



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #213**

March 30, 2017  
10:00 a.m.

**Massachusetts Gaming Commission**  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
March 30, 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, March 30, 2017  
10:00 a.m.  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA**

**PUBLIC MEETING - #213**

1. Call to order
2. Approval of Minutes
  - a. March 16, 2017 – VOTE
3. Administrative Update – Ed Bedrosian, Executive Director
  - a. General Update
4. Racing Division – Alexandra Lightbown, Director and Chief Veterinarian
  - a. Approval of Sale of Suffolk Downs Racing Facility: MGL. Ch. 128A, § 11C – VOTE
  - b. Standardbred Breeders of Massachusetts (SOM) Representation Request – E. Nowak, President of SOM – VOTE
  - c. 2017 Racing Meet Update – S. O’Toole, Director of Racing – Plainridge Park Racecourse
5. Research and Responsible Gaming – Mark Vander Linden, Director
  - a. Deeper Analysis of Baseline General Population Survey – Dr. R. Volberg, SEIGMA Principal Investigator (Social and Economic Impacts of Gambling in Massachusetts) and R. Williams, SEIGMA Co-Principal Investigator
  - b. Responsible Gaming Planning for Category 1 Facilities – Comments from Wynn Boston and MGM Springfield
  - c. National Problem Gambling Awareness Month – M. Warner, Executive Director – Massachusetts Council on Compulsive Gambling
6. Legal Division – Catherine Blue, General Counsel
  - a. 205 CMR 136.08: Alcoholic Beverage License – Amendment Removing Individual Names – Initial Review
  - b. 205 CMR 143.02: Transfer of a Progressive Jackpot – New Section – Initial Review

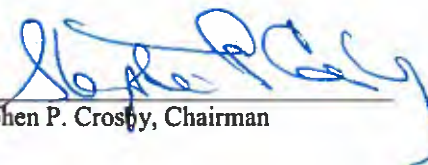


**Massachusetts Gaming Commission**

7. Investigations and Enforcement Bureau – Karen Wells, Director
  - a. Table Games Rules and Regulations Rollout – B. Band, Gaming Agents Division Chief, B. Cain, Senior Supervising Gaming Agent and C. Torrisi, Staff Attorney
8. Commissioner’s Updates
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](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

3/29/17  
DATE

  
\_\_\_\_\_  
Stephen P. Crosby, Chairman

**Date Posted to Website:** March 28, 2017 at 10:00 a.m.



Massachusetts Gaming Commission



---

## Massachusetts Gaming Commission Meeting Minutes

---

**Date/Time:** March 16, 2017 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts

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

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

### Call to Order

See transcript page 2

[10:00 a.m.](#) Chairman Crosby called to order the 212<sup>th</sup> Commission meeting.

### Approval of Minutes

See transcript pages 2-4

[10:03 a.m.](#) Commissioner Macdonald noted that he was not at the Commission meeting on March 2, 2017, so the minutes were deferred to Commissioner Zuniga.

*Commissioner Zuniga moved for the approval of the March 2, 2017, Commission meeting minutes subject to any corrections, typographical errors, or other nonmaterial matters. Commissioner Stebbins stated that he wants to include two additions to the minutes – (1) add his comments on thoroughbred racing and (2) add his request that Wynn provide an update on FTE salary and benefits as a result of changes in their operations. Chairman Crosby stated that in the future he would like to have the numbers included in the minutes for licensee diversity updates. Motion seconded by Commissioner Cameron. Motion passed 4 to 0 with 1 abstention.*



## Administrative Update

See transcript pages 4-12

[10:02 a.m.](#) Executive Director Edward Bedrosian, Jr. reported that an IGT (International Game Technology) employee, Priya Gondotra, was recently selected as a Game Changer out of 12,000 employees. IGT is the vendor for the Commission's Central Monitoring System. The award was presented to seven individuals that exemplify the core values of the company. Commission staff provided input for the award.

Executive Director Bedrosian also reported that Commission staff will soon be wearing identification at the casinos to identify themselves to casino employees.

[10:07 a.m.](#) Ombudsman John Ziemba reported that the community mitigation fund review team became aware that one applicant did not show up on their list due to a technical issue with the submission of the application on the state CommBuys system. The application was from the City of Springfield for a continuation of the valet program. He stated that they will reach out to the applicant to confirm that they intend to proceed with their application.

## Racing Division

See transcript pages 12-60

[10:10 a.m.](#) Dr. Alexandra Lightbown, Director of Racing, stated that they will present on a number of standard operating racing procedures. She reported on the Massachusetts Thoroughbred Breeders Association's ("MTBA") request to race at Finger Lakes in New York, which will provide more opportunity for Mass bred horses. George Brown, President of the MTBA, stated that they plan to race 11 races at Finger Lakes, 9 races at Suffolk Downs, and hopefully a few more races at the end of the season.

*Commissioner Cameron moved that the Commission approve the request of the Massachusetts Thoroughbred Breeders Association to run six restricted Mass. Bred allowance races and seven restricted Mass. Bred claiming races at Finger Lakes racecourse this spring and summer. Motion seconded by Commission Macdonald. Motion passed unanimously.*

Mr. Brown inquired if he would have to come back before the Commission to conduct more races in the fall. Commissioner Cameron advised him to give his plan to Director Lightbown.

Anthony Zizza, from the MTBA, thanked the Commission for their support of the Massachusetts breeders. Chairman Crosby noted the pending racing legislation and the need for everyone to work together on a long range plan. Commissioner Zuniga inquired about the use of the Race Horse Development Fund ("RHDF") by the MTBA. Mr. Brown stated that due to the change in the split and retroactive payments, they are trying to budget their money for the next two years. He stated that they will have a better idea of how much money is left after the Suffolk races and if they are able to race in the fall. Director Lightbown stated that the Horse Racing Committee will be meeting in May and the percentage of the RHDF may change, so it makes sense to go one step at a time and see what money is available.

[10:27 a.m.](#) Douglas O'Donnell, Senior Financial Analyst, presented on a request for reimbursement by Suffolk Downs from the Capital Improvement Trust Fund. He stated that 26 items have been reviewed and approved by the architect for a total of \$338,795.67.

*Commissioner Cameron moved that the Commission approve the request for reimbursement for Suffolk Downs Capital Improvement Trust Fund dated March 16<sup>th</sup> as just outlined by Douglas O'Donnell. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

Commissioner Zuniga inquired about the number of projects from 2012, 2013, and 2014, and if those projects get reviewed and reimbursed in chronological order. Mr. O'Donnell responded that the projects are not reviewed in chronological order; the architect's review is done sporadically. Director Lightbown stated that a spreadsheet is kept for all projects.

[10:32 a.m.](#) Mr. O'Donnell presented on a request for reimbursement by Suffolk Downs from the Promotional Trust Fund. He stated that the request is for projects in 2010 and 2011 for a total of \$206,952.57.

*Commissioner Stebbins moved that the Commission approve the request for reimbursement for Suffolk Downs through the Promotional Trust Fund for the total balance of \$206,952.57. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

[10:34 a.m.](#) Director Lightbown presented on payments to patrons, who couldn't produce a ticket, at Suffolk Downs for a total of \$471.00.

*Commissioner Cameron moved that the Commission approve the request of Sterling Suffolk racecourse for ticket payments from 2015 for a total of \$471.20. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

[10:35 a.m.](#) Director Lightbown presented on unclaimed winnings (Outs) from Suffolk Downs for a total of \$208, 279.26. She stated that the money will go to the purse accounts.

*Commissioner Macdonald moved that the Commission approve the recommendation of the payment of \$208,279.26 from the Sterling Suffolk Racecourse to the Commonwealth for 2015 unclaimed winnings otherwise known as outs. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[10:37 a.m.](#) Director Lightbown presented on unclaimed winnings (Outs) from Wonderland Park for a total of \$17, 261.75.

*Commissioner Cameron moved that the Commission approve the payment of \$17,261.75 from Wonderland Greyhound Park to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

[10:38 a.m.](#) Director Lightbown presented on unclaimed winnings (outs) from Plainridge Park for a total of \$158, 701.82.

*Commissioner Stebbins moved that the Commission approve the payment of \$158,701.82 from Plainridge Racecourse to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[10:39 a.m.](#) Director Lightbown presented on unclaimed winnings (outs) from Raynham Park for a total of \$180,953.94.

*Commissioner Cameron moved that the Commission approve the payment of \$180,953.94 from Raynham Taunton Massasoit Greyhound Association to the Commonwealth of Massachusetts for 2015 unclaimed winnings. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*

[10:39 a.m.](#) Director Lightbown requested approval for key operating personnel and racing officials at Plainridge Park for 2017. She noted that they have been licensed with the Commission in the past and some are still undergoing their background checks.

*Commissioner Stebbins moved that the Commission approve the request of Plainridge Park Casino to approve their March 11, 2017 list of key operating personnel and racing officials pending satisfactory completion of licensure by the Massachusetts Gaming Commission Racing Division and satisfactory completion of the background checks by the Massachusetts State Police. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

[10:42 a.m.](#) Director Lightbown presented on a request from Plainridge Park to reduce the take out to 20 percent on Pentafecta wagers. Steven O'Toole, General Manager of Plainridge Park Racecourse, reported that the objective of the Pentafecta rollover is to grow a jackpot. He stated that the object of the wager is to pick the first five horses in exact order. He also stated that you have to be the only person that day that picks the correct order in order to win the jackpot. If no one wins, the money will rollover. He stated that they put in the (Pentafecta wager) regulation late last season and this will be the first time that they will use it.

*Commissioner Cameron moved that the Commission approve the request of Plainridge Park to reduce the takeout to 20 percent on the Pentafecta wagers. Motion seconded by Commissioner Macdonald. Motion passed unanimously.*

[10:49 a.m.](#) Commissioner Cameron inquired about a racing season update. Mr. O'Toole reported that he will provide a formal update at the next Commission meeting. He noted that they will be hosting an open trotter's race on July 28<sup>th</sup> that will be conducted by the Hambletonian Society. He stated that this is considered a grand circuit race which has been missing in Massachusetts for almost 20-25 years.

## **Legal Division**

See transcript pages 61-84

[10:54 a.m.](#) General Counsel Catherine Blue stated that the Commission is required by statute to elect a secretary and treasurer every year. Chairman Crosby recommended retaining the current officers, Commissioner Macdonald and Commissioner Zuniga.

*Commissioner Stebbins moved to approve the nomination of Commissioner Zuniga as the treasurer and Commissioner Macdonald as the secretary for one year. Motion seconded by Commissioner Cameron. Commissioner Cameron, Commissioner Stebbins, and Chairman Crosby voted aye. Commissioners Macdonald and Zuniga abstained from the vote. Motion passed 3 to 0 with 2 abstentions.*

[10:57 a.m.](#) Staff Attorney Carrie Torrisi stated that the draft rules of the games regulations (205 CMR 147) were put out for informal comment and we received comments from Scientific Games and MGM Springfield that are included in the Commission's packet. Bruce Band, Assistant Director and Gaming Agents Division Chief, provided a summary of the comments received and recommendations. Staff Attorney Torrisi stated that the next step is to move the draft regulations into the formal promulgation process and to approve the small business impact statement.

*Commissioner Stebbins moved that the Commission approve the small business impact statement for 205 CMR 147 as included in the packet and authorize the staff to take all the steps necessary to begin the regulation promulgation process. Motion seconded by Commissioner Cameron. Commissioner Stebbins inquired if the draft will include the changes. Staff Attorney Torrisi responded yes. Motion passed unanimously.*

### **Investigations and Enforcement Bureau**

See transcript pages 84-105

[11:16 a.m.](#) Assistant Director Band introduced the Commission staff (Eric Cantell, Angela Smith, Jay Lindroos, and Sterl Carpenter) who were involved with the drafting of the rules of the games. He presented on the next set of game rules (13) for the Commissioner's review, which included: Mini Baccarat, Sic Bo, Pai Gow, Pai Gow Poker, Baccarat-Chemin de Fer, Poker, Caribbean Stud Poker, Double Down Stud, Let it Ride Poker, Spanish 21, Three Card Poker, Fast Action Hold'em and Colorado Hold'em Poker. Commissioner Cameron stated that we are fortunate to have experienced staff and they are willing to teach other staff. Chairman Crosby inquired about the process for developing the rules. Assistant Director Band stated that staff conducted research and they looked at rules from other jurisdictions. Commissioner Macdonald inquired about the next steps. Assistant Director Band stated that they will put this set of rules out for public comment and they will have one more set of rules for the Commission to review.

