.17
8/8/2016	26,380 PMTRX The Printer Inc. 551		\$23.44
8/9/2016	26,407 PMTRX Casino Branding & Incentiv551		\$640.31
8/9/2016	26,441 PMTRX The New York Racing Associ551		\$18.75
8/9/2016	26,442 PMTRX Roberts Communications Net551		\$275.00
8/9/2016	26,615 PMTRX United Tote Settlements De559		\$46.21
8/12/2016	26,649 PMTRX The Printer Inc. 562		\$23.44
8/12/2016	26,650 PMTRX The Printer Inc. 562		\$29.53
8/12/2016	26,683 PMTRX NUCO2 562		\$10.79
8/12/2016	26,684 PMTRX NUCO2 562		\$10.44
8/12/2016	26,685 PMTRX NUCO2 562		\$8.41
8/12/2016	26,688 PMTRX Sportech, Inc. 562		\$258.41
8/15/2016	27,157 PMTRX MDOR-SALES TAX/USE TAX Payables Trx Entry	\$42,043.36	
8/16/2016	26,809 PMTRX Roberts Communications Net565		\$610.93
8/16/2016	26,947 PMTRX The Printer Inc. 566		\$136.57
8/16/2016	26,981 PMTRX Liberty Creative Solutions566		\$40.75
8/16/2016	26,982 PMTRX Liberty Creative Solutions566		\$76.74
8/16/2016	26,989 PMTRX Roberts Communications Net566		\$4.68
8/17/2016	26,991 PMTRX Los Alamitos 568		\$12.50
8/17/2016	27,000 PMTRX The Printer Inc. 568		\$23.43
8/17/2016	27,025 PMTRX Millennium Information Tec568		\$28.62
8/17/2016	27,027 PMTRX Liberty Creative Solutions569		\$40.50
8/18/2016	27,097 PMTRX Bank Supplies, Inc. 572		\$8.16
8/19/2016	27,152 PMTRX MDOR-SALES TAX/USE TAX Payables Trx Entry	\$9,744.52	
8/22/2016	27,135 PMTRX Patroit Gaming & Electroni575		\$6.33
8/23/2016	27,186 PMTRX United Tote Settlements De577		\$0.45
8/25/2016	27,388 PMTRX AJ Conveyor & Laundry Syst581		\$17.53
8/25/2016	27,417 PMTRX Bank Supplies, Inc. 581		\$2.44
8/25/2016	27,424 PMTRX Millennium Information Tec580		\$17.22
8/25/2016	27,428 PMTRX The Printer Inc. 580		\$51.26
8/25/2016	27,429 PMTRX The Printer Inc. 580		\$23.44
8/25/2016	27,430 PMTRX The Printer Inc. 580		\$19.92

Account	Beginning Balance	Description	Reference	Ending Balance		
Trx Date	Jrnl No.	Source Doc	Audit Code	Debit	Credit	Ending Balance
8/25/2016	27,431	PMTRX	The Printer Inc.	580		\$136.30
8/29/2016	27,487	PMTRX	Bank Supplies, Inc.	582		\$1.74
8/29/2016	27,514	PMTRX	The Printer Inc.	583		\$23.44
8/29/2016	27,515	PMTRX	The Printer Inc.	583		\$458.50
8/29/2016	27,516	PMTRX	The Printer Inc.	583		\$214.61
8/29/2016	27,525	PMTRX	United Tote Settlements De583			\$47.94
8/31/2016	27,612	GJ	Horse Purchase Taxes	Rcprd Manual Deposits		\$375.00
8/31/2016	27,615	GJ	Horse Purchase Taxes	Rcprd Manual Deposits		\$468.75
8/31/2016	27,778	PMTRX	Label Rite, Inc.	590		\$1,016.71
8/31/2016	27,813	GJ	MA Sales Tax Accrual	Misc Sales Tax Accr		\$2,694.40
8/31/2016	27,834	GJ	BEO #107 MA Meals Tax	Banquets		\$44.03
8/31/2016	27,834	GJ	BEO #82 MA Meals Tax	Banquets		\$38.01
8/31/2016	27,834	GJ	BEO #105 MA Meals Tax	Banquets		\$297.57
8/31/2016	27,834	GJ	BEO #99 MA Meals Tax	Banquets		\$200.69
8/31/2016	27,835	GJ	Daktroniks Sales Tax	Rcls Prepaid Maint		\$624.06
8/31/2016	27,838	GJ	MA Meals Tax	Racing Concesssions		\$763.56
8/31/2016	27,841	GJ	MA Meals Tax	Retail sales		\$1,901.69
8/31/2016	27,842	GJ	MA Meals Tax	Slacks Oyster House		\$2,964.74
8/31/2016	27,843	GJ	MA Meals Tax	Revolution Bar		\$5,294.74
8/31/2016	27,845	GJ	MA Meals Tax	Food Court		\$3,340.66
8/31/2016	27,846	GJ	MA Meals Tax	Beverage Floor		\$3,742.27
8/31/2016	27,847	GJ	MA Meals Tax	Fluties		\$10,965.55
8/31/2016	27,850	GJ	MA Meals Tax	B. Good		\$2,141.24
8/31/2016	27,852	GJ	MA Meals Tax	Dark Horse Bar		\$1,943.76
8/31/2016	27,888	GJ	8/2 Slacks PD Event Rcls	Admin Comp	\$75.23	
8/31/2016	27,890	GJ	Tobacco Tax Credit August	Retail Inventory Entry	\$373.64	
8/31/2016	28,037	GJ	Aug Comp MA Meals Tax	Rcprd Comp Meals Tax Acc		\$7,211.73
8/31/2016	28,038	GJ	Aug Comp/Actual MA Sales	TRcprd Comp Sales Tax Acc		\$1,056.03
8/31/2016	28,176	GJ	Comerica-Sales/Use Tax	Accrue Sales Tax for Co		\$39.08
9/1/2016	27,801	PMTRX	Bank Supplies, Inc.	591		\$20.58
9/1/2016	27,802	PMTRX	Bank Supplies, Inc.	591		\$7.80
9/1/2016	27,803	PMTRX	Bank Supplies, Inc.	591		\$7.80
9/1/2016	29,466	GJ	Horse Claim Tax	Misc Rcls		\$375.00
9/2/2016	27,891	PMTRX	Matriarch Solutions LLC	593		\$847.47
9/2/2016	27,910	PMTRX	Bank Supplies, Inc.	593		\$7.80
9/6/2016	27,944	PMTRX	The Printer Inc.	594		\$330.04
9/6/2016	27,946	PMTRX	The Printer Inc.	594		\$23.44
9/6/2016	27,949	PMTRX	The Printer Inc.	594		\$88.13
9/6/2016	27,979	PMTRX	Sportech, Inc.	594		\$258.41
9/6/2016	28,002	PMTRX	Roberts Communications Net594			\$0.94
9/6/2016	28,003	PMTRX	Roberts Communications Net594			\$75.00
9/6/2016	28,004	PMTRX	Roberts Communications Net594			\$150.00
9/6/2016	28,005	PMTRX	Roberts Communications Net594			\$300.00
9/6/2016	28,006	PMTRX	Roberts Communications Net594			\$300.00
9/6/2016	28,007	PMTRX	Roberts Communications Net594			\$300.00
9/6/2016	28,020	PMTRX	Casino Branding & Incentiv595			\$236.25
9/8/2016	28,215	PMTRX	Barbara Sheldon	598		\$417.81
9/8/2016	28,220	PMTRX	Roberts Communications Net598			\$75.00
9/8/2016	28,221	PMTRX	Roberts Communications Net598			\$275.00
9/8/2016	28,222	PMTRX	AmTote International	598		\$160.44
9/8/2016	28,223	PMTRX	AmTote International	598		\$45.94
9/9/2016	28,284	PMTRX	Millennium Information Tec599			\$191.60
9/12/2016	28,318	PMTRX	Bank Supplies, Inc.	601		\$9.43
9/12/2016	28,319	PMTRX	Bank Supplies, Inc.	601		\$10.94
9/12/2016	28,320	PMTRX	Bank Supplies, Inc.	601		\$7.80
9/12/2016	28,324	PMTRX	Millennium Information Tec602			\$12.44
9/12/2016	28,325	PMTRX	Millennium Information Tec602			\$4.99
9/12/2016	28,330	PMTRX	The Printer Inc.	602		\$23.44
9/12/2016	28,367	PMTRX	Los Alamitos	604		\$12.50
9/12/2016	28,370	PMTRX	ALL Mobile Video	604		\$28.13
9/12/2016	28,380	PMTRX	United Tote Settlements De604			\$43.34
9/12/2016	28,389	PMTRX	Sportech, Inc.	604		\$258.41

Account	Beginning Balance	Description	Reference				
Trx Date	Jrnl No.	Source Doc	Audit Code	Ending Balance			
			Debit	Credit			
9/13/2016	28,420	PMTRX	Bank Supplies, Inc.	606	\$10.29		
9/14/2016	28,536	PMTRX	NUCO2	608	\$65.23		
9/14/2016	28,537	PMTRX	NUCO2	608	\$55.45		
9/14/2016	28,549	PMTRX	Bank Supplies, Inc.	608	\$7.70		
9/15/2016	28,580	PMTRX	The Printer Inc.	609	\$23.44		
9/15/2016	28,611	PMTRX	Millennium Information Tec	609	\$91.88		
9/16/2016	28,659	PMTRX	The Printer Inc.	610	\$564.23		
9/16/2016	28,668	PMTRX	Sportech, Inc.	610	\$258.41		
9/19/2016	28,919	PMTRX	MDOR-SALES TAX/USE TAX	Payables Trx Entry	\$38,873.31		
9/19/2016	28,920	PMTRX	MDOR-SALES TAX/USE TAX	Payables Trx Entry	\$14,295.66		
9/21/2016	28,907	PMTRX	Sportech, Inc.	615	\$258.41		
9/22/2016	28,937	PMTRX	Landry Holdings, LLC	618	\$29.06		
9/23/2016	28,990	PMTRX	Bally Technologies	Payables Trx Entry	\$365.06		
9/23/2016	28,991	PMTRX	Bally Technologies	Payables Trx Entry	\$365.06		
9/23/2016	29,067	PMTRX	Liberty Creative Solutions	621	\$101.63		
9/27/2016	29,137	PMTRX	Roberts Communications Net	624	\$609.77		
9/27/2016	29,160	PMTRX	The New York Racing Associ	624	\$18.75		
9/28/2016	29,286	PMTRX	The Printer Inc.	629	\$23.44		
9/28/2016	29,287	PMTRX	The Printer Inc.	629	\$23.44		
9/28/2016	29,318	PMTRX	Everi Payments, Inc.	629	\$3,334.63		
9/28/2016	29,319	PMTRX	Roberts Communications Net	629	\$300.00		
9/28/2016	29,320	PMTRX	Roberts Communications Net	629	\$300.00		
9/28/2016	29,321	PMTRX	Roberts Communications Net	629	\$300.00		
9/28/2016	29,322	PMTRX	Roberts Communications Net	629	\$300.00		
9/28/2016	29,323	PMTRX	Roberts Communications Net	629	\$75.00		
9/29/2016	29,327	PMTRX	Millennium Information Tec	630	\$7.31		
9/29/2016	29,360	PMTRX	The Printer Inc.	632	\$60.01		
9/29/2016	29,361	PMTRX	The Printer Inc.	632	\$308.12		
9/29/2016	29,362	PMTRX	The Printer Inc.	632	\$566.79		
9/29/2016	29,364	PMTRX	The Printer Inc.	632	\$248.42		
9/29/2016	29,365	PMTRX	The Printer Inc.	632	\$161.40		
9/29/2016	29,381	PMTRX	Sportech, Inc.	632	\$258.41		
9/29/2016	29,397	PMTRX	Liberty Creative Solutions	632	\$152.31		
9/30/2016	29,278	GJ	Interblock 9Si-16-1928	Accrue Interblock Tax	\$2,025.00		
9/30/2016	29,350	GJ	Horse Claim - Taxes	Rcrd Manual Deposits	\$781.25		
9/30/2016	29,406	GJ	BEO #26 MA Meals Tax	Banquets	\$160.65		
9/30/2016	29,406	GJ	BEO #126 MA Meals Tax	Banquets	\$233.87		
9/30/2016	29,407	PMTRX	Millennium Information Tec	633	\$16.25		
9/30/2016	29,426	PMTRX	Bank Supplies, Inc.	633	\$13.51		
9/30/2016	29,541	GJ	MA Meals Tax	Food Court Sep	\$3,091.38		
9/30/2016	29,543	GJ	MA Meals Tax	Slacks Oyster House Sep	\$2,997.31		
9/30/2016	29,545	GJ	MA Meals Tax	Revolution Bar Sep	\$5,698.56		
9/30/2016	29,546	GJ	MA Meals Tax	Retail Sep	\$1,587.54		
9/30/2016	29,548	GJ	MA Meals Tax	Racing Concesssions Sep	\$645.50		
9/30/2016	29,549	GJ	MA Meals Tax	Fluties Sep	\$10,352.97		
9/30/2016	29,550	GJ	MA Meals Tax	b.good Sep	\$1,943.12		
9/30/2016	29,551	GJ	MA Meals Tax	Beverage Floor Sep	\$3,686.16		
9/30/2016	29,554	GJ	MA Meals Tax	Dark Horse Bar Sep	\$1,622.91		
9/30/2016	29,604	GJ	Tobacco Tax Credit Sep	Retail Tobacco Tax Cred	\$373.64		
9/30/2016	29,724	GJ	Aug Comp/Actual MA Sales	TRcrd Comp Sales Tax Acc	\$855.84		
9/30/2016	29,725	GJ	Sep Comp MA Meals Tax	Rcrd Comp Meals Tax Acc	\$6,379.01		
9/30/2016	29,862	GJ	Comerica-Sales/Use Tax	Accrue Sales Tax for Co	\$93.47		
Totals:				(\$51,787.88)	\$105,779.36	\$109,951.68	(\$55,960.20)

PAYMENT TO STATE

Grand Totals: (\$51,787.88) \$105,779.36 \$109,951.68 (\$55,960.20)

Total Accounts: 1



Menu Home » Sales Tax » Periods » 31-Aug-2016 » Return Payment

Log Off

Contact Us Frequently Asked Questions Video Tutorials

Return Payment

Applies To

History

paulrobinson

31-Aug-2016

14,295.66

Source : MTC ACH Debit

PLAINVILLE GAMING AND REDEVELOPMENT LLC
37-1714120

(B)

Posted : 16-Sep-2016

Sales Tax
PLAINRIDGE PARK CASINO
SLS-10370416-006

Received : 15-Sep-2016

31-Aug-2016

\$14,295.66

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Date	JE	Vendor	Amount
8/1/2016	25,959	PMTRX Roberts Communications Net	542 \$0.88
8/1/2016	25,960	PMTRX Roberts Communications Net	542 \$225.00
8/1/2016	25,961	PMTRX Roberts Communications Net	542 \$225.00
8/1/2016	25,962	PMTRX Roberts Communications Net	542 \$225.00
8/1/2016	25,963	PMTRX Roberts Communications Net	542 \$150.00
8/2/2016	26,029	PMTRX ALL Mobile Video	544 \$28.13
8/2/2016	26,031	PMTRX Sportech, Inc.	544 \$258.41
8/2/2016	26,035	PMTRX Roberts Communications Net	544 \$75.00
8/2/2016	26,036	PMTRX Roberts Communications Net	544 \$275.00
8/2/2016	26,179	PMTRX NUCO2	545 \$10.25
8/2/2016	26,196	PMTRX Liberty Creative Solutions	545 \$90.19
8/3/2016	26,227	PMTRX Bank Supplies, Inc.	546 \$8.16
8/3/2016	26,228	PMTRX AmTote International	546 \$162.19
8/3/2016	26,229	PMTRX AmTote International	546 \$43.75
8/4/2016	26,255	PMTRX Sportech, Inc.	547 \$258.41
8/4/2016	26,273	PMTRX Roberts Communications Net	547 \$225.00
8/8/2016	26,376	PMTRX The Printer Inc.	551 \$266.72
8/8/2016	26,377	PMTRX The Printer Inc.	551 \$140.89
8/8/2016	26,378	PMTRX The Printer Inc.	551 \$81.71
8/8/2016	26,379	PMTRX The Printer Inc.	551 \$395.17
8/8/2016	26,380	PMTRX The Printer Inc.	551 \$23.44
8/8/2016	26,407	PMTRX Casino Branding & Incentiv	551 \$640.31
8/8/2016	26,441	PMTRX The New York Racing Associ	551 \$18.75
8/8/2016	26,442	PMTRX Roberts Communications Net	551 \$275.00
8/9/2016	26,615	PMTRX United Tote Settlements De	559 \$46.21
8/12/2016	26,649	PMTRX The Printer Inc.	562 \$23.44
8/12/2016	26,650	PMTRX The Printer Inc.	562 \$29.53
8/12/2016	26,683	PMTRX NUCO2	562 \$10.79
8/12/2016	26,684	PMTRX NUCO2	562 \$10.44
8/12/2016	26,685	PMTRX NUCO2	562 \$8.41
8/12/2016	26,688	PMTRX Sportech, Inc.	562 \$258.41
8/16/2016	26,809	PMTRX Roberts Communications Net	565 \$610.93
8/16/2016	26,947	PMTRX The Printer Inc.	566 \$136.57
8/16/2016	26,981	PMTRX Liberty Creative Solutions	566 \$40.75
8/16/2016	26,982	PMTRX Liberty Creative Solutions	566 \$76.74
8/16/2016	26,989	PMTRX Roberts Communications Net	566 \$4.68
8/17/2016	26,991	PMTRX Los Alamitos	568 \$12.50
8/17/2016	27,000	PMTRX The Printer Inc.	568 \$23.43
8/17/2016	27,025	PMTRX Millennium Information Tec	568 \$28.62
8/17/2016	27,027	PMTRX Liberty Creative Solutions	569 \$40.50
8/18/2016	27,097	PMTRX Bank Supplies, Inc.	572 \$8.16
8/22/2016	27,135	PMTRX Patroit Gaming & Electroni	575 \$6.33
8/23/2016	27,186	PMTRX United Tote Settlements De	577 \$0.45
8/25/2016	27,388	PMTRX AJ Conveyor & Laundry Syst	581 \$17.53
8/25/2016	27,417	PMTRX Bank Supplies, Inc.	581 \$2.44
8/25/2016	27,424	PMTRX Millennium Information Tec	580 \$17.22
8/25/2016	27,428	PMTRX The Printer Inc.	580 \$51.26
8/25/2016	27,429	PMTRX The Printer Inc.	580 \$23.44
8/25/2016	27,430	PMTRX The Printer Inc.	580 \$19.92
8/25/2016	27,431	PMTRX The Printer Inc.	580 \$136.30
8/29/2016	27,487	PMTRX Bank Supplies, Inc.	582 \$1.74
8/29/2016	27,514	PMTRX The Printer Inc.	583 \$23.44
8/29/2016	27,515	PMTRX The Printer Inc.	583 \$458.50
8/29/2016	27,516	PMTRX The Printer Inc.	583 \$214.61
8/29/2016	27,525	PMTRX United Tote Settlements De	583 \$47.94
8/31/2016	27,612	GJ Horse Purchase Taxes	Rcprd Manual Deposits \$375.00
8/31/2016	27,615	GJ Horse Purchase Taxes	Rcprd Manual Deposits \$468.75
8/31/2016	27,778	PMTRX Label Rite, Inc.	590 \$1,016.71
8/31/2016	27,813	GJ MA Sales Tax Accrual	Misc Sales Tax Accr \$2,694.40
8/31/2016	27,835	GJ Daktroniks Sales Tax	Rcls Prepaid Maint \$624.06
8/31/2016	28,176	GJ Comerica-Sales/Use Tax	Accrue Sales Tax for Co \$39.08
			\$11,711.59

(A)

TIES TO
ACCRUAL

(C)



DIXON SALO ARCHITECTS INCORPORATED

3

Neil R. Dixon, Principal
Wayne O. Salo, Principal
Jesse G. Hilgenberg, Principal

August 21, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst
Massachusetts Gaming Commission/Racing Division
101 Federal Street
Boston, MA 02110

2017 AUG 23 PM 2:12
MASSACHUSETTS GAMING COMMISSION

RE: Plainville Gaming & Redevelopment, LLC
HHCITF 2017-3
Infield Fencing
Request for Consideration

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Consideration from Plainville Gaming & Redevelopment, LLC to the Massachusetts Gaming Commission/Racing Division in the amount of \$18,000.00 for the replacement of the infield fence at Plainridge Park.

The project involved the replacement of the fence that surrounds the infield pond which was damaged during the construction of the casino and alterations to the infield storm drainage system. The site rain water and storm drainage systems were revised to bring all storm water to the infield of the track. As a result there are multiple trip hazards that required they be located behind protective fencing.

Plainridge Park was only able to obtain one quote from a MA Gaming Commission approved vendor, Citiworks, Corp. As a result the track chose to purchase the materials themselves and to perform the work with track maintenance personnel. Therefore the costs included in this Request are for materials and supplies.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Consideration be approved by the Massachusetts Gaming Commission/Racing Division in the amount of \$18,000.00.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,
DIXON SALO ARCHITECTS, INC.


Neil R. Dixon,
Principal/Architect
NRD/hs

cc: Steve O'Toole, Director of Racing, Plainridge Park
Enclosure: Plainridge Park, Request for Considerations HHCITF 2017-3 (RFC)



**Massachusetts Gaming Commission
Harness Horse Capital Improvement Trust Fund
Harness Horse Promotional Trust Fund**

1. Date: **8/15/2017**
2. Association: **Plainville Gaming & Redevelopment, LLC**
3. Project #: **Plainridge HHCITF 2017-3**
4. Project Description: **Infield Fencing**
5. Type of Request: **RFC - HHCITF**
 - Request for Consideration / RFC
 - Request for Reimbursement / RFR
 - Harness Horse Capital Improvement Fund / HHCIF
 - Harness Horse Promotional Trust Fund / HHPTF
6. Total Project Amount: **RFC – Home Depot Materials plus supplies / Installed in house \$18,000.00**
 - Estimate / RFC
 - Actual / RFR
7. RFC – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack:
The fence that surrounds the infield pond needs to be replaced and as the result of the casino construction and infield drainage work to bring all on site rain water and storm drainage to the tracks infield there are multiple trip hazards that need to be protected and placed behind fencing. The cost of this improvement will be for materials and supplies only. The installation will be performed by track maintenance department.

RFR – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and cancelled check must support each expenditure.
8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project
9. By Track Official:  Title: **Director of Racing** Date: **8/15/2017**
Steve O'Toole
10. Trustee Approval and Date:



QUOTE

Store 2609 MANSFIELD
390 WEST STREET
MANSFIELD, MA 02048

Phone: (508) 337-2050
Salesperson: GAF631
Reviewer: GAF631

QUOTE

2017-03-30 12:25

Prices Valid Thru: 03/30/2017

SOLD TO	Name		Phone 1	
	FULLER RAY		(508) 316-1898	
	Address 301 WASHINGTON ST		Phone 2	
	PLAINRIDGE PARK CASINO		Company Name	
	City PLAINVILLE		Job Description Track Vinyl 3 Rail Fence	
State MA	Zip 02762	County NORFOLK		

CUSTOMER PICKUP #1

MERCHANDISE AND SERVICE SUMMARY

We reserve the right to limit the quantities of merchandise sold to customers

REF # W05 SKU # 0000-515-664 Customer Pickup / Will Call

S.O. MERCHANDISE TO BE PICKED UP: **KROY BUILDING PRODUCTS** REF # S01

REF #	SKU	QTY	UM	DESCRIPTION	PI	TAX	PRICE EACH	EXTENSION
S0101	1000-038-298	657.00	EA	21088hd / 21088hd 1 each 16' rail [HDQC:2761062.1. / 21088hd 1 each 16' rail [HDQC:2761062.1.001] [QC CFP]	A		\$12.00	\$7,884.00*
S0102	1000-038-298	436.00	EA	10132hd / 10132hd 7' line post [HDQC:2761062.1.002 / 10132hd 7' line post [HDQC:2761062.1.002] [QC CFP]	A	Y	\$11.20	\$4,883.20*
S0103	1000-038-298	1.00	EA	10130hd / 10130hd 7' corner post [HDQC:2761062.1.0 / 10130hd 7' corner post [HDQC:2761062.1.003] [QC CFP]	A	Y	\$11.20	\$11.20*
S0104	1000-038-298	1.00	EA	10131hd / 10131hd 7' End Post [HDQC:2761062.1.004 / 10131hd 7' End Post [HDQC:2761062.1.004] [QC CFP]	A	Y	\$11.20	\$11.20*
SCHEDULED PICKUP DATE: Will be scheduled upon arrival of all S/O Merchandise							MERCHANDISE TOTAL:	\$12,789.60
END OF CUSTOMER PICKUP - REF #W05								

NOT VALID FOR MERCHANDISE CARVE-OUT

FOR WILL CALL
MERCHANDISE PICK-UP
PROCEED TO WILL CALL OR
SERVICE DESK AREA
(Pro Customers, Proceed To The Pro Desk)

* Indicates item markdown
Customer Copy

TOTAL CHARGES OF ALL MERCHANDISE & SERVICES	
Policy Id (PI): A: 90 DAYS DEFAULT POLICY; <i>'The Home Depot reserves the right to limit / deny returns. Please see the return policy sign in stores for details.'</i>	ORDER TOTAL \$12,789.60
	SALES TAX \$799.35
	TOTAL \$13,588.95
	BALANCE DUE \$13,588.95
END OF ORDER No. H2609-23416	

TERMS AND CONDITIONS

WILL CALL

Will Call items will be held in the store for 7 days. For Will Call merchandise pick up, proceed to Will Call/Service Desk area(Pro Customers, proceed to the Pro Desk).

Returns: A 15% restocking fee applies to the return of regular special orders, i.e., special orders merchandise that is not custom made. Special orders that are custom uniquely designed or fitted to accommodate the requirements of a particular space or environment (some examples are cabinetry, countertops, floor and wall coverings, and window treatments) are non-returnable. Exceptions: Cancellations made by midnight on the third business day after the date of Your purchase; merchandise incorrectly ordered by Home Depot or by Professional; or merchandise damaged beyond repair in delivery or by Professional. Unless otherwise specified in this Agreement, all returns must be made within Home Depot's posted time frame.



