



By unanimous vote of the Commission on April 3, 2004  
the following shall be effective immediately:

1. The notice of adjudicatory hearing dated March 21, 2014 is hereby withdrawn and the adjudicatory proceeding referenced therein cancelled. Upon reflection and given the City of Boston's ("City") broad ranging claims and assertions, the hearing format and process set out below is more appropriate than the formalized adjudicatory proceeding the Commission initially believed would be the most appropriate way to resolve the City's declared host community status.
2. The two items below shall be placed on the **May 1, 2014** MGC public meeting agenda for determination by Commission:
  - "Determine the premises of the *gaming establishment* for which Mohegan Sun Massachusetts, LLC seeks approval in its RFA-2 application"
  - "Determine the premises of the *gaming establishment* for which Wynn MA, LLC seeks approval in its RFA-2 application"

The threshold issue will be what is the *gaming establishment*. Once the gaming establishment is defined a determination as to which municipality or municipalities are a host community flows organically from there. The term *gaming establishment* is contained within the definition of *host community*. Accordingly, no host community determination can be made until the gaming establishment is first delineated. The definitions are contained in G.L. c.23K, §2 as follows:

"Host community", a municipality in which a gaming establishment is located or in which an applicant has proposed locating a gaming establishment.

"Gaming establishment", the premises approved under a gaming license which includes a gaming area and any other nongaming structure related to the gaming area and may include, but shall not be limited to, hotels, restaurants or other amenities.

3. In anticipation of the May 1, 2014 discussion by the Commission, public comment is hereby requested essentially in the form of legal briefs or memoranda relative to each of the two agenda items. The briefs should be prepared so as to assist the Commission in its discussion of the agenda items referenced above. Any individual or group may submit a brief relative to one or both of the aforementioned agenda items. The briefs should state the reasons for the position(s) taken, identify supporting legal authorities, and include any



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sworn affidavits, authenticated documents, and other relevant evidence not otherwise included in an RFA-2 application. Briefs shall be limited to 15 pages exclusive of attachments.

4. Initial briefs are due by **April 17, 2014 at 5 p.m.** All briefs, including any affidavits and other documents submitted with the briefs, will be posted on [www.massgaming.com](http://www.massgaming.com) the day after the due date.
5. Any individual or group may submit a reply brief by **April 24, 2014 at 5 p.m.** An individual or group need not have submitted an initial brief to submit a reply brief. A reply brief, however, may only address specific issues that were addressed in a brief submitted by another individual or group. Reply briefs shall be limited to 10 pages exclusive of attachments. All reply briefs, including any affidavits and other documents submitted with the reply briefs, will be posted on [www.massgaming.com](http://www.massgaming.com) the day after the due date.
6. A brief or reply brief may be submitted by way of mail or hand delivery to the Commission's office or via email at [catherine.blue@state.ma.us](mailto:catherine.blue@state.ma.us) and [todd.grossman@state.ma.us](mailto:todd.grossman@state.ma.us). No briefs or reply briefs will be accepted or considered if received by the Commission after the submission deadline.
7. At any time before conclusion of the May 1, 2014, hearing, the Commission may request the City or the applicants or any other individual or group to provide the Commission with documents or other information the Commission believes would be helpful in determining the location of the proposed gaming establishments.
8. The City and the Region A applicants for a gaming license will be invited to offer an oral presentation to the Commission at the public meeting on **May 1, 2014** if they have submitted a brief or reply brief. The Commission may invite any other individual or group that has filed a brief or reply brief to make an oral presentation at the public meeting. No person or group will be permitted to address the Commission relative to the agenda items unless they have submitted a brief. Oral presentations should be confined to the subject areas contained in the brief submitted by the individual or group.
9. Speakers representing a municipality or applicant will be allotted 30 minutes for oral presentation. All other speakers will be allotted 15 minutes. The Commission may allow a speaker more time if helpful to clarify an issue. A group may split its allotted speaking time amongst multiple speakers.
10. In reviewing the issues before it, the Commission may ask any question(s) of any individual and review and consider any document or other source of information. For purposes of the record of the meeting, the Commission will take notice of the contents of the RFA-2 applications submitted by Mohegan Sun Massachusetts, LLC and Wynn MA, LLC.
11. After discussion by the Commission, the Commission will announce its conclusion as to whether the City of Boston is a host community for each of the two proposals. After the conclusion of the hearing, the Commission will issue written findings that describe the respective gaming establishments for the projects the applicants have proposed.



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