[11:26 a.m.](#) Staff Attorney Torrisi presented on the draft gaming equipment regulations (205 CMR 146). She stated that the draft will be put out for informal public comment. Executive Director Bedrosian stated that this regulation is structurally different from the rules of the games regulation. He stated that the gaming equipment draft will be promulgated just as regulations and not a regulation and publication of the rules. He stated that we should ask our licensees for feedback on their preference. Assistant Director Band provided a summary of the draft regulations.

## **Commissioner's Updates**

See transcript pages 105-117

11:36 a.m. Commissioner Stebbins provided an update on the Gaming Economic Development Fund report. He stated that he had a conversation with Robert DeSalvio on his experience in Bethlehem, an economically challenged area. He also reported that he has a meeting set up with the senate chair within the next two weeks.

Chairman Crosby reported that he was asked by Senator Pat Jehlen to testify before the marijuana committee and share the Commission's experience with creating a gaming regulatory agency. In addition to responsible gaming research and mitigation money, he asked the Commissioners and staff to share any thoughts. Commissioner Cameron suggested sharing best practices for investigations. Commissioner Zuniga stated that the Public Health Trust Fund was set up to conduct research and establish baseline studies, which is unique in the gaming industry. Chairman Crosby stated that if they are going to have full-time Commissioners they may want to look at thoughtful ways to not inhibit them administratively. Commissioner Cameron stated that they may also want to look at our licensing management system. Commissioner Stebbins stated they may want to look at our licensing process for site selection and public hearing process. Commissioner Macdonald stated that we can provide significant helpful input for a new commission. Chairman Crosby stated that there is no pending bill; they are just reviewing the marijuana referendum that was passed and considering if there should be other changes.

Chairman Crosby also noted that he and Commissioner Zuniga attended the Greater Boston Chamber of Commerce Public Affairs breakfast. He stated that he met Paul Paranova who is blind and with the MIT Government Community Affairs Office. He stated that Mr. Paranova inquired about the use of voice activated slots for patrons who are visually impaired. Chairman Crosby stated that he spoke to Steve Wynn, he was interested, and Mr. Wynn had a conversation with Mr. Paranova. He stated that Mr. Paranova will be meeting with Robert DeSalvio to put together a working group.

Chairman Crosby stated that Jacki Krum reported at a DFS Commission meeting that Wynn took the position that they were not interested in online gaming, but if online gaming was legal, they would want it attached to brick and mortar casinos. Chairman Crosby stated that Steve Wynn called him and told him that his personal opinion is not that. He stated that he is against online gaming and it is a bad idea. Chairman Crosby stated that he conveyed Mr. Wynn's position to the legislative (DFS) Commission.

## **Other Business Not Reasonably Anticipated**

See transcript page 117

11:47 a.m. *Having no further business, a motion to adjourn was made by Commissioner Cameron. Motion seconded by Commissioner Zuniga. Motion passed unanimously.*

## **List of Documents and Other Items Used**

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated March 16, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes dated March 2, 2017
3. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Massachusetts Thoroughbred Breeders Association Request to Race at Finger Lakes, with attachment
4. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Request for Reimbursement, Suffolk Downs Capital Improvement Trust Fund, with attachments
5. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Request for Reimbursement, Suffolk Downs Promotional Trust Fund, with attachment
6. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Sterling Suffolk Racecourse Unclaimed Ticket (“Outs”) Payments for 2015, with attachments
7. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Sterling Suffolk Racecourse
8. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Wonderland Greyhound Park
9. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Plainridge Racecourse
10. Massachusetts Gaming Commission, Memorandum dated March 9, 2017 regarding Recovery of 2015 Unclaimed Winnings from Raynham/Taunton/Massasoit Greyhound Associations
11. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Plainridge Key Operating Personnel and Racing Officials, with attachment
12. Massachusetts Gaming Commission, Memorandum dated March 13, 2017 regarding Plainridge Park Take Out Reduction Request for Pentafecta Wager, with attachment
13. Draft 205 CMR 147: Uniform Standards of Rules of the Games, with public comments received from Scientific Games dated March 3, 2017, and MGM Springfield, dated March 10, 2017.
14. 205 CMR 147: Uniform Standards of Rules of the Games, Small Business Impact Statement
15. Draft Table Games/Rules of the Games: Mini Baccarat, Sic Bo, Pai Gow, Pai Gow Poker, Baccarat-Chemin de Fer, Poker, Caribbean Stud Poker, Double Down Stud, Let it Ride Poker, Spanish 21, Three Card Poker, Fast Action Hold'em and Colorado Hold'em Poker.
16. Draft 205 CMR 146.00: Gaming Equipment

/s/ Catherine Blue  
Catherine Blue, Assistant Secretary





**No Documents**

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title XIX** AGRICULTURE AND CONSERVATION**Chapter 128A** HORSE AND DOG RACING MEETINGS**Section 11C** SALE OF TEN PER CENT OR MORE OF STOCK; NOTICE; APPROVAL

*[ Text of section effective until July 31, 2017. Repealed by 2011, 194, Sec. 39. See 2011, 194, Sec. 112 as amended by 2014, 165, Sec. 192 and 2016, 176, Sec. 12B.]*

Section 11C. Except in the case of a publicly held corporation, no person, firm, partnership, trust, association or corporation who has been granted a license to conduct a horse or dog racing meeting, or an officer, director or the beneficial owner of ten per cent or more of the stock of a corporation holding such a license, shall sell, transfer, convey or cause to be transferred, singly or in concert with others, more than ten per cent of the value or stock of the facility or corporation so licensed without first obtaining the written approval of the commission.

The commission shall approve such sale, transfer or conveyance unless it finds that the consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer results in an undesirable concentration of ownership of racing facilities within the commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the racing industry. A publicly held corporation, shall, prior to the sale, transfer or conveyance of more than ten per cent of the stock of the corporation, file notice of such action with the commission. A copy of any filing required by state or federal securities law regarding notice of such sale, transfer or conveyance shall be simultaneously filed with the commission. The commission shall have the same rights as to transferees as it would have with respect to original applicants for licensure.



**DLA Piper LLP (US)**  
33 Arch Street, 26th Floor  
Boston, Massachusetts 02110-1447  
www.dlapiper.com

Bruce S. Barnett  
bruce.barnett@dlapiper.com  
T 617.406.6002  
F 617.406.6102

March 16, 2017

*BY HAND DELIVERY*

Chairman Stephen Crosby  
Commissioner Gayle Cameron  
Commissioner Lloyd Macdonald  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110

**Re: Request for Approval of Sale of Suffolk Downs Racing Facility**

Dear Chairman Crosby and Commissioners Cameron, Macdonald, Stebbins & Zuniga:

I write on behalf of Sterling Suffolk Racecourse, LLC (“SSR”) to request that the Massachusetts Gaming Commission (the “Commission”) approve the pending sale of the Suffolk Downs racing facility pursuant to Mass. Gen. Laws c. 128A, § 11C.

Introduction

As the Commission has been generally aware, since the award of the Region A gaming license, the ownership of SSR has been exploring options for the sale and/or redevelopment of the 161-acre tract of land in East Boston and Revere, Massachusetts, on which the Suffolk Downs racetrack is located (the “Property”). In the meantime, SSR has continued simulcasting and live racing, hosting festival-style weekends at Suffolk Downs for the past two years that have helped the Massachusetts thoroughbred racing and breeding industries manage the transition to a future in which there is no racing at Suffolk Downs.

The sale of the Suffolk Downs Property is the next step in that transition. The entire Property is being sold to The McClellan Highway Development Company, LLC (the “Buyer”), which is managed by an affiliate of Boston-based The HYM Investment Group, LLC (“HYM”). HYM is a real estate investment and development company with a proven track record of



Massachusetts Gaming Commission

March 16, 2017

Page 2

acquiring, designing, permitting, financing, constructing and marketing complicated mixed-use projects. It was for a long time the lead developer of the 45-acre NorthPoint project, in which a rail yard in East Cambridge is being redeveloped into a mixed-use development with residential, office and neighborhood retail space. HYM is currently working toward the redevelopment of the Government Center Garage into Bulfinch Crossing, another mixed-use project. Also, HYM is co-developing Boston Landing in Alston/Brighton with New Balance; this 14-acre project will include residential, retail, hotel, and office spaces as well as a sports complex.

While the Buyer's plans for the redevelopment of the Suffolk Downs property do not include maintaining a racetrack, SSR is submitting this request because the nature of the development process affords the opportunity for SSR, as a racing meeting licensee, to continue racing at Suffolk Downs in 2017 and 2018. SSR requested that the Buyer consider leasing back to SSR the racetrack and related facilities so that it can follow through on the planned 2017 racing meeting, for which the Commission has already approved dates, and host a meet in 2018 provided that development activities permit, as well as continue its simulcasting operations. SSR is pleased to report that the Buyer has agreed to the leaseback. As a result, SSR will be able to preserve the jobs of its direct employees and those who work for its vendors. In addition, Massachusetts thoroughbred horsemen will continue to have a place to race for a couple of years while the development of a long-term solution for thoroughbred racing in Massachusetts continues.

As part of retaining its racing license, SSR hopes to maintain racing and/or simulcasting operations over the longer term in another location and to preserve its workforce as the regulatory environment in the Commonwealth evolves.

#### Commission Approval of the Sale of Racing Facilities

SSR is seeking the Commission's approval of the sale transaction under General Laws Chapter 128A, Section 11C, which provides in relevant part as follows:

Section 11C. Except in the case of a publicly held corporation, no person, firm, partnership, trust, association or corporation who has been granted a license to conduct a horse or dog racing meeting, or an officer, director or the beneficial owner of ten per cent or more of the stock of a corporation holding such a license, shall sell, transfer, convey or cause to be transferred, singly or in concert with others, more than ten per cent of the value or stock of the facility or corporation so licensed without first obtaining the written approval of the commission.

While it is apparent that Section 11C was written with other types of transactions more predominantly in mind (including in particular a sale of the property coincident with a transfer of a racing license or a significant investment in the licensee itself by someone purchasing 10% or more of its stock), it applies to the SSR's transaction because the sale of the Property constitutes a conveyance of 100% of the value of SSR's licensed facility.





Massachusetts Gaming Commission

March 16, 2017

Page 3

The statute contemplates limited Commission review of the transaction; it provides that the Commission “shall approve such sale, transfer or conveyance unless it finds that the consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer results in an undesirable concentration of ownership of racing facilities within the commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the racing industry.” M.G.L. c. 128A, § 11C.

Below, we provide further information about the nature and structure of the transaction and then draw upon that information to address the four statutory factors.

### The Transaction

SSR has agreed to sell the Property in fee simple to the Buyer and the scheduled closing date for the transaction is April 27, 2017. Under the parties’ agreement, if the Commission has approved the sale by the scheduled closing date, then simultaneously with the sale of the Property the Buyer will lease back to SSR the portion of the Property that is necessary for conducting racing operations. The form of the lease (the “Lease”) is attached at Tab 1. The leased premises are designated on the plan that is attached to the form of Lease and include the race track, the barn area, the clubhouse and grandstand buildings, and significant parking. Under the Lease, SSR also obtains rights of access over Tomasello Drive and the right to use additional parking areas for overflow parking on live racing and special event days.

The initial term of the Lease would run through January 31, 2018, which obviously would provide for completion of SSR’s planned 2017 racing meeting. Under the agreement, decisions with respect to racing at Suffolk Downs in 2018 would be made by September 2017. Specifically, in August and September 2017, the parties would discuss the Buyer’s development timeline and SSR’s desire and ability to conduct live racing and simulcasting in 2018. If the Buyer were to determine that development activities would allow for racing and simulcasting in 2018 and SSR wishes to proceed, the parties would negotiate toward extension of the term of the Lease, with a deadline for completing negotiations of September 25, 2017. This timing allows SSR to have the extension of the Lease completed, along with the Buyer’s required approval of proposed racing dates, prior to October 1st, which is the date SSR has been submitting its supplemental application for approval racing dates for the succeeding year.