PLAINRIDGE PARK
CASINO

PLAINRIDGE PARK CASINO

Report to the Massachusetts Gaming
Commission

Q2 2017

Employment



PLAINRIDGE PARK
CASINO

As of June 30, 2017:

	Employees	Full-time	Part-time
Totals	482	316	166
	100%	65.56%	34.44%

Employment



PLAINRIDGE PARK
CASINO

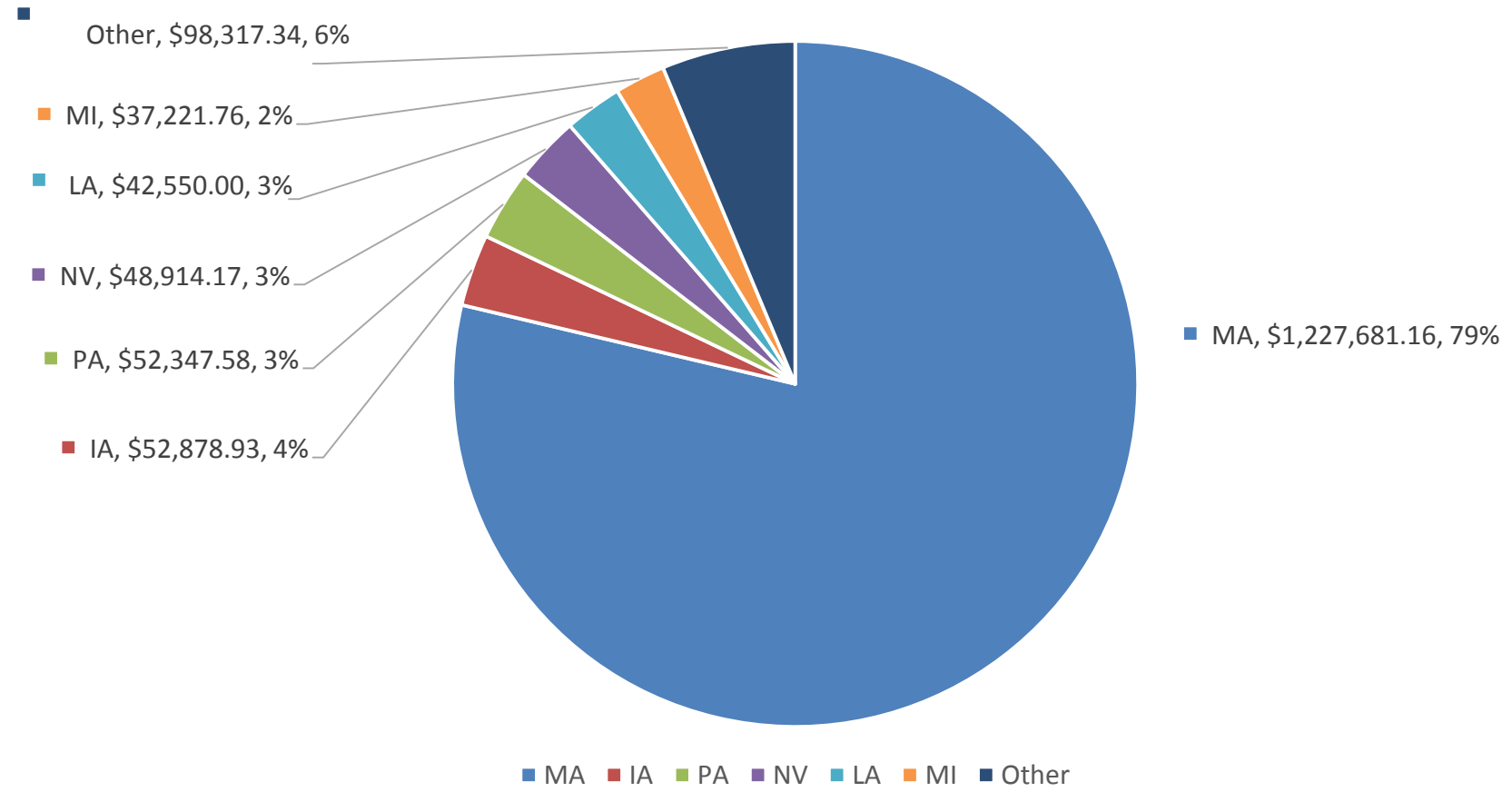
As of June 30, 2017:

	Employees
Diversity	22%
Veterans	3%
Massachusetts	69%
Local	35%
Male/Female	53% / 47%

Spend by State



Total Q2 Spend: \$1,559,910.94

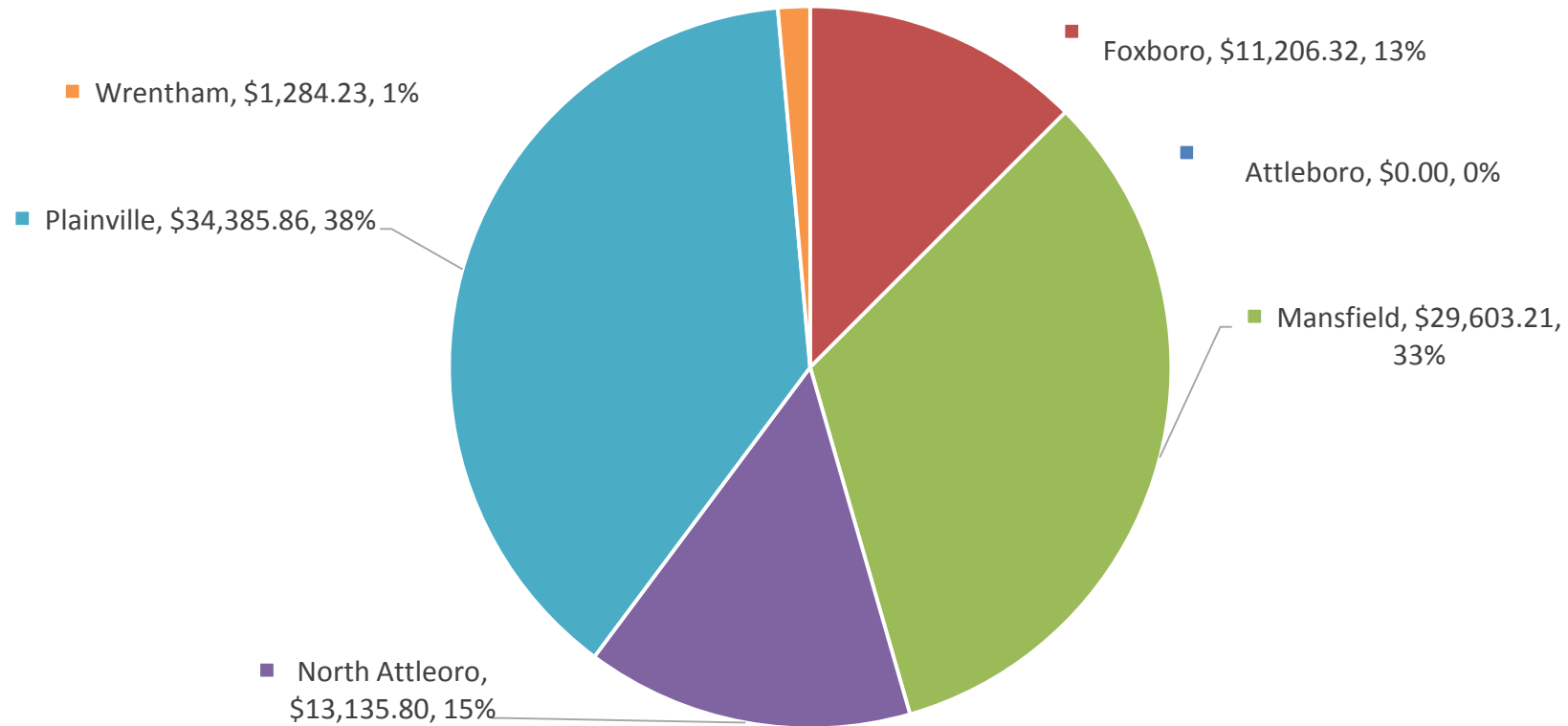


Local Spend



PLAINRIDGE PARK
CASINO

Total Q2 Host & Surrounding Community Spend: \$89,615.42

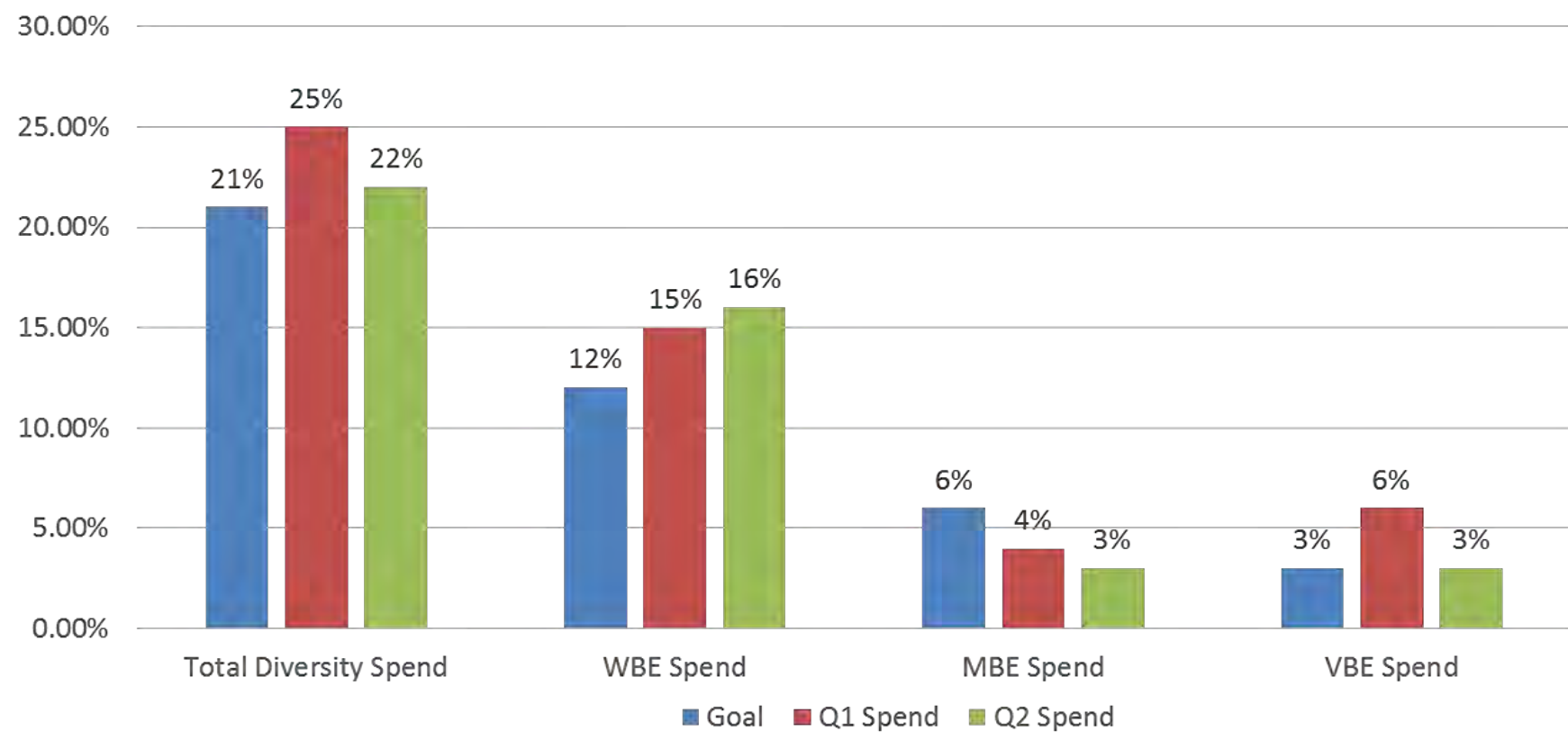


■ Attleboro ■ Foxboro ■ Mansfield ■ North Attleoro ■ Plainville ■ Wrentham



Vendor Diversity Spend

Q2 2017





Q2 Diverse Spend Statistics

Q2 WBE Vendors

23 Vendors used totaling \$250,557.25

Q2 MBE Vendors

5* Vendors used totaling \$40,575.87

Q2 VBE Vendors

4* Vendors totaling \$38,279.60

*Includes vendors that are certified in multiple diversity categories.
Spend is only reported in one category.



Gaming Revenue & Taxes

	Net Slot Revenue	State Taxes	Race Horse Taxes	Total Taxes	
2016	1st	\$38,663,540	\$15,481,836	\$3,479,719	\$18,961,555
	2nd	\$39,185,244	\$15,641,803	\$3,526,672	\$19,168,475
	3rd	\$39,756,060	\$15,923,121	\$3,578,045	\$19,501,166
	4th	\$37,388,890	\$14,973,358	\$3,365,000	\$18,338,358
	Total	\$154,993,734	\$62,020,118	\$13,949,436	\$75,969,554
2017	1st	\$38,440,289	\$15,352,221	\$3,459,626	\$18,811,847
	2nd	\$42,615,790	\$17,057,566	\$3,843,926	\$20,901,492
	3rd				\$0
	4th				\$0
	Total	\$81,056,079	\$32,409,788	\$7,303,552	\$39,713,339

Lottery Sales



PLAINRIDGE PARK
CASINO

Quarter	2016	2017	\$ Difference	% Difference
1st	\$705,304	\$750,871	\$45,567	6.46%
2nd	\$758,852	\$843,294	\$84,442	11.13%
3rd	\$738,116	\$0	\$0	0.00%
4th	\$748,919	\$0	\$0	0.00%

PPC currently has 5 instant ticket machines and 4 online terminals on site. Prior to the Casino opening the Property had 1 instant ticket machine and 2 online machines



Compliance with Regulations

Month	Number of Patron ID Checks	Prevented from entering gaming Establishment			Expired, Invalid, no ID	Fake ID	Minors and Underage Escorted from the gaming area	Minors and Underage Found gambling at slot machines	Minors and Underage Found consuming alcoholic beverages
		Total	Minors ¹	Underage ²					
April	8,660	146	11	16	118	1	2	0	0
May	8,523	167	9	37	120	1	1	0	0
June	7,512	190	13	47	130	0	0	0	0
Total	24,695	503	33	100	368	2	3	0	0

1 Person is under 18 years of age

2 Person is 18-21 years of age

Local Community



PLAINRIDGE PARK
CASINO

- Old Colony Habitat for Humanity
- Boys and Girls Club of Warwick
- Doug Flutie Jr. Foundation for Autism
- Lenore's Pantry
- SAFE Coalition Inc.
- Parkway Community YMCA
- YMCA North Attleboro
- Relay for Life North Attleboro
- Plainville Lions Club
- Plainville PTO
- The Friends of Attleboro Animal Shelter

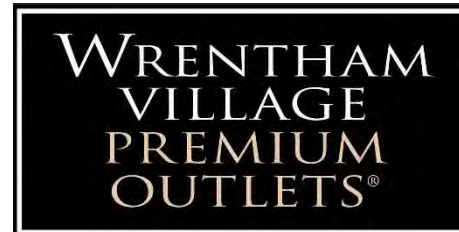




PLAINRIDGE PARK
CASINO

Q2 Marketing Initiatives

- Patriots - Foxboro
 - Billboard
 - Hilton Garden Inn Stay and Play Packages
- NESN
 - Redsox
- Fenway Concert Series
- Xfinity Concert Series
- Wrentham Village Premium Outlets



Q2 Marketing



PLAINRIDGE PARK CASINO

Racing Area

- Opening Day
- Kentucky Derby

New Entertainment

- Lenny Clarke
- Lauren Rainbow
- Murphy's Boxing

Promotions

- Massachusetts Slot Tournament
- 2 Year Anniversary
- Corvette Giveaway – Imperial Cars
- Corvette Cash Lottery Ticket – MA Lottery
- Home Makeover – The Home Depot Mansfield



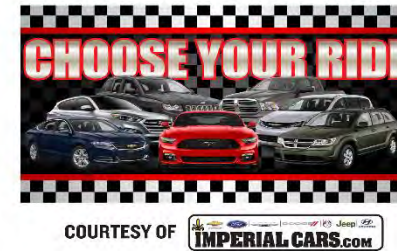
COURTESY THE HOME DEPOT MANSFIELD

Q3 Highlights



PLAINRIDGE PARK CASINO

- Racing Area
 - Spirit of Massachusetts
- Loft Entertainment
 - PPV Mayweather vs McGregor Viewing Event
 - The Verve Pipe Acoustic Show
 - 2 Boston Guys Comedy
- Promotions
 - Back to School Supply Drive
 - Responsible Gambling Education Week
 - Audi Giveaway
 - Choose Your Ride





TO: Commissioners

FROM: John Ziemba

CC: Ed Bedrosian, Executive Director
Catherine Blue, General Counsel

DATE: September 14, 2017

RE: Reappointment Recommendations for Subcommittee Members under the
Gaming Policy Advisory Committee

Pursuant to M.G.L. c. 23K, Section 68, the Commission is required to make appointments to several committees under the Gaming Policy Advisory Committee (“GPAC”). Last year the Commission made several one year appointments to the Local Community Mitigation Advisory Committee which expired on June 25, 2017. We are recommending that the Commission consider reappointing such members for an additional one year term. I also recommend that these appointees continue to serve at the pleasure of the Commission. Their brief biographies included in the Commissioner’s packet last year are included below.

Local Community Mitigation Advisory Committees (“LCMAC”)

The purpose of these subcommittees are to provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on issues related to the gaming facilities in each region and present information to the Commission on any issues related to the gaming establishment located in each region.

Region A LCMAC

Colin Kelly - Chamber of Commerce Representative

A long-time resident of Everett, Colin Kelly is a 1980 graduate of Pope John XXIII High School. He attended Suffolk University and graduated with a Bachelor’s Degree in Business Administration in 1984.

He displayed an interest in community service early on in his career and was elected to the Everett Common Council in 1989, where he served for 11 years. Since then he has contributed much of his time to community service and charitable organizations. He has been a Director of the Everett Business Education Cooperative, the Cambridge Health Alliance Foundation, Founding member of the Everett Technology Center, Keverian School Council, Past Distinguished President of the Everett Kiwanis, Director of the Everett Chamber of Commerce and former Trustee for Pope John XXXIII High School.

He began a career in retailing with the Purity Supreme Company after his graduation. In 1986 he purchased Paul’s Cold Cuts in Everett. In 1995, he expanded the business and built a new building with a full service restaurant and a catering business. In 1997 he added another location in Charlestown MA, the Galley Cafe. In 2006 Kelly left the food industry completely to pursue new interests.

In 2000, he was elected the Executive Director of the Everett Chamber of Commerce. He also served as the Clerk and a Director of the Everett Development and Financial Corporation. With his background in



Massachusetts Gaming Commission

101 Federal Street, 23rd Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

government he was influential in developing strong relations with government and business leaders alike. He was instrumental in starting Everett events such as the River Fest and the September 11 Memorial Remembrance Ceremony.

In 2006 he joined Schnitzer Steel Industries as the Government Relations Manager for the Northeast area and in 2014 was selected as the Corporate Director of Government Relations.

In order for the Region A LCMAC to be complete, the Commission needs to appoint one Regional Economic Development Organization and two Human Service providers. The Commission staff is investigating potential members.

Region B LCMAC

Chamber of Commerce Representative

Kate Kane has informed us that she plans to end her time as an appointed LCMAC member. However, Ms. Kane has kindly agreed to attend the next one or two LCMAC meetings scheduled for September and October while the Commission works to locate a replacement. We have been in contact with the Greater Springfield Chamber of Commerce about finding a candidate.

Kate Kane

Kate Kane, CLU is the Managing Director for Northwestern Mutual in Springfield, Massachusetts. She has worked for Northwestern Mutual since 1986. Her career with Northwestern Mutual includes positions as office manager, recruiter, compliance specialist, and Director of New Representative Training and Development. She became a Financial Representative in 1999, a Field Director in 2001, and a Managing Director in 2003. Kate graduated cum laude from Vassar College with a degree in English. She lives in West Brookfield, Massachusetts with her husband, Craig.

Volunteer Work:

Chair, Board of Trustees, Sisters of Providence Health System, Springfield, MA
Treasurer, Board of Trustees, Springfield Museums Association, Springfield, MA
Board Member, College of Business Advisory Board, Western New England University, Springfield, MA
Board Member, Business Leaders for Education, Springfield, MA
Board Member, Dress for Success Western MA, Springfield, MA

Awards:

Richard J. Moriarty Citizen of the Year 2015, Affiliated Chambers of Commerce of Greater Springfield, MA
Woman of the Year Award 2012, Western MA Women Magazine
Woman of the Year Award, 2011, Professional Women's Chamber, Affiliated Chambers of Commerce of Greater Springfield, MA
Difference Maker, BusinessWest, Springfield, MA, 2009.
Northwestern Mutual Foundation Community Service Award, Dress for Success Western Massachusetts, 2003.

Richard K. Sullivan, Jr. – Region B LCMAC – Regional Economic Development Organization

Richard K. Sullivan, Jr. is the President & Chief Executive Officer of the Economic Development Council of Western Massachusetts, a private non-profit corporation that provides resources and information to businesses operating in or entering the region by aiding in expansion, relocation and networking.

Before he became President & CEO of the EDC he was the Governor Deval Patrick's top advisor and worked with all members of the Cabinet to advance the Administration's agenda.

Prior to being named Patrick's Chief of Staff, Rick served as Secretary of the Executive Office of Energy and Environmental Affairs, overseeing the Commonwealth's six environmental, natural resource and energy regulatory agencies: the Departments of Environmental Protection, Public Utilities, Energy Resources, Conservation & Recreation, Agriculture, and Fish & Game. He also served as Chairman of the Massachusetts Water Resources Authority, the Energy Facilities Siting Board, and the Massachusetts Clean Energy Center.

Under his leadership, Massachusetts is the first state in the nation to combine energy and environmental agencies under one Cabinet secretary with the shared mission of bringing clean energy technology to market, curbing greenhouse gas emissions and cutting energy costs. Governor Patrick's land conservation initiative is the largest in the Commonwealth's history, with protection of more than 75,000 acres of land from 2007 to 2010.

Prior to his appointment to the cabinet post at Energy and Environmental Affairs, Secretary Sullivan served as the commissioner of the Department of Conservation and Recreation (DCR). Appointed in June 2007, he ushered in a new era of transparency and accountability at DCR, with posted maintenance schedules for DCR properties and public meetings for all significant DCR initiatives and policies. Under his leadership, DCR completed several large-scale capital improvements in parks statewide, including a two-year, \$21.3 million project at Mt. Greylock State Reservation in Lanesborough that featured rehabilitation of the 13.5-mile Mt. Greylock Road, and a \$9 million renovation of the visitor center at Georges Island in Boston, a facility that includes a concession area, children's playground and a state-of-the-art solar-powered maintenance building. DCR also conducted a Forest Futures Visioning Process to engage residents across the Commonwealth in a discussion of forestry practices in state forests, leading to dramatic expansion of forest reserves that are protected from commercial logging.

Secretary Sullivan served as the mayor of Westfield from 1994 to 2007 and, in that capacity, chairman of the Westfield School Committee. In 2005, Sullivan was recognized by the New England Association of School Superintendents with its annual President Award for Exemplary Contributions to Education.

He is a past president of the Massachusetts Mayors Association, past chairman of the Turnpike Advisory Board, and a past member of the Governor's Local Advisory Committee. He also served as founding president of the Winding River Land Conservancy, which has protected 1,700 acres in western Hampden County.

Sullivan graduated from Westfield High School and holds degrees from Bates College, and Western New England School of Law.

Ellen Patashnick – Human Service Provider

Ellen received her undergraduate degree at Northeastern University and her masters degree in counseling from Suffolk University. Early in her career Ellen worked at the Department of Youth Services in Boston with delinquent and pre -delinquent youth and their families. Before moving out to the western part of the state, she worked as a social worker in Roxbury with the Department of Public Welfare and was then was promoted to a supervisory position in the Division of Child Guardianship (now the Department of Children and Families) She has held several management positions including Director of the Holyoke and Robert Van Wart DCF offices. Now retired, Ellen is a volunteer disaster responder and instructor for the American Red Cross for both local and national events. Her husband is a retired adoption supervisor.

There is one more opening for a Human Service Provider. The Commission staff is investigating potential members.

Other GPAC Subcommittees

In addition to the appointment of non-commission members of the LCMACs, the Commission also made internal appointments to GPAC Subcommittees.

Community Mitigation Advisory Subcommittee

The Community Mitigation Advisory Subcommittee develops recommendations to address community mitigation issues. The Commission has the authority to choose “one representative” of the Commission to be on the Subcommittee. This “representative” could be a member of the Commission, the Executive Director, or a staff member. Last year, the Commission determined that it would designate Lloyd Macdonald for that Subcommittee.

Public Safety Subcommittee:

The Public Safety Subcommittee develops recommendations for regulations to be considered by the Commission to address public safety issues. Last year the Commission designated Commissioner Cameron as the member of the Commission to represent the Commission on the Subcommittee.

Addiction Services Subcommittee:

The Addiction Services Subcommittee develops recommendations for regulations to be considered by the Commission to address issues related to addiction services.

Last year the Commission appointed Mark Vander Linden, Director of Research and Responsible Gambling, as its representative to this Subcommittee.

PROPOSED SCHEDULE OF GPAC RELATED MEETINGS

Date	Day	Time	*	Event	Commissioner
9/14/17	Thursday		CM	First List of Questions to Commissioners re: CMF	All Commissioners
9/25/17	Monday	2:00 PM		LCMAC Region B - Springfield	
9/27/17	Wednesday	2:00 PM		LCMAC Region A - Boston	LM
10/4/17	Wednesday	11:00 AM		Subcommittee on Community Mitigation	LM, SC
10/11/17	Wednesday	10:00 AM		Public Safety Committee	GC
10/16/17	Monday	2:00 PM		LCMAC Region B - Springfield	LM
10/18/17	Wednesday	2:00 PM		LCMAC Region A - Boston	LM
10/26/17	Thursday		CM	Commission Meeting - Discussion of Guidelines	All Commissioners
10/31/17	Tuesday			Guidelines Posted for Comment	N/A
11/1/17	Wednesday	11:00 AM		Subcommittee on Community Mitigation	LM, SC
11/7/17	Tuesday	10:00 AM		GPAC	SC
11/13/17	Monday	2:00 PM		LCMAC Region B - Springfield	
11/15/17	Wednesday	2:00 PM		LCMAC Region A - Boston	LM
11/27/17	Monday	5:00 PM		End of Comment Period	N/A
11/29/17	Wednesday	11:00 AM		Subcommittee on Community Mitigation	LM
12/7/17	Thursday		CM	2018 CMF Mitigation Guidelines Final Discussion and Vote	All Commissioners
12/8/17	Friday			2018 CMF Mitigation Guidelines, RFP and Applications published	N/A
12/19/17	Tuesday	10:00 AM		GPAC	SC
2/1/18	Wednesday	5:00 PM		CMF Applications Due	

*CM = Commission Meeting

9/7/2017



Review of Policy Questions discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation Relative to The 2018 Community Mitigation Fund ("CMF") Guidelines

Policy Questions That Remain From Prior Years

1. Should the Commission place an overall limit on grants for the 2018 CMF?

Background: Given that MGM Springfield is expected to open late in 2018 and that Wynn Boston Harbor is expected to open in mid-2019, the CMF will not see new revenues for a significant period of time. Approximately \$10 million in funding remains unallocated, assuming continuation of previously authorized reserves and further funding of prior awards.

