

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 101.00: M.G.L. c.23K ADJUDICATORY PROCEEDINGS

101.02: Hearings Before the Bureau

~~(1) Except as set forth in M.G.L. c. 23K and 205 CMR 101.00, the bureau will conduct the following types of hearings in accordance with the procedures in 801 CMR 1.01: *Formal Rules*:~~

~~(a) Hearings before the bureau pursuant to M.G.L. c. 23K, § 30(g) to contest the findings of the bureau relative to a key gaming employee license or a renewal application with respect thereto; and~~

~~(b) Hearings before the bureau pursuant to M.G.L. c. 23K, § 31(n) to contest the findings of the bureau relative to a gaming vendor license application or renewal.~~

~~(2) Except as set forth in M.G.L. c. 23K and 205 CMR 101.00, the bureau will conduct the following types of hearings in accordance with the informal procedures in 801 CMR 1.02:~~

~~*Informal/Fair Hearing Rules*:~~

~~(a) Hearings before the bureau pursuant to M.G.L. c. 23K, § 30(g) to contest the findings of the bureau relative to a gaming employee license, or a gaming service employee registration or a renewal application with respect thereto; and~~

~~(b) Hearings before the bureau pursuant to M.G.L. c. 23K, § 31 to contest the findings of the bureau relative to non-gaming vendor registration.~~

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101.04: Special Procedures for Hearings Before the Bureau

Formal Hearings. ~~For hearings before the bureau pursuant to 205 CMR 101.02(1), the following provisions of M.G.L. c. 23K and 205 CMR 101.00 shall supersede any conflicting provisions of 801 CMR 1.01: *Formal Rules*:~~

~~(a) Standing: Same as 205 CMR 101.03(a).~~

~~(b) Presiding Officer: The deputy director shall appoint a presiding officer to preside over the hearing who may be any of the following:~~

~~1. An attorney from the commission, the bureau, or the attorney general's office;~~

~~2. An outside counsel;~~

~~3. An administrative law judge from the Massachusetts Division of Administrative Law Appeals;~~

~~4. A retired Massachusetts or Federal judge.~~

~~(c) Burden of Proof: Same as 205 CMR 101.03(c).~~

~~(d) Decision: Pursuant to M.G.L. c. 23K, § 4(15), in its decision after the hearing, the bureau may approve, deny, limit, condition, restrict, revoke or suspend such finding of suitability, license or renewal as the bureau deems reasonable to effectuate the purposes of M.G.L. c. 23K. Any orders by the bureau denying an application, determination of suitability, license, or renewal shall be accompanied by an explanation of the reasons that an applicant did not meet the qualifications for licensure under M.G.L. c. 23K.~~

~~(e) Notice of Decision: The bureau shall notify the applicant in person or by mail of the decision, of the applicant's right to appeal the decision to the commission and of the 30 day time limit on the right to appeal.~~

~~(f) Appeal to Commission from Bureau Decision: An applicant aggrieved by a decision of the bureau after a hearing pursuant to 205 CMR 101.04 may appeal that decision to the commission by filing a notice of appeal within 30 days of the date of the bureau's notice of decision under 205 CMR 101.04(e). The notice of appeal shall be filed with the commission at its main office and a copy shall be simultaneously transmitted to the bureau.~~

~~(g) Record Review: The commission shall hear and decide any appeal under 205 CMR 101.04(f) on the record of the bureau's hearing under 205 CMR 101.04(1).~~

~~(h) No Further Review: The decision of the commission on any appeal under 205 CMR 101.04(f) shall be final and the applicant shall not be entitled to further review.~~

~~(i) Waiver: If no hearing is timely requested concerning the bureau's decision under 205 CMR 101.02, or if no appeal is timely filed from the bureau's decision after a hearing under 205 CMR 101.04(f), then the bureau's decision shall be the final decision of the commission and the applicant shall not be entitled to further review.~~

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 102.00: CONSTRUCTION AND APPLICATION

102.02: Definitions

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Record means a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.

Restricted area means a part of the gaming establishment in which gaming operations are conducted.

Rewards Card is defined in M.G.L. c.23K, §2.

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 112.00: REQUIRED INFORMATION D APPLICANT COOPERATION

112.01: Additional information

(1) The commission, the bureau or their agents and employees may request additional information and documents from an applicant for a gaming license including all qualifiers, key gaming employee license, gaming employee license, gaming service employee registration, any vendor license or registration, or any other license or registration required in accordance with G.L. c.23K or 205 CMR throughout the application review process including after the application has been deemed administratively complete under 205 CMR 111.00: *Phase I Application Requirements* and 205 CMR 118.03: *RFA-2 Administrative Completeness Review*. Failure by the applicant to timely submit the additional information as requested by the commission, the bureau or their agents and employees may be grounds, in the discretion of the commission, for denial of the application.

(2) All applicants, licensees, registrants and qualifiers under M.G.L. c. 23K and 205 CMR shall comply with all requests of the commission, the bureau and their agents and employees for information and documents as authorized by M.G.L. c. 23K and 205 CMR.

112.02: Obligation to Cooperate

(1) Applicants, licensees, registrants and qualifiers shall respond within ten days or within the time specified in an information request by the commission, the bureau and their agents and employees under 205 CMR 112.01 to said information request.

(2) All applicants, licensees, registrants and qualifiers under M.G.L. c. 23K shall have a continuing duty to provide all information and documents requested by the commission, bureau, and their agents and employees and to cooperate in any investigation or hearing conducted by the commission, bureau, and their agents and employees, as authorized by M.G.L. c. 23K. Without limitation, an applicant, licensee, registrant and qualifier shall have a continuing duty to provide updated information to the commission, the bureau and their agents and employees in connection with the Phase 1 investigation by the bureau pursuant to 205 CMR 115.03: *Phase I Investigation*

*and Recommendations by the Bureau, the Phase 2 application review conducted in accordance with 205 CMR 118.00: Phase 2 Administrative Proceedings, an investigation commenced after submission of an application for licensure or registration in accordance with 205 CMR 134.00 and any hearing by the commission or the bureau pursuant to 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings.*

(3) If the commission determines that an applicant, licensee, registrant, or qualifier has knowingly withheld information, knowingly failed to provide information or documents requested by the commission, bureau, or their agents and employees, or knowingly failed to cooperate with any investigation or hearing conducted by the commission, bureau, or their agents and employees, the commission may, with respect to such person:

- (a) Find that person ineligible to hold a license or registration or be qualified in connection with a license;
- (b) Suspend the relevant license, registration or qualification; or
- (c) Revoke the relevant license, registration or qualification.