The transaction does not involve a transfer of SSR’s racing license under Chapter 128A and Chapter 176 of the Acts of 2016 or of its resulting authorization to conduct simulcasting under Chapter 128C. SSR will continue to be the licensee for racing and simulcasting conducted during the period of the Lease. The transaction also does not involve the Buyer or anyone affiliated with it purchasing membership interests in SSR or otherwise investing in SSR. There are no contemplated ownership or management changes for SSR in connection with the sale. Moreover, SSR anticipates holding the 2017 live racing meeting and any 2018 live racing





Massachusetts Gaming Commission

March 16, 2017

Page 4

meeting with the same management team and racing officials it has employed for the last two years, subject of course to their availability.<sup>1</sup>

The terms of the Lease reinforce the separation of the Buyer from the racing and simulcasting operations. There are no provisions that allow the Buyer to manage or interfere with racing and wagering operations. The Fixed Rent is set at \$20,000 per month as set forth in Article 1 of the Lease. There is no payment to the Buyer that is contingent on the amount of wagering conducted at Suffolk Downs or calculated as a share of SSR's profits from wagering activity. In addition, the landlord's typical right to enter upon the demised premises is restricted to ensure the protection of the integrity of the racing operations. Specifically, the Lease provides in Article 21.20 that:

Tenant shall have the right to designate certain areas of the Demised Premises (e.g., the so-called "money room") as secure areas such that any Landlord entry shall be prohibited unless Tenant consents to such access in its sole discretion. Secure areas shall include any areas of the Demised Premises that must be maintained in a secure or controlled environment pursuant to Legal Requirements governing wagering or Tenant's horse racing track, simulcasting and wagering operations (it being acknowledged that Legal Requirements include the rules, regulations, orders or policies of the Massachusetts Gaming Commission or its Racing Division).

Accordingly, SSR as the tenant is empowered to work with the Commission and its Racing Division to ensure that remaining live racing at Suffolk Downs is conducted in the same manner, with the same personnel as it has been, free of any potential interference from the Buyer.

#### Statutory Factors for the Commission's Consideration

At noted, Section 11C provides that the Commission "shall approve [the] sale, transfer or conveyance unless it finds that the consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer results in an undesirable concentration of ownership of racing facilities within the commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the racing industry." M.G.L. c. 128A, § 11C. For the reasons that follow, none of the factors give rise to concerns that warrant denial of the request.

---

<sup>1</sup> SSR understands that in the unlikely event that any person associated with the Buyer desires to become a racing official, he or she would have to be licensed by the Commission.





(i) Adequacy of Consideration

As an initial matter, it is not clear how the adequacy of consideration is relevant to the Commission's review of SSR's sale of Suffolk Downs. Section 11C covers a range of transactions and clearly was not drafted with the present transaction in mind—sale of a licensee's entire property coupled with a leaseback of the racing facilities without a transfer of the racing license.

In any event, the consideration SSR is receiving from the Buyer is adequate for the sale of the Property. I'm sure the Commission will understand that the parties consider the purchase price to be a confidential business term at this stage of the transaction and wish to avoid publicly disclosing the precise amount. However, SSR can confirm to the Commission that the purchase price substantially exceeds the valuation of the Property for real estate tax purposes by the cities of Boston and Revere, which is cumulatively \$56,555,200, as shown on the real estate tax bills attached at Tab 2. SSR notes that the actual purchase price will become public upon the closing because it will be stated in the deed and commits to informing the Commission of the purchase price as soon as the deed is recorded.

(ii) Good Cause for the Consideration.

Section 11C provides that the Commission should not approve the sale if it finds that there is not good cause for the payment of the consideration. This factor appears to be targeted at the prevention of sham transactions and/or to address concerns such as money laundering. In the present transaction, good cause for the consideration is apparent. This is an arms-length, third-party sale that involves the conveyance in fee simple of 161 acres of land.

(iii) Concentration of Ownership

Section 11C further provides that the Commission should not approve the sale if it finds that the sale would result in an undesirable concentration of ownership of racing facilities within the Commonwealth. The present transaction will have no such effect—the Buyer does not have any ownership interest in racing facilities in Massachusetts, and thus its purchase of Suffolk Downs will not alter the concentration of ownership in any way. In any event, this concern would be mitigated by the facts that (1) the racing facilities would be leased back to SSR and (2) perhaps more importantly, the Buyer's ownership of the racing facilities will be relatively short-lived, lasting only until the facilities are razed in connection with redevelopment.

(iv) Integrity of Racing

Finally, under Section 11C the Commission should not approve the transaction if it finds that it will result in an adverse impact on the integrity of the racing industry. For reasons detailed above, the present transaction will have no adverse impact on the integrity of the racing industry. The most significant factor in this regard is that there will be no change in the racing



Massachusetts Gaming Commission  
March 16, 2017  
Page 6

licensee, which will remain SSR, and no change in the management personnel of SSR or the racing officials anticipated to conduct future live racing at Suffolk Downs. The Lease is structured so that the Buyer will receive a flat rate of rent, and the Buyer will have no incentive or ability to pressure SSR with respect to the conduct of racing and wagering operations. In addition, the Buyer as landlord has no right to enter into sensitive areas such as the money room and other spaces designated by SSR or the Commission.

### Conclusion

The Commission's timely approval of the sale of the Property to the Buyer, coupled with a leaseback of the racing facilities to SSR, would allow for the temporary continuation of thoroughbred racing at Suffolk Downs while the Buyer undertakes planning and permitting activities in anticipation of its redevelopment of the land. During this period, the Massachusetts thoroughbred racing industry would continue to have a place to race as it has for the past few years and can pursue a permanent solution with the added certainty that Suffolk Downs will no longer be available for live racing. The Commission should approve the sale under General Laws c. 128A, § 11C, because there is no basis for a finding that the consideration is inadequate or not for good cause, or that the sale would lead to an undue concentration of ownership of racing facilities or have an adverse impact on the integrity of racing.

SSR looks forward to engaging with the Commission and its staff with respect to this request. Please do not hesitate to contact me if you have questions or desire additional information.

Sincerely,

A handwritten signature in blue ink that reads 'Bruce S. Barnett'.

Bruce S. Barnett

cc: Executive Director Edward Bedrosian, Mass. Gaming Commission (by electronic mail)  
General Counsel Catherine Blue, Mass. Gaming Commission (by electronic mail)  
Dr. Alexandra Lightbown, Director, MGC Racing Division (by electronic mail)  
Mr. Chip Tuttle, COO, Suffolk Downs (by electronic mail)

# **TAB 1**

Request for Approval of Sale of Suffolk Downs Racing Facility

## LEASE AGREEMENT

This LEASE AGREEMENT (this “**Lease**”) is made and entered into as of this \_\_\_ day of \_\_\_\_\_, 2017 by and between The McClellan Highway Development Company, LLC, a Delaware limited liability company (“**Landlord**”) and Sterling Suffolk Racecourse, LLC, a Massachusetts limited liability company (“**Tenant**”).

### WITNESSETH:

WHEREAS, Landlord has this date acquired from Tenant, together with certain other land and improvements, that certain parcel of land (the “**Land**”) containing approximately [*to be determined*] acres, such Land being improved by a horse racetrack and grandstand, stables, and accessory buildings, together with all other improvements, parking lots, access ways now or hereafter located thereon, all commonly known as Suffolk Downs and located off of McClellan Highway, in East Boston and Revere, Suffolk County, Massachusetts and more particularly described on Exhibit A attached hereto and made a part hereof (such Land, buildings and improvements, being collectively referred to herein as the “**Demised Premises**”);

WHEREAS, as a condition to Tenant’s disposition of the Demised Premises and Landlord’s acquisition of the Demised Premises, Landlord now desires to lease the Demised Premises to Tenant and Tenant now desires to lease the Demised Premises from Landlord all upon the terms and conditions herein set forth; and

WHEREAS, Landlord and Tenant intend for Tenant to simulcast horse racing events and conduct horse racing at the Demised Premises during calendar year 2017 and anticipate that Tenant will simulcast horse racing events and conduct horse racing at the Demised Premises during calendar year 2018 pursuant to this Lease.

NOW, THEREFORE, in consideration of the mutual premises herein set forth, the sufficiency of which being hereby acknowledged, the parties hereto do hereby agree as follows:

### ARTICLE 1

#### TERMS AND DEFINITIONS

For purposes of this Lease, the following terms shall have the following meanings:

- |               |   |
|---------------|---|
| Buildings:    | Those certain buildings located on and forming a part of the Demised Premises, together with all appurtenances thereto. |
| Business Day: | All days, excluding Saturdays, Sundays, and all days observed by the New York Stock Exchange as holidays.               |

Expiration Date: See Section 3.1, below.

Fixed Rent: Fixed Rent for the Demised Premises for the Lease Term shall commence on the date hereof and shall be as follows: \$20,000 per month.

Lease Commencement Date: The date hereof.

Lease Term: A period of time commencing on the Lease Commencement Date and ending on the Expiration Date, as it may be extended by the Extension Term, unless otherwise terminated or extended pursuant to the terms or provisions of this Lease.

Property: That certain land, of which the Demised Premises is a part, containing approximately 161 acres and owned by the Landlord, which Property was acquired from Tenant on the date hereof. The Property is further described on Exhibit B, attached.

Remaining Property: That portion of the Property that excludes the Demised Premises.

Security Deposit: None.

Tenant's NPDES Racing Closure Obligations Funds: \$150,000, subject to the provisions of Section 21.21(g).

Address for Notices  
(Section 21.11):

To Landlord: c/o The HYM Investment Group, LLC  
One Congress Street, 11<sup>th</sup> Floor  
Boston, MA 02114  
With separate copies to the attention of each of:  
Thomas N. O'Brien,  
Douglas Manz and  
Paul Crisalli

With a Copy to:

and Cathexis Holdings, LP  
1000 Louisiana Street, Suite 7000  
Houston, Texas 77002  
Attn: William B. Harrison

Ropes & Gray LLP  
Prudential Tower  
800 Boylston Street



Boston, MA 02199  
Attn: Marc D. Lazar, Esq.

To Tenant: Sterling Suffolk Racecourse, LLC  
525 William F. McClellan Highway  
East Boston, MA 02128  
Attn: Chip Tuttle

With a copy to: DLA Piper LLP (US)  
33 Arch Street  
Boston, MA 02110  
Attention: Bryan C. Connolly, Esq.

## ARTICLE 2

### DEMISED PREMISES

2.1 The Demised Premises. Upon and subject to the terms, covenants and conditions hereinafter set forth, Landlord hereby leases and demises to Tenant and Tenant hereby leases from Landlord the Demised Premises.

2.2 Condition of the Demised Premises.

(a) Tenant expressly understands and agrees and acknowledges that Landlord would not have acquired the Demised Premises or entered into this Lease without the express provisions of this Section 2.2(a). Tenant acknowledges that it is in possession of the Demised Premises as of the date of this Lease and agrees that the Demised Premises and all improvements and fixtures (including, without limitation, the Building) have been accepted by Tenant "AS IS" in their present condition and with all faults, whether latent or patent, foreseeable or unforeseeable.

(b) Landlord expressly understands and agrees and acknowledges that Tenant would not have sold the Demised Premises or entered into this Lease without the express provisions of this Section 2.2(b). It is understood that the Landlord has acquired the Demised Premises and all improvements and fixtures (including, without limitation, the Building) subject to the terms and provisions of the Contract of Sale (hereinafter defined). Except as expressly set forth in this Lease, Tenant shall have no liability for, or obligations with respect to, the condition of the Demised Premises and all improvements and fixtures thereon (including, without limitation, the Buildings) including, without limitation, compliance with any and all laws, rules, regulations or orders applicable to the Demised Premises or the presence or condition of any Hazardous Materials.

2.3 Appurtenant Rights. Tenant shall have the benefit of all appurtenant rights of record benefiting the Demised Premises and the appurtenant right to use Tomasello Road (from McClellan Highway in East Boston to Winthrop Avenue in Revere) and existing utility lines on



the Remaining Property that serve the Demised Premises. In addition, Landlord shall have the right, at no charge, to utilize unoccupied portions of the parking lots within Demised Premises for overflow parking, and Tenant shall have the right, at no charge, to utilize unoccupied portions of the parking lots within the Remaining Property for overflow parking for live horse racing days and for days on which Tenant simulcasts the Triple Crown and Breeder's Cup racing events, as applicable, with the prior written consent of the other party, such consent not to be unreasonably withheld, conditioned or delayed. Any exercise of the overflow parking rights set forth in the immediately preceding sentence are subject to the terms and conditions of any lease or other occupancy agreement of the Remaining Property or Demised Premises, as applicable, then existing and to the reasonable rules and regulations promulgated by the party subject to the exercise of such right and in any event not to include overnight parking by Tenant on the Remaining Property.