2017 Results: The Commission anticipated authorizing no more than \$3.4M out of the 2017 CMF. The Commission awarded a total of \$2,207,106.03 of new grant funding. It also authorized \$298,397.92 in grants from the previous awarded reserves for a total of \$2,505,503.95.

2. Should the Commission place a per grant limit for 2018 CMF awards?

Background: As noted, given that MGM Springfield is expected to open late in 2018 and that Wynn Boston Harbor is expected to open in mid-2019, the CMF will not see new revenues for a significant period of time.

2017 Results: The Guidelines set specific limits for grant requests \$400,000 for Specific Impact Grants; \$150,000 for Transportation Planning Grants; \$200,000 for each Region A and B for Workforce Development; and \$200,000 for Tribal Technical Assistance. However, the Commission reserved their ability to authorize funding beyond the amounts.

3. If an overall limit is included, how should the Commission and staff evaluate competitive grants?

Background: It is difficult to make determinations between applications that may not be easily compared, given the wide range of potential mitigation requests.

2017 Results: The review team based their recommendations on specific criteria required of all applications and additional criteria depending upon the type of grant required.



Massachusetts Gaming Commission

4. Should the Commission revisit its determination to authorize planning grants, which require an in-kind match?

Background: In recognition that transportation projects may take many years to plan, the Commission authorized first transportation planning grants in its 2016 CMF Guidelines and funded several projects. In addition, pursuant to its 2015 and 2016 CMF Guidelines, communities may utilize up to \$50,000 of their CMF reserves for planning purposes.

2017 Results: The Guidelines required in-kind services of planning funds.

5. How and when should the CMF guidelines reflect the work of the Lower Mystic Regional Working Group?

Background: As a result of the Wynn MEPA review, the Massachusetts Department of Transportation established a working group to study the regional transportation needs of the Sullivan Square area and I-93 area near Sullivan Square. The recommendations of this group are purely advisory to all parties and are not expected until the late 2018, or early 2019 near the February 1 CMF application deadline.

2017 Results: The Lower Mystic Regional Workforce Group results were not reflected; because the report was not anticipated to be made by the February 1, 2017 deadline.

6. Should the Commission revisit its guideline regarding grants involving private parties?

Background: The 2016 Community Mitigation Fund (“CMF”) Guidelines specified that “[p]rivate non-governmental parties may not directly apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a ‘public purpose’ and not for the direct benefit or maintenance of the private party.” The 2016 CMF Guidelines also specified that the Commission did not anticipate awarding any grants involving private non-governmental parties unless the applicant governmental entity, licensee, or both provided significant funds. Questions about this guideline involve the difficulty of ensuring that funding requests are for a public purpose and that any awards would be consistent with the Commonwealth’s Constitution. Further, the funding matching requirement also is potentially difficult.

2017 Results: The 2017 Guidelines stated that “[t]he Commission will not fund any applications for assistance to non-governmental entities unless the applicant governmental entity or the licensee or both provide significant funding to match or partially match the assistance required from the 2017 Community Mitigation Fund. Any such application for assistance to non-governmental entities by a host community must demonstrate that the host community, the licensee, or both will match the assistance required from the 2017 Community Mitigation Fund.” There was one application

submitted on behalf of a private entity. However, no action was taken on that application as of this date.

7. How should the 2018 CMF Guidelines treat multi-year grant requests?

Background: Some 2016 and 2017 awards anticipate future grant requests. Some grants may not be able to be completed in a given fiscal year.

2017 Results: Not specifically addressed. Currently communities are required to apply each year. Each Grant has a 4-year contract limit, some grants were limited to one year, subject to a request for an extension that would be subject to Commission approval.

8. How should the status of Region C and current litigation involving the potential tribal casino impact the 2018 CMF Guidelines?

Background: It may be unlikely that communities in Region C will experience significant construction or operational impacts by February 1, 2018, the statutory CMF deadline. Communities have expressed the need for technical assistance funding to help evaluate potential impacts.

2017 Results: \$200,000 of funding was set aside for use in Fiscal Year 2018 if there is a more clear determination on Region C status.

9. Should the Commission require a dollar for dollar match for its CMF grants?

Background: In recognition of local funding constraints and relative differences between host and surrounding community agreements, the 2016 CMF Guidelines only required an in-kind match for all communities.

2017 Results: In-kind services or funds were required for Transportation Grants; Workforce Development Projects need to provide detail on in-kind services or workforce funds; and applications involving non-governmental entities require the applicant governmental entity or the licensee or both to provide significant funding to match or partially match.

10. Should communities be reimbursed for the cost of administering CMF grants?

Background: Payment of such costs was not allowed under the 2016 CMF Guidelines, which instead required an in-kind match by communities.

2017 Results: In the 2017 Guidelines, Communities were not able to seek reimbursement.

11. Should the 2018 CMF be used to support and help leverage resources to help residents of the Springfield or Everett areas obtain their high school or work readiness credentials to be eligible for employment? If so, at what level?

Background: The Expanded Gaming Act places a priority on the hiring of the unemployed, underemployed, minority individuals, women and veterans at the gaming facilities. It is estimated that 21,000 individuals are on wait lists in MA seeking admission into Adult Basic Education Classes and English Learning language programs, with significant needs for resources in MA Gateway Cities like Springfield and Everett. Both the union construction and the casino operational jobs require a high school diploma or equivalency. The 2016 CMF Guidelines did not include a specific allocation for funding work readiness programs related to the gaming facilities. Workforce training, economic development, and other job promotion activities are eligible activities under the state appropriated Gaming Economic Development Fund, which is funded through gaming taxes from Category 1 facilities when they are operational.

2017 Results: The Guidelines allowed these applications. Two educational programs in Region B (totaling \$371,833.03) and one in Region A (totaling \$200,000) are being initiated. The Commission approved more funding than specified in the guidelines, given the pressing need for such funding.

12. Should the Commission place a limit on grants in each gaming region based on the projected tax revenues generated for the CMF by the gaming facility in that region? If so, should such limit be instituted during the construction period or when the Category 1 facilities are operational?

Background: The 2016 CMF Guidelines placed no regional limitation on grants for Category 1 facilities but did state that “no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.” The CMF is currently funded through a percentage of the license fees paid by both Category 1 facilities (\$7.5 million each from MGM Springfield and Wynn Boston Harbor) and the Category 2 facility (\$2.5 million from Plainridge Park). Once operational, 6.5% of the revenues from the tax on the gross gaming revenues from each Category 1 facility will be placed into the CMF. Plainridge Park, now operational, is not required to pay into the CMF, instead paying into the Gaming Local Aid Fund and the Race Horse Development Fund. Any operational Tribal Facility in Taunton would also be required to pay 6.5% of the revenues from the tax on its gross gaming revenues into the CMF; it is not required to pay a license fee).

2017 Results: Not addressed in the Guidelines.

13. Should the Commission allow the Hampden County Sheriff’s Department to reapply for its FY17 lease assistance?

Background: The Commission awarded \$280,000 to HCSD in lease assistance from the Community Mitigation Fund in 2016 “for Fiscal Year 2017” which was further extended by the Commission into July 2017. Pursuant to the grant letter, “the Commission authorized up to \$280,000 in funding for the cost of the first year of lease assistance for the Western Massachusetts Correctional Addiction Center (“WMCAC”).... In order to access lease

assistance funding in future years, HCSD would need to reapply for such future year's funding.... the Sheriff's Office will be eligible for no more than five years of lease assistance totaling no more than \$2,000,00."

2017 Results: Due to transitions at the Sheriff's Department, the Department missed the deadline for re-applying for its grant but expressed the continued need for assistance.

2018 POLICIES TO BE ADDRESSED

1. Should the Commission expressly authorize joint applications by communities?

Background: In 2017 the Commission received and funded a joint grant application by Revere and Saugus. At that time, the 2017 Guidelines did not specify if and how joint applications could be funded. They were required to specify how they would each allocate their reserves to meet grant requirements.

2. Should the Commission allow funding to pay for a portion of the construction costs of transportation projects?

Background: To date, the Commission has only authorized funding for the planning or design of transportation projects.

3. How should the Commission approach issues that may arise in 2018 resulting from the operations of the first Category 1 casino (public safety, hiring, education, business issues)?

Background: The Commission has not witnessed large scale potential impacts resulting from the Plainridge facility. However, planning is necessary soon to be able to evaluate mitigation applications involving any operational impacts at the full casino facilities.

4. Should communities be limited to only one (1) Specific Impact Grant?

Background: The 2017 guidelines specified that Specific Impact Grants were limited to \$400K but did not specify that only one application was allowed.

5. Are the grant limitations (\$400K for a specific impact grant, \$150K for a transportation grant) sufficient for the 2018 program?

Background: While there is a limit on the amount of funds until the full casinos are operational, communities have expressed an interest in more funding for some grants.

6. How can the applications been amended to require applicants to more clearly demonstrate the nexus between the request and casino related impacts?

Background: This is a very common issue in the review of the applications.

7. What language needs to be included to ensure that all entities and departments (e.g. redevelopment authorities/agencies) apply through a community itself?

Background: In the last two cycles, entities within communities have applied, rather than the community itself. The communities were required to assume responsibility for those applications.

8. Should the Commission extend the previously authorized reserves for the 2018 Community Mitigation Fund program and allow communities to continue to access whatever portion of the original \$100,000 that remains unexpended.

Background: Some communities have expended some or all of their reserves. In Region A, 7 communities have allocated their entire reserve and one has allocated a portion; in Region B, currently 1 has allocated its entire reserve and 2 have used a portion; and for Category 2 communities, 2 have allocated their reserve and 2 have used a portion of their reserve.

9. Are the same general analysis factors used in 2017 going to be used for 2018 evaluation?

“The Commission may specify factors that it and staff will utilize in evaluating competitive grants. The following are factors that may be used when the Commission and staff evaluate competitive grants: (i) a demonstration that the impact is being caused by the proposed gaming facility; (ii) the significance of the impact to be remedied; (iii) the potential for the proposed mitigation measure to address the impact; (iv) the feasibility and reasonableness of the proposed mitigation measure; (v) that any programs to assist non-governmental entities is for a demonstrated public purpose and not for the benefit or maintenance of a private party; (vi) the significance of any matching funds; (vii) regional benefits from a mitigation award; (viii) funds from host or surrounding community agreements are not available to fund the proposed mitigation measure; and (ix) that such mitigation measure is not already required to be completed by the licensee pursuant to any regulating requirements or pursuant to any agreements between such licensee and applicant.”

Background: The factors used in 2017 may need further refinement.

10. Should the Commission authorize more funding for non-transportation related planning for those communities that have expended their reserves?

Background: In 2017, communities could apply for transportation planning. However, no general planning application (except for uses of reserve funds for planning) was authorized under the Guidelines. In at least one instance, a planning application was not funded because it was not deemed transportation planning. Some communities have fully utilized their reserves and thus cannot use reserve for additional planning.



TO: Commissioners
FROM: John Ziemba, Ombudsman
CC: Edward R. Bedrosian, Jr., Executive Director
DATE: September 14, 2017
RE: City of Medford - 2016 Community Mitigation Fund Grant

The city of Medford was awarded \$60,000 in funding for an engineering feasibility study for a new multi-use path known as the South Medford Connector.

Medford would like to utilize \$5,400 of these funds to hire the Mystic River Watershed Association ("MyRWA") to develop the bid specifications for the consultant for the South Medford Connector study and to provide advice and assist in the management of the consultant. MyRWA has extensive expertise in management of these processes and the consultant would be hired through the regular City procurement process.

In its application Medford stated that it would "contribute in kind services in the form of preparation of RFPs, procurement of consultant services, management on consultants..." and noted that it could not provide an estimate of in-kind services until the full scope of the services are defined. In conversations regarding this request, Medford noted that it will continue to provide in-kind services. As part of the requirements in the grant, Medford must receive approval by the Commission staff prior to the commencement of the study. Although the use of the funding for MyRWA's services is not prohibited under the Commission's approval earlier this year, I request the Commission's approval of the change as it could be deemed material by the Commission.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 101.00: M.G.L. C.23K ADJUDICATORY PROCEEDINGS

- 101.01: Hearings Before the Commission
- 101.02: Orders Issued by the Bureau or the Racing Division
- 101.03: Review of Orders Issued by the Bureau or the Racing Division
- 101.04: Review by the Commission of Decisions of the Hearing Officer
- 101.05: Review of a Commission Decision
- 101.06: Informal Disposition of an Adjudicatory Proceeding

101.01: Hearings Before the Commission

(1) Unless otherwise noted, Hhearings held before the full commission pursuant to 205 CMR 101.01 shall be adjudicatory proceedings conducted pursuant to 801 CMR 1.01 Formal Rules as well as the provisions of M.G.L. c. 30A, §§ 10 and 11.

(2) The following types of adjudicatory hearings shall be held directly, in the first instance, by the commission:

- (a) Suitability hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), concerning any findings of fact, recommendations and/or recommended conditions by the bBureau relative to the suitability of the applicant for an initial gaming license or renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 or new qualifier process pursuant to 205 CMR 115.00: *Phase 1 and New Qualifier Suitability Determinations, Standards and Procedures*.
- (b) Hearings regarding the termination, revocation or suspension of a category 1 or category 2 gaming license issued by the commission pursuant to M.G.L. c. 23K, and/or the addition or modification of a condition thereto, or the termination, revocation or suspension of a license to conduct a horse racing meeting pursuant to M.G.L. c. 128A.
- (c) Hearings regarding the transfer of a category 1 or category 2 gaming license or the transfer of a license to conduct a racing meeting or related to the transfer of interest in a category 1 or category 2 gaming license or gaming establishment in accordance with 205 CMR 116.08 through 116.10;
- (d) Hearings regarding the assessment of a civil administrative penalty pursuant to M.G.L. c. 26, § 36, against a category 1 or category 2 gaming licensee or a racing meeting licensee. Such hearing shall be conducted in accordance with 801 CMR 1.02: Informal/Fair Hearing Rules unless the applicant requests a hearing under 801 CMR 1.01: Formal Rules;;

(e) Hearings regarding the approval or amendment of the gaming licensee's Operation Certificate as discussed in 205 CMR 151.00: *Requirements For the Operations and Conduct of Gaming at a Gaming Establishment*;

(f) Any challenge by an individual to their placement on the list of persons excluded from a gaming establishment pursuant to 205 CMR 152.00: *Individuals Excluded from a Gaming Establishment*. Such hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant requests a hearing under 801 CMR 1.01: *Formal Rules*;

(g) For purposes of reviewing a petition to reopen a mitigation agreement in accordance with 205 CMR 127.04. Such hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant requests a hearing under 801 CMR 1.01: *Formal Rules*;

(h) Any challenge to the certification or denial of certification of an independent testing laboratory in accordance with 205 CMR 144.06. Such hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant requests a hearing under 801 CMR 1.01: *Formal Rules*;

(i) Any challenge to the certification or denial of certification as a gaming school in accordance with 205 CMR 137.01(4). Such hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant requests a hearing under 801 CMR 1.01: *Formal Rules*; and

(j) Review of an application for a gaming beverage license, or request to amend, alter, or add a licensed area, pursuant to 205 CMR 136.03(4). Such hearing shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant requests a hearing under 801 CMR 1.01: *Formal Rules*.

(3) Any request for such a hearing shall be filed with the clerk of the commission on a form provided by the clerk. Such a request shall not operate as a stay of the commission's action.

(4) In order to be considered by the commission, a request for a hearing must be filed no later than 30 days from the date the complained of action was taken, except in the event of civil administrative penalties. The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c.23K, §36 shall be filed no later than 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K, §36(e). In the case of a temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, §35(e), a gaming licensee shall be entitled to a hearing before the Commission within 7 days after the suspension was issued.

(5) The request for a hearing shall include:

- a. the name, address and contact information, including telephone number and email, if any, of the party requesting the hearing;
- b. the name, address and contact information, including telephone number and email of counsel representing the party requesting the hearing, if any, and
- c. a brief description of the basis for the request for the hearing. In the event that a temporary suspension has been issued in accordance with M.G.L. c.23K, §35(e), at its election the licensee may include a request that the hearing be scheduled within 7 days of the date of the issuance of the suspension.

(6) The failure of a party to provide a specific description of the basis for the request for hearing may result in the dismissal of the request per the discretion of the commission.

~~(3) Standing: No person other than an aggrieved applicant and/or gaming licensee shall have standing to challenge Phase 1 or new qualifier findings of fact and recommendations or a recommendation to terminate, revoke or suspend a category 1 or category 2 gaming license.~~

~~(4) Only the aggrieved applicant and the gaming licensee or the horse racing meeting licensee shall have the right to participate in the hearing under 205 CMR 101.01 (2) (a), (b) or unless otherwise ordered by the commission.~~

(7) Any adjudicatory hearings conducted under 205 CMR 101.01 may be closed to the public at the request of either party, or on the commission's own initiative, in order to protect the privacy interests of either party or other individual, to protect proprietary or sensitive technical information including but not limited to software, algorithms and trade secrets, or for other good cause shown. Such a determination rests in the sole discretion of the commission.

(8) ~~(5)~~ Pursuant to M.G.L. c. 23K, § 3(h), the chair may direct that all of the commissioners participate in the hearing and decision of the matter before the commission. In the alternative, pursuant to M.G.L. c. 23K, § 3(h), the chair with the concurrence of one other commissioner may appoint a ~~presiding officer~~ **single commissioner** to preside over the hearing. The notice scheduling the time and place for the pre-hearing conference shall specify whether the commission or a designated individual shall act as presiding officer in the particular case.

(9) ~~(6)~~ Burden of Proof.

(a). The applicant shall have the affirmative obligation to establish by clear and convincing evidence both its affirmative qualification for licensure and the absence of any disqualification for licensure.

(b). In the case of a recommendation to terminate, revoke or suspend a category 1 or category 2 gaming license, or a license to conduct a horse racing meeting, the bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence ~~why~~ **grounds upon which** the commission should terminate, revoke or suspend the

licensee's category 1 or category 2 gaming license or the licensee's license to conduct a horse racing meeting.

(c). In the case of a transfer of interest, the gaming licensee shall have the affirmative obligation to establish by clear and convincing evidence its compliance with 205 CMR 116.09 et seq.

(d). In the case of a challenge by an individual to their placement on the exclusion list at a gaming establishment, the bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence why the commission should affirm such an exclusion.

(e). In the case of a civil administrative penalty, the bureau shall have the obligation to prove the occurrence of each act or omission by a preponderance of the evidence.

(10) ~~(7)~~ Decisions. Upon completion of the hearing, the commission shall render a written decision as promptly as administratively feasible, in accordance with M.G.L. c. 30A, § 11(8). The written decision of the commission shall be the final decision of the commission.

(11) ~~(8) No-Appeal From Commission's Determination of Suitability.~~ Pursuant to M.G.L. c. 23K, § 17(g), the applicant and/or the gaming licensee shall not be entitled to any further review from the commission's determination of suitability. ~~(9) Decisions by the commission concerning the matters set forth in 205 CMR 101.01(2)(b-i) termination, revocation or suspension of a category 1 or category 2 gaming license or the termination, revocation or suspension of a license to conduct a horse racing meeting may be reviewed by the appropriate court pursuant to the provisions of M.G.L. c. 30A~~

101.02: Orders Issued by the Bureau or the Racing Division

~~(1) Pursuant to M.G.L. c. 23K the bureau may issue orders or fines, or may revoke, suspend, terminate or condition the license of the holder of any license issued pursuant to M.G.L. c. 23K except for category 1 or category 2 gaming. Such orders or fines are subject to commission review pursuant to 205 CMR 101.03 and 101.04 and include, but are not limited to:~~

- ~~(a) an order to cease any activity which violates the provisions of M.G.L. c. 23K, 205 CMR 101.00 or any other law related to gaming;~~
- ~~(b) an order for the imposition of civil administrative penalties in support of an order to cease and desist, or as part of an order to deny, revoke, suspend or terminate a license or as a penalty for failure to comply with any provision of M.G.L. c. 23K, 205 CMR 101.00 or any law related to gaming;~~
- ~~(c) an order requiring the placement of a person on the exclusion list;~~
- ~~(d) an order denying, revoking, suspending or conditioning a key gaming employee license; a gaming employee standard license; a gaming employee license; a gaming service~~

~~employee license; gaming employee registration; a gaming vendor license; or a gaming vendor qualifier or other similar license issued under 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations.*~~

- ~~(e) an order denying, revoking, suspending or conditioning a gaming beverage license or an order denying the transfer of a gaming beverage license.~~
- ~~(f) any other order or fine as may be issued pursuant to M.G.L. c. 23K or 205 CMR 101.00.~~

~~(2) Pursuant to M.G.L. c. 128A and 128C judges or stewards may issue orders or fines, or may deny, revoke, suspend, terminate or condition the license of the holder of any license issued pursuant to M.G.L. c. 128A or 128C except for a license to conduct a horse racing meeting. Such orders or fines include, but are not limited to:~~

- ~~(a) an order or fine issued for violation of the rules and regulations of racing as provided in 205 CMR 3.00 through 14.00;~~
- ~~(b) an order denying, revoking, suspending, terminating or conditioning an occupational license.~~
- ~~(c) an order ejecting an individual from the grounds of the race meeting.~~
- ~~(d) any other order or fine as may be provided pursuant to M.G.L. c. 128A, c. 128C or 205 CMR 3.00 through 14.00.~~

~~(3) Each order or fine issued by the bureau or by the judges or stewards of the racing division shall be in writing and shall include a description of the basis for the order or fine, including the time, date and place of the activity which constitutes the basis for the order or fine, the statutory basis for the issuance of the order or fine, the amount of the fine or penalty assessed and any other the remedial action required. Each order shall further state in clear and concise language that the party subject to the order or the fine may request review of the order or fine and the process for requesting such review. The order shall also state that the review of the order shall be held pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and 205 CMR 101.03 and 101.04.~~

101.023: Review of Orders ~~or Civil Administrative Penalties/Forfeitures~~ Issued by the Bureau or the Racing Division

(1) A request for review of an order, ~~decision~~, or ~~fine~~ **civil administrative penalty** issued by the ~~B~~**bureau, or other division of the commission where applicable, or order, decision, or forfeiture issued by the judges or stewards, other than those enumerated in 205 CMR 101.01(2),** shall be filed with the clerk of the commission on a form provided by the clerk. A request for review shall not operate as a stay of the order or ~~fine~~ **civil administrative penalty/forfeiture** issued by the bureau or the judges or stewards, ~~unless the request for review includes a request for a stay and such stay is granted by the hearing officer.~~

~~(2) The request for review of a civil administrative penalty issued by the bureau pursuant to M.G.L. c.23K §36 shall be filed not later than 21 days after the date of the bureau's notice of issuance of the civil administrative penalty. All other requests for review, aside from those for civil administrative penalties, must be filed not later than 30 days from the date of the order or fine issued by the bureau or the judges or stewards. Requests for review filed later than 30 days from the date of the order or fine issued by the judges or stewards shall be forwarded to the hearing officer for review.~~

The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c.23K §36 shall be filed not later than 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K, §36(e).

Any such request for review of a civil administrative penalty filed by an entity holding a license to conduct a race meeting or a category 1 or category 2 gaming licensee shall proceed as an adjudicatory hearing before the commission as set forth in 205 CMR 101.01 et seq. After the commission has rendered a decision on such a request for review there shall be no further right of appeal to the commission; however, a party may seek further judicial review pursuant to M.G.L. c. 30A.

In the case of the temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, §35(e), a licensee shall be entitled to a hearing before a hearing officer within 7 days after the suspension was issued.

(3) The request for review shall include:

- (a) the name, address and contact information, including telephone number and email, if any, of the party requesting review;
- (b) ~~the name, address and contact information, including telephone number and email of~~ the name, address and contact information, including telephone number and email of counsel representing the party requesting review, if any, ~~and~~
- (c) a ~~brief~~ specific description of the basis for the request for review. In the event that a temporary suspension has been issued in accordance with M.G.L. c.23K, §35(e), at its election the licensee may include a request that the hearing be scheduled within 7 days of the date of the issuance of the suspension; and
- (d) a copy of the order or fine that is the subject of the request for review.

(4) ~~The failure of a party to provide a specific description of the basis for the request for review in accordance with 205 CMR 101.03(3)(c) shall be grounds for dismissal of the request per the discretion of the hearing officer.~~

~~(5) When the request for review is received by the clerk, the clerk will docket the request for review. Upon receipt, t~~ Upon receipt, the clerk shall assign the request for review to a hearing officer and schedule the hearing on the request for review. ~~Such hearing shall not occur sooner than 30 days~~

~~after the request for review is filed with the clerk, unless upon the request of a party and for good cause shown the hearing officer orders an accelerated hearing.~~ Mailing of notice to the address on record with the Commission, or emailing the notice to the address provided by the licensee or registrant on their application for licensure or registration shall be deemed satisfactory notice. The notice of hearing shall contain:

- a. The name of the appellant; and
- b. The date, time and place of the hearing

~~(6) The clerk shall request each party to file a brief stating why the order or fine should or should not be upheld and the relief requested. Such brief shall be no longer than 10 pages and shall be due no later than 10 days prior to the date of the hearing.~~

Any adjudicatory hearing conducted under 205 CMR 101.03 may be closed to the public at the request of either party in order to protect the privacy interests of either party or other individual, to protect proprietary technical information including but not limited to software, algorithms and trade secrets, or for other good cause shown. Any such request may be opposed by the other party. The final determination rests in the sole discretion of the hearing officer.

(7) Either party may file a brief stating why the order or civil administrative penalty/forfeiture should or should not be upheld as well as the relief requested. Upon receipt of a brief, the hearing officer shall establish a schedule for a reply brief. No late briefs shall be accepted without express permission of the hearing officer. No sur-reply briefs shall be accepted without express permission of the hearing officer. No brief shall be longer than 10 double-spaced pages without express permission of the hearing officer.

A party may request permission to file a brief longer than 10 pages. Such request shall be filed with the clerk who will forward it to the hearing officer for review. The request must be in writing and state the number of additional pages requested. It shall be up to the discretion of the hearing officer as to whether to grant such request. If the hearing officer grants a request for additional pages, the clerk shall forward the order of the hearing officer to all parties and all parties shall have the right to file such additional number of pages. Along with the submission of the brief, each party shall submit a copy of all written evidence to be considered by the hearing officer as well as a list of witnesses that the party wishes to present at the hearing.

(8) With or without the submission of a brief, each party shall submit a copy of all written documentary evidence to be offered for consideration by the hearing officer as well as a list of all witnesses that the party intends to present at the hearing. Failure to submit a brief shall not preclude a party from submitting written evidence or calling witnesses to be considered by the hearing officer. All written evidence and the names of all witnesses shall be filed a reasonable time prior to the hearing as determined by the hearing officer. The hearing officer may direct either party to file a brief statement of the case that outlines the central points and/or identifies

notable legal issues and provides corresponding citations. All materials submitted to the clerk/hearing officer, including, but not limited to, briefs, evidence and witnesses lists, shall be contemporaneously provided to the all other parties/counsel via first-class mail and email. Evidence or witnesses that are filed without providing reasonable notice to the opposing party may be precluded at the hearing officer's discretion.

(9)(8) All requests for extensions of time to file a brief or to reschedule a hearing date shall be made in writing and filed with the clerk. The clerk shall forward the request for extension of time or to reschedule the hearing date to the hearing officer and the hearing officer may provide an extension of time to file a brief or reschedule a hearing date in the hearing officer's discretion and for good cause shown. The clerk shall send the hearing officer's order granting an extension of time to file a brief or the rescheduling of a hearing date to all the parties. Any order shall include the ~~number amount~~ of days granted for the extension of time or the new date for the rescheduled hearing.

(10)(9) All hearings shall be heard by a hearing officer appointed by the commission. All hearings under 205 CMR 101.03 and 101.04 shall be adjudicatory proceedings held pursuant to 801 CMR 1.02: Informal/Fair Hearing Rules and 205 CMR 101.03 through 101.05 unless a party to the hearing requests that the hearing be held pursuant to 801 CMR 1.01 Formal Rules and the hearing officer, after review of the request, grants the request to hold the hearing pursuant to 801 CMR 1.01. If the hearing officer grants a request that a hearing be held pursuant to 801 CMR 1.01 Formal Rules, the provisions of 801 CMR 1.01 (1), (2), (3), (5), (6), (7), (8), (11) and (14) shall not apply and the provisions of 205 CMR 101.03 through 101.05 shall govern.

(11)(10) There shall be no ~~motions or~~ formal discovery requests allowed in hearings under this 205 CMR 101.03 and 101.04 unless upon the request of a party and for good cause shown, the hearing officer ~~orders~~ allows a such motions or formal discovery request to be served. Any party may file a non-discovery motion prior to the hearing. Any such motion must provide reasonable notice to the other party.

(12)(11) A written transcript or electronic record of each hearing shall be created and all witnesses presenting testimony shall be sworn to testify under oath.

(13)(12) In addition to the duties and powers of the hearing officer under 801 CMR 1.02 (10)(f), the hearing officer shall make all factual and legal findings necessary to reach a decision, including evaluating the credibility of all witnesses and evidence presented. ~~determine if the party requesting review has standing to request review.~~ The hearing officer may ask questions of a party or a witness at the hearing. ~~The hearing officer shall determine the credibility of all witnesses providing testimony at the hearing.~~ The hearing officer can request additional information from any party and may recess or continue the hearing to a later date. Any party to such a hearing shall be entitled to issue subpoenas in accordance with M.G.L. c. 30A, § 12(3). The hearing officer may request a post-hearing brief from the parties and shall determine the

page limit for such brief and the time by which it must be submitted. **The parties may request leave of the hearing officer to submit a post-hearing brief as long as such a request is made within ten (10) days of the hearing.**

~~(14)~~(13) The standard of review of an order or ~~fine~~ **civil administrative penalty/forfeiture** issued by the ~~Bureau~~ **Bureau** or the racing division shall be the substantial evidence standard unless a different standard is required by **M.G.L. c. 23K or c. 128A or c.128C**. **The hearing officer shall conduct a review of the matter, making findings of fact and conclusions of law and applying the substantial evidence standard to render a decision.** ~~The hearing officer shall determine whether the order or fine issued by the bureau or the racing division is supported by substantial evidence in accordance with the decisions of the Massachusetts courts regarding administrative review of agency decisions.~~

~~(15)~~(14) The hearing officer shall issue a written decision as soon as administratively feasible after the close of the hearing. The written decision shall include findings of fact and conclusions of law and shall clearly state the basis for the hearing officer's decision. The hearing officer shall file its decision with the clerk. The decision of the hearing officer shall be the final decision of the commission unless a request for **appeal review** ~~by~~ **to** the commission is filed by a party to the proceeding within 30 days of the date of the hearing officer's decision.

~~(16)~~(15) The clerk shall send a copy of the decision to all parties and shall include with the decision a letter stating that a party may request **appeal review** of the hearing officer's decision ~~to~~ **by** the commission and describing the process for requesting an **appeal review** by the commission.

(17) The hearing officer is authorized to certify any matter directly to the commission. The exercise of such authority will generally be reserved for matters of first impression or those which present extraordinary or unique circumstances. Either party may also request that the hearing officer certify such a matter for commission review. The commission may accept and review the matter or may remand the matter to the hearing officer. In the event that the commission accepts the matter such hearings will be conducted in accordance with 205 CMR 101.03 in which the commission will perform the hearing officer's functions. Appeals of such decisions may be taken in accordance with M.G.L. c.30A in lieu of 205 CMR 101.04.

101.04: Review by the Commission of Decisions of the Hearing Officer

(1) Any decision issued by a hearing officer in accordance with 205 CMR 101.03 may be appealed to the commission for review. An appeal request for review of the decision issued by a hearing officer shall be filed with the clerk of the commission on a form provided by the clerk. An appeal request for review shall not operate as a stay of the decision of the hearing officer, unless, along with the filing of a request for review, the party requesting review includes a request for a stay of the decision and such stay is granted by the commission.

(2) ~~In order to be considered by the commission, the appeal request for review must be filed not later than 30 days from the date of the decision issued by of the hearing officer. Requests for review filed later than 30 days from the date of the order or fine issued by the judges or stewards shall be forwarded to the commission for review. Orders regarding requests for review filed later than 30 days from the date of the order or fine issued by the judges may be issued by a single commissioner appointed by the chairman to issue such orders.~~

(3) The appeal request for review shall include:

- a. the name, address and contact information, including telephone number and email, if any, of the party requesting the appeal review;
- b. ~~the name, address and contact information, including telephone number and email~~ the name and address of counsel representing the party requesting the appeal review, if any, and
- c. a brief description of the basis for the appeal request for review; and
- d. ~~(4) Each request for review shall include a copy of the decision of the hearing officer that is the basis for the appeal request for review.~~

~~(4) Each request for review shall include a copy of the order or fine that is the subject of the request for review.~~

~~(4)(5) Upon receipt of the appeal request for review by the commission, the clerk shall docket the request and request a copy of the written record of the hearing from the hearing officer. The hearing officer shall provide a copy of the written record to the clerk no later than 10 days after the clerk's request. The written record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript of the adjudicatory hearing before the hearing officer. The clerk shall provide a copy of the written record to all parties involved in the matter to be reviewed by the commission. The written record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript of the adjudicatory hearing before the hearing officer. The record may only be expanded by the commission upon petition by a party and a showing of good cause as to why the evidence was not included as part of the hearing record below.~~

~~(5)(6) The clerk shall schedule a date for review by the commission. The clerk shall request that each party file a brief stating why the decision of the hearing officer should be affirmed, vacated or modified and the relief requested. Issues not raised before the hearing officer shall not be raised in the briefs to the commission or otherwise considered by the commission. The briefing schedule shall be set by the commission and shall be staggered to provide the appellee adequate time to address the matters raised in the appellant's brief prior to the scheduled hearing before~~

~~the commission.~~ No brief shall be ~~no~~ longer than 10 pages ~~and shall be due no later than 15 days prior to the date of review by the commission.~~ The briefs shall be filed with the clerk. Each party shall serve a copy of its brief on the other party (ies) to the hearing.

~~(6)(7)~~ The clerk shall provide copies of the briefs and a copy of the written record to the commission.

~~(7)(8)~~ A party may request permission to file a brief longer than 10 pages. Such request must be in writing. The clerk shall forward the request to the commission. It shall be up to the discretion of the commission as to whether to grant such a request. If the commission grants a request for additional pages, the clerk shall forward a copy of the commission's order to all parties to the hearing and all parties shall the right to file such additional number of pages. Requests to file a brief longer than 10 pages may be granted by an order issued by a single commissioner appointed by the chairman to issue such orders.

~~(8)(9)~~ All requests for extensions of time to file a brief shall be made in writing to the clerk. The clerk shall forward the request for an extension of time to file a brief to the commission. It shall be up to the discretion of the commission as to whether to grant the request for an extension of time to file a brief. If the commission grants the request for an extension of time to file a brief, the clerk shall forward a copy of the commission's order to the parties and all parties shall have the extension of time to file a brief. Requests for an extension of time to file a brief may be granted by an order issued by a single commissioner appointed by the chairman to issue such orders.

~~(9)(10)~~ The commission's review of the decision of the hearing officer shall be on the written record ~~submitted by the parties~~ **of the hearing conducted by the hearing officer.** ~~The written record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript of the adjudicatory hearing before the hearing officer.~~ The commission, in its sole discretion and upon its own motion, may request oral argument on the request to review the decision of the hearing officer.

~~(10)(11)~~ ~~Issues not raised before the hearing officer shall not be raised in the briefs to the commission or otherwise considered by the commission. The commission shall not accept as part of the request for review additional or new evidence not submitted to the hearing officer and not already included in the written record.~~

~~(11)(12)~~ The standard of review of a decision by the hearing officer shall be a substantial evidence standard unless a different standard is required by **M.G.L. c. 23K** or **c. 128A** or **c.128C**. ~~The commission shall determine whether the decision of the hearing officer is supported by substantial evidence in accordance with the decisions of the Massachusetts courts regarding administrative review of agency decisions.~~

(12)(13) The commission shall conduct a **de novo** review of the decision of the hearing officer based upon the entire record submitted to the hearing officer, provided however, that findings made by the hearing officer regarding credibility of witnesses shall **be entitled to substantial deference** ~~not be reviewed~~ by the commission.

(13)(14) The commission may, **in whole or part**, affirm the decision of the hearing officer, **reverse** ~~vacate~~ the decision of the hearing officer, modify the decision of the hearing officer or remand the matter ~~back~~ to the hearing officer for further action in accordance with the commission's decision. ~~The commission may affirm, vacate or modify the decision of the hearing officer in whole or in part.~~ **Further, the commission may add any condition reasonably calculated to ensure a person's compliance or faithful performance, to penalize for the violations, and/or to deter future violation, including but not limited to fines.** In making its decision, the commission may rely on any evidence contained in the record and is not limited to the evidence cited by the hearing officer in support of hearing officer's decision.

(14)(15) The Commission shall issue a written decision as soon as administratively feasible and file it with the clerk. The clerk will provide a copy of the commission's decision to all parties.

101.05: Review of a Commission Decision

Decisions by the commission pursuant to 205 CMR 101 may be reviewed by the appropriate court pursuant to the provisions of M.G.L. c. 30A and M.G.L. c.23K; **however, the decisions of the commission shall be final and not reviewable with respect to applicants for key gaming employee or gaming employee licenses.**

101.06: Informal Disposition of an Adjudatory Proceeding

At any time during an adjudatory proceeding before a hearing officer or the Commission, the parties may make informal disposition of any adjudatory proceeding by stipulation, agreed settlement or consent order. Upon such a disposition, the parties are obligated to notify the hearing officer or Commission through a joint filing indicating that the matter has been resolved and that is signed by all parties and/or their representatives.



TO: Chairman Crosby, Commissioners Cameron,
Macdonald, Stebbins and Zuniga
FROM: Catherine Blue
CC: Ed Bedrosian
DATE: September 14, 2017
RE: Authority of the Commission to Assess Fines

Question: Does the commission have the authority to assess fines against a gaming licensee for non-compliance with laws, regulations, or conditions of its gaming license?

Response: The commission has the authority to assess fines against a gaming licensee for non-compliance with laws, regulations or conditions of its gaming license. The IEB is the primary enforcement body for regulatory matters and has the authority to investigate non-compliance and issue fines in the first instance, with the commissioners, acting as a public body, providing a forum for review of the IEB's decision.

Discussion:

The following provisions of chapter 23K relate to the question presented.

1. 23K§2: Commission-Massachusetts Gaming Commission established in 23K§3
23K§2: Commissioner: a member of the commission
2. 23K§3: There shall be a Massachusetts Gaming Commission which shall consist of 5 commissioners...

23K§3 (i): The commission shall appoint an executive director. The executive director...shall devote full time and attention to the duties of the office. The executive director shall... be the executive and administrative head of the commission and shall be responsible for administering and enforcing the provisions of the law relative to the commission and to each administrative unit thereof. The executive director shall...employ other employees...

23K§(j): The executive director may, from time to time and subject to the approval of the commission establish within the commission such administrative units as may be necessary for the efficient and economical administration of the commission...

3. 23K§4: The commission shall have the power to:

(15) fine a person (person is defined in 23K §2 as an "individual, corporation, association, operation, firm, partnership, trust or other form of business association) licensed...for any cause that the commission deems reasonable.



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(25) levy and collect...fines and impose penalties and sanctions for a violation of this chapter or any regulation promulgated by the commission

4. 23K§6

(a) the bureau is the primary enforcement agent for regulatory matters...

The bureau shall perform such functions as the chair (This authority was delegated to the executive director) may determine in relation to enforcement...

The duties of the [IEB director] ...shall be exercised and discharged subject to the direction, control and supervision of the chair (Authority delegated to the executive director)

5. 23K§23b: The commission may condition, suspend or revoke a gaming license.

(i) upon a finding that (a licensee) committed a criminal or civil offense...

(ii) is not in compliance with gaming regulations or is under criminal investigation in another jurisdiction...

(iii) has breached a condition of licensure

6. 23K§35

(a) the bureau may issue orders requiring persons to cease any activity which violates this chapter; a regulation... or any law related to gaming

(b) if the bureau finds that a person is not in compliance with any order issued under this section, it shall assess a civil administrative penalty...

(c) In addition to collecting civil penalties, the bureau may bring a civil action in superior court to restrain, prevent or enjoin any conduct prohibited by the chapter or to compel action to comply immediately and fully with any order issued by the bureau

(d) upon recommendation of the bureau the commission shall issue orders to condition, suspend or revoke a license or permit issued under this chapter.

7. 23K§ 36

(a) the bureau may assess a civil administrative penalty on a licensee or registrant who fail to comply with any provision of this chapter or regulation or order adopted by the commission.

(c) the bureau shall cause to be served upon the licensee... a written notice of its intent to assess a civil administrative penalty which shall include a concise statement of the alleged act or



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omission for which the civil administrative penalty is sought to be assessed, each law, regulation, order, license or approval which has not been complied with.

The term “commission” is defined in chapter 23K§2 as the commission established by c. 23K§3. In that same section commissioners are defined as members of the commission. Reading c. 23K §3 as whole, the commission is a governmental entity that consists of the commissioners and the employees who enforce the provisions of c.23K and its regulations as well as the policies and procedures instituted by the commissioners. Chapter 23K§6 specifically provides that the IEB is within the commission.

Section 4 of chapter 23K grants the commission the power to fine a person for any cause that the commission deems reasonable.¹ While this language gives the commission the authority to fine a gaming licensee it is not clear whether “commission” in this context refers to the commission the entity, the commissioners acting as a public body or the IEB pursuant to its authority to issue civil administrative penalties under §§35 and 36.

Section 6 describes the bureau and states that the bureau is the primary enforcement agent for regulatory matters. A licensee’s failure to comply with a regulation or with a condition of licensure is a regulatory matter.

Chapter 23K§23b describes in more specific detail the actions that may be taken when a gaming licensee fails to comply with gaming regulations or a condition of licensure. This section gives the commission the ability to condition, suspend or revoke the gaming license. The commission’s hearing regulation, 205 CMR 101 places the authority to condition, suspend or revoke a gaming license squarely with the commissioners acting as a public body.² Both section 35 and 36 give the IEB the authority to assess a civil administrative penalty if a person or licensee fails to comply with any provision of c.23K or fails to comply with any order issued by the bureau. Section 35 gives the bureau the authority to make recommendations to the commission regarding orders to condition, suspend or revoke a license.

Sections 6, 23b, 35 and 36 read together give the IEB the authority to investigate a gaming licensee’s failure to comply with a regulation or condition of licensure and gives the IEB the authority to issue a civil administrative penalty to the gaming licensee; recommend to the commissioners acting as public body the addition of further conditions to the license; recommend the suspension or revocation of the license, or all of these.

An alleged violation of a condition of licensure can be raised with the executive director by commission staff who in turn will refer the matter to the IEB for investigation. The IEB will

¹ Gaming licensees are “persons” under c.23K.

² 205 CMR provides that the commission shall hold a hearing on whether to condition, suspend or revoke a gaming license and that the commission’s decision can be appealed to superior court pursuant to c.30A.



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investigate the allegation and if supported by the investigation, can issue a fine using its statutory authority under §§35 and 36. The licensee has the option of paying the fine, entering into an agreed upon resolution with the IEB or appealing the fine to the commission in an adjudicatory proceeding. If the IEB believes that conditioning, suspending or revoking the gaming license is the appropriate penalty for non-compliance the IEB can, per c.23K§35, make a recommendation to the commission acting as public body which would then decide on an appropriate course of action. In either case, once the commission took action, the gaming licensee would have a right of review to superior court under c.30A.



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

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

141.01: Approval of Surveillance System

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

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

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

(4) The term division in 205 CMR 141.00 shall include Assistant Attorneys General and State Police assigned to the Division of Gaming Enforcement in accordance with M.G.L. c. 12, § 11M.

141.02: Commission Access to the Surveillance System

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

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

(2) Ability of commission and the division, upon written approval from the director of the IEB, the commander of the gaming enforcement unit of the State Police, or chief of the division to direct employees of the gaming establishment to vacate the monitoring room in the event that such presence would, in the determination of the commission or the division, compromise the integrity of an investigation and there are no alternative means available to pursue the information;

(3) Monitors located within the commission office in the gaming establishment which

are capable of accessing all video and audio and still photography available to the gaming licensee, with the ability for the commission to independently control any camera;

(4) Ability of the commission and the division, or its designated staff, to access the CCTV system and its transmissions, that have been encrypted to ensure security, remotely outside of the gaming establishment;

(5) Recording(s) or photographs(s) to be made by the gaming licensee at the direction of the commission or the division; and

(6) Integration of a priority system preventing staff of the gaming establishment from controlling a segment of the system when being utilized by the commission, the division, or its staff.

141.03: CCTV Equipment

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

(1) Light sensitive cameras, with lenses of sufficient magnification to allow for the reading of information on gaming chips, playing cards, dice, tiles, slot machine reel symbols, slot machine credit meters, and employee credentials and with 360° pan, tilt and zoom (“PTZ”) capabilities ~~without camera stops~~ to effectively and clandestinely monitor in detail and from various vantage points;

(2) Equipment and supplies as may be required by the commission, taking into consideration current developments in electronic and computer technology, for the effective performance of the activities to be conducted therein including, without limitation:

- (a) A communication system capable of monitoring all gaming establishment security department activities; and
- (b) If computerized monitoring systems are used by the gaming licensee in its gaming operations, view-only terminals which allow access to all information concerning cage, slot, and table games operations;

(3) High definition digital recording equipment which:

- (a) Permits the preservation and viewing of transmissions produced by all cameras;
- (b) Is capable of the superimposition of time and date stamping on each recording;
- (c) Possesses the ability to identify and locate a particular event that was recorded;
- (d) Reproduces events in color, unless otherwise approved by the commission;
- (e) Records all images on a hard drive or server;
- (f) Locks such that access to the erase and reformat functions, and system data files is restricted to employees specifically authorized for those purposes;
- (g) Provides uninterrupted recording of surveillance during playback or copying;
- (h) Is capable of copying original images while maintaining the original native format and that can store the images at a rate of not less than 30 frames per second;
- (i) Will record images at a minimum resolution of 320 x 240 and display during playback at a minimum resolution of 640 x 480;
- (j) Will store images in a format that is readable by the commission’s equipment;
- (k) Will store images in a format such that they can be verified and authenticated;
- (l) Is equipped with an uninterruptible power source to allow a proper system shutdown;
- (m) Films at four CIF (Common Intermediate Format) minimum 704 x 576 pixels resolution;

- (n) Films at 30 frames per second (real time recording) for all required filming, all operator observed activity, and all events requested by the commission; **and**
~~(o) Films at four frames per second for all facial recognition recordings; and~~
~~(p)~~ Ensures that all complimentary kiosk machines, self-redemption machines, change booths, and access to the surveillance server have dedicated **coverage sufficient to identify patrons and employees.** ~~facial recognition coverage.~~

- (4) Recording media, which shall be replaced as expeditiously as possible upon the manifestation of any significant degradation in the quality of the images or sound; and
- (5) Audio capability in the soft count room **and an alternative method to visually identify the drop box or asset number being processed from surveillance footage.**
- (6) Watermarking and encryption systems shall be explained in detail as part of the surveillance plan.

141.04: Areas to be Monitored and Recorded

- (1) A surveillance plan must provide, at a minimum, for the effective monitoring of the following areas of the gaming establishment in detail and from various vantage points:
- (a) The gaming area, including, but not limited to effective and clandestine observation of:
1. Slot machine play;
 2. Table game play including:
 - a. One or more fixed or PTZ cameras focused over each gambling table, covering the entire table layout, provided that each table is viewable by at least three PTZ cameras;
 - b. A sufficient number of cameras to monitor players and dealers at each gambling table that are:
 - i. Dedicated to each table; and
 - ii. Able to determine the card, **tile, dice** and chip values for winning hands.
 3. Each simulcast window that is open for business;
 4. Operations conducted in cashier cages, and the offices ancillary thereto, to include coverage sufficient to observe the face of each patron transacting business at each cage and satellite cage window from the direction of the cashier; and to include a fixed camera over each money drawer;
 - ~~5. Operations conducted at slot booths;~~
 65. All processes conducted in count rooms, within which there must be audio capability;
 76. Movement and storage of cash, gaming chips, and all other representatives of value, cards, dice, tiles, and any other equipment used in table games, drop boxes, slot drop boxes and ~~slot drop buckets~~ within the gaming establishment;
 87. All entrances and exits to and within the gaming area;
 - and
 98. The operation of gaming voucher redemption machines and gaming voucher systems and electronic transfer credit systems.
- (b) The following locations, persons or transactions:
1. A slot machine **or table game** that is connected to a progressive payout meter displaying a potential payout of \$50,000 or more;
 2. ~~uch~~ **Main** bank areas where gross revenue functions are performed as may be required by the commission;
 3. The execution of fills and credits at the chip bank;
 4. The collection of drop boxes, slot drop boxes, and slot cash storage boxes;

5. Any armored car collection or delivery of cash for which security escort or surveillance coverage is required;
 6. The inspection and distribution to gaming pits of cards, dice and tiles;
 7. Each transaction conducted at an automated bill breaker, voucher/coupon redemption and jackpot payout machine, as well as each replenishment or other servicing of any such machines;
 8. The count area or count room;
 9. Counting of dealer tips in accordance with 205 CMR and the policies and procedure submitted in accordance therewith.
- (c) The non-gaming area, including, but not limited to the effective and clandestine observation of:
1. Any location within the gaming establishment wherein any armored car collection or delivery of cash occurs;
 2. Any area where slot machines and gaming equipment or their respective parts are stored;
 23. Parking areas of the gaming establishment; and
 34. Public areas of the gaming establishment, designated by the commission for these purposes, including outside the entrances to the gaming area.
 5. Surveillance review area, (the area where all non-surveillance employees review coverage); Surveillance monitor room, surveillance rack room and server room.
- (d) Any other area so directed by the commission

(2) The gaming licensee shall submit for approval the ratio between the number of surveillance operators and the square footage of areas to be covered, which includes the minimum staffing in the monitor room at all times.

(3) Cameras shall be positioned:

- (a) In a manner that will prevent them from being obstructed, tampered with, or disabled; and
- (b) Behind a smoked dome, one-way mirror, or similar materials that conceal the camera from view.

141.05: Requirements of the Surveillance System Plan

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

(1) A training and qualifications program that shows surveillance operations personnel are properly trained or certified to recognize abnormalities and violations in procedures, including documentation of on-going training.

~~(1)~~(2) An adequate emergency power system at all times sufficient to prevent required monitoring from being unreasonably delayed, and a contingency plan to be utilized whenever a power failure occurs that can be used to operate the CCTV system in the event of a power failure. Such power system shall be tested in the presence of the commission at 12-month intervals subject to more frequent re-testing upon failure of a test;

~~(2)~~(3) A preventive maintenance program, implemented by technicians assigned to the surveillance department or, if assigned to another department, subject to the direction and control of the director of surveillance, which ensures that the entire CCTV system is maintained in proper working order and that transparent covers over CCTV system cameras are cleaned in accordance with a routine maintenance schedule. In the event that preventive maintenance to be performed by a technician assigned to another department is required on

an emergency basis, the surveillance department shall have priority with respect to personnel resources of such other department to ensure the efficacy of the CCTV system;

~~(3)~~(4) Connection to all gaming establishment alarm systems enabling instant notification of any such alarm and monitoring of any area to which the alarm applies and which provides a visible, audible or combination signal; provided, however, that any robbery or other emergency-type alarm shall be perceptually distinguishable from all non-emergency alarm types in a manner approved by the commission (for example, robbery alarm is the only audible alarm);

~~(4)~~(5) An updated photo library, consisting of photographs that are no more than four years old, of all current employees of the gaming establishment, which photo library shall be available to the commission upon request;

~~(5)~~(6) Provision for an updated operational blueprint depicting all areas of the gaming establishment, and elsewhere where CCTV coverage is available that is readily accessible to all monitoring room personnel and representatives of the commission. **In a PDF or other such common electronic format.**

~~(6)~~(7) A surveillance log securely maintained that includes detailed reports of all surveillances conducted. The log shall be maintained by monitoring room personnel and shall be stored securely, in a manner approved by the commission, within the surveillance department. The surveillance log shall be available for inspection at any time by the commission. At a minimum, the following information shall be recorded in a surveillance log:

- (a) Date and time each surveillance commenced;
- (b) The name and license credential number of each person who initiates, performs or supervises the surveillance;
- (c) Reason for surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitored is engaging;
- (d) The times at which each video or audio recording is commenced and terminated;
- (e) The time at which each suspected criminal offense is observed, along with a notation of the reading on the meter, counter or device that identifies the point on the video recording at which such offense was recorded;
- (f) Time of termination of surveillance; and
- (g) Summary of results of the surveillance.

~~(7)~~(8) Signals from all cameras required in accordance with 205 CMR 141.04 s shall be recorded and retained for a minimum of 30 days unless notified by the commission or the division within that period that any such recordings must be retained for any longer period so designated by the commission or the division and shall be made available for review upon request by the commission. In addition, any such recordings which are determined by the commission to be of potential evidentiary value shall be retained and stored pursuant to commission directives. Upon written request by a gaming licensee, the commission may allow a gaming licensee to retain surveillance recordings of certain areas of the gaming establishment for less than 30 days;

~~(8)~~(9) Continuous lighting of all areas, including gaming tables, **offices, cages, equipment storage rooms, card and dice destruction rooms** and pits, where CCTV system camera coverage is required by 205 CMR 141.04 that is of sufficient quality to produce clear recordings and still picture reproductions.

~~(9)~~(10) No use of multiplexing and quad recording devices for required surveillance recordings in accordance with 205 CMR 141.04.