### ARTICLE 3

#### LEASE TERM/TERMINATION RIGHTS

3.1 Term. The terms and provisions of this Lease shall be effective as of the Lease Commencement Date. The Lease Term shall commence on the Lease Commencement Date and shall terminate on January 31, 2018 (as it may be extended by the Extension Term, the "**Expiration Date**"), or such earlier date upon which said term may expire, be canceled or be terminated in accordance with this Lease.

3.2 Extension Term. Prior to or during the months of August and September 2017, Tenant and Landlord shall discuss Landlord's timeline for the development of the Property and Tenant's desire and ability to simulcast horse racing events and conduct horse racing at the Demised Premises during calendar year 2018. If Tenant desires to simulcast horse racing events or conduct live horse racing at the Demised Premises during calendar year 2018, Tenant shall, prior to seeking approval from the Commission to conduct such live horse racing events, obtain Landlord's prior written consent to the dates on which the Tenant intends to conduct such live horse racing events. If Landlord decides in its sole but good faith discretion that its timeline for the development of the Property will allow for Tenant to conduct such simulcasting and/or racing activities, Landlord and Tenant shall discuss and shall endeavor in good faith to agree upon an extension of the Lease Term (the "**Extension Term**") that will allow Landlord to continue its development of the Property and Tenant to conduct such activities during the 2018 calendar year. If Landlord and Tenant agree to extend the term of the Lease for the Extension Term, then the terms and conditions of such Extension Term shall be as set forth herein other than the expiration date of the Extension Term and shall be documented in an amendment to this Lease. If Landlord decides that the timeline for the development of the Property does not allow for Tenant to conduct such activities during calendar year 2018 or Landlord and Tenant are unable to agree on the expiration date of the proposed Extension Term despite such good faith efforts on or prior to September 25, 2017, then the Lease shall not be extended and shall terminate on the Expiration Date (the parties acknowledging that the deadline for Tenant to submit its application for live horse racing dates is October 1 of each calendar year). Tenant shall not change or modify any live racing date to a date that is after the final live racing date during calendar year 2018 approved by Landlord without obtaining Landlord's prior written consent. Tenant shall provide Landlord with prior written notice of (but shall not be required to obtain Landlord's approval for)

any other change or modification to any racing date. Tenant shall not enter into any contract to simulcast horse racing events or conduct horse racing at the Demised Premises in which either party has any obligation encumbering the Demised Premises from and after the thirtieth (30<sup>th</sup>) day following the final live racing date during calendar year 2018 approved by Landlord or that would restrict Tenant's ability to cease racing and simulcasting activities prior to the Expiration Date.

3.3 Termination Rights. Tenant shall have the right to terminate the Lease by at least 90 days' prior written notice to Landlord in the event that (a) Tenant's right to simulcast horse racing events or conduct horse racing at the Demised Premises (or Tenant's license to conduct such operations) terminates or (b) Tenant determines in its reasonable discretion that compliance with the NPDES Permit is too expensive or burdensome. Either party may terminate the Lease by providing the other party with 90 days' prior written notice to the other party, if such party determines in its sole discretion that a capital repair or replacement to the Demised Premises or Tomasello Road is necessary for Tenant's operation of the Demised Premises to continue or to comply with any Legal Requirements (as defined below).

3.4 Close-Out Term. If Tenant has not completed Tenant's NPDES Racing Closure Obligations (as defined herein) as set forth in Section 21.21(f) prior to the Expiration Date or any other termination date of the Lease pursuant to the terms and conditions of this Lease, as applicable, Tenant shall have a revocable license, for up to 90 days (the "Close-Out Term"), to have access to the Demised Property in order to fully satisfy all Tenant's NPDES Racing Closure Obligations to the satisfaction of Landlord in its reasonable discretion. The obligations of this Section 3.4 shall survive expiration of the Lease Term or any earlier termination of this Lease.

## ARTICLE 4

### RENTAL AND OTHER PAYMENTS

4.1 Fixed Rent. Tenant agrees to pay the Fixed Rent to Landlord at Landlord's address set forth herein, or such other place as Landlord may from time to time designate upon at least 30 days' notice to Tenant, and at the times and in the manner herein provided. Commencing on the Lease Commencement Date, Fixed Rent shall be payable by Tenant to Landlord in advance on the first day of each calendar month, provided that if a rental payment date (including the Lease Commencement Date) falls on a day of the month other than the first day of such month, or if any rental payment is for a period which is shorter than one month, then the Fixed Rent for such fractional month shall accrue on a daily basis for the period from the date such payment is due to the end of such calendar month (or to the end of the Lease Term, if applicable) at a rate per day which is equal to 1/30<sup>th</sup> of the Fixed Rent then in effect; provided further that Fixed Rent for the period from the Lease Commencement Date through the end of the month in which the Lease Commencement Date occurs shall be paid by Tenant on the Lease Commencement Date. All other payments required to be made under the terms of this Lease that require proration on a time basis shall be prorated on the same basis. Fixed Rent shall be paid in the applicable amounts set forth in Article 1 above for each month during the Lease Term.

4.2 Additional Rent. Any and all sums expressly due under this Lease from Tenant to Landlord (other than the Fixed Rent), if any, shall be deemed "Additional Rent" hereunder. A

failure to pay Additional Rent shall have the same effect and shall be treated identically to a failure to pay Fixed Rent, as all such sums are hereby considered “rent”.

#### 4.3 Obligations to Pay Impositions.

(a) Landlord’s Obligations. Landlord will pay or cause to be paid when due and payable, and prior to delinquency, all real estate taxes (including, but not limited to, all assessments for public improvements or benefits), of every kind and nature whatsoever, general and special, ordinary and extraordinary, unforeseen as well as foreseen, which at any time may be assessed, levied, confirmed, imposed or which may become a lien upon the Demised Premises or any portion thereof, or which are payable with respect thereto, or upon the rents, issues, income or profits thereof, whether any or all of the same be levied directly or indirectly, and all taxes, assessments or charges which may be levied on this Lease, or the interest thereon (collectively, **“Impositions”**). Nothing herein shall prohibit Landlord from contesting Impositions applicable to the Lease Term, and Landlord shall be entitled to any abatement, adjustment or the like relating to the Lease Term, even if payable to Tenant (in which case Tenant shall promptly pay over, or reimburse, the same to Landlord), which right to contest and any abatement, adjustment or the like and Tenant’s obligation to pay over or reimburse the same shall survive the expiration of the Lease Term or any earlier termination of this Lease.

(b) Tenant’s Obligations. Tenant will pay or cause to be paid when due and payable, and prior to delinquency, any personal property taxes of every kind and nature whatsoever relating to Tenant’s personal property located at and/or used to operate or maintain the Demised Premises.

4.4 Late Payments. If Tenant shall fail to pay within 10 days of the date when due any installment of Fixed Rent or any Additional Rent (provided that no such interest shall accrue with respect to Additional Rent unless Tenant is first given notice of such late payment), Tenant shall pay interest thereon at the annual rate of interest (the **“Default Rate”**) equal to the lesser of (i) six percentage points per annum above the so-called prime rate (the **“Prime Rate”**) as published in the Money Rates section of The Wall Street Journal (the **“Journal”**) (or if the Journal ceases to be published or to publish such rates, then any successor reasonably designated by Landlord), or (ii) the then prevailing maximum legal rate chargeable to Tenant, from the date when such installation or payment shall have become due to the date of the payment thereof, and such interest shall be deemed Additional Rent.

## ARTICLE 5

### SECURITY DEPOSIT

5.1 Security Deposit. No security deposit shall be required in connection with this Lease.

## ARTICLE 6

### USE

6.1 Use. Subject to Tenant's compliance with Legal Requirements, Tenant may continue to use the Demised Premises for the purposes and uses undertaken by Tenant within the Demised Premises prior to the date of this Lease (e.g., operation of a horse racing track and simulcasting facility and lawful accessory uses thereto) and for no other purpose (the "**Permitted Use**"). Nothing contained in this Lease shall be deemed or construed to impose any affirmative obligation on Tenant to make any particular use of the Demised Premises, or any use thereof at all.

## ARTICLE 7

### SERVICES AND UTILITIES

7.1 Obtaining Utilities. During the Lease Term, Tenant agrees, at its sole cost and expense, to arrange for, and pay for, all requisite utilities provided to the Demised Premises, the parking lots on the Remaining Property and Tomasello Road (but Tenant shall not be obligated to make any capital repairs or improvements with respect to such utilities), including without limitation, for Tenant's Signage (as defined below), and to directly pay for the use of all such utilities. In the event that any utilities provided to the Demised Premises are billed directly to Landlord, whether sub-metered or otherwise, then and in that event Landlord shall promptly advise Tenant of same and Tenant shall pay to Landlord within 30 days after demand, which demand shall be accompanied by supporting bills from the utility company, all of such expenses; and Landlord and Tenant shall cooperate in an effort to have such utilities billed directly to Tenant. Tenant acknowledges that, during the Lease Term, Landlord shall have no responsibility or liability to Tenant whatsoever for the provision or supply of utilities to the Demised Premises, or for the cost of any such utilities, all of same being the sole responsibility of Tenant, except as provided in Section 7.2 hereof.

7.2 Interruption of Services and Utilities. Landlord shall not be liable for, and Tenant shall not be entitled to any reduction of the Fixed Rent or Additional Rent on account of, Tenant's failure to receive any utility service on account of accident, breakage, when such failure is caused by acts of God, war, repairs, strikes, lockouts or other labor disturbances or disputes, unavailability of materials or labor, or by any other cause whatsoever, or by rationing or restrictions on the use of said services and utilities due to energy shortages, war or any other reason (collectively, "**Force Majeure**"), or the making of repairs, Alterations (as defined below) or improvements to the Demised Premises or Building, unless such failure is due to the gross negligence or willful misconduct of Landlord or its agents, contractors or employees. In the event that the gross negligence or willful misconduct of Landlord or its agents, contractors or employees leads to an interruption in services and/or utilities, Landlord's liability shall be limited to the amount and extent of coverage (if any) for the results of such gross negligence or willful misconduct under Landlord's general liability insurance policies (Tenant acknowledging that Landlord has no obligation to maintain business interruption insurance).

## ARTICLE 8

### INDEMNITY AND INSURANCE

#### 8.1 Indemnification.

(a) Landlord shall not be liable for and Tenant hereby relinquishes any claims against Landlord (and all of its shareholders, members, partners, officers, directors, trustees, employees, affiliates, agents or representatives (collectively, “**Landlord’s Affiliates**”)) for damage to any property, improvements, fixtures, equipment and/or personal property, and for any illness or death of any person in, upon, or about the Demised Premises first arising at any time during the Lease Term and from any cause whatsoever other than damages to the extent caused by reason of the willful misconduct or gross negligence of Landlord, Landlord’s Affiliates or their respective agents, contractors or employees. Tenant shall indemnify, defend, and protect Landlord and Landlord’s Affiliates, and hold Landlord and Landlord’s Affiliates harmless from any and all notices, violations, demands, judgments, actions, damages, expenses, losses, costs, and/or liabilities, including but not limited to all attorneys’ fees, expert fees, laboratory fees, penalties, court costs, and fines of any kind or nature whatsoever, whether known or unknown and foreseen or unforeseen (hereinafter collectively referred to as “**Claims**”) incurred in connection with or arising from (i) the use or occupancy of the Demised Premises by Tenant or Vendor during the Lease Term; (ii) injury to any person (including death) or damage to personal property at the Demised Premises during the Lease Term, as well as any damage to property, improvements, fixtures and/or equipment that materially increases Landlord’s costs of operating the Property; (iii) the failure of Tenant or any of its shareholders, members, partners, officers, directors, trustees, employees, affiliates, agents, representatives or contractors (collectively “**Tenant’s Affiliates**”) or any of their respective Vendors, agents or employees to comply with applicable laws and authorizations at the Demised Premises during the Lease Term; (iv) or arising out of any Release (as defined below) of Hazardous Materials and/or violation of any Applicable Environmental Law, the EPA Consent Decree and the NPDES Permit first occurring during the Lease Term; provided, however, that Tenant shall have no obligation under this Section 8.1 for Claims arising out of a Release migrating onto the Demised Premises from off-site if not caused by Tenant or any Tenant’s Affiliates or Vendors or for Claims resulting from the acts or omissions solely of Landlord or Landlord’s Affiliates; and (v) any negligent acts or omissions or willful misconduct of Tenant, Tenant’s Affiliates or Vendors in, on, or about the Demised Premises, in each case first occurring during the Lease Term; provided, however, that Tenant shall have no obligation for the portion, if any, of any Claim resulting from the willful misconduct or negligence on the part of Landlord or Landlord’s Affiliates or their respective agents, contractors or employees. Landlord shall have the right to undertake, control and conduct, through counsel of its own choosing and, at the sole cost and expense of Tenant, the conduct and settlement of any Claim giving rise to indemnification hereunder, and Tenant shall cooperate with Landlord in connection therewith; provided, however, that Tenant shall have the right to reasonably approve the settlement of any Claim. Notwithstanding the foregoing, if the issuer of any insurance policy maintained by Tenant and meeting the applicable requirements of this Lease shall assume the defense of any such Claim, then Landlord shall permit such insurance carrier to defend the claim with its counsel and (x) Landlord shall not settle such claim without the consent of the insurance carrier and Tenant (unless such settlement would relieve Landlord of all liability for which Tenant or its insurance carrier may be liable hereunder and Tenant and its

insurance carrier shall have no liability for such settlement), such consent not to be unreasonably withheld, conditioned or delayed by Tenant, (y) Tenant shall have the right to settle such claim without the consent of Landlord if Landlord and its insurance carrier would be relieved of all liability in connection therewith, and (z) Landlord shall reasonably cooperate, at Tenant's expense, with the insurance carrier in its defense of any such Claim. For any portion of any Claim not assumed by the applicable insurance carrier, the previous portions of this Section 8.1(a) shall control.