~~(10)~~(11) That surveillance room entrances are not visible from the gambling floor;
and

~~(11) That a surveillance employee is present in the room and monitoring activities using the equipment any time the gaming establishment is conducting gambling activities and during the count process unless otherwise directed by the commission or division in accordance with 205 CMR 141.02(2).~~

141.06: Notice to the Commission of Changes

A licensee must notify the commission prior to any of the following occurring:

- (1) CCTV equipment is replaced; **including any change/upgrade to system hardware, firmware or software, including identifying the reason for the change.**
- (2) Slot machine or table game locations are modified (so as to enable the commission to review the new locations for adequate coverage);
- (3) Equipment Failure Occurs. Notice of such shall be immediately made to the IEB, upon discovery by the gaming licensee, and include the time and cause of the malfunction, if known, the time that the security department was apprised of the malfunction by the surveillance department, and any communications with the security department by the surveillance department relating to the malfunction; or
- (4) Camera relocation occurs.

141.07: Recording Transmission Outside of the Gaming Establishment

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

- (1) Wide-area progressive slot machine systems monitoring;
- (2) Remote access to the system exclusively by the commission and the division at an off-site commission office or division office via an encrypted transmission; and
- (3) Such transmissions as may be permitted outside the gaming establishment by written order of the commission.
- (4) Transmission of signal to the man-trap to allow department to view who is trying to gain entry.**

141.08: Independence of the Surveillance Department

A surveillance plan must provide for the independence of surveillance department employees assigned to monitor the activities of the gaming establishment. 205 CMR 141.08 shall include, at a minimum, that those employees shall be independent of all other departments. 205 CMR 141.08 must include the period of time that must lapse before:

- (a) ~~any~~ **Any** surveillance department employee who monitored the activities of the

gaming establishment may become employed in any department that said employee had monitored; and

(b) ~~any~~ Any non-surveillance employee who works in the gaming establishment of the gaming licensee can become employed in the surveillance department. Upon petition to the ~~commission~~ IEB and for good cause shown, the gaming licensee may request a relaxation of the time periods herein for individual cases.

141.09: Access to the Monitoring Room

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

(1) That the entrances to the monitoring room not be visible from the gaming area or any other public area;

(2) Identification by position of each employee allowed access to the monitoring room or any other designated area capable of receiving CCTV transmission. Any person who enters any monitoring room or such designated area who is not a surveillance department employee shall sign the Monitoring Room Entry Log upon entering the restricted area. The Monitoring Room Entry Log shall be:

(a) Kept in the CCTV monitoring room;

(b) Maintained in a book with bound numbered pages that cannot be readily removed or via an electronic equivalent;

(c) Signed by each person whose presence is not expressly authorized in accordance with 205 CMR 141.09(2), with each entry containing, at a minimum, the following information:

1. The date and time of entering into the monitoring room or designated area;

2. The entering person's name and his or her department or affiliation;

3. The reason for entering the monitoring room or designated area;

4. The name of the person authorizing the person's entry into the monitoring room or designated area; and

5. The date and time of exiting the monitoring room or designated area.

(3) The Monitoring Room Entry Log shall be made available for inspection by the commission at all times.

(4) For server based monitoring systems, a plan for restricting access to monitoring and recording by unauthorized personnel such as IT personnel and members of management.

(5) All servers and related equipment associated with the surveillance system shall be under control of the surveillance department.

(6) There shall be limited access to the surveillance server equipment. Notification in writing shall be made to the on-site IEB in advance of any outside vendor having access to the surveillance system. Emergency service access notification may be made via telephone to the on-site IEB, but shall be followed up with notification in writing as to the nature of the emergency. An electronic log shall be generated for any remote access into the system. The log entries shall contain the name of the person and company accessing the system, their license or registration number, the identity of the individual authorizing the access, the access method, the reason for access, the date of the access, and the time access was started and ended.

REGULATORY AUTHORITY

205 CMR 141.00: M.G.L. c. 23K, §§ 4(28), 4(37) and 5(9).



Legal Division

Amended Small Business Impact Statement

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 141.00: Surveillance of the Gaming Establishment**; for which a public hearing was held on August 17, 2017. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendments update the surveillance regulations to conform to best practices within the industry. These regulations are largely governed by M.G.L. c. 23K, §§ 4(28), 4(37) and 5(9).

These amendments apply directly to gaming licensees. Accordingly, these amendments are unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

There are no small businesses that the Commission anticipates will be impacted by these amendments as they apply solely to gaming licensees.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no small businesses that the Commission anticipates will be impacted by these amendments as they apply solely to gaming licensees.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

There are no small businesses that the Commission anticipates will be impacted by these amendments as they apply solely to gaming licensees.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

As a general matter, these proposed amendments are performance based and require surveillance design standards that ensure adequate coverage of the casino and comply with best practices within the industry.



Massachusetts Gaming Commission

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments update the surveillance regulations to conform to best practices within the industry and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

These amendments do not create any adverse impacts on small businesses.

Massachusetts Gaming Commission
By:

Todd Grossman, Deputy General Counsel
Legal Division

Dated: _____



Massachusetts Gaming Commission



August 18, 2017

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

RE: Blue Tarp reDevelopment Comments on Proposed Revisions to 205 CMR 141

To Whom It May Concern:

Blue Tarp reDevelopment, LLC (“MGM Springfield”) submits the following comments in connection with the Massachusetts Gaming Commission’s (the “Commission”) proposed changes to 205 CMR 141.00: *Surveillance of the Gaming Establishment*.

Section 141.06(1) requires a licensee to notify the Commission when CCTV equipment is replaced and the Commission proposes expanding this requirement to include "any change/upgrade to system hardware, firmware or software, including identifying the reason for the change." This additional language is overly broad. Changes to firmware or software can occur frequently. The Commission should first clarify that the notification requirement applies to CCTV equipment that is deployed to monitor areas as set forth in section 141.04 and should strike or limit the notification requirement for firmware or software changes, limiting the notification requirement to *replacement* of firmware or software, excluding regular system updates.

In addition, the Commission should further clarify, through the regulation or additional guidance, what an "alternative method" may consist of to visually identify the drop box or asset number being processed from surveillance footage as required in section 141.03(5).

MGM Springfield
One Monarch Place – Suite 910
Springfield, MA 01144
413-273-5000

Thank you in advance for your thoughtful consideration of these comments. Please do not hesitate to contact us with further comments or questions in this regard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Seth N. Stratton". The signature is fluid and cursive, with a large initial "S" and a distinct "N" and "Stratton" following.

Seth N. Stratton
Vice President and Legal Counsel

cc: Jed M. Nosal, Esq
Patrick Madamba, Jr., Esq.

205 CMR 141.00: SURVEILLANCE OF THE GAMING ESTABLISHMENT

141.03: CCTV Equipment

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

(5) Audio capability in the soft count room **and an alternative method to visually identify the drop box or asset number being processed from surveillance footage.**

PPC Comment: What does the MGC considered an “alternative method” to be? Please clarify “alternative”.

141.04: Areas to be Monitored and Recorded

(1) A surveillance plan must provide, at a minimum, for the effective monitoring of the following areas of the gaming establishment in detail and from various vantage points: ...

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

**5. Surveillance review area, (the area where all non-surveillance employees review coverage);
Surveillance monitor room, surveillance rack room and server room.**

PPC Comment: Does a camera covering the door to the room housing the surveillance racks and servers satisfy this potential change?

141.05: Requirements of the Surveillance System Plan

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

~~(5)~~(6) Provision for an updated operational blueprint depicting all areas of the gaming establishment, and elsewhere where CCTV coverage is available that is readily accessible to all monitoring room personnel and representatives of the commission. **In a PDF or other such common electronic format.**

PPC Comment: Surveillance typically works with Slot Tech Personnel to update the Slot Floor map for CCTV. The slot floor map is updated by Slot Tech Mgt. The MGC typically receives this map from this department. Would this current practice be considered non-compliant with the revision above?

141.07: Recording Transmission Outside of the Gaming Establishment

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

(4) Transmission of signal to the man-trap to allow department to view who is trying to gain entry.

PPC Comment: Currently, PPC Surveillance can see all mantrap doors and who is attempting to enter. This mantrap door coverage is kept displayed on a dedicated on a monitor. Surveillance

does not receive the alarm/transmission signal for the first (outer mantrap) door. This alarm is transmitted to Security. The alarms for the Cage and Count Room mantrap doors is transmitted to Surveillance. Would this current practice be considered non-compliant with the revision above?

141.09: Access to the Monitoring Room

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

(6) There shall be limited access to the surveillance server equipment. Notification in writing shall be made to the on-site IEB in advance of any outside vendor having access to the surveillance system. Emergency service access notification may be made via telephone to the on-site IEB, but shall be followed up with notification in writing as to the nature of the emergency. An electronic log shall be generated for any remote access into the system. The log entries shall contain the name of the person and company accessing the system, their license or registration number, the identity of the individual authorizing the access, the access method, the reason for access, the date of the access, and the time access was started and ended.

PPC Comment: PPC would log the information required in our I-Trak system. Would this practice be considered compliant with the revision regarding remote access and electronic logging above?

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 143.02: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

143.02: Progressive Gaming Devices

- (1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-12: Progressive Gaming Devices in Casinos, version 2.1, released September 6, 2011, subject to the following amendments:
- (a) Delete section 1.1.
 - (b) Delete section 1.2.
 - (c) Delete section 1.3.2.
 - (d) Delete section 1.4.
 - (e) Add the following after 2.4.2(a): “(b) No progressive meter(s) shall be turned back to a lesser amount unless:
 - (1) The amount indicated has been paid to a winning patron;
 - (2) The progressive jackpot amount won by the patron has been recorded in accordance with a gaming licensee’s system of internal controls;
 - (3) The change is necessitated by a slot machine or meter(s) malfunction, in which case for wide area progressive jackpots an explanation shall be entered on the Progressive Summary report described in GLI-12, section 3.2.9(a) and the Commission shall be informed; and
 - (4) The patron has opted to risk the progressive award as permitted by the rules of the slot machine game; or
 - (5) The jackpot has been removed or transferred in a manner consistent with Commission rules and 205 CMR 143.02(f)”
 - (f) Delete the last sentence of section 2.5.9 and replace with: “Such access shall be detailed in the gaming licensee’s approved system of internal controls in accordance with 205 CMR 138.53 and shall, at a minimum, incorporate the following requirement. The external progressive controller and/or bank controller shall be in a location approved by the Commission in a compartment or cabinet which has two separate locking mechanisms. One locking mechanism shall be maintained and controlled by the security department and the second locking mechanism shall be maintained and controlled by the slot department. Whenever the progressive controller and/or bank controller has been accessed written notification shall be provided to the Commission.” Alternative measures that achieve the same level of security concerning access to the progressive and/or bank controllers may be substituted for two separate locking mechanisms upon submission to and approval by the Commission.
 - (g) Delete in section 2.5.14 the words “local Internal Control procedures” and add the following: “following requirements: A gaming licensee may transfer a progressive jackpot amount on a stand-alone slot machine or a local area progressive with a common progressive meter, from the gaming area provided the gaming licensee receives written approval from the IEB prior to the transfer, and the accrued amount minus the seed amount of the progressive jackpot is:
 - (1) Transferred in its entirety; and

- (2) Transferred to one of the following:
 - a. The progressive meter for a slot machine with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot) as the slot machine from which the jackpot is being transferred; or
 - b. The progressive meters of two or more slot machines, provided that each slot machine to which the jackpot is transferred individually satisfies the requirements of 205 CMR 143.02(e)(2)(a).

Further, notice of intent to transfer the progressive jackpot, which shall be subject to approval by the IEB, shall be conspicuously displayed on the front of each applicable slot machine for at least 10 days in advance of the transfer.

- (h) Add the following after section 3.1.1:

“Gaming licensees may operate multi-site progressive gaming devices, also known as wide area progressives (WAP). WAPs shall consist of networks of linked gaming devices within Massachusetts and/or between Massachusetts and other casinos licensed in other states of the United States.

- (1) Each WAP shall be operated and administered:
 - a. By the participating gaming establishments in accordance with the terms of a written slot system agreement that has been executed by each participant and filed and approved by the Commission; or
- (2) The person designated in a slot system agreement responsible for the operation and administration of a WAP shall be referred to as a slot system operator and shall be licensed under 205 CMR 143 as a gaming vendor primary.
 - a. More than one slot system operator may be involved in the operation and administration of a WAP. A slot system operator may be involved in the operation and administration of more than one WAP.
 - b. An agreement between a slot system manufacturer and a casino licensee pursuant to which the slot system manufacturer agrees to sell, lease, or service, but not operate or administer, WAP components shall not be considered a slot system agreement. A separate agreement may be entered between the slot system manufacturer and each casino licensee participating in the WAP.
- (3) Each slot system agreement shall specifically identify and describe the role, authority, and responsibilities of each participating casino and each slot system operator in the conduct of the WAP. The agreement shall comply with GLI-12 or specifically identify where it deviates from the GLI-12 standards. The agreement shall include the following:

- a. A description of the WAP including the process by which significant decisions that affect the operation of the game are approved and implemented by each casino or slot system operator;
- b. If applicable, the casino or slot system operator responsible for establishing and serving as trustee of a trust for a WAP offering an annuity jackpot;
- c. The casino or slot system operator initially responsible for the funding and payment of all jackpots, fees, and taxes associated with the operation of the WAP; and
- d. The casino or slot system operator responsible for generating, maintaining and filing all records and reports required by G.L. c. 23K and any applicable rules or regulations of the Commission.
- e. The method to ensure the accurate accounting of all contributions;
- f. The method to ensure that each participating state's tax laws are adhered to;
 - i. Said method to include a description for determining the pro rata share of a system payout for purposes of gross revenue deductibility and its method for determining the proportionate share of gaming taxes and fees owed by the operator to the casino. In calculating gross revenue, a casino may deduct its pro rata share of a payout from a game played in a WAP system. The amount of the deduction must be determined based upon the written agreement among the licensed gaming establishments participating in the WAP system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with a WAP system are also deductible on a pro rata basis to the extent of the compensation received for the right to participate in that contest or tournament. The deductions may be taken only by those participating licensed gaming establishments that held an active gaming license at any time during the month in which the payout was awarded.
- g. Procedures to address dispute resolution;
- h. Procedures to accept additional participants once the link is established in casinos of more than one state;
- i. Procedures to ensure the multistate progressive system operator is credentialed in all participating states;
- j. The method for withdrawal from the WAP, including the specific method in which progressive values are transferred when removing or replacing machines. At the minimum, said method should account for the transfer of jackpots, less the reset value, to other progressive slot machine jackpots of similar progressive wager and probability at the same facility within 30 days from the removal date. In the event that a similar progressive jackpot at the same facility is unavailable, other transfers shall be allowed. A

Commission representative shall be notified in writing prior to a removal or transfer.

- k. Multistate progressive system parameter requirements including:
 - i. Maximum odds for obtaining the multistate jackpot;
 - ii. The base amount of the multistate jackpot award;
 - iii. The reset amount of the multistate jackpot award;
 - iv. The rate of increment of the multistate jackpot award;
 - v. The hidden rate, which means the increment rate for one or more reserve pools used to fund the next reset amount when applicable;
 - vi. The minimum wager required to qualify for the progressive jackpot; and
 - vii. Any other parameter as may be required in order to ensure the proper accounting and auditing of the multistate progressive system
- l. Procedures for the independent reconciliation of the multistate jackpot amount when won.
- m. Each gaming licensee or slot system operator seeking approval to participate in a WAP shall confirm to the Commission that they have in place a system of accounting and internal controls that satisfy the requirements of G.L. c. 23K and any applicable rules or regulations concerning the operation of slot machines and WAPs. The internal controls shall include a list of each employee serving in a slot system operator position title.
- n. Each WAP shall be controlled and operated from a computer monitoring room subject to inspection by the Commission. The computer monitoring room for a WAP shall:
 - i. Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that slot system;
 - ii. Have continuous surveillance coverage of the operation of the slot system and its equipment in a manner approved by the Commission. Said surveillance coverage shall include the secure retention of recordings for a period of no less than 30 days or for such longer period if requested by the Commission if particular recordings are determined to hold evidentiary value:
 - iii. Have a Computer Monitoring Room Entry Log, which Log shall be:
 1. Kept in the computer monitoring room;
 2. Maintained in a book with bound numbered pages that cannot be readily removed or in an electronic format as approved by the Commission; and
 3. Signed by each person whose presence is not expressly authorized and identified in the internal controls of the computer monitoring room slot

system operator, with each Log entry containing, at a minimum, the following information:

- a. The date and time entering the computer monitoring room;
 - b. The entering person's name, his or her department or employer and, if applicable, his or her employee license number;
 - c. The reason for entering the computer monitoring room;
 - d. The name of the person authorizing the person's entry into the computer monitoring room; and
 - e. The date and time of exiting the computer monitoring room;
 - f. Be readily accessible to Commission personnel 24 hours a day;
 - g. Be housed in a facility approved by the Commission that is owned or leased by a slot system operator; and
 - h. Be designed in a manner that assures that the multi-casino progressive slot system shall not be disrupted."
- (i) Add the following after "Initial laboratory testing" in section 3.1.2(a) and "set up are tested" in section 3.1.2 (b): "in accordance with 205 CMR 144.04"
- (j) From section 3.4.1 delete "the gaming regulator shall adopt procedures for" and replace it with "each player shall be entitled to"



Legal Division

Amended Small Business Impact Statement

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 143.00: Gaming Devices and Electronic Gaming Equipment**; for which a public hearing was held on August 17, 2017. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendments supplement the previously adopted GLI (Gaming Laboratory International) standards pertaining to progressive slot machines and wide area progressive slot machines. These regulations are largely governed by G.L. c.23K, §§4(28) and 5.

These amendments apply directly to gaming licensees and gaming device vendors. To the extent that a gaming device vendor is a small business, small businesses may be impacted.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

There are no less stringent compliance or reporting requirements for small businesses. These amendments are supplements to existing standards.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no less stringent schedules or deadlines for compliance or reporting requirements for small businesses. These amendments are supplements to existing standards.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

There are no additional compliance or reporting requirements for small businesses. These amendments are supplements to existing standards.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

These amendments provide flexibility to add new products.



Massachusetts Gaming Commission

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments are not likely to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

These amendments do not create any adverse impacts on small businesses.

Massachusetts Gaming Commission
By:

Todd Grossman, Deputy General Counsel
Legal Division

Dated: _____



Massachusetts Gaming Commission



August 18, 2017

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

RE: Blue Tarp reDevelopment Comments on Proposed Revisions to 205 CMR 143.00

To Whom It May Concern:

Blue Tarp reDevelopment, LLC (“MGM Springfield”) submits the following comments in connection with the Massachusetts Gaming Commission’s (the “Commission”) proposed changes to 205 CMR 143.00: *Gaming Devices and Electronic Gaming Equipment*.

In section 1(f) of the amendments, the Commission proposes to deviate from the GLI standards for security in connection with access to the external progressive controller, specifically requiring the controller to be in a compartment or cabinet that has *two separate locking mechanisms*. MGM Springfield supports this approach but recommends that only one locking mechanism be required, coupled with a requirement for approval of both the slot department and security department to obtain the key and access to the compartment or cabinet. A system such as Keywatcher can restrict the key to require "dual-access". A single locking mechanism with dual access approval will accomplish the Commission's objective regarding restricted access to the external progressive controller without necessitating two separate locks.

Thank you in advance for your thoughtful consideration of these comments. Please do not hesitate to contact us with further comments or questions in this regard.

MGM Springfield
One Monarch Place – Suite 910
Springfield, MA 01144
413-273-5000

Sincerely,

A handwritten signature in blue ink, appearing to read "Seth N. Stratton". The signature is fluid and cursive, with the first name "Seth" being the most prominent.

Seth N. Stratton

Vice President and Legal Counsel

cc: Jed M. Nosal, Esq
Patrick Madamba, Jr., Esq.

143.01: Standards for Gaming Devices (1)(e)

(e) Add the following after section 2.3.2: “2.3.3 Game integrity. The gaming licensee shall develop and submit to the IEB and the commission’s gaming lab for approval a preventive maintenance program for the care and upkeep of any such mechanical pieces or any physical moving parts and/or any physical parts of any slot machine, or player interaction devices, **that may affect the outcome of any game** to ensure the integrity of the outcomes. The IEB may require any such part to be replaced.”

PPC Comment: The highlighted terminology is not applicable

“...that may affect the outcome of the game...” The RNG (random number generator) is the only thing that affects the outcome of the game, and we cannot PM (preventative maintenance) that.

For REEL games we can PM the reel baskets and controls that "display" the outcome of the game, but again, these do not "affect the outcome of the game."

For VIDEO reels and VIDEO Poker, there are not items that we can PM that will "affect the outcome of the game" for the same reasons as above.

We can maintain the monitor, button panels, CPU cooling fans, etc., but that is all that the PM program would entail.

143.01: Standards for Gaming Devices (3) & (4)

(3) For purposes of M.G.L. c. 23K and 205 CMR **a slot machine that has multiple gaming positions**, as defined by M.G.L. c. 23K, § 2, shall be considered a single slot machine. Provided, however, a Category 2 licensee shall not have more than 1,500 gaming positions available for play at any one time.

(4) **All slot machines and other electronic gaming devices** shall be capable of providing the commission with a near real-time stream of data, other than personally identifiable information, in the communication format specified by the commission in 205 CMR 143.16(1) **directly from each slot machine of or electronic gaming device.**

PPC Comment: Although the existing text is not in red font (i.e., subject to change), PPC notes that the following clarification should be considered:

(3) only states “Slot Machine” with “Multiple Gaming Positions”, while (4) states “Slot Machine and other Electronic Gaming Devices” (denoting Electronic Table Games specifically) – for clarity, and since there are no “Slot Machines” with multiple gaming positions, (3) should contain the same language as (4) stating: “Slot Machines and other electronic gaming devices with multiple gaming positions”

143.02: Progressive Gaming Devices (1)(e)(2)

(e) Add the following after 2.4.2(a): “(b) No progressive meter(s) shall be turned back to a lesser amount unless:

- 1) The amount indicated has been paid to a winning patron;
- 2) The progressive jackpot amount won by the patron has been recorded in accordance with a gaming licensee’s system of internal controls;

PPC Comment: Does "recorded" mean that progressive amount is electronically stored in the Slot Operating System (ACSC)? Or does it mean the manual recording of the meters by slots and audit? We “record” the progressive meters both ways.

143.02: Progressive Gaming Devices (1)(g)(2)(a)

(g) Delete in section 2.5.14 the words “local Internal Control procedures” and add the following: “following requirements: A gaming licensee may transfer a progressive jackpot amount on a stand-alone slot machine or a local area progressive with a common progressive meter, from the gaming area provided the gaming licensee receives written approval from the IEB prior to the transfer, and the accrued amount minus the seed amount of the progressive jackpot is:

- (1) Transferred in its entirety; and
- (2) Transferred to one of the following:
 - a. The progressive meter for a slot machine with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot) as the slot machine from which the jackpot is being transferred;

PPC Comment: The verbiage "similar probability" is too vague. Who, from the MGC will be verifying this when we PPC tries to submit and what methodology will this MGC team member be using to make this determination? PPC suggests, striking this from the proposed regulation as the main point should be that patrons do not have to bet a higher wager to win a relocated progressive amount. This is already covered with the text “...the same or lower wager requirement...”.