(b) Notwithstanding anything contained in Section 8.1(a) hereof to the contrary, Landlord shall indemnify, defend, and protect Tenant and all of Tenant's Affiliates, and hold Tenant and Tenant's Affiliates harmless from any and all Claims incurred in connection with or arising from any willful misconduct or gross negligence of Landlord, Landlord's Affiliates and their respective agents, contractors or employees in connection with the Demised Premises; provided, however, that the foregoing provisions of this sentence shall not apply to the extent of any willful misconduct or negligence on the part of Tenant or Tenant's Affiliates or their respective agents, contractors or employees. Tenant shall have the right to undertake, control and conduct, through counsel of its own choosing and, at the sole cost and expense of Landlord, the conduct and settlement of any Claim giving rise to indemnification hereunder, and Landlord shall cooperate with Tenant in connection therewith; provided, however, that Landlord shall have the right to reasonably approve the settlement of any Claim. Notwithstanding the foregoing, if the issuer of any insurance policy maintained by Landlord and meeting the applicable requirements of this Lease shall assume the defense of any such Claim, then Tenant shall permit such insurance carrier to defend the claim with its counsel and (x) Landlord shall have the right to settle such claim without the consent of Tenant if Tenant and its insurance carrier would be relieved of all liability in connection therewith, and (y) Tenant shall reasonably cooperate, at Landlord's expense, with the insurance carrier in its defense of any such Claim. Nothing contained in this Section 8.1(b) shall be deemed to relieve Tenant of the obligation to maintain insurance in accordance with the provisions of this Article 8. For any portion of any Claim not assumed by the applicable insurance carrier, the previous portions of this paragraph shall control.

## 8.2 Insurance.

(a) Tenant's Insurance. Tenant has provided Landlord with true and complete copies of all insurance policies maintained by Tenant as of the Lease Commencement Date attached hereto as Exhibit C ("**Tenant's Existing Insurance**"). Tenant shall obtain and maintain throughout the Lease Term, at its sole cost and expense, Tenant's Existing Insurance or such similar or superior coverage as Landlord may reasonably approve; provided that, (i) Tenant's Existing Insurance shall be amended to (x) add the Additional Insureds (as defined below) as additional insureds under the commercial general liability insurance policy carried by Tenant, and (y) waive subrogation as set forth in Section 8.4, and (ii) Tenant shall not be permitted to use fireworks or any other pyrotechnics at the Demised Premises. Tenant shall be required to add a "per location basis" endorsement to Tenant's Existing Insurance if Tenant's Existing Insurance is modified to add any additional location. Tenant shall not during the Lease Term reduce the scope or amount of coverage provided in Tenant's Existing Insurance and shall not increase the amount of its deductibles. Tenant shall provide Landlord with prior written notice before amending Tenant's Existing Insurance.



(b) Requirements for Insurance. All insurance required to be maintained by Tenant pursuant to this Lease shall be maintained with responsible companies that are admitted to do business, and are in good standing, in the jurisdiction in which the Demised Premises are located and that have a rating of at least “A-VIII” or better. Landlord acknowledges that Tenant’s Existing Insurance is acceptable in form and content to Landlord. In the event Tenant shall fail to obtain or maintain any insurance meeting the requirements of this Section 8.2, or to deliver such policies or certificates as required by this Section 8.2, Landlord may, at its option, on 10 days’ notice to Tenant if not provided by Tenant within 10 days of such notice, procure such policies for the account of Tenant, and the cost thereof shall be paid to Landlord within 10 days after delivery to Tenant of bills therefor.

(c) Additional Insureds. To the fullest extent permitted by law, the commercial general liability carried by Tenant pursuant to this Lease shall name Landlord, the parties set forth on Exhibit C, Landlord’s lender and such other persons as Landlord may reasonably request from time to time as additional insureds with respect to liability arising out of or related to this Lease or the operations of Tenant (collectively “**Additional Insureds**”) using the ISO “Additional Insured – Owners, Lessees or Contractors – (Form B) form CG 20 10 11 85 form or another ISO form providing equivalent coverage.

(d) Certificates of Insurance. On or before the Lease Commencement Date, Tenant shall furnish Landlord with certificates evidencing the insurance coverage required by this Lease, and renewal certificates shall be furnished to Landlord at least annually thereafter, and at least 30 days prior to the expiration date of each policy for which a certificate was furnished. (Acceptable forms of such certificates for liability and property insurance are ACORD 25 and ACORD 27, respectively, as of the date hereof, however other forms of certificates may satisfy the requirements of this Section 8.2(d).) Failure by the Tenant to provide the certificates or letters required by this Section 8.2(d) shall not be deemed to be a waiver of the requirements in this Section 8.2(d). Upon request by Landlord, a true and complete copy of any insurance policy required by this Lease shall be delivered to Landlord within 10 days following Landlord’s request. Tenant’s insurance shall not be cancelled unless 30 days’ prior written notice shall have been given to Landlord. Tenant shall have the right to provide insurance coverage for which it is obligated pursuant to Article 8 in a blanket policy, provided that such blanket policy expressly affords coverage in the Demised Premises and to Landlord as required herein and that such coverage shall be property specific and shall not be limited in amount by claims at other properties under such blanket insurance policy.

(e) Vendor’s Insurance. Tenant shall endeavor in good faith to cause all of the contractors, subcontractors, vendors and concessionaires (collectively, “**Vendors**”) using or operating at the Demised Premises to obtain and maintain the insurance set forth on Exhibit D hereto. Notwithstanding the foregoing, Tenant shall undertake best efforts to cause its concessionaire (BCG/Centerplate), its simulcasting software vendor (Amtote), its simulcasting television and video vendor (International Sound), its security services vendor (Allied Barton Security Services), and its janitorial vendor (ABM) to name the Additional Insureds as additional insureds under the general liability insurance policies carried by such Vendors to the same extent that Tenant is named as an additional insured by such Vendors. Landlord shall have the right to review and approve the insurance coverage of any new Vendor using or operating at the Demised Premises to the extent such insurance coverage does not comply with the requirements

set forth in Exhibit D attached hereto. Tenant shall provide Landlord with written notice of any new Vendor and copies of such Vendor's certificates of insurance within 5 days of entering into a contract with or otherwise retaining such new Vendor.

8.3 Reserved.

8.4 Subrogation. The parties hereto hereby waive any and all rights of recovery against the other, or against the Tenant's Affiliates or the Landlord's Affiliates, as applicable, for loss or damage incurred by the waiving party to the extent such loss or damage is insured against under any insurance policy carried by Landlord or Tenant. In addition, the parties hereto shall procure an appropriate clause in, or endorsement on, any insurance policy required by this Lease pursuant to which the insurance companies waive subrogation or consent to a waiver of right of recovery, hereby agree not to make any claim against or seek to recover from the other for any loss or damage resulting from any matter covered by such insurance.

8.5 Failure to Maintain. In the event Tenant shall fail to effect or maintain any insurance required to be effected or maintained pursuant to the provisions of this Article 8, Landlord shall so notify Tenant and Landlord shall have the right, but not the obligation, to obtain any such insurance upon 10 days' prior notice to Tenant, in which case Landlord shall notify Tenant of same within a reasonable period of time after obtaining such insurance, and any reasonable amount expended by Landlord shall be deemed Additional Rent under this Lease and shall immediately be due and payable by Tenant within 30 days after delivery to Tenant of a bill therefor, and same shall be without prejudice to Landlord's rights and remedies in respect of such default.

## ARTICLE 9

### TENANT ALTERATIONS/PERSONAL PROPERTY

9.1 Alterations.

(a) Tenant shall obtain Landlord's prior written consent prior to making any improvements, alterations, additions, and changes (collectively, "**Alterations**") in and to the Demised Premises as it may find necessary or convenient for its purposes, which consent shall not be unreasonably withheld, conditioned or delayed and shall not be required for purely cosmetic interior changes, such as painting or carpeting, or minor, non-structural interior Alterations costing less than \$100,000 in any calendar year in the aggregate. It shall be reasonable for Landlord to condition the approval of any Alterations that would materially increase the cost of demolishing the Demised Premises following the Lease Term on the removal of the same by Tenant prior to the Expiration Date. All Alterations following the Effective Date shall be at the sole cost of Tenant, shall be performed by the Tenant in accordance with all applicable laws and shall be the property of Tenant prior to the Expiration Date, the end of the Extension Term or any other termination date of the Lease pursuant to the terms and conditions of this Lease, as applicable. Tenant shall, before making any such Alterations, at its sole cost and expense, obtain all permits, approvals and certificates required by any governmental or quasi-governmental bodies and (upon completion) certificates of final approval thereof.

(b) Tenant shall not permit any lien or encumbrance of any kind whatsoever to attach to or be placed upon the Demised Premises or any portion thereof after the date hereof by anyone claiming by, through or under Tenant or by anyone who performed any work on behalf of Tenant, and any and all liens and encumbrances created by, through or under Tenant shall attach to Tenant's interest only, including, without limitation, Tenant's furniture, fixtures and equipment and Tenant's leasehold interest. Tenant covenants and agrees not to suffer or permit any lien of creditors, mechanics or materialmen or others to be placed against the Demised Premises after the date hereof with respect to work, product or services claimed to have been performed for, or materials claimed to have been furnished to, Tenant and anyone claiming by, through or under Tenant or who performed any work on behalf of Tenant, and, in case of any such lien attaching or notice of any lien, Tenant covenants and agrees to cause it to be promptly released and removed of record or bonded over. Notwithstanding anything to the contrary set forth in this Lease, in the event that such lien is not released and removed on or before the date occurring 25 days after written notice of such lien is delivered by Landlord to Tenant, Landlord, at its sole option (but without any obligation to do so), may immediately take all reasonable action necessary to release and remove such lien, without any duty to investigate the validity thereof, and shall notify Tenant of same within a reasonable period of time, and all sums, costs and expenses, including reasonable attorneys' fees and costs, incurred by Landlord in connection with such lien shall be deemed Additional Rent under this Lease and shall immediately be due and payable by Tenant. Nothing herein shall prohibit Tenant from contesting any lien or encumbrance. In the event of any such contest, Tenant shall give Landlord written notice thereof. Notwithstanding the foregoing, Tenant shall promptly pay all such liens or encumbrances, or discharge or bond over the same, if at any time the Demised Premises or Property shall otherwise be immediately subject to forfeiture, or if Landlord shall be subject to any criminal liability arising out of the non-payment thereof. No demolition debris or other materials (including asbestos containing materials) resulting from any Alterations shall be left on or buried at the Demised Premises.