Category	Section	Quote From Standards	Scientific Games Feedback
Technology	143.02(1)(c)	(c) Delete section 1.3.2.	<p><i>With regard to 143.02(1)(c), SG recommends that section 1.3.2 not be deleted.</i></p> <p><i>First and foremost, deleting GLI 12 v2.1 section 1.3.2 could limit the possibility of future development of <u>progressive systems</u> that would otherwise meet the letter and/or spirit of the regulations. This section was included with GLI-12 to specifically address progressive technology. Additionally, regulation 143.01 does not delete the matching section from GLI-11. For consistency across all technologies, we suggest leaving section 1.3.2 in regulation 143.02 as was done with regulation 143.01.</i></p>
WAP	143.02(1)(j)	(j) From section 3.4.1 delete “gaming regulator shall adopt” and replace it with “each player shall be”	<p><i>As written, this would change GLI-12 v2.1 §3.4.1 to the following:</i></p> <p><i>“Multiple Jackpots During the Same Polling Cycle.</i> When Multiple jackpots occur, where there is no definitive way of knowing which jackpot occurred first, they will be deemed to have occurred simultaneously; and therefore, the <u>each player shall be</u> procedures for payment of such jackpots occurrences.”</p> <p><i>Please clarify the intent of this change as the language is confusing.</i></p> <p><i>If the intent is simply to ensure the player is informed of the procedures for payment of such jackpots, we recommend the following adjustment:</i></p> <p><i>“Multiple Jackpots During the Same Polling Cycle.</i> When Multiple jackpots occur, where there is no definitive way of knowing which jackpot occurred first, they will be deemed to have occurred simultaneously; and therefore, the gaming regulator shall adopt <u>each player shall be informed of the</u> procedures for payment of such jackpots occurrences.”</p> <p><i>Alternatively, if the intent is to specify that “each player shall be <u>paid</u>”, then it is unclear whether the requirement is for each player to be paid an equal share of the singular jackpot (split as co-winners) or each player shall be paid the full amount of the jackpot (multiple jackpots, no split). Or some other pay combination not considered here. Given that most WAP agreements include procedures for payments of such occurrences, we suggest this change:</i></p> <p><i>“Multiple Jackpots During the Same Polling Cycle.</i> When Multiple jackpots occur, where there is no definitive way of knowing which</p>

<u>Category</u>	<u>Section</u>	<u>Quote From Standards</u>	<u>Scientific Games Feedback</u>
			<p>jackpot occurred first, they will be deemed to have occurred simultaneously; and therefore, the gaming regulator shall adopt slot system agreement procedures for payment of such jackpots occurrences shall be applied."</p>

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 115.00: PHASE 1 AND NEW QUALIFIER SUITABILITY DETERMINATION,
STANDARDS, AND PROCEDURES

115.01: Phase 1 and New Qualifier Determination Standards

- (1) Phase 1 Determination Standards. The commission shall not issue an affirmative determination of suitability for any Category 1 or Category 2 applicants unless:
- a) The applicant meets the standards in M.G.L. c. 23K, §§ 12, 16, 46 and 47.
 - b) The applicant complies with the provisions of 205 CMR 111.00: *Phase 1 Application Requirements* and 205 CMR 115.00.
 - c) The commission has determined that the applicant has demonstrated financial stability pursuant to 205 CMR 117.00: *Phase I Determination of Financial Stability*.
 - d) All qualifiers under 205 CMR 116.02: *Persons Required to be Qualified* have been determined to be suitable by the commission or received a waiver under 205 CMR 116.03: *Waivers*.
- (2) Burden of Proof. All applicants for a Phase 1 suitability determination must establish their qualifications by clear and convincing evidence.
- (3) New Qualifiers. Subsequent to the issuance of a positive determination of suitability in accordance with 205 CMR 115.05(3) relative to a gaming licensee or applicant for a gaming license, if a new person is designated by the bureau as a person required to be qualified in accordance with 205 CMR 116.02: *Persons Required to be Qualified*, they shall submit a completed application to the bureau. An entity qualifier shall submit to the bureau a *Business Entity Disclosure Form - Category 1 and Category 2 Entity Applicants and Holding/Intermediary Companies* in accordance with 111.02. An individual qualifier shall submit to the bureau a *Multi-jurisdictional Personal History Disclosure Form* in accordance with 205 CMR 111.03 and a Massachusetts Supplemental Form in accordance with 205 CMR 111.04. A new qualifier designated in accordance with 205 CMR 116.02: *Persons Required to be Qualified* must establish their qualifications and meet the standards in M.G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence and shall be subject to all applicable procedures contained in 205 CMR 115.00.
- (4) Continuing duty. Once issued a positive determination of suitability, the gaming licensee and all qualifiers shall have a continuing duty to maintain suitability in accordance with 205 CMR 115.01(1) and (2). The gaming licensee and each qualifier shall have a continuing duty to notify and update the IEB, in writing, within ten days of the occurrence, or where applicable, gaining knowledge of the following:
- (a) Any denial, suspension or revocation by a government agency in any jurisdiction of a gaming related license, registration, certification, permit or approval held by or applied for by the gaming licensee or qualifier;

- (b) Any discipline, including a fine or warning, related to gaming operations imposed upon the gaming licensee or qualifier by any government agency in any jurisdiction;
- (c) Any fine related to gaming operations assessed on any gaming entity owned or operated by the parent to the gaming licensee by any government agency in any jurisdiction.
- (d) Any arrest, indictment, charge or criminal conviction of any qualifier in any jurisdiction;
- (e) Any complaints, allegations, or notice of investigation thereof made or known to be contemplated by a gaming regulator or other governmental agency against the gaming licensee, qualifier, or any gaming entity owned or operated by the parent to the gaming licensee, of which the gaming licensee or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential revocation or suspension of the license or approval held by the gaming licensee, qualifier, or gaming entity owned or operated by the parent to the gaming licensee, in that jurisdiction and/or imposition of a fine of \$50,000 or greater;
- (f) Any reports, complaints, allegations, or material legal proceedings made, commenced, or known to be contemplated by a governmental agency against the gaming licensee or qualifier, of which the gaming licensee or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential criminal charges, including but not limited to allegations of theft or embezzlement;
- (g) Any information known or that should reasonably be known to the gaming licensee or qualifier, including by way of receipt of a subpoena, that the gaming licensee or qualifier is or may be the subject of a criminal investigation by a law enforcement or regulatory agency;
- (h) Any exclusion or barring of a qualifier from any casino, gaming establishment or gambling/gaming related entity in any jurisdiction;
- (i) The termination, suspension from employment, or other discipline of any key gaming employee licensed in accordance with 205 CMR 134.00 or qualifier;
- (j) Any material pending legal proceedings required to be reported in accordance with 17 CFR 229.103 - (Item 103) *Legal proceedings*. For purposes of 205 CMR 115.01(4)(j) the registrant referred to in 17 CFR 229.103 - (Item 103) shall be both the gaming licensee and the parent company of the gaming licensee as determined by the IEB. Additionally, the gaming licensee and each qualifier shall provide notice of any pending legal proceeding which includes any allegation of fraudulent conduct by the gaming licensee or a qualifier, that may reasonably threaten the economic viability of the gaming licensee or a qualifier, or that alleges a pattern of improper conduct by the gaming licensee or a qualifier over a sustained period of time;
- (k) Any *significant financial event* related to a gaming licensee or entity qualifier. For purposes of 205 CMR 115.01(4)(k) a *significant financial event* means a merger, acquisition, consolidation, debt restructuring, material change in debt rating by major credit rating agencies (US/International), legal entity change, material ownership change, the assessment of a fine or penalty of \$250,000 or greater by the SEC or international equivalent, restatement of previously issued financial statement(s), late filing of financial

statement(s) with the SEC or international equivalent, US or international equivalent bankruptcy petition, default of financial debt covenants and receivership, disposal of a material business segment or asset, or adverse action(s) taken by the IRS;

- (l) Issuance of an “Adverse” or “Qualified” audit opinion, or the international equivalent, by an independent accountant to the gaming licensee or qualifier;
- (m) A change in accounting firm engaged to perform attestation and/or assurance services for the gaming licensee or qualifier; and
- (n) Issuance of a delisting notice from a United States or international stock exchange relative to the gaming licensee or qualifier.

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Legal Division

Amended Small Business Impact Statement

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 115.00: Phase 1 and New Qualifier Suitability Determination, Standards, and Procedures**; for which a public hearing was held on August 17, 2017. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendments clarify licensee and qualifier reporting and update requirements to the Investigations and Enforcement Bureau. These regulations are largely governed by G.L. c. 23K, §§ 4(37), 5, 12, 13, 14(i), 16, 17, 46 and 47.

These amendments apply directly to gaming licensees and qualifiers. To the extent that entity qualifiers are small businesses, the amendments may impact small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

To the extent that entity qualifiers are small businesses, there is a duty to report any changes in the listed occurrences to ensure continuing suitability. The proposed amendments merely clarify, not create, the duty to report certain events to the commission.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

To the extent that entity qualifiers are small businesses, there is a duty to report any changes in the listed occurrences to ensure continuing suitability. The proposed amendments merely clarify, not create, the duty to report certain events to the commission.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

To the extent that entity qualifiers are small businesses, there is a duty to report any changes in the listed occurrences to ensure continuing suitability. The



Massachusetts Gaming Commission

proposed amendments merely clarify, not create, the duty to report certain events to the commission.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

Policies and procedures for occurrences that require reporting must be prescriptive in nature in order to ensure continuing suitability of the licensee and qualifier.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The amendments clarify licensee and qualifier reporting and update requirements to the Investigations and Enforcement and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

These amendments do not create any adverse impacts on small businesses. The proposed amendments merely clarify, not create, the duty to report certain events to the commission.

Massachusetts Gaming Commission

By:

Todd Grossman, Deputy General Counsel
Legal Division

Dated: _____



Massachusetts Gaming Commission



August 18, 2017

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

RE: Blue Tarp reDevelopment Comments on Proposed Revisions to 205 CMR 115

To Whom It May Concern:

Blue Tarp reDevelopment, LLC (“MGM Springfield”) submits the following comments in connection with the Massachusetts Gaming Commission’s (the “Commission”) proposed changes to 205 CMR 115.00, *Phase 1 and New Qualifier Suitability Determination, Standards, and Procedures*.

The continuing duty obligations contained in section 115.04(j)-(n) track many of the same requirements for publicly traded companies subject to the jurisdiction of the Security and Exchange Commission's (SEC) continuing duty to timely report material events and other matters. The Commission can accomplish its continuing reporting goals in the redrafted Section 115.04 more efficiently and with substantially less burden on its licensees by providing an option of meeting a subset of these obligations through the submission of SEC filings and other materials. For publicly traded companies, this approach will ensure consistency between what is required to be filed with federal regulators and the Commission, which has utilized many of the same standards and thresholds for reporting information and events as required by the SEC. MGM Springfield therefore recommends that the Commission amend 205 CMR 115.04 by adding the following a new section:

(5) *Security and Exchange Commission Filings*. A qualifier that is a publicly traded corporation shall be considered to have complied with the requirements of Sections 115.04(j)-(n) if it has complied with the reporting and filing requirements of the SEC and provided copies of such filings, including required SEC filings of the qualifier's affiliates, as well as any notices, enforcement actions or other materials issued by the SEC to the qualifier or qualifier's affiliate within ten (10) business days of filing or receipt to the IEB including but not limited to the following reports and forms:

MGM Springfield
One Monarch Place – Suite 910
Springfield, MA 01144
413-273-5000

- (a) Form 10.
- (b) Form 10-Q.
- (c) Form 10-K.
- (d) Form 8-K.
- (e) Form 1-A.
- (f) Registration Statement S-1.
- (g) Registration Statement SB-2.
- (h) Registration Statement 10-SB.
- (i) Report 10-KSB.
- (j) Report 10-QSB.
- (k) Schedule 13e-3.
- (l) Schedule 14D-9.
- (m) A filing required by rule 14f-1 promulgated under the securities exchange act of 1934, 15 U.S.C. § 78a et seq.

Thank you in advance for your thoughtful consideration of these comments. Please do not hesitate to contact us with further comments or questions in this regard.

Sincerely,



Seth N. Stratton
Vice President and Legal Counsel

cc: Jed M. Nosal, Esq
Patrick Madamba, Jr., Esq.

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

134.04: Vendors

(4) Gaming Vendor Qualifier.

(b) Gaming Vendors-primary. The following persons shall be designated as gaming vendor-primary qualifiers:

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

(c) Gaming Vendors-secondary.

1. If the gaming vendor-secondary applicant is a sole proprietor, the Owner shall be designated as a qualifier.
2. If the gaming vendor-secondary applicant is a corporation, limited liability corporation, limited partnership, or partnership:
 - a. Each Officer, Member, Partner or functional equivalent ~~w~~ expected to exercise operational control over the business under the jurisdiction of the commission shall be designated as a qualifier;
 - b. ~~Any person who will act as a sales representative or regularly engage in the solicitation of business from a licensed gaming establishment shall be designated as a qualifier;~~
 - b.e. Any person owning more than 5% of the common stock of a company applying for licensure as a gaming vendor-secondary shall be designated as a qualifier;
 - c.d. In the judgment of the Division of Licensing after consultation with the Bureau any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the commission shall be designated as a qualifier;
 - d.e. The Division of Licensing after consultation with the Bureau may designate any person owning more than 5% of the common stock of a holding or

intermediary company of an applicant for licensure as a gaming vendor-secondary as a qualifier.

e.f. The Division of Licensing after consultation with the Bureau may designate any inside director ~~or any outside director or its functional equivalent serving on the audit or compliance committees~~ as a qualifier.

DRAFT



Legal Division

Amended Small Business Impact Statement

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations**; for which a public hearing was held on August 17, 2017. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendments remove outside directors and sales representatives as automatic gaming vendor qualifiers. The amendments will remove automatic submission and background investigation requirements for outside directors and sales representatives from the gaming vendor application process. These regulations are largely governed by G.L. c. 23K, §§ 12, 16, 30, 31.

These amendments apply directly to gaming vendor outside directors and sales representatives. To the extent that gaming vendors are small businesses, the amendments may impact small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

To the extent that gaming vendors are small businesses, these amendments are intended to streamline the application process.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

To the extent that gaming vendors are small businesses, these amendments are intended to streamline the application process.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

To the extent that gaming vendors are small businesses, these amendments are intended to streamline the application process.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:



Massachusetts Gaming Commission

These amendments do not implicate a design or performance standard.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The amendments remove automatic submission and background investigation requirements for outside directors and sale representatives and therefore it may encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

These amendments do not create any adverse impacts on small businesses. These amendments are intended to streamline the application process.

Massachusetts Gaming Commission

By:

Todd Grossman, Deputy General Counsel
Legal Division

Dated: _____



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 3.00: HARNESS HORSE RACING

3.27: Veterinary Practices

~~(1) — Veterinarians under Authority of Official Veterinarian. Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the judges. The official veterinarian shall recommend to the judges or the Commission the discipline that may be imposed upon a veterinarian who violates 205 CMR 3.00.~~

~~(2) — Treatment Restrictions.~~

~~(a) Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.~~

~~(b) Except as otherwise provided by 205 CMR 3.27(2), no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, or chemical to a horse at any location under the jurisdiction of the Commission.~~

~~(c) 205 CMR 3.27(2) does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:~~

~~1. A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;~~

~~2. A non-injectable substance on the direction or by prescription of a licensed veterinarian; or~~

~~3. A non-injectable non-prescription medication or substance.~~

~~(d) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the judges and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the judges and/or the Commission.~~

~~(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 3.29(6), unless approved by the official veterinarian or his or her designee. Any unauthorized contact may result in the horse being scratched and may result in further disciplinary action by the judges.~~

~~(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time, or prior to the time prescribed to be present in the race paddock for the race entered.~~

~~(3) Veterinarians' Reports.~~

~~(a) Every veterinarian licensed by the Massachusetts Gaming Commission shall keep a written record of his or her practice when performed on the premises of a facility under the jurisdiction of the Commission which shall disclose:~~

- ~~1. the name of the horse;~~
- ~~2. the type of treatment prescribed for and medicine administered to the horse;~~
- ~~3. the date of such treatment.~~

~~(b) Every licensed Veterinarian shall produce such written records when requested by an official of the Massachusetts Gaming Commission.~~

1. Veterinarians under the Authority of the Official Veterinarian

Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the stewards. The official veterinarian shall recommend to the stewards or the Commission the discipline that may be imposed upon a veterinarian who violates the rules.

2. Appropriate Role of Veterinarians

The following limitations apply to drug treatments of horses that are engaged in activities, including training, related to competing in pari-mutuel racing in the jurisdiction:

(a) No drug may be administered except in the context of a valid veterinarian-client-patient relationship between an attending veterinarian, the horse owner (who may be represented by the trainer or other agent) and the horse. The owner is not required by this section to follow the veterinarian's instructions, but no drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. Such relationship requires the following:

- (i) The veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;
- (ii) The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
- (iii) The veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;
- (iv) The veterinarian is available to evaluate and oversee treatment outcomes or has made appropriate arrangements for continuing care and treatment;
- (v) The relationship is maintained by veterinary visits as needed; and;
- (vi) The veterinary judgments of the veterinarian are independent and are not dictated by the trainer or owner of the horse.

(b) No prescription drug may be administered except as prescribed by an attending veterinarian.

(c) The trainer and veterinarian are both responsible to ensure compliance with these limitations on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the veterinarian and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the horse owner (who may be represented by the trainer or other agent).

3. Treatment Restrictions

(a) Only licensed trainers, licensed owners or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.

(b) Except as otherwise provided by this section, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the Commission.

(c) This section does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

(i) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(ii) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(iii) A non-injectable non-prescription medication or substance.

(d) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the stewards and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the Commission.

(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR unless approved by the official veterinarian. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the judges.

(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time or one hour prior to first post time, whichever is earlier.

4. Veterinarians' Reports

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the medication report form prescribed by the Commission, report to the official veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the Commission, the name of the horse treated, any medication, drug, substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(b) The medication report form shall be signed by the practicing veterinarian.

(c) The medication report form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of the Commission's regulations or in a proceeding before the stewards or the Commission, or to the trainer or owner of record at the time of treatment.

(d) A timely and accurate filing of a medication report form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

3.28: Prohibited Practices

~~The following are considered prohibited practices:~~

- ~~(1) The possession or use of a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which:
 - ~~(a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or~~
 - ~~(b) the use of which may endanger the health and welfare of the horse or endanger the safety of the driver; or~~
 - ~~(c) the use of which may adversely affect the integrity of racing; or,~~
 - ~~(d) no generally accepted use in equine care exists.~~~~

3.28: continued

~~(2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the Commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the official veterinarian or his or her designee.~~

~~(3) The possession and/or use of the following substances or of blood-doping agents, including but not limited to those listed in 205 CMR 3.28(3)(a) through (j), on the premises of a facility under the jurisdiction of the Commission is forbidden:~~

~~(a) Aminoimidazole carboxamide ribonucleotide (AICAR) (b) Cobra venom or derivatives thereof~~

~~(c) Darbepoetin~~

~~(d) Equine Growth Hormone~~

~~(e) Erythropoietin (EPO) (f) Hemopure~~

~~(g) myo-Inositol Tripyrophosphate (ITPP) (h) Oxyglobin~~

~~(i) Snail venoms or derivatives thereof~~

~~(j) Thymosin beta~~

~~(4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:~~

~~(a) Any treated horse shall not be permitted to race or qualify for a minimum of ten days following treatment;~~

~~(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission using registered and approved machines;~~

~~(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the official veterinarian or his or her designee before use.~~

~~(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported within one day to the official veterinarian or his or her designee on the prescribed form. The horse shall be added to a list of ineligible horses.~~

~~(e) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of 205 CMR 3.28(4) shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.~~

~~(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his or her designee.~~

~~1. No person may possess or use a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which~~

~~(a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or~~

(b) the use of which may endanger the health and welfare of the horse or endanger the safety of the driver; or

(c) the use of which may adversely affect the integrity of racing; or,

(d) no generally-accepted use in equine care exists.

2. Prohibited Substances and Methods:

(a) The substances and methods listed in the annexed Prohibited List may not be used at any place or time, and may not be possessed on the premises of a racing or training facility under the jurisdiction of the Commission, except as a restricted therapeutic use.

(b) Restricted Therapeutic Use. A limited number of medication on the Prohibited List shall be exempted when the administration occurs in compliance with the annexed Required Conditions for Restricted Therapeutic Use:

(i) Report When Sampled means the administration of the substance must be reported to the commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;

(ii) Pre-File Treatment Plan means that if the commission where the horse is located requires the filing of treatment plans, then a treatment plan for the substance must be filed by the time of administration in a manner approved by such commission;

(iii) Written Approval from Commission means the commission has granted written approval of a written treatment plan before the administration of the substance;

(iv) Emergency Use (report) means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the commission as soon as practicable after the treatment occurs;

(v) Prescribed by Veterinarian means the substance has been prescribed by an attending veterinarian, in compliance with ARCI 011-010 Veterinary Practices, and recorded in the veterinary records in the manner required by the commission;

(vi) Report Treatment means the treatment must be reported to the commission by the trainer at the time of administration to provide the commission with information for the Veterinarian's List. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report when so designated; and

(vii) Other Limitations means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the commission and placed on the Veterinarian's List for a specific minimum period of time. The use of the substance must comply with other applicable rules of the Commission.

(c) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

(i) Other doping agent means a substance that is not listed in the annexed Prohibited List, has a pharmacologic potential to alter materially the performance of a horse, has no generally accepted medical use in the horse when treated, and is:

(A) capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian body systems; including but not limited to endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but

(B) not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.

(ii) The commission may publish advisory warnings that certain substances or administrations may constitute a violation of this rule.

(iii) Therapeutic, evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that:

(A) describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent, and a determination that recognized therapeutic alternates do not exist; and

(B) complies with ARCI 011-010 Veterinary Practices, meets the standards of veterinary practice of the jurisdiction, and is developed in good faith to treat a medical need of the horse.

(iv) Such plans shall not authorize the possession of a doping agent on the premises of a racing or training facility under the jurisdiction of the commission.

3. The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the Commission is forbidden:

(a) Aminoimidazole carboxamide ribonucleotide (AICAR)

(b) Darbepoetin

(c) Equine Growth Hormone

(d) Erythropoietin

(e) Hemopure ®

(f) Myo-Inositol Trispyrophosphate (ITPP)

(g) Oxyglobin®

(h) Thymosin beta

(i) Venoms or derivatives thereof

(j) Thymosin beta

4. The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine, whether in operating condition or not, must be registered with and approved by the Commission or its designee before such machine is brought to or possessed on any racetrack or training center within the jurisdiction of the commission;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy within the jurisdiction:

(i) shall be limited to veterinarians licensed to practice by the commission;

(ii) may only be performed with machines that are:
registered and approved for use by the commission; and

(iii) used at a previously-disclosed location that is approved by the commission
must be reported within 24-hours prior to treatment on the prescribed form to the official veterinarian.

(c) Any treated horse shall not be permitted to race or breeze for a minimum of 10 days following treatment;

(a) Any horse treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall be added to a list of ineligible horses. This list shall be kept in the race office and accessible to the jockeys and/or their agents during normal business hours and be made available to other regulatory jurisdictions.

(b) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the Steward's List.

(c) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.

5. The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

3.28.01

Annex I

Prohibited Substances and Prohibited Methods

Prohibited Substances

All substances in the categories below shall be strictly prohibited unless otherwise provided in accordance with 205 CMR 4.0. Any reference to substances in this section does not alter the requirements for testing concentrations in race day samples.

Nothing in this list shall alter the requirements of post-race testing.

(a). NON-APPROVED SUBSTANCES

Any pharmacologic substance that is not approved by any governmental regulatory health authority for human or veterinary use within the jurisdiction is prohibited. This prohibition includes drugs under pre-clinical or clinical development, discontinued drugs, and designer drugs (a synthetic analog of a drug that has been altered in a manner that may reduce its detection); but does not include vitamins, herbs and supplements for nutritional purposes that do not contain any other prohibited substance, or the administration of a substance with the prior approval of the commission in a clinical trial for which an FDA or similar exemption has been obtained.

(b). ANABOLIC AGENTS

Anabolic agents are prohibited.

1. Anabolic Androgenic Steroids (AAS)

1.1. Exogenous AAS, including:

1-androstenediol (5 α -androst-1-ene-3 β ,17 β -diol); 1-androstenedione (5 α - androst-1-ene-3,17-dione); bolandiol (estr-4-ene-3 β ,17 β -diol); bolasterone; boldenone; boldione (androsta-1,4-diene-3,17-dione); calusterone; clostebol; danazol ([1,2]oxazolo[4',5':2,3]pregna-4-en-20-yn-17 α -ol); dehydrochlormethyltestosterone (4-chloro-17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 β -ol); drostanolone; ethylestrenol (19-norpregna-4-en-17 α -ol); fluoxymesterone; formebolone; furazabol (17 α -methyl[1,2,5]oxadiazolo[3',4':2,3]-5 α -androstan-17 β -ol); gestrinone; 4-hydroxytestosterone (4,17 β -dihydroxyandrost-4-en-3-one); mestanolone; mesterolone; metandienone (17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); metenolone; methandriol; methasterone (17 β -hydroxy-2 α ,17 α -dimethyl-5 α -androstan-3-one); methyldienolone (17 β -hydroxy-17 α -methylestra-4,9-dien-3-one); methyl-1-testosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one); methylnortestosterone (17 β -hydroxy-17 α -methylestr-4-en-3-one); methyltestosterone; metribolone (methyltrienolone, 17 β -hydroxy-17 α -methylestra-4,9,11-trien-3-one); mibolerone; nandrolone; 19-norandrostenedione (estr-4-ene-3,17-dione); norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanazol (17 β -[(tetrahydropyran-2-yl)oxy]-1'H-pyrazolo[3,4:2,3]-5 α -androstane); quinbolone; stanozolol; stebolone; 1-testosterone (17 β -hydroxy-5 α -androst-1-en-3-one); tetrahydrogestrinone (17-hydroxy-18 α -homo-19-nor-17 α -pregna-4,9,11-trien-3-one); trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one); and other substances with a similar chemical structure or similar biological effect(s).

1.2. Endogenous AAS or their synthetic esters when administered exogenously:

androstenediol (androst-5-ene-3 β ,17 β -diol); androstenedione (androst-4-ene-3,17-dione); dihydrotestosterone (17 β -hydroxy-5 α -androstan-3-one); prasterone (dehydroepiandrosterone, DHEA, 3 β -hydroxyandrost-5-en-17-one); testosterone; and their metabolites and isomers, including but not limited to:
5 α -androstane-3 α ,17 α -diol; 5 α -androstane-3 α ,17 β -diol; 5 α -androstane-3 β ,17 α -diol; 5 α -androstane-3 β ,17 β -diol; 5 β -androstane-3 α ,17 β -diol, androst-4-ene-3 α ,17 α -diol; androst-4-ene-3 α ,17 β -diol; androst-4-ene-3 β ,17 α -diol; androst-5-ene-3 α ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 β ,17 α -diol; 4-androstenediol (androst-4-ene-3 β ,17 β -diol); 5-androstenedione (androst-5-ene-3,17-dione); androsterone (3 β -hydroxy-5 α -androstan-17-one); epi-dihydrotestosterone; epitestosterone; etiocholanolone; 7 α -hydroxy-DHEA; 7 β -hydroxy-DHEA; 7-keto-DHEA; 19-norandrosterone; 19-noretiocholanolone.

(c). Other Anabolic Agents, including but not limited to:

Clenbuterol, selective androgen receptor modulators (SARMs e.g., andarine and ostarine), ractopamine, tibolone, zeranol, zilpaterol.

(d). PEPTIDE HORMONES, GROWTH FACTORS AND RELATED SUBSTANCES

The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:

1. Erythropoietin-Receptor agonists:

Erythropoiesis-Stimulating Agents (ESAs) including, e.g., darbepoetin (dEPO); erythropoietins (EPO); EPO-Fc; EPO-mimetic peptides (EMP), e.g., CNTO 530 and peginesatide; and methoxypolyethylene glycol-epoetin beta (CERA); and Non-erythropoietic EPO-Receptor agonists, e.g., ARA-290, asialo EPO and carbamylated EPO;

2. Hypoxia-inducible factor (HIF) stabilizers, e.g., cobalt (when found in excess of regulatory authority limits) and roxadustat (FG-4592); and HIF activators, (e.g., argon, xenon);

3. Chorionic Gonadotropin (CG) and Luteinizing Hormone (LH) and their releasing factors, in males;

4. Corticotrophins and their releasing factors;

5. Growth Hormone (GH) and its releasing factors including Growth Hormone Releasing Hormone (GHRH) and its analogues, e.g., CJC-1295, sermorelin and tesamorelin; Growth Hormone Secretagogues (GHS), e.g., ghrelin and ghrelin mimetics, e.g., anamorelin and ipamorelin; and GH-Releasing Peptides (GHRPs), e.g., alexamorelin, GHRP-6, hexarelin and pralmorelin (GHRP-2);

6. Venoms and toxins including but not limited to venoms and toxins from sources such as snails, snakes, frogs, and bees as well as their synthetic analogues such as ziconotide.

7. In addition, the following growth factors are prohibited:

Fibroblast Growth Factors (FGFs), Hepatocyte Growth Factor (HGF), Insulin-like Growth Factor-1 (IGF-1) and its analogues, Mechano Growth Factors (MGFs), Platelet-Derived Growth Factor (PDGF), Vascular-Endothelial Growth Factor (VEGF) and any other growth factor affecting muscle, tendon or ligament protein synthesis/degradation, vascularization, energy utilization, regenerative capacity or fiber type switching.

(e). BETA-2 AGONISTS

All beta-2 agonists, including all optical isomers (i.e. d- and l-) where relevant, are prohibited.

(f). HORMONE AND METABOLIC MODULATORS

The following are prohibited:

1. Aromatase inhibitors, including but not limited to: aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androstatrienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, formestane, letrozole, testolactone;

2. Selective estrogen receptor modulators (SERMs), including but not limited to: raloxifene, tamoxifen, toremifene;

3. Other anti-estrogenic substances, including but not limited to: clomiphene, cyclofenil, fulvestrant;

4. Agents modifying myostatin function(s), including but not limited to: myostatin inhibitors;

5. Metabolic modulators:

5.1. Activators of the AMP-activated protein kinase (AMPK), e.g., AICAR, and Peroxisome Proliferator Activated Receptor δ (PPAR δ) agonists (e.g., GW 1516);

5.2 Insulins;

5.3 Trimetazidine; and

5.4. Thyroxine and thyroid modulators/hormones, including but not limited to those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof.

(g). DIURETICS AND OTHER MASKING AGENTS

The following diuretics and masking agents are prohibited, as are other substances with similar chemical structure or similar biological effect(s): acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, desmopressin, etacrynic acid, indapamide, metolazone, plasma expanders (e.g. glycerol; intravenous administration of albumin, dextran, hydroxyethyl starch and mannitol), probenecid, spironolactone, thiazides (e.g. bendroflumethiazide, chlorothiazide, hydrochlorothiazide), torsemide, triamterene, and vasopressin receptor antagonists or vaptans (e.g., tolvaptan).

Furosemide and trichlormethiazide may be administered only in a manner permitted by other rules of the commission.

PROHIBITED METHODS

(a). MANIPULATION OF BLOOD AND BLOOD COMPONENTS

The following are prohibited:

1. The administration or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood or red blood cell products of any origin into the circulatory system.

2. Artificially enhancing the uptake, transport or delivery of oxygen, including, but not limited to, perfluorochemicals, efaproxiral (RSR13) and modified hemoglobin products (e.g. hemoglobin-based blood substitutes, microencapsulated hemoglobin products), excluding supplemental oxygen.

3. Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

(b). CHEMICAL AND PHYSICAL MANIPULATION

Tampering, or attempting to tamper, in order to alter the integrity and validity of samples collected by the commission, is prohibited. These methods include but are not limited to urine substitution or adulteration (e.g., proteases).

(c). GENE DOPING

The following, with the potential to enhance sport performance, are prohibited:

1. The transfer of polymers of nucleic acids or nucleic acid analogues.

2. The use of normal or genetically modified hematopoietic cells.

Required Conditions for Restricted Therapeutic Use							
Prohibited Substance	Report When Sampled	Pre-File Treatment Plan	Written Approval from Commission	Emergency Use (report)	Prescribed by Veterinarian	Report Treatment	Other Limitations
Adrenocorticotrophic Hormone (ACTH)		x			x		
Albuterol					x		
Altrenogest					x		fillies/mares only
Autologous Conditioned Plasma (IRAP)	x				x		
Blood Replacements	x			x	x		
Boldenone		x			x	x	6 month Vet List
Clenbuterol		x			x		
Chorionic Gonadotropin		x	x-1		x	x	60 day Vet List
Furosemide	x				x		
Luteinizing Hormone		x	x-1		x	x	60 day Vet List
Mesenchymal Stem Cells	x				x	x	
Nandrolone		x			x	x	6 month Vet List
Nucleic Polymer Transfers		x	x		x	x	
Platelet Rich Plasma (PRP)	x				x		
Stanozolol		x			x	x	6 month Vet List
S0 (not FDA-approved)			x-2		x		
Testosterone		x			x	x	6 month Vet List
Thyroxine (T4)		x	x-3		x		
Trichlormethiazide	x				x		
Other Diuretics	x			x	x		

x-1: The approved treatment plan must show a specific treatment of a specific individual horse for an undescended testicle condition.

x-2: The approved treatment plan must show: (A) the substance has a generally accepted veterinary use; (B) the treatment provides a significant health benefit for the horse; (C) there is no reasonable therapeutic alternative; and (D) the use of the substance is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the horse's normal state of health, not exceeding the level of performance of the horse prior to the onset of the horse's medical condition.

x-3: The approved treatment plan must show: (A) the thyroxine is prescribed to a specific individual horse for a specific period of time; (B) the diagnosis and basis for prescribing such drug, the dosage, and the estimated last administration date; and (C) that any container of such drug on licensed premises shall be labeled with the foregoing information and contain no more thyroxine than for the treatment of the specific individual horse, as prescribed.

3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines for 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 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 Guidelines 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 version of the ARCI Uniform Classification Guidelines for Foreign Substances in effect at the time of the violation 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" therein 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.

2. Multiple Medication Violations (MMV)

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-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances, or similar state regulatory guidelines, shall be assigned points as follows:

<u>Penalty Class</u>	<u>Points If Controlled Therapeutic Substance</u>	<u>Points If Non-Controlled Substance</u>
<u>Class A</u>	<u>N/A</u>	<u>6</u>
<u>Class B</u>	<u>2</u>	<u>4</u>
<u>Class C</u>	<u>½ for first violation with an additional ½ point for</u>	<u>1 for first violation with an additional ½ point for</u>

	<u>each additional violation within 365 days¹</u>	<u>each additional violation within 365 days</u>
<u>Class D</u>	<u>0</u>	<u>0</u>

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(a) The points assigned to a medication violation by the Stewards or Commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they constitute a single violation. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and within the official database 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.

(b) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

(c) 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. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(d) The official ARCI record shall be used to advise the Stewards or Commission of a 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.

(e) The Stewards or Commission shall consider 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.

(f) 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:

<u>Points</u>	<u>Suspension in days</u>
<u>5-5.5</u>	<u>15 to 30</u>

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

<u>6-8.5</u>	<u>30 to 60</u>
<u>9-10.5</u>	<u>90 to 180</u>
<u>11 or more</u>	<u>180 to 360</u>

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (i) Has had more than one medication violation for the relevant time period, and
- (ii) Exceeds the permissible number of points.

The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

(i) The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.

(ii) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Stewards or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(iii) Points shall expire as follows:

<u>Penalty Classification</u>	<u>Time to Expire</u>
<u>A</u>	<u>3 years</u>
<u>B</u>	<u>2 years</u>
<u>C</u>	<u>1 year</u>

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

~~(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 Guidelines 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 version of the ARCI Uniform Classification Guidelines for Foreign Substances in effect at the time of the violation 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" therein 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 version of the ARCI Uniform Classification Guidelines for Foreign Substances in effect at the time of the violation, 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 A²	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 205 CMR 3.29(2)(f)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 205 CMR 3.29(2)(f).~~

~~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.~~

~~5. The official ARCI record shall constitute prima facie evidence of a licensed trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.29(2)(f) 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 205 CMR 3.29(2)(f) shall be imposed.~~

²~~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.~~

~~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 or 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 outlined in 205 CMR 3.29(2)(a) through (d) 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. he 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 Schedule 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). The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) 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:

1. Phenylbutazone. two micrograms per milliliter;
2. Flunixin. 20 nanograms per milliliter;
3. Ketoprofen. two nanograms per milliliter.

(b) 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.

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

1. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

2. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

(d) 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.

(e) 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~~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. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;
 2. Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010.
- 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 205 CMR 3.00 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 205 CMR 3.29(7). (e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules 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 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. Boldenone: 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;
2. Nandrolone: 1 ng/ml of total nandrolone in urine for fillies, mares, and geldings, or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine, in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.
3. 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 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 or a base excess level of 10.4 millimoles per liter of plasma/serum.

3.30: Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Out-of-competition testing authorized. The commission may at a reasonable time on any date take blood, urine or other biologic samples as authorized by commission rules from a horse to enhance the ability of the commission to enforce its medication and antidoping rules, e.g., the Prohibited List pursuant to ARCI-011-015. The commission shall own such samples. This rule authorizes only the collection and testing of samples and does not independently make impermissible the administration to or presence in any horse of any drug or other substance. A race day prohibition or restriction of a substance by a commission rule is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates such rule.

(2) Horses eligible to be tested. Any horse that has been engaging in activities related to competing in horse racing in the jurisdiction may be tested. This includes without limitation any horses that are training outside the jurisdiction to participate in racing in the jurisdiction and all horses that are training in the jurisdiction, but excludes weanlings, yearlings and horses no longer engaged in horse racing (e.g., retired broodmares).

(a) A horse is presumed eligible for out-of-competition testing if:

(i) It is on the grounds at a racetrack or training center under the jurisdiction of the commission;

(ii) It is under the care or control of a trainer licensed by the commission;

(iii) It is owned by an owner licensed by the commission;

(iv) It is entered or nominated to race at a premises licensed by the commission;

(v) It has raced within the previous 12 months at a premises licensed by the commission; or

(vi) It is nominated to a program based on racing in the jurisdiction, including without limitation a state thoroughbred development, breeder's award fund, or standardbred state sires stakes.

(b) Such presumptions are conclusive in the absence of evidence that a horse is not engaged in activities related to competing in horse racing in the jurisdiction.

(3) Selection of horses to be tested.

(a) Horses shall be selected for sampling by a commission Veterinarian, Executive Director, Equine Medical Director, Steward or Presiding Judge or a designee of any of the foregoing.

(b) Horses may be selected to be tested at random, for cause, or as otherwise determined in the discretion of the commission.

(c) Collectors shall for suspicion-less collections of samples abide by a plan that has been approved by a supervisor not in the field and identifies specific horses or provides neutral and objective criteria to follow in the field to determine which horses to sample. Such a supervisor may consider input from persons in the field during the operation of the plan and select additional horses to be sampled.

(4) Cooperation with the commission

(a) Licensees of the commission are required to cooperate and comply fully with the

provisions of this rule.

(b) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent for access at such premises as their horse may be found for the purpose of commission representatives collecting out of competition samples. Licensees shall take any steps necessary to authorize access by commission representatives at such premises.

(c) No other person shall knowingly interfere with or obstruct a sampling.

(5) General procedure for collecting samples

(a) Samples shall be taken under the supervision and direction of a person who is employed or designated by the commission. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected, or by a veterinary technician who is acting under appropriate supervision of the veterinarian.

(b) Upon request of a representative of the commission, the trainer, owner, or their specified designee shall provide the location of their horses eligible for out of competition testing.

(c) The commission need not provide advance notice before arriving at any location, whether or not licensed by the commission, to collect samples.

(d) The trainer, owner, or their specified designee shall cooperate with the person who takes samples for the commission, which cooperation shall include without limitation:

(i) Assist in the immediate location and identification of the horse;

(ii) Make the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;

(iii) Provide a stall or other safe location to collect the samples;

(iv) Assist the person who is collecting samples in properly procuring the samples; and

(v) Witness the taking of samples including sealing of sample collection containers.

(e) The management and employees of a licensed racetrack or training facility at which a horse may be located shall cooperate fully with a person who is authorized to take samples. The person who collects samples for the commission may require that the collection be done at a specified location on such premises.

(f) The commission, if requested and in its sole discretion, may permit the trainer, owner, or their specified designee to present a horse that is located in the jurisdiction, but not at a racetrack or training center licensed by the commission, to be sampled at a time and location designated by the commission.

(6) Procedure for collecting samples from horses located outside the jurisdiction

(a) The commission may arrange for the sampling of an out-of-state horse by the racing commission or other designated person in the jurisdiction where the horse is located. Such racing commission or other designated person shall follow the relevant provisions of this rule, including paragraph (a) of subdivision five of this rule.

(b) The test results shall be made available, for its regulatory use, to each jurisdiction

that has participated in the process of collecting any out-of-competition sample, subject to any restrictions on public disclosure of test results that apply to the commission that selected the horse for sampling.

(c) The commission, if requested and in its sole discretion, may permit the trainer or owner instead to transport the horse into its jurisdiction for sampling at a time and place designated by the commission.

(7) Additional procedures

(a) The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.

(b) A written protocol for the collection of samples shall be made generally available.

(c) An owner or trainer does not consent to a search of the premises by making a horse that is not located at a racetrack or training center available for sampling.

(d) If the trainer or other custodian of a selected horse refuses or declines to make the horse available for sampling and the managing owner has previously provided the commission with a means for the commission to give immediate notification to the managing owner in such situation, then the commission shall attempt to notify the managing owner and the eligibility of the horse shall be preserved if the managing owner is able to make the horse available for immediate sampling. The commission is not required to make repeated attempts to notify the managing owner.

(e) The chain of custody record for the sample (including a split sample where appropriate) shall be maintained and made available to the trainer, owner, or their designee when a complaint results from an out-of-competition test.

(8) Analysis of collected samples

(a) The commission may have out-of-competition samples tested to produce information that may enhance the ability of the commission to enforce its medication and anti-doping rules.

(b) Split sample rules and procedures for post-race testing shall apply to out of competition testing.

(c) The commission may use any remaining sample for research and investigation.

(9) Penalties for non-cooperation

(a) Willful failure to make a horse available for sampling or other willfully deceptive acts or interference in the sampling process shall carry a minimum penalty of a one year license suspension and referral to the commission in addition to any other authorized penalties.

(b) A selected horse that is not made available for out-of-competition sampling shall be placed on the Steward's List. The horse shall remain on the Steward's List for a minimum of 180 days unless the owner can establish extraordinary mitigating circumstances.

(c) A selected horse that is presumed eligible for out-of-competition testing shall be placed on the Steward's list and be ineligible to race in the jurisdiction for 180 days if the horse is not sampled because the trainer, owner or their designee

asserts that the horse is not engaged in activities related to competing in horse racing in the jurisdiction. This restriction shall not apply if the trainer, owner or their designee instead permits voluntarily an immediate collection of such samples from the horse.

3.31: Physical Inspection of Horses

(1) Assessment of Racing Condition.

- (a) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (b) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (c) The assessment of a horse's racing condition shall include:
 1. Proper identification of each horse inspected;
 2. Clinical observation of each horse in motion during a warm-up mile, during the post parade, during the running of the race, and following the race until the horse has exited the race track;
 3. Visual inspection of the entire horse and assessment of overall condition; and,
 4. Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian including but not limited to manual palpation and/or manipulation of the limbs.
- (d) The official veterinarian shall maintain a permanent, continuing health and racing soundness record of each horse inspected.
- (e) The official veterinarian is authorized access to any and all horses housed on the association grounds regardless of entry status.
- (f) If, prior to starting, a horse is determined to be unfit for competition, the official veterinarian and/or the racing veterinarian will recommend to the judges the horse be scratched.
- (g) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarians' List.

(2) Veterinarian's List.

- (a) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or any other medical condition. Horses so listed are ineligible to enter to race in any jurisdiction until released by an official veterinarian or racing veterinarian.
- (b) A horse may be removed from the Veterinarian's List when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the Veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (c) Horses working to be released from the Veterinarian's List are to be in compliance with 205 CMR 3.00 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance. Violations may result in penalties consistent with 205 CMR 3.29(1).
- (d) Horses may be released from the Veterinarian's List only by authorization of the official veterinarian.
- (e) Horses having generated a "positive" post race test for an RCI Class I or II substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test.

3.32: Testing

(1) Reporting to the Test Barn.

(a) The official winning horse and any other horse ordered by the Commission and/or the judges shall be taken to the test barn to have blood and urine samples taken at the direction of the official veterinarian.

(b) Random or extra testing may be required by the judges or the Commission at any time on any horse on association grounds.

(c) Unless otherwise directed by the judges or the official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(d) A security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be a minimum of 16 years of age, be currently licensed by the Commission, display their Commission identification badge and have a legitimate reason for being in the test barn area. (e) The owner, trainer or his or her groom or other authorized representative shall be present in the testing enclosure when a saliva, urine or other specimen is taken from his or her horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative as witnesses to the taking of the specimen.

(f) Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or person guilty thereof to immediate suspension by the judges of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.

(2) Testing of Claimed Horses.

(a) In the event a horse is claimed, and has been designated for a post race test said claimed horse shall be brought to the State Testing Area by the previous owner, trainer, or agent, and said owner, trainer or agent shall remain with this horse in the testing area until a urine specimen or other sample or test is received from the horse, and said previous owner, trainer or agent shall sign all necessary documents.

(b) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post-race positive test, the claimant's trainer shall be promptly notified by the judges and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the judges by the claimant or his or her trainer.

(3) Split Samples.

(a) Split samples shall be secured and made available for further testing in accordance with the following procedures:

1. A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the Commission.

2. A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples. A log shall be maintained that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed.

3. Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

(b) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to 205 CMR 3.00 may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another [referee] laboratory approved by the Commission. The request must be made in writing and delivered to the judges not later than three business days after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 48 hours.

(c) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the referee laboratory's willingness to simultaneously provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the referee laboratory.

(d) Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample. The split sample chain of custody form requirements are:

1. The date and time the sample is removed from the split sample freezer;
2. The sample number;
3. The address where the split sample is to be sent;
4. The name of the carrier and the address where the sample is to be taken for shipment;
5. Verification of retrieval of the split sample from the freezer;
6. Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
7. Verification of the address of the referee laboratory on the split sample package;
8. Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
9. The date and time custody of the sample is transferred to the carrier.

(e) A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

(f) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form shall be signed by both the horsemen's representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(g) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

- (h) The owner, trainer or designee and the Commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.
- (i) The split sample chain of custody verification form shall be completed and signed by the representatives of the Commission and the owner or trainer. A Commission representative shall keep the original and provide a copy for the owner or trainer.
- (j) If the split sample does not arrive at the referee laboratory because of an act of God or other condition beyond the control of the Commission, the findings in the original sample shall serve as prima facie evidence of any medication violation.
- (4) Frozen Samples. The commission has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis. The fact that purse money has been distributed prior to the issuance of a laboratory report from the future analysis of a frozen sample shall not be deemed a finding that no drug substance prohibited by 205 CMR 3.00 has been administered.
- (5) Suspicious Substances. The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.

3.33: Postmortem Examinations

- (1) The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.
- (2) The Commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.
- (3) If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes shall be left on the horse.
- (4) If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
- (5) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.

3.34 Environmental Contaminants and Substances of Human Use

- (1) Environmental contaminants are either endogenous to the horse or can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases.
- (2) Substances of human use and addiction may be found in the horse due to its close association with humans.
- (3) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the horse, those factors should be considered in mitigation of any disciplinary action taken against the affected trainer. Disciplinary action shall only be taken if test sample results exceed the regulatory thresholds in the most recent version of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.
- (4) The identification and adoption of these uniform thresholds for certain substances shall not preclude an individual jurisdiction from maintaining thresholds for substances not on this list which predate the adoption of this regulation in such jurisdiction.

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c.
128A, § 9.

205 CMR 4.00: RULES OF HORSE RACING

4.50: Veterinary Practices

~~(1) — Veterinarians Under Authority of Official Veterinarian. — Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the stewards. — The official veterinarian shall recommend to the stewards or the Commission the discipline that may be imposed upon a veterinarian who violates 205 CMR 4.00.~~

~~(2) — Treatment Restrictions.~~

~~(a) Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.~~

~~(b) Except as otherwise provided by 205 CMR 4.50(2), no person other than a veterinarian~~

~~licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, or chemical to a horse at any location under the jurisdiction of the Commission.~~

~~(c) 205 CMR 4.50(2) does not apply to the administration of the following substances~~

~~except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:~~

~~1. A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;~~

~~2. A non-injectable substance on the direction or by prescription of a licensed veterinarian; or~~

~~3. A non-injectable non-prescription medication or substance.~~

~~(d) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. — If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the stewards and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the Commission.~~

~~(e) — Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 4.52(6), unless approved by the official veterinarian or his or her designee. Any unauthorized contact may result in the horse being scratched and may result in further disciplinary action by the stewards.~~

~~(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time, or one hour prior to first post time, whichever is earlier.~~

~~(3) — Veterinarians' Reports:~~

~~(a) — Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the Medication Report Form prescribed by the Commission, report to the official veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.~~

~~(b) — The Medication Report Form shall be signed by the practicing veterinarian.~~

~~(c) — The Medication Report Form must be filed by the treating veterinarian not later than noon the day following treatment. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of 205 CMR 4.00 or in a proceeding before the stewards or the Commission, or to the trainer or owner of record at the time of treatment.~~

~~(d) — A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.~~

1. Veterinarians under the Authority of the Official Veterinarian
Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the stewards. The official veterinarian shall recommend to the stewards or the Commission the discipline that may be imposed upon a veterinarian who violates the rules.

2. Appropriate Role of Veterinarians
The following limitations apply to drug treatments of horses that are engaged in activities, including training, related to competing in pari-mutual racing in the jurisdiction:

(a) No drug may be administered except in the context of a valid veterinarian-client-patient relationship between an attending veterinarian, the horse owner (who may be represented by the trainer or other agent) and the horse. The owner is not required by this section to follow the veterinarian's instructions, but no drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. Such relationship requires the following:

- (i) The veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;
- (ii) The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
- (iii) The veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;
- (iv) The veterinarian is available to evaluate and oversee treatment outcomes or has made appropriate arrangements for continuing care and treatment;
- (v) The relationship is maintained by veterinary visits as needed; and;
- (vi) The veterinary judgments of the veterinarian are independent and are not dictated by the trainer or owner of the horse.

(b) No prescription drug may be administered except as prescribed by an attending veterinarian.

(c) The trainer and veterinarian are both responsible to ensure compliance with these limitations on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the veterinarian and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the horse owner (who may be represented by the trainer or other agent).

3. Treatment Restrictions

(a) Only licensed trainers, licensed owners or their designees shall be permitted

to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.

(b) Except as otherwise provided by this section, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the Commission.

(c) This section does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

(i) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(ii) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(iii) A non-injectable non-prescription medication or substance.

(d) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the stewards and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the Commission.

(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 4.52 (6) unless approved by the official veterinarian. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time or one hour prior to first post time whichever is earlier.

4. Veterinarians' Reports

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the medication report form prescribed by the Commission, report to the official veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the Commission, the name of the horse treated, any medication, drug, substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(b) The medication report form shall be signed by the practicing veterinarian.

(c) The medication report form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of the Commission's regulations or in a proceeding before the stewards or the Commission, or to the trainer or owner of record at the time of treatment.

(d) A timely and accurate filing of a medication report form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

4.51: Prohibited Practices

~~The following are considered prohibited practices:~~

~~(1) The possession or use of a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which:~~

~~(a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or~~

~~(b) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or~~

~~(c) the use of which may adversely affect the integrity of racing; or~~

~~(d) no generally accepted use in equine care exists.~~

~~(2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the Commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the official veterinarian or his or her designee.~~

~~(3) The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed in 205 CMR 4.51(3)(a) through (j), on the premises of a facility under the jurisdiction of the Commission is forbidden:~~

~~(a) Aminoimidazole carboxamide ribonucleotide (AICAR)~~

~~(b) Cobra venom or derivatives thereof~~

~~(c) Darbe poetin~~

~~(d) Equine Growth Hormone~~

~~(e) Erythropoietin (EPO) (f) Hemopure~~

~~(g) myo Inositol Triphosphate (ITPP)~~

~~(h) Oxyglobin~~

~~(i) Snake venoms or derivatives thereof~~

~~(j)
Thymos
in beta~~

~~(4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:~~

~~(a) Any treated horse shall not be permitted to race or breeze for a minimum of ten days following treatment;~~

~~(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission using registered and approved machines;~~

~~(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on~~

~~the association grounds must be registered with and approved by the official veterinarian or his or her designee before use.~~

~~(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported within one day to the official veterinarian or his or her designee on the prescribed form. The horse shall be added to a list of ineligible horses.~~

~~(e) Any person participating in the use of ESWT and/or the possession of ESWT machines~~

~~in violation of 205 C MR 4.00 shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.~~

~~(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his or her designee.~~

1. No person may possess or use a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which

(a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or

(b) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or

(c) the use of which may adversely affect the integrity of racing; or,

(d) no generally-accepted use in equine care exists.

2. Prohibited Substances and Methods:

(a) The substances and methods listed in the annexed Prohibited List may not be used at any place or time, and may not be possessed on the premises of a racing or training facility under the jurisdiction of the Commission, except as a restricted therapeutic use.

(b) Restricted Therapeutic Use. A limited number of medication on the Prohibited List shall be exempted when the administration occurs in compliance with the annexed Required Conditions for Restricted Therapeutic Use:

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- (i) Report When Sampled means the administration of the substance must be reported to the commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;
- (ii) Pre-File Treatment Plan means that if the commission where the horse is located requires the filing of treatment plans, then a treatment plan for the substance must be filed by the time of administration in a manner approved by such commission;
- (iii) Written Approval from Commission means the commission has granted written approval of a written treatment plan before the administration of the substance;
- (iv) Emergency Use (report) means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the commission as soon as practicable after the treatment occurs;
- (v) Prescribed by Veterinarian means the substance has been prescribed by an attending veterinarian, in compliance with ARCI 011-010 Veterinary Practices, and recorded in the veterinary records in the manner required by the commission;
- (vi) Report Treatment means the treatment must be reported to the commission by the trainer at the time of administration to provide the commission with information for the Veterinarian's List. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report when so designated; and
- (vii) Other Limitations means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the commission and placed on the Veterinarian's List for a specific minimum period of time. The use of the substance must comply with other applicable rules of the Commission.
- (c) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

 - (i) Other doping agent means a substance that is not listed in the annexed Prohibited List, has a pharmacologic potential to alter materially the performance of a horse, has no generally accepted medical use in the horse when treated, and is:

 - (A) capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian body systems; including but not limited to endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but
 - (B) not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.
 - (ii) The commission may publish advisory warnings that certain substances or administrations may constitute a violation of this rule.
 - (iii) Therapeutic, evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that:

 - (A) describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent, and a determination that recognized therapeutic alternates do not exist; and
 - (B) complies with ARCI 011-010 Veterinary Practices, meets the standards of veterinary practice of the jurisdiction, and is developed in good faith to treat a medical need of the horse.
 - (iv) Such plans shall not authorize the possession of a doping agent on the premises of a racing or training facility under the jurisdiction of the commission.

3. The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the Commission is forbidden:

- (a) Aminoimidazole carboxamide ribonucleotide (AICAR)
- (b) Darbepoetin
- (c) Equine Growth Hormone
- (d) Erythropoietin
- (e) Hemopure ®
- (f) Myo-Inositol Trispyrophosphate (ITPP)
- (g) Oxyglobin®
- (h) Thymosin beta
- (i) Venoms or derivatives thereof
- (j) Thymosin beta

4. The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

- (a) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine, whether in operating condition or not, must be registered with and approved by the Commission or its designee before such machine is brought to or possessed on any racetrack or training center within the jurisdiction of the commission;
- (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy within the jurisdiction:
 - (i) shall be limited to veterinarians licensed to practice by the commission;
 - (ii) may only be performed with machines that are:
 - registered and approved for use by the commission; and
 - (iii) used at a previously-disclosed location that is approved by the commission
 - must be reported within 24-hours prior to treatment on the prescribed form to the official veterinarian.
- (c) Any treated horse shall not be permitted to race or breeze for a minimum of 10 days following treatment;
- (d) Any horse treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall be added to a list of ineligible horses. This list shall be kept in the race office and accessible to the jockeys and/or their agents during normal business hours and be made available to other regulatory jurisdictions.
- (e) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the Steward's List.
- (f) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.

5. The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

4.51.01

Annex I
Prohibited Substances and Prohibited Methods

Prohibited Substances

(1). All substances in the categories below shall be strictly prohibited unless otherwise provided in accordance with 205 CMR 4.0. Any reference to substances in this section does not alter the requirements for testing concentrations in race day samples.

(2). Nothing in this list shall alter the requirements of post-race testing.

(3). NON-APPROVED SUBSTANCES

Any pharmacologic substance that is not approved by any governmental regulatory health authority for human or veterinary use within the jurisdiction is prohibited. This prohibition includes drugs under pre-clinical or clinical development, discontinued drugs, and designer drugs (a synthetic analog of a drug that has been altered in a manner that may reduce its detection); but does not include vitamins, herbs and supplements for nutritional purposes that do not contain any other prohibited substance, or the administration of a substance with the prior approval of the commission in a clinical trial for which an FDA or similar exemption has been obtained.