9.2 Construction Insurance. In the event that Tenant shall make any Alterations to the Demised Premises, in compliance with the terms and provisions of this Article 9, Tenant agrees to carry all-risk "Builders' All Risk" insurance with respect to the Demised Premises during any period in which such Alterations are occurring at the Demised Premises, against loss or damage by fire and such other risks, including vandalism, malicious mischief and sprinkler leakage, as are included in so-called "extended coverage" clauses at the time available with respect to similar property in the area, in an amount not less than the full insurable value of the Alterations made to the Demised Premises when the work is not insured under Tenant's property insurance. Tenant will cause Tenant's contractors and subcontractors to carry the insurance set forth on Exhibit D hereto.

9.3 Personal Property. Tenant shall not sell, dispose of or permit any lien or encumbrance of any kind whatsoever to attach to or be placed upon on any of Tenant's personal property located at the Demised Premises without Landlord's consent. At least 90 days prior to the Expiration Date, Tenant shall provide Landlord a list of all of Tenant's personal property located at the Demised Premises, including, without limitation, any of Tenant's equipment used to maintain the Demised Premises. Landlord and Tenant shall discuss and shall endeavor in good faith to agree upon the personal property, including, without limitation, any horse-racing-related memorabilia, to be transferred to Landlord prior to the Expiration Date, the end of the Extension Term or any other termination date of the Lease pursuant to the terms and conditions

of this Lease, as applicable. In no event shall any of Tenant's equipment associated with the simulcasting or wagering activities at the Demised Premises or Tenant's concessionaire's equipment and personal property be deemed to be part of the Demised Premises and Tenant (or its concessionaire as applicable) shall have the right to remove the same at the expiration of the Lease Term.

## ARTICLE 10

### SIGNS

10.1 Subject to Tenant's receipt of the approval of all governmental authorities having jurisdiction over the Demised Premises, Tenant may maintain Tenant's existing signage on the interior or exterior portions of the Demised Premises and at the entrance of the Property at Route 1A in Boston, Massachusetts (collectively, "Signage").

10.2 Tenant shall be solely responsible for maintaining, repairing and/or replacing Tenant's Signage, at Tenant's sole cost and expense.

## ARTICLE 11

### ASSIGNMENT AND SUBLETTING

11.1 Restrictions on Assignment. Tenant shall not, in whole or in part, transfer or assign this Lease or sublet the Demised Premises (collectively, a "**Transfer**"), without obtaining Landlord's prior written consent, which consent Landlord may withhold in its sole discretion. Any such attempted or purported Transfer without Landlord's prior written consent shall be void and of no force or effect and shall constitute a default under this Lease. Landlord acknowledges that it has approved the USSOC Understanding, as defined in the Contract of Sale (as defined below) and any written agreement to memorialize the same (provided that any such agreement shall be subject and subordinate to this Lease and terminate upon the expiration or earlier termination of the Lease Term); provided that, if such written agreement has not been executed prior to commencement of the Lease Term, Landlord shall have the right to approve such written agreement, such approval not to be unreasonably withheld, conditioned or delayed.

11.2 Effect of an Transfer. In the event of an assignment, the assignee shall agree to comply with and be bound by and shall assume all of the terms, covenants, conditions, provisions and agreements of this Lease arising from and after the date of the assignment; and Tenant shall deliver to Landlord promptly after execution an executed copy of each Assignment Document (as hereinafter defined) and an agreement of compliance by the assignee if such compliance is not expressly set forth in such Assignment Document. Neither any Assignment of Tenant's interest in this Lease nor any subletting, occupancy or use of the Demised Premises or any part thereof by any person other than Tenant, nor any collection of rent by Landlord from any person other than Tenant as provided in this Article 11, nor any application of any such rent as provided in this Article 11, shall under any circumstances, relieve or release Tenant of its obligation fully to observe and perform the terms, covenants and conditions of this Lease on Tenant's part to be observed and performed.

11.3 Required Documents. Any assignment of this Lease shall be evidenced by a written instrument in form reasonably satisfactory to Landlord, executed by Tenant and the assignee, under which the assignee shall agree in writing for the benefit of Landlord to assume, to perform and to abide by (for the period from and after the date of the Assignment) all of the terms, covenants and conditions of this Lease to be done, kept and performed by Tenant, including the payment of all amounts due or to become due under this Lease directly to Landlord and the obligation to use the Demised Premises only for the purposes specified in this Lease (“**Assignment Documents**”).

## ARTICLE 12

### REPAIRS AND MAINTENANCE

12.1 Tenant agrees that Landlord shall have no obligation whatsoever in respect of the repair, operation, maintenance, compliance and/or replacement of the Demised Premises, unless the need for the same arises due to the gross negligence or willful misconduct of Landlord or its agents, contractors or employees, in which case Landlord shall be responsible to the extent attributable to such gross negligence or willful misconduct (but subject to the provisions of Section 8.4 above). Tenant shall clean, maintain and repair the Demised Premises, and shall pay all costs and expenses of so doing, keeping the Demised Premises in safe and sanitary condition and otherwise consistent with the manner in which the Demised Premises is currently operated. In addition, Tenant shall maintain the existing landscaping for the entire Property and shall keep Tomasello Road free of unreasonable accumulations of ice and snow, keep the surface of Tomasello Road in the condition in which it exists on the Effective Date (reasonable wear and tear excepted), and shall pay all costs and expenses of so doing. In no event shall the provisions of this Section 12.1 or any other provision of the Lease obligate either Tenant or Landlord to undertake any capital repair or replacements. Landlord shall not disturb the existing utility service to the Demised Premises and Tenant shall have the right, but not the obligation, to maintain and repair all utility lines on the Property serving the Demised Premises.

Landlord shall not be liable under any circumstances for a loss of or injury to property, loss of profits, or for injury to or interference with Tenant’s business arising from or in connection with the condition of the Demised Premises (including without limitation due to latent defects) or by virtue of Tenant’s failure to make any repairs, maintenance, Alterations or improvements in or to any portion of the Demised Premises or in or to fixtures, appurtenances and equipment therein unless arising due to the gross negligence or willful misconduct of Landlord or its agents, contractors or employees, in which case Landlord shall be responsible to the extent attributable to Landlord’s or such party’s gross negligence or willful misconduct (but subject to the provisions of Section 8.4 above).

## ARTICLE 13

### DAMAGE OR DESTRUCTION

13.1 Casualty; Restoration. If, at any time during the Lease Term, any portion of the Demised Premises is damaged by fire or other cause such that a capital repair or replacement to the Demised Premises would be necessary for Tenant’s operation of the Demised Premises to

continue or to comply with any Legal Requirements, either Tenant or Landlord may terminate the Lease by at least 90 days' prior written notice to the other party. In the event that neither party elects to terminate the Lease and Tenant desires to repair the Demised Premises in its sole discretion, Tenant may (but shall have no obligation to) do so and in any event shall undertake such repairs or restoration as are required to maintain the Demised Premise in a safe manner, at its sole cost and expense (but in no event shall Tenant have any obligation to expend more than \$50,000 in connection with such efforts). Unless terminated in accordance with the terms hereof, this Lease shall remain in full force and effect without any reduction in the Fixed Rent and Additional Rent. In the event Tenant elects to terminate this Lease as a result of such casualty or does not elect to repair the Demised Premises, the insurance proceeds received by Tenant, if any, as a result of such casualty shall belong to Tenant. If this Lease does not terminate as a result of such casualty, neither Tenant nor Landlord shall have any obligation to restore any damaged improvements (except as set forth above with respect to rendering the Demised Premises safe) or undertake any capital repairs or replacements. Tenant shall not be entitled to any compensation or damages from Landlord for damage to any of Tenant's improvements, Alterations, fixtures, or Tenant's other property, for loss of use of the Demised Premises or any part thereof, or for any damage to or interference with Tenant's business, loss of profits, or for any disturbance to Tenant caused by any casualty or the restoration of the Demised Premises following such casualty unless the same arises from the gross negligence or willful misconduct of Landlord or its agents, contractors or employees, in which case Landlord shall be responsible to the extent attributable to such gross negligence or willful misconduct (subject to the provisions of Section 8.4).

13.2 Waiver of Statutory Provisions. The provisions of this Lease, including this Article 13, constitute an express agreement between Landlord and Tenant with respect to any and all damage to, or destruction of, all or any part of the Demised Premises, and any applicable statute or regulation with respect to any rights or obligations concerning damage or destruction in the absence of an express agreement between the parties, and any other statute or regulation, now or hereafter in effect, shall have no application to this Lease or any damage or destruction to all or any part of the Demised Premises.

## ARTICLE 14

### DEFAULTS; REMEDIES

14.1 Events of Default. The occurrence of any of the following shall constitute an **"Event of Default"** and material breach of this Lease by Tenant:

(a) Any failure by Tenant to pay when due any installment of Fixed Rent, Additional Rent and/or any other charge required to be paid to Landlord under this Lease, or any part thereof, and such default continues for five Business Days after written notice thereof from Landlord to Tenant; or

(b) Any failure by Tenant to observe or perform any other material provision, covenant or condition of this Lease to be observed or performed by Tenant where such failure continues for 30 days after written notice thereof from Landlord to Tenant; provided that if the nature of such default is such that the same cannot reasonably be cured within such 30-day period, Tenant shall not be deemed to be in default if it shall promptly commence such cure

within such period and thereafter rectify and cure said default with due diligence within 60 days after such written notice (subject to extension for Force Majeure); or

(c) To the extent permitted by law, a general assignment by Tenant for the benefit of creditors, or the filing by or against Tenant of any proceeding under an insolvency or bankruptcy law, unless in the case of an involuntary proceeding filed against Tenant the same is dismissed within 90 days, or the appointment of a trustee or receiver to take possession of all or substantially all of the assets of Tenant, unless possession is restored to Tenant within 90 days, or any execution or other judicially authorized seizure of all or substantially all of Tenant's interest in this Lease.

#### 14.2 Remedies Upon Event of Default.

Upon the occurrence and during the continuance of any Event of Default by Tenant, Landlord shall have, in addition to any other remedies available to Landlord at law or in equity, the option to pursue any one or more of the following remedies (each and all of which shall be cumulative and nonexclusive):

(a) Terminate this Lease by written notice to Tenant, in which event Tenant shall immediately surrender the Demised Premises to Landlord, and if Tenant fails to do so, Landlord may, without prejudice to any other remedy which it may have for possession or arrearages in rent, enter upon and take possession of the Demised Premises and expel or remove Tenant and any other person who may be occupying the Demised Premises or any part thereof, in any manner permitted by law, without being liable for prosecution or any claim or damages therefor.

(b) If Landlord does not elect to terminate this Lease on account of any default by Tenant, Landlord may, from time to time, without terminating this Lease, enforce all of its rights and remedies under this Lease and Tenant shall indemnify Landlord for the loss of rent by a payment at the end of each month which would have been included in the Lease Term for a period not to exceed 90 days from the date of such default, representing the excess of the rent that would have been paid in accordance with this Lease over the rent actually derived from the Demised Premises by Landlord for such month (the amount of rent deemed derived shall be the actual amount less any portion thereof attributable to Landlord's re-letting expenses).

14.3 Waiver of Default. No waiver by either party of any violation or breach of any of the terms, provisions and covenants herein contained shall be deemed or construed to constitute a waiver of any other or later violation or breach of the same or any other of the terms, provisions, and covenants herein contained. Forbearance by Landlord in enforcement of one or more of the remedies herein provided upon an Event of Default shall not be deemed or construed to constitute a waiver of same. The acceptance of any rent hereunder by Landlord following the occurrence of any default, whether or not known to Landlord, shall not be deemed a waiver of any such default. Landlord shall be free to accept checks from or on behalf of Tenant without prejudice to Landlord's rights and remedies and no special endorsement or notation on any check shall in any manner be binding on Landlord and Landlord shall be free to accept such checks without prejudice to Landlord's rights and remedies.



14.4 No Consequential Damages. Notwithstanding anything to the contrary contained herein, neither party to this Lease shall under any circumstance whatsoever be liable to the other for indirect, special, punitive, exemplary, incidental, loss of profits, consequential or other like damages, provided that this Section 14.4 shall not apply to any indirect, special, punitive, exemplary, incidental, loss of profits, consequential or other like damages incurred by Landlord in connection with a holdover of Tenant after the expiration or termination of this Lease.

## ARTICLE 15

### DEFAULT BY LANDLORD

Tenant agrees that Landlord shall not be in default hereunder unless Landlord fails to perform the obligations, covenants and agreements required of Landlord within 30 days after written notice by Tenant to Landlord; provided, however, that if the nature of Landlord's obligation is such that more than 30 days are reasonably required for performance, then Landlord shall not be in default if Landlord commences performance within such 30-day period and thereafter diligently prosecutes the same to completion within 60 days thereafter (subject to extension for Force Majeure). In the event of a default by Landlord beyond any applicable notice and cure period, Tenant shall be entitled to pursue all of its rights and remedies at law or in equity.