(4). ANABOLIC AGENTS

Anabolic agents are prohibited.

1. Anabolic Androgenic Steroids (AAS)

1.1. Exogenous AAS, including:

1-androstenediol (5 α -androst-1-ene-3 β ,17 β -diol); 1-androstenedione (5 α - androst-1-ene-3,17-dione); bolandiol (estr-4-ene-3 β ,17 β -diol); bolasterone; boldenone; boldione (androsta-1,4-diene-3,17-dione); calusterone; clostebol; danazol ([1,2]oxazolo[4',5':2,3]pregna-4-en-20-yn-17 α -ol);dehydrochlormethyltestosterone (4-chloro-17 β -hydroxy-17 α -methylandrosta- 1,4-dien-3-one); desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en- 17 β -ol); drostanolone; ethylestrenol (19-norpregna-4-en-17 α -ol); fluoxymesterone; formebolone; furazabol (17 α -methyl[1,2,5]oxadiazolo[3',4':2,3]-5 α -androstan-17 β -ol); gestrinone; 4- hydroxytestosterone (4,17 β -dihydroxyandrost-4-en-3-one); mestanolone; mesterolone; metandienone (17 β -hydroxy-17 α -methylandrosta-1,4-dien-3- one); metenolone; methandriol; methasterone (17 β -hydroxy-2 α ,17 α - dimethyl-5 α -androstan-3-one); methyldienolone (17 β -hydroxy-17 α - methylestra-4,9-dien-3-one); methyl-1-testosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one); methylnortestosterone (17 β -hydroxy-17 α -methylestr-4-en-3-one); methyltestosterone; metribolone (methyltrienolone, 17 β - hydroxy-17 α -methylestra-4,9,11-trien-3-one); mibolerone; nandrolone; 19-norandrostenedione (estr-4-ene-3,17-dione); norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanazol (17 β -[(tetrahydropyran-2-yl)oxy]-1'H-pyrazolo[3,4:2,3]-5 α - androstane); quinbolone; stanozolol; stenbolone; 1-testosterone (17 β - hydroxy-5 α -androst-1-en-3-one); tetrahydrogestrinone (17-

hydroxy-18a-homo-19-nor-17 α -pregna-4,9,11-trien-3-one); trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one); and other substances with a similar chemical structure or similar biological effect(s).

5. ENDOGENOUS AAS OR THEIR SYNTHETIC ESTERS WHEN ADMINISTERED EXOGENOUSLY:

androstenediol (androst-5-ene-3 β ,17 β -diol); androstenedione (androst-4-ene-3,17-dione); dihydrotestosterone (17 β -hydroxy-5 α -androstan-3-one); prasterone (dehydroepiandrosterone, DHEA, 3 β -hydroxyandrost-5-en-17-one); testosterone; and their metabolites and isomers, including but not limited to: 5 α -androstane-3 α ,17 α -diol; 5 α -androstane-3 α ,17 β -diol; 5 α -androstane-3 β ,17 α -diol; 5 α -androstane-3 β ,17 β -diol; 5 β -androstane-3 α ,17 β -diol, androst-4-ene-3 α ,17 α -diol; androst-4-ene-3 α ,17 β -diol; androst-4-ene-3 β ,17 α -diol; androst-5-ene-3 α ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 β ,17 α -diol; 4-androstenediol (androst-4-ene-3 β ,17 β -diol); 5-androstenedione (androst-5-ene-3,17-dione); androsterone (3 β -hydroxy-5 α -androstan-17-one); epi-dihydrotestosterone; epitestosterone; etiocholanolone; 7 α -hydroxy-DHEA; 7 β -hydroxy-DHEA; 7-keto-DHEA; 19-norandrosterone; 19-noretiocholanolone.

(6). OTHER ANABOLIC AGENTS, INCLUDING BUT NOT LIMITED TO: Clenbuterol, selective androgen receptor modulators (SARMs e.g., andarine and ostarine), ractopamine, tibolone, zeranol, zilpaterol.

(7). PEPTIDE HORMONES, GROWTH FACTORS AND RELATED SUBSTANCES
The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:

1. Erythropoietin-Receptor agonists:

1.1 Erythropoiesis-Stimulating Agents (ESAs) including, e.g., darbepoetin (dEPO); erythropoietins (EPO); EPO-Fc; EPO-mimetic peptides (EMP), e.g., CNTO 530 and peginesatide; and methoxypolyethylene glycol-epoetin beta (CERA); and

1.2 Non-erythropoietic EPO-Receptor agonists, e.g., ARA-290, asialo EPO and carbamylated EPO;

2. Hypoxia-inducible factor (HIF) stabilizers, e.g., cobalt (when found in excess of regulatory authority limits) and roxadustat (FG-4592); and HIF activators, (e.g., argon, xenon);

3. Chorionic Gonadotropin (CG) and Luteinizing Hormone (LH) and their releasing factors, in males;

4. Corticotrophins and their releasing factors;

5. Growth Hormone (GH) and its releasing factors including Growth Hormone Releasing Hormone (GHRH) and its analogues, e.g., CJC-1295, sermorelin and tesamorelin; Growth Hormone Secretagogues (GHS), e.g., ghrelin and ghrelin mimetics, e.g., anamorelin and ipamorelin; and GH-Releasing Peptides (GHRPs), e.g., alexamorelin, GHRP-6, hexarelin and pralmorelin (GHRP-2);

6. Venoms and toxins including but not limited to venoms and toxins from sources such as snails, snakes, frogs, and bees as well as their synthetic analogues such as ziconotide.

7. In addition, the following growth factors are prohibited:

1.1. Fibroblast Growth Factors (FGFs), Hepatocyte Growth Factor (HGF), Insulin-like Growth Factor-1 (IGF-1) and its analogues, Mechano Growth Factors (MGFs), Platelet-Derived Growth Factor (PDGF), Vascular-Endothelial Growth Factor (VEGF) and any other growth factor affecting muscle, tendon or ligament protein synthesis/degradation, vascularization, energy utilization, regenerative capacity or fiber type switching.

(8). BETA-2 AGONISTS

All beta-2 agonists, including all optical isomers (i.e. *d*- and *l*-) where relevant, are prohibited.

(9). HORMONE AND METABOLIC MODULATORS

The following are prohibited:

1. Aromatase inhibitors, including but not limited to: aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androstatrienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, formestane, letrozole, testolactone;
2. Selective estrogen receptor modulators (SERMs), including but not limited to: raloxifene, tamoxifen, toremifene;
3. Other anti-estrogenic substances, including but not limited to: clomiphene, cyclofenil, fulvestrant;
4. Agents modifying myostatin function(s), including but not limited to: myostatin inhibitors;
5. Metabolic modulators:
 - 5.1. Activators of the AMP-activated protein kinase (AMPK), e.g., AICAR, and Peroxisome Proliferator Activated Receptor δ (PPAR δ) agonists (e.g., GW 1516);
 - 5.2 Insulins;
 - 5.3 Trimetazidine; and
 - 5.4. Thyroxine and thyroid modulators/hormones, including but not limited to those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof.

(10). DIURETICS AND OTHER MASKING AGENTS

- 1.1 The following diuretics and masking agents are prohibited, as are other substances with similar chemical structure or similar biological effect(s): acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, desmopressin, etacrynic acid, indapamide, metolazone, plasma expanders (e.g. glycerol; intravenous administration of albumin, dextran, hydroxyethyl starch and mannitol), probenecid, spironolactone, thiazides (e.g. bendroflumethiazide, chlorothiazide, hydrochlorothiazide), torsemide, triamterene, and vasopressin receptor antagonists or vaptans (e.g., tolvaptan).
- 1.2 Furosemide and trichlormethiazide may be administered only in a manner permitted by other rules of the commission.

PROHIBITED METHODS

(1). MANIPULATION OF BLOOD AND BLOOD COMPONENTS

The following are prohibited:

1. The administration or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood or red blood cell products of any origin into the circulatory system.
2. Artificially enhancing the uptake, transport or delivery of oxygen, including, but not limited to, perfluorochemicals, eflaproxiral (RSR13) and modified hemoglobin products (e.g. hemoglobin-based blood substitutes, microencapsulated hemoglobin products), excluding supplemental oxygen.
3. Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

(2). CHEMICAL AND PHYSICAL MANIPULATION

Tampering, or attempting to tamper, in order to alter the integrity and validity of samples collected by the commission, is prohibited. These methods include but are not limited to urine substitution or adulteration (e.g., proteases).

(3). GENE DOPING

The following, with the potential to enhance sport performance, are prohibited:

1. The transfer of polymers of nucleic acids or nucleic acid analogues.
2. The use of normal or genetically modified hematopoietic cells.

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Required Conditions for Restricted Therapeutic Use							
Prohibited Substance	Report When Sampled	Pre-File Treatment Plan	Written Approval from Commission	Emergency Use (report)	Prescribed by Veterinarian	Report Treatment	Other Limitations
Adrenocorticotrophic Hormone (ACTH)		x			x		
Albuterol					x		
Altrenogest					x		fillies/mares only
Autologous Conditioned Plasma (IRAP)	x				x		
Blood Replacements	x			x	x		
Boldenone		x			x	x	6 month Vet List
Clenbuterol		x			x		
Chorionic Gonadotropin		x	x-1		x	x	60 day Vet List
Furosemide	x				x		
Luteinizing Hormone		x	x-1		x	x	60 day Vet List
Mesenchymal Stem Cells	x				x	x	
Nandrolone		x			x	x	6 month Vet List
Nucleic Polymer Transfers		x	x		x	x	
Platelet Rich Plasma (PRP)	x				x		
Stanozolol		x			x	x	6 month Vet List
S0 (not FDA-approved)			x-2		x		
Testosterone		x			x	x	6 month Vet List
Thyroxine (T4)		x	x-3		x		
Trichlormethiazide	x				x		
Other Diuretics	x			x	x		

x-1: The approved treatment plan must show a specific treatment of a specific individual horse for an undescended testicle condition.

x-2: The approved treatment plan must show: (A) the substance has a generally accepted veterinary use; (B) the treatment provides a significant health benefit for the horse; (C) there is no reasonable therapeutic alternative; and (D) the use of the substance is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the horse's normal state of health, not exceeding the level of performance of the horse prior to the onset of the horse's medical condition.

x-3: The approved treatment plan must show: (A) the thyroxine is prescribed to a specific individual horse for a specific period of time; (B) the diagnosis and basis for prescribing such drug, the dosage, and the estimated last administration date; and (C) that any container of such drug on licensed premises shall be labeled with the foregoing information and contain no more thyroxine than for the treatment of the specific individual horse, as prescribed.

4.52: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 4.50 through 4.53, the stewards shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines for 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 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 Guidelines 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 version of the ARCI Uniform Classification Guidelines for Foreign Substances in effect at the time of the violation 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" therein 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 version of the ARCI Uniform Classification Guidelines for Foreign Substances in effect at the time of the violation, 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 A⁺	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 205 CMR 4.52(2) (f) 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 205 CMR 4.52(2)(f).~~

~~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 205 CMR 4.52(2)(f) 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.~~

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~~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 205 CMR 4.52(2) (f) 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 or 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 set forth in 205 CMR 4.52(2) (a) through (d) and are intended to be an additional uniform penalty when the licensed trainer:~~

4.52: continued

~~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. Multiple Medication Violations (MMV)

(a) 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-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances, or similar state regulatory guidelines, shall be assigned points as follows:

<u>Penalty Class</u>	<u>Points If Controlled Therapeutic Substance</u>	<u>Points If Non-Controlled Substance</u>

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<u>Class A</u>	<u>N/A</u>	<u>6</u>
<u>Class B</u>	<u>2</u>	<u>4</u>
<u>Class C</u>	<u>½ for first violation with an additional ½ point for each additional violation within 365 days¹</u>	<u>1 for first violation with an additional ½ point for each additional violation within 365 days</u>
<u>Class D</u>	<u>0</u>	<u>0</u>

¹Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(b)The points assigned to a medication violation by the Stewards or Commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they constitute a single violation. The Stewards’ or Commission Ruling shall be posted on the official website of the Commission and within the official database 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.

(c)A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

(d)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. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(e)The official ARCI record shall be used to advise the Stewards or Commission of a 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.

(f)The Stewards or Commission shall consider 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.

(g)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:

<u>Points</u>	<u>Suspension in days</u>
<u>5-5.5</u>	<u>15 to 30</u>

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<u>6-8.5</u>	<u>30 to 60</u>
<u>9-10.5</u>	<u>90 to 180</u>
<u>11 or more</u>	<u>180 to 360</u>

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

(i) Has had more than one medication violation for the relevant time period, and

(ii) Exceeds the permissible number of points.

(h)The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

(i)The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.

(j)The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Stewards or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(k)Points shall expire as follows:

<u>Penalty Classification</u>	<u>Time to Expire</u>
<u>A</u>	<u>3 years</u>
<u>B</u>	<u>2 years</u>
<u>C</u>	<u>1 year</u>

(l)In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(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 Schedule 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 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:

2. Phenylbutazone - two micrograms per milliliter;
3. Flunixin - 20 nanograms per milliliter;
4. Ketoprofen - two nanograms per milliliter.

b. 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.

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

d. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).

e. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).

f. 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.

(g) 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

(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 that 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 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. Boldenone. 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;
2. Nandrolone. 1 ng/ml of total nandrolone in urine for fillies, mares and geldings or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.
3. 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 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, or a base excess level of 10.4 millimoles per liter of plasma/serum.

4.53: Out of Competition Testing for Blood and/or Gene Doping Agents

~~(1)(1) Any horse on the grounds at a racetrack or training center under the jurisdiction of the commission; or under the care or control of trainer or owner licensed by the commission is subject to testing for blood and/or gene doping agents without advance notice.~~

~~(2) Horses to be tested may be selected at random, with probable cause, or as determined by the commission;~~

~~(3) The official veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time, take a urine, blood or hair sample from a horse for this purpose.~~

~~(4) Prohibited substances, practices and procedures are defined as:~~

~~(a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbepoetin, Oxyglobin, Hemopure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues.~~

~~(b) Gene doping agents or the non therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.~~

~~(5) Cooperation with the official veterinarian, or his or her designee, includes assisting in the immediate location and identification of the horse selected and providing a stall or safe location to collect the samples.~~

~~(6) Split samples for out of competition testing will be collected as per 205 CMR 4.55(3). Out-of-competition testing authorized. The commission may at a reasonable time on any date take blood, urine or other biologic samples as authorized by commission rules from a horse to enhance the ability of the commission to enforce its medication and anti-doping rules, e.g., the Prohibited List pursuant to ARCI-011-015. The commission shall own such samples. This rule authorizes only the collection and testing of samples and does not independently make impermissible the administration to or presence in any horse of any drug or other substance. A race day prohibition or restriction of a substance by a commission rule is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates such rule.~~

~~(2)Horses eligible to be tested. Any horse that has been engaging in activities related to competing in horse racing in the jurisdiction may be tested. This includes without limitation any horses that are training outside the jurisdiction to participate in racing in the jurisdiction and all horses that are training in the jurisdiction, but excludes weanlings, yearlings and horses no longer engaged in horse racing (e.g., retired broodmares).~~

~~(3)A horse is presumed eligible for out-of-competition testing if:~~

~~(a) It is on the grounds at a racetrack or training center under the jurisdiction of the commission;~~

~~(b) It is under the care or control of a trainer licensed by the commission;~~

~~(c)It is owned by an owner licensed by the commission;~~

~~(d) It is entered or nominated to race at a premises licensed by the commission;~~

~~(e)It has raced within the previous 12 months at a premises licensed by the commission; or~~

~~(f)It is nominated to a program based on racing in the jurisdiction, including without limitation a state thoroughbred development, breeder's award fund, or standardbred state sires stakes.~~

(4) Such presumptions are conclusive in the absence of evidence that a horse is not engaged in activities related to competing in horse racing in the jurisdiction.

(5) Selection of horses to be tested.

(a) Horses shall be selected for sampling by a commission Veterinarian, Executive Director, Equine Medical Director, Steward or Presiding Judge or a designee of any of the foregoing.

(b) Horses may be selected to be tested at random, for cause, or as otherwise determined in the discretion of the commission.

(c) collectors shall for suspicion-less collections of samples abide by a plan that has been approved by a supervisor not in the field and identifies specific horses or provides neutral and objective criteria to follow in the field to determine which horses to sample. Such a supervisor may consider input from persons in the field during the operation of the plan and select additional horses to be sampled.

(6) Cooperation with the commission

(a) Licensees of the commission are required to cooperate and comply fully with the provisions of this rule.

(b) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent for access at such premises as their horse may be found for the purpose of commission representatives collecting out-of-competition samples. Licensees shall take any steps necessary to authorize access by commission representatives at such premises.

(c) No other person shall knowingly interfere with or obstruct a sampling.

(7) General procedure for collecting samples

(a) Samples shall be taken under the supervision and direction of a person who is employed or designated by the commission. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected, or by a veterinary technician who is acting under appropriate supervision of the veterinarian.

(b) Upon request of a representative of the commission, the trainer, owner, or their specified designee shall provide the location of their horses eligible for out-of-competition testing.

(c) The commission need not provide advance notice before arriving at any location, whether or not licensed by the commission, to collect samples.

(d) The trainer, owner, or their specified designee shall cooperate with the person who takes samples for the commission, which cooperation shall include without limitation:

(i) Assist in the immediate location and identification of the horse;

(ii) Make the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;

(iii) provide a stall or other safe location to collect the samples;

(iv) Assist the person who is collecting samples in properly procuring the samples; and

(v) Witness the taking of samples including sealing of sample collection containers.

(vi) The management and employees of a licensed racetrack or training facility at which a horse may be located shall cooperate fully with a person who is authorized to take samples. The person who collects samples for the commission may require that the collection be done at a specified location on such premises.

(vii)the commission, if requested and in its sole discretion, may permit the trainer, owner, or their specified designee to present a horse that is located in the jurisdiction, but not at a racetrack or training center licensed by the commission, to be sampled at a time and location designated by the commission.

(8) Procedure for collecting samples from horses located outside the jurisdiction

a.The commission may arrange for the sampling of an out-of-state horse by the racing commission or other designated person in the jurisdiction where the horse is located. Such racing commission or other designated person shall follow the relevant provisions of this rule, including paragraph (a) of subdivision five of this rule.

b.The test results shall be made available, for its regulatory use, to each jurisdiction that has participated in the process of collecting any out-of-competition sample, subject to any restrictions on public disclosure of test results that apply to the commission that selected the horse for sampling.

c.The commission, if requested and in its sole discretion, may permit the trainer or owner instead to transport the horse into its jurisdiction for sampling at a time and place designated by the commission.

(9)Additional procedures

a.The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.

b.A written protocol for the collection of samples shall be made generally available.

c.An owner or trainer does not consent to a search of the premises by making a horse that is not located at a racetrack or training center available for sampling.

d.If the trainer or other custodian of a selected horse refuses or declines to make the horse available for sampling and the managing owner has previously provided the commission with a means for the commission to give immediate notification to the managing owner in such situation, then the commission shall attempt to notify the managing owner and the eligibility of the horse shall be preserved if the managing owner is able to make the horse available for immediate sampling. The commission is not required to make repeated attempts to notify the managing owner.

e.The chain of custody record for the sample (including a split sample where appropriate) shall be maintained and made available to the trainer, owner, or their designee when a complaint results from an out-of-competition test.

(10)Analysis of collected samples

a.The commission may have out-of-competition samples tested to produce information that may enhance the ability of the commission to enforce its medication and anti-doping rules.

b.Split sample rules and procedures for post-race testing shall apply to out-of-competition testing.

c.The commission may use any remaining sample for research and investigation.

(11)Penalties for non-cooperation

a.Willful failure to make a horse available for sampling or other willfully deceptive acts or interference in the sampling process shall carry a minimum penalty of a one year license suspension and referral to the commission in addition to any other authorized penalties.

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b.A selected horse that is not made available for out-of-competition sampling shall be placed on the Steward's List. The horse shall remain on the Steward's List for a minimum of 180 days unless the owner can establish extraordinary mitigating circumstances.

c.A selected horse that is presumed eligible for out-of-competition testing shall be placed on the Steward's list and be ineligible to race in the jurisdiction for 180 days if the horse is not sampled because the trainer, owner or their designee asserts that the horse is not engaged in activities related to competing in horse racing in the jurisdiction. This restriction shall not apply if the trainer, owner or their designee instead permits voluntarily an immediate collection of such samples from the horse.

4.58 Environmental Contaminants and Substances of Human Use

(1) Environmental contaminants are either endogenous to the horse or can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases.

(2) Substances of human use and addiction may be found in the horse due to its close association with humans.

(3) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the horse, those factors should be considered in mitigation of any disciplinary action taken against the affected trainer. Disciplinary action shall only be taken if test sample results exceed the regulatory thresholds in the most recent version of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.

(4) The identification and adoption of these uniform thresholds for certain substances shall not preclude an individual jurisdiction from maintaining thresholds for substances not on this list which predate the adoption of this regulation in such jurisdiction.

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INTERNAL CONTROLS

138.13: Complimentary Services or Items and Promotional Gaming Credits

(4) The gaming licensee's complimentary distribution program shall include provisions ensuring that each patron who has been issued a rewards card by the gaming licensee (or its parent or other associated entity) in Massachusetts is issued a monthly statement, mailed to the patron at the patron's physical mailing address, which shall include the patron's total bets, wins and losses in Massachusetts in accordance with M.G.L. c.23K, § 29. For purposes of 205 CMR 138.13(4) the following shall apply:

- (a) An email address provided by the patron at the time a rewards card is applied for may be considered a physical mailing address. If a gaming licensee will provide the required notices via email, its program submission shall describe the manner in which the email contact list will be compiled and maintained.
- (b) Notice of the issuance of a monthly statement shall be provided to the applicant at the time of application for a rewards card. The applicant shall be given the opportunity to decline issuance of a monthly statement at that time. Notice shall also be provided to the applicant that they may later opt-out of being issued a monthly statement by providing a written or online request to the gaming licensee or affiliate. The complimentary distribution program submission shall describe these notice and opt-out provisions.
- (c) The program submission shall describe the information to be contained on the monthly statement including the terms and categories to be represented and a brief description as to how monetary figures are to be calculated.
- (d) If monthly total bets, wins and losses associated with a rewards card will be available to a patron via password protected log-in on the gaming licensee's website, or via similar means, the gaming licensee may provide the patron a monthly notice (via email or otherwise) advising where the information is available and how to access it, in lieu of incorporating the actual information into a monthly statement. If a gaming licensee elects this method the process shall be fully described in its complimentary distribution program submission.
- (e) Upon written request by a patron, information relative to total bets, wins and losses associated with the patron's rewards card shall be made available to the patron in writing at a gaming establishment upon reasonable notice.
- (f) If there is no gaming activity tied to a patron's rewards card for a period of at least 2 years the gaming licensee may cease providing notices to the patron in accordance with 205 CMR 138.13(4).



Legal Division

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c. 30A, § 2 relative to the proposed amendments in 205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls; notice of which was filed this day with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments set forth the requirements for a gaming licensee to mail a monthly rewards card statement to patrons.

These amendments will apply exclusively to gaming licensees and patrons. Accordingly, the amendments are unlikely to have any effect on small businesses. These regulations are largely governed by G.L. c. 23K §§ 4(28), 5, and 29. In accordance with G.L. c. 30A, § 2, the Commission offers the following responses:

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

There are no small businesses that the Commission anticipates will be impacted by these regulations. The regulations will only impact gaming licensees and patrons.

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

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

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

It is necessary to use a performance standard to ensure that patrons receive their monthly rewards card statements.

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

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



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

The amendments are not likely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

Todd Grossman, Deputy General Counsel
Legal Division

Dated: _____



Massachusetts Gaming Commission



September 11, 2017

The Honorable Stanley C. Rosenberg
Senate President
State House, Room 332
Boston, MA 02133

Dear President Rosenberg:

On July 13, I wrote you on behalf of the Gaming Commission expressing our concern that confusing and contradictory language in Chapter 23K, particularly Section 16(b), undercuts the statute's intention to encourage casino employment of the unemployed, underemployed, and hard-to-employ. We very much appreciate the fact that you have stated publicly that the automatic disqualification of gaming service employee candidates for certain CORI offenses, was not the intention of the law and that you expressed your support for efforts to amend and clarify the law. Since July, many groups representing those likely to be affected by the existing automatic disqualifications have been working with local representatives and senators, particularly in the Springfield area, to build support for amending the statute, and are generally being met with strong favorable support.

The challenge, as you well understand, is the best way to effectuate that amendment. As you consider amendment options, I thought it might be helpful for me to address the urgency of this issue.

Although the actual hiring of gaming service employees (such as pastry-chef, beverage manager, cocktail server, PBX operator, housekeeping director, uniform attendant, front desk agent, etc.) will begin in six months, the process of preparing applicants to apply for these jobs is already underway:

- MGM manages a "Skillsmart" program and encourages interested employee candidates to use this online assessment tool, to learn what jobs a candidate might be suited for and to direct job candidates to the proper training and preparation courses for those jobs. It is a very innovative and important tool to help unemployed, underemployed, and hard to employee individuals work their way into a career opportunity. Unfortunately, it is now widely understood in the lower income and offender community that CORI records of most types are automatic disqualifiers, which discourages these candidates from participating in Skillsmart and other recruitment programs.
- MGM has been holding workforce information sessions for months, and has a major one scheduled at the Big E on September 30. At this point, they have to explain the CORI disqualifications.



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- MGM Resorts and Holyoke Community College open the Center for Hospitality and Culinary Arts on December 1, for classes beginning in January. Again, many of the prime candidates for these jobs understand that they are presently excluded, and are missing the opportunity to be in the pipeline for March employment.
- The MGM Employment Center opens on the casino property in October. This facility will be the central focus of MGM's recruitment and hiring.
- As you know, the Gaming Commission has been working with many of the community colleges across the Commonwealth to help assure that Massachusetts residents have the skills to be legitimate candidates for the casino jobs. All of these community colleges have hospitality programs that are presently running classes for precisely the kind of jobs that will be available in March.

The bottom line is that the time to amend the statute—in order to attract the widest range of job applicants and to enable MGM to meet its local hiring requirements—is as soon as possible.

It's our understanding that the soonest and most certain vehicle to carry an amendment on this issue will be a supplemental budget in the next 4-6 weeks. Unless some more immediate and more certain vehicle comes along, we would hope very much that you would see fit to work to remedy this automatic disqualification as soon as possible.

One of the great strengths of the Commonwealth's expanded gaming statute is its commitment to broad-based economic development and the employment of people in the Commonwealth who have the least access to real career opportunities. I know that this amendment will dramatically further that objective and have a positive impact on the lives of many people in the Commonwealth.

Sincerely yours,



Stephen P. Crosby
Chairman



Massachusetts Gaming Commission

No Documents