## ARTICLE 16

### EMINENT DOMAIN

#### 16.1 Permanent Taking.

(a) In the event (i) the entire Demised Premises are taken under power of eminent domain or sold, transferred or conveyed in lieu thereof, or (ii) less than all of the Demised Premises shall be taken under power of eminent domain or sold, transferred or conveyed in lieu thereof, but such taking shall adversely affect the Demised Premises or the means of access thereto or the parking therefor and as a result of such taking the Demised Premises shall be unsuitable for the conduct of Tenant's business in its judgment, then this Lease, in the case of clause (i), shall automatically terminate or, in the case of clause (ii), terminate at Tenant's election to do so as of the earliest of the date of (x) vesting of title in the condemning authority, (y) the date possession is taken by the condemning authority or (z) Tenant's election. Landlord shall receive the entire award which may be made in such taking or condemnation, provided that any portion of the award attributed or allocated to the value of Tenant's personal property (other than any personal property to be transferred to Landlord pursuant to Section 9.3) and Tenant's moving or relocation expenses shall be paid over and assigned to Tenant. Tenant hereby assigns to Landlord any and all rights of Tenant now or hereafter arising in or to the same; provided, however, that nothing contained herein shall be deemed to give Landlord any interest in or to require Tenant to assign to Landlord any award made to Tenant for, or allocated or attributed to, Tenant's personal property (other than any personal property to be transferred to Landlord pursuant to Section 9.3) and Tenant's moving or relocation expenses or any other award obtainable by Tenant that will not diminish Landlord's award.

(b) In the event of any other taking under power of eminent domain or a sale, transfer, or conveyance in lieu thereof (each a “**Taking**”), then this Lease shall continue in full force and effect in respect of the remaining portion of the Demised Premises. Landlord shall receive the entire award which may be made in such Taking, provided that any portion of the award attributed or allocated to Tenant’s personal property located within the portion of the Demised Premises taken (other than any personal property to be transferred to Landlord pursuant to Section 9.3) and Tenant’s moving or relocation expenses with respect to the portion of the Demised Premises taken shall be paid over and assigned to Tenant. Tenant hereby assigns to Landlord any and all rights of Tenant now or hereafter arising in or to the same; provided, however, that nothing contained herein shall be deemed to give Landlord any interest in or to require Tenant to assign to Landlord any award made to Tenant for, or allocated or attributed to, Tenant’s personal property located within the portion of the Demised Premises taken (other than any personal property to be transferred to Landlord pursuant to Section 9.3) and Tenant’s moving or relocation expenses with respect to the portion of the Demised Premises taken or any other award obtainable by Tenant that will not diminish Landlord’s award

16.2 Restoration. Unless this Lease shall be terminated as aforesaid, if Tenant desires to repair the Demised Premises in its sole discretion, Tenant may (but shall have no obligation to) do so, at its sole cost and expense. Landlord shall have no obligation to repair or restore the Demised Premises in the event of a Taking. Tenant shall not be entitled to any compensation or damages from Landlord for damage to any of Tenant’s improvements, Alterations, fixtures, or Tenant’s other property, for loss of use of the Demised Premises or any part thereof, or for any damage to or interference with Tenant’s business, loss of profits, or for any disturbance to Tenant caused by any Taking or the restoration of the Demised Premises following such Taking.

## ARTICLE 17

### SUBORDINATION OF LEASE

17.1 Subordination. Tenant agrees that this Lease and the rights of Tenant hereunder will be automatically subject and subordinate to the lien of the holder of a bona fide, arms-length institutional lender holding a first mortgage on the Property (any such mortgage is referred to in this Lease as “**mortgage**,” and the holder or lessor thereof from time to time as a “**mortgagee**”), and to all advances and interest thereunder and all modifications, renewals, extensions and consolidations thereof, subject to the provisions of this Article 17.

Until a mortgagee forecloses Landlord’s equity of redemption, no mortgagee shall be liable for failure to perform any of Landlord’s obligations (and such mortgagee shall thereafter be liable only after it succeeds to and holds Landlord’s interest and then only as limited herein). Tenant shall, if requested by Landlord or any mortgagee, give notice of any alleged non-performance on the part of Landlord to any such mortgagee, provided that an address for such mortgagee has been designated to Tenant in writing, and Tenant agrees that such mortgagee shall have a separate, consecutive reasonable cure period of no less than 30 days (to be reasonably extended in the same manner Landlord’s cure period is to be extended and for such additional periods as is necessary to allow such Mortgagee to take possession of the Property) following Landlord’s cure period during which such mortgagee may, but need not, cure any non-

performance by Landlord (nothing in this sentence being deemed to limit or restrict Tenant's rights to terminate this Lease in accordance with its terms).

If Landlord's interest in the Demised Premises is acquired by mortgagee or purchaser at a foreclosure sale, Tenant shall attorn to the transferee of or successor to Landlord's interest in the Demised Premises and recognize it as Landlord under this Lease. Tenant waives the protection of any statute or rule of law that gives Tenant any right to terminate this Lease or surrender possession of the Demised Premises upon the transfer of Landlord's interest. At the election of the transferee or successor to Landlord's interest in the Demised Premises and upon any such attornment, this Lease shall continue in full force and effect as a direct lease between the mortgagee and Tenant upon all of the terms, conditions and covenants as are set forth in this Lease, except that the mortgagee shall not be (i) liable in any way to Tenant for any act or omission, neglect or default on the part of Landlord under this Lease (nothing in this clause (i) being deemed to relieve any mortgagee succeeding to the interest of Landlord hereunder of its continuing obligations as landlord under this Lease from and after the date of such succession), (ii) responsible for any monies owing by or on deposit with Landlord to the credit of Tenant (except to the extent any such deposit is actually received by such mortgagee), (iii) subject to any counterclaim or setoff which theretofore accrued to Tenant against Landlord, (iv) bound by any amendment or modification of this Lease subsequent to such mortgage, or by any previous prepayment of Rent for more than one month, that was not approved in writing by the mortgagee, or (v) liable beyond mortgagee's interest in the Demised Premises. Tenant agrees that any future mortgagee may at its option unilaterally elect to subordinate, in whole or in part and by instrument in form and substance satisfactory to such mortgagee alone, the lien of its mortgagee (or the priority of its ground lease) to some or all provisions of this Lease.

If from time to time Landlord collaterally assigns this Lease or the rents payable hereunder to any mortgagee, such assignment shall not be deemed an assumption by the assignee of any obligations of Landlord; but, subject to the limitations herein, the assignee shall be responsible only for non-performance of Landlord's obligations that occur after it succeeds to, and only during the period it holds possession of, Landlord's interest in the Demised Premises after foreclosure or voluntary deed in lieu of foreclosure.

The provisions of this Section 17.1 shall be self-operative; nevertheless, Tenant agrees to execute, acknowledge and deliver any commercially reasonable subordination, attornment or priority agreements or other instruments conforming to the provisions of this Lease (and being otherwise commercially reasonable and acceptable to Tenant) from time to time requested by Landlord or any mortgagee, consistent with the terms of this Lease with respect to the rights of Tenant.

## ARTICLE 18

### ESTOPPEL CERTIFICATES

18.1 Estoppel Certificates. At any time during the Lease Term, within 20 days following a request in writing by Landlord or Tenant, the other party shall execute and deliver to the requesting party an estoppel certificate in the form reasonably requested by the requesting party confirming the Expiration Date, whether any defaults then exist to the knowledge of the

party providing the same, and any other facts regarding this Lease that are reasonably requested. Any third party shall have the right to rely on such certificates.

## ARTICLE 19

### LANDLORD'S RIGHT TO CURE DEFAULT; PAYMENTS BY TENANT

19.1 Landlord's Cure. All covenants and agreements to be kept or performed under this Lease by Tenant shall be performed by Tenant at Tenant's sole cost and expense and without any reduction of Fixed Rent or Additional Rent except as otherwise expressly set forth in this Lease. If Tenant shall default in the performance of its obligations under this Lease and if such default is not cured within the applicable grace period provided in Article 14, Landlord may, but shall not be obligated to, upon notice to Tenant, make any such payment or perform any such act on Tenant's part without waiving its rights or remedies based upon such or any other default of Tenant and without releasing Tenant from any obligations hereunder.

19.2 Tenant's Reimbursement. Tenant shall pay to Landlord, within 30 days after delivery by Landlord to Tenant of statements therefor sums equal to reasonable expenditures made and obligations incurred by Landlord in connection with the remedying by Landlord of Tenant's defaults pursuant to the provisions of Section 19.1. Upon request, Landlord shall deliver reasonable evidence of such expenditures.

## ARTICLE 20

### SURRENDER OF PREMISES; OWNERSHIP AND REMOVAL OF TRADE FIXTURES

20.1 Surrender of Premises. No act or thing done by Landlord or any agent or employee of Landlord during the Lease Term shall be deemed to constitute an acceptance by Landlord of a surrender of the Premises unless such intent is specifically acknowledged in writing by Landlord. The delivery of keys to the Premises to Landlord or any agent or employee of Landlord shall not constitute a surrender of the Premises or effect a termination of this Lease, whether or not the keys are thereafter retained by Landlord, and notwithstanding such delivery Tenant shall be entitled to the return of such keys at any reasonable time upon request until this Lease shall have been properly terminated.

20.2 Removal of Tenant's Property by Landlord. Whenever Landlord shall re-enter the Demised Premises following the expiration or termination hereof, any personal property of Tenant not removed by Tenant upon the expiration of the Lease Term or any other prior termination of this Lease shall be deemed abandoned by Tenant and may be disposed of by Landlord in accordance with applicable law.

20.3 Landlord's Property. All fixtures, Alterations, additions, repairs, improvements and/or appurtenances attached to or built into, on, or about the Demised Premises (excluding any personal property to be retained by Tenant pursuant to Section 9.3 or not otherwise owned by Tenant) (collectively, "Landlord's Improvements") shall be and remain part of the Demised Premises. Except to the extent otherwise provided pursuant to Section 9.3, Landlord's Improvements shall include, without limitation, floor coverings, paneling, molding, doors,

plumbing systems, electrical systems, lighting systems and communication systems (unless such lighting or communications systems are removable, in which case they shall be considered personal property and may be removed at Tenant's option).

20.4 Existing Licenses and Permits. Tenant shall not obtain any new licenses or permits related to the use or operation of the Demised Premises or the Property (except for any licenses or permits related to Tenant's operation of its racing, simulcasting and wagering activities and renewals of any licenses or permits necessary for the operation of Tenant's business) without the prior written consent of Landlord. Any licenses or permits held by Tenant and related to the use or operation of the Demised Premises or the Property (including, without limitation, any Orders of Condition), other than any licenses or permits related to Tenant's operation of its racing, simulcasting and wagering activities shall be transferred by Tenant to Landlord prior to the Expiration Date, the end of the Extension Term or any other termination date of the Lease pursuant to the terms and conditions of this Lease, as applicable. Tenant shall cooperate as necessary in order to obtain approvals from the applicable licensing boards, commissions or other governmental authorities for such transfers of any licenses and permits.

## ARTICLE 21

### MISCELLANEOUS PROVISIONS

21.1 Severability. If any term, provision, covenant, or condition of this Lease, or the application thereof to any person or any circumstance, is held to be unenforceable, invalid or illegal (in whole or in part) for any reason, the remaining terms, provisions, covenants, and conditions of this Lease, modified by the deletion of the unenforceable, invalid or illegal portion, will continue in full force and effect, and such unenforceability, invalidity, or illegality will not otherwise affect the enforceability, validity or legality of the remaining terms, provisions, covenants and conditions of this Lease so long as this Lease as so modified continues to express, without material change, the original intentions of the parties as to the subject matter hereof and the deletion of such portion of this Lease will not substantially impair the respective expectations of the parties or the practical realization of the benefits that would otherwise be enforced upon the parties. The parties will endeavor in good faith negotiations to replace the prohibited or unenforceable provision with a valid provision, the economic effect of which comes as close as possible to that of the prohibited or unenforceable provision.

21.2 Entire Agreement. Other than with respect to that certain Purchase and Sale Agreement, dated February 6, 2017, between Tenant, as seller, and Landlord, as purchaser (as amended, the "**Contract of Sale**"), it is understood and acknowledged that there are no oral agreements between the parties hereto affecting this Lease and this Lease supersedes and cancels any and all previous negotiations, arrangements brochures, agreements and understandings, if any, between the parties hereto or displayed by Landlord to Tenant with respect to the subject matter thereof, and none thereof shall be used to interpret or construe this Lease. Other than with respect to the Contract of Sale, this Lease contains all of the terms, covenants, conditions, warranties and agreements of the parties relating in any manner to the rental, use and occupancy of the Demised Premises, shall be considered to be the only agreement between the parties hereto and their representatives and agents. All negotiations and oral agreements acceptable to both parties have been merged into and are included herein. Other than with respect to the Contract of

Sale, there are no other representations or warranties between the parties, and all reliance with respect to representations is based totally upon the representations and agreements contained in this Lease. Notwithstanding the foregoing, nothing contained in this Lease shall be deemed to limit, restrict or affect the provisions of the Contract of Sale or other related documents between Landlord and Tenant which by their terms were to survive the closing of the purchase of the Demised Premises by Landlord from Tenant. This Lease has been negotiated and shall not be construed against the party who caused the first draft to be undertaken. This Lease may not be modified or amended nor any of its terms waived except by a writing executed by Landlord and Tenant.

### 21.3 Compliance With Law, Insurance Requirements, etc.

During the Lease Term, Tenant, at its sole cost and expense, will comply, or us commercially reasonable efforts to cause compliance with all laws, statutes, codes, acts, ordinances, orders, permits, judgments, decrees, injunctions, rules, regulations, permits, licenses, authorizations, directions and requirements of all governments, departments, commissions, boards, courts, authorities, agencies, officials and officers, which are applicable to (and only to the extent of) the use and occupancy of the Demised Premises or any part thereof by Tenant during the Lease Term, including, without limitation, the Applicable Environmental Laws (collectively, “**Legal Requirements**”); provided, however, that neither Tenant nor Landlord shall have any obligation under this Lease or otherwise to undertake any capital repair or replacement in connection with complying with Legal Requirements.

Notwithstanding the foregoing, Tenant, at its sole cost and expense and after notice to Landlord, may contest by appropriate proceedings prosecuted diligently and in good faith, the legality or applicability of any Legal Requirements with which Tenant is required to comply under the terms of this Lease, provided that (i) Landlord shall not be subject to imprisonment or to prosecution for a crime, nor shall the Demised Premises or any part thereof be subject to being condemned (ii) before the commencement of such contest, if Landlord may be subject to any civil fines or penalties or other criminal penalties, Tenant shall indemnify Landlord against the cost of such compliance and liability resulting from or incurred in connection with such contest or non-compliance; and (iii) Tenant shall keep Landlord regularly advised as to the status of such proceedings. Landlord agrees that it shall not interfere with Tenant’s efforts to contest the validity or applicability to the Demised Premises of any Legal Requirements, provided that (x) the provisions of this Section 21.3 shall be complied with and (y) Landlord shall not incur any expense in connection therewith for which Tenant does not concurrently agree to reimburse Landlord or, at Landlord’s option, pay on Landlord’s behalf. Notwithstanding anything to the contrary contained herein, in no event shall Tenant be responsible for any compliance with Legal Requirements to the extent caused by the willful misconduct or negligence of Landlord, Landlord’s Affiliates or their respective agents, contractors or employees.

21.4 Sale of Demised Premises by Landlord. Each conveyance by Landlord or Landlord’s successor of its interest in the Demised Premises prior to expiration or termination of this Lease shall be subject to this Lease and shall relieve the grantor of any further obligations or liability as Landlord, except with respect to such obligations or liability arising prior to the date of such conveyance, provided that the transferee assumes in writing the obligations and liabilities as Landlord under this Lease arising from and after the date of such conveyance.

21.5 Holdover by Tenant. If Tenant holds over after the Lease Term, without the consent of Landlord, during the period commencing on the expiration of the Lease Term and continuing thereafter until the date on which Tenant shall surrender possession of the Demised Premises as provided in this Lease, the Fixed Rent shall be 125% of the Fixed Rent applicable prior to the expiration of the Lease Term (prorated on a daily basis), and all Additional Rent shall continue to be due and payable as set forth in this Lease. Nothing contained in this Section 21.5 shall be construed as consent by Landlord to any holding over by Tenant, and Landlord expressly reserves the right to require Tenant to surrender possession of the Demised Premises to Landlord as provided in this Lease upon the expiration or other termination of this Lease.

21.6 Quiet Enjoyment; Permitting.

(a) Upon Tenant paying the Fixed Rent, all Additional Rent and all other charges payable hereunder and performing in Tenant's covenants, agreements and obligations under this Lease (subject to applicable notice and cure periods), Tenant may peacefully and quietly enjoy the Demised Premises during the Lease Term subject, however, to the provisions of this Lease; provided, however, that Landlord may enter into or permit any new restrictions, easements, reciprocal easement agreements, covenants, encumbrances or other similar matters to be recorded and affect all or any portion of the Demised Premises during the Lease Term, without the prior written consent of Tenant so long as such restrictions, easements, reciprocal easement agreements, covenants, encumbrances or other similar matters do not materially and adversely affect Tenant's use of the Demised Premises for the Permitted Use or give rise to a material obligation of (or potential material liability to) Tenant and Tenant is provided with prior written notice of the same.

(b) Landlord and Tenant acknowledge that Landlord intends to pursue a master redevelopment of the Demised Premises following the expiration or termination of this Lease and that Landlord intends to begin to seek all governmental licenses, permits and approvals required for the construction and development of the aforementioned redevelopment project (the "**Permits and Approvals**") during the Lease Term. Tenant agrees that it shall reasonably cooperate with Landlord's activities and efforts to obtain the Permits and Approvals (at no liability or out of pocket cost to Tenant), and Landlord shall undertake the same at its sole costs and expense which may include, without limitation, (i) instituting proceedings for a change or modification in the zoning classification pertaining to the Demised Premises; (ii) applying for variances, special permits, and/or other approvals required under applicable zoning ordinances; and (iii) applying for permits and approvals, including, without limitation, wetland, subdivision, environmental, utility, curb-cut, and other like permits and approvals which may be required from any and all applicable municipal, county, state or federal authorities (collectively, the "**Permitting Activities**"). Landlord may obtain any Permits or Approvals so long as such Permits or Approvals do not materially and adversely affect Tenant's use of the Demised Premises for the Permitted Use or give rise to a material obligation of (or potential material liability to) Tenant.

(c) Landlord and Tenant acknowledge that Landlord, personally or through its authorized agent or representative, shall be entitled to enter upon the Demised Premises and has a right to make such investigations, including appraisals, engineering studies, soil tests, geological and geotechnical testing, environmental studies and underwriting analyses, as



Landlord deems necessary or advisable, as long as such activities do not unreasonably interfere with Tenant's use of the Demised Premises for the Permitted Use in any material respect.

(d) Tenant agrees to reasonably cooperate with Landlord to conduct Landlord's permitting or other community meetings at the Demised Premises as long as such meetings do not unreasonably interfere with the operations of Tenant at the Demised Premises.

21.7 Cumulative Rights. The various rights, options, elections, powers and remedies of each party contained in this Lease shall be construed as cumulative and no one of them shall be exclusive of any of the others, or of any other legal or equitable remedy which a party might otherwise have as against the other in the event of breach or default in the terms hereof, and the exercise of one right or remedy by such party shall not impair its right to any other right or remedy.

21.8 Relationship of Parties. Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third person to create the relationship of principal and agent or of partnership or of joint venture or of any association between Landlord and Tenant, and no provision contained in this Lease nor any acts of the parties hereto shall be deemed to create any relationship between Landlord and Tenant other than the relationship of landlord and tenant.

21.9 Exculpation. In no event shall any officer, director, shareholder, member, manager, trustee, agent or representative of Landlord or Tenant be liable hereunder.

21.10 Memorandum of Lease. Tenant shall not record this Lease or any memorandum or notice of this Lease without the express written consent of Landlord.

21.11 Notices. All notices, demands, statements or communications (collectively, "Notices") given or required to be given by either party to the other hereunder shall be in writing (unless otherwise expressly provided herein) at the address(es) set forth in Article 1, or to such other address(es) as either party may from time to time designate in a Notice to the other (i) by United States Postal Service, certified mail, return receipt requested, (ii) by any nationally known overnight delivery service for next day delivery, or (iii) by delivery in person. All notices shall be deemed to have been given upon receipt provided that such receipt occurs on or before 5:00 p.m. Eastern Time on a Business Day; otherwise, such notice shall be deemed to have been given on the next succeeding Business Day. The inability to deliver notice because of a changed address of which no notice was given as provided above, or because of rejection or other refusal to accept any notice, shall be deemed to be the receipt of the notice as of the date of such inability to deliver or rejection or refusal to accept. Any notice to be given by any party hereto may be given by the counsel for such party.

21.12 Successors. The Lease and all of the covenants and conditions herein contained shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, assigns and other successors in interest of each of the parties; provided that the foregoing shall not be deemed to permit any assignment or sublease under this Lease not otherwise expressly permitted by the terms hereof.

21.13 Captions. The titles or captions in this Lease are for reference purposes only and have no effect upon the construction or interpretation of any part hereof. The use herein of the singular includes the plural and vice versa, and the use herein of the neuter gender includes the masculine and the feminine and vice versa, whenever and wherever the context so requires.

21.14 Joint and Several. If there is more than one Tenant, the obligations imposed upon Tenant under this lease shall be joint and several.

21.15 Authority. Landlord and Tenant each hereby represent and warrant that it is a duly formed and existing entity qualified to do business in its jurisdiction of organization and The Commonwealth of Massachusetts and that such party has full right and authority to execute and deliver this Lease and that each person signing on behalf of such party is authorized to do so.

21.16 Attorney's Fees. In any action or proceeding hereunder (whether to enforce the terms and provisions of an indemnity or otherwise), the prevailing party shall be entitled to recover from the other party the prevailing party's reasonable attorneys' fees, costs and expenses in such action or proceeding. For purposes of this Section 21.16, the "prevailing party" (i) as used in the context of proceedings in the United States Bankruptcy Court means the prevailing party in an adversary proceeding or contested matter, or any other actions taken by the non-bankrupt party which are reasonably necessary to protect its rights under this Lease, and (ii) as used in the context of proceedings in any court other than the United States Bankruptcy Court means the party that prevails in obtaining a remedy or relief which most nearly reflects the remedy or relief which the party sought.

21.17 Waiver of Jury Trial. To the fullest extent permitted by law, each party hereby waives any right to a trial by jury in any litigation where Tenant and Landlord are parties.

21.18 Governing Law. This Lease shall be construed and enforced in accordance with the internal laws of The Commonwealth of Massachusetts.

21.19 Brokers. Landlord and Tenant hereby warrant to each other that they have had no dealings with any real estate broker or agent in connection with the negotiation of this Lease and that they know of no real estate broker or agent who would be entitled to a commission in connection with this Lease. Each party agrees to indemnify and defend the other party against and hold the other party harmless from any and all claims, demands, losses, liabilities, lawsuits, judgments, and costs and expenses (including without limitation reasonable attorneys' fees) with respect to any leasing commission or equivalent compensation alleged to be owing an account of the indemnifying party's dealings with any real estate broker or agent.

21.20 Entry by Landlord. Landlord reserves the right upon reasonable prior notice to Tenant, and using commercially reasonable efforts not to interfere with Tenant's operations at the Demised Premises, (a) to enter the Demised Premises or any portion thereof to the extent necessary to conduct its Permitting Activities and take measurements in connection with the same, (b) to inspect the condition of the Demised Premises and otherwise confirm that Tenant is in compliance with the provisions of this Lease, (c) for the purpose of exercising any rights expressly reserved to Landlord herein, or (d) to show the Demised Premises to prospective purchasers, lenders, and investors. Any such entry shall be subject to Legal Requirements.

Landlord agrees to be accompanied by a representative of Tenant when it enters the Buildings at the Demised Premises and to maintain the confidentiality of all business related matters (as opposed to matters relating only to the buildings or the Land) that become known to Landlord during the course of its entry, provided that Landlord may disclose such confidential information on a confidential basis (i) to its agents, attorneys, and consultants, (ii) to the extent required by law, and (iii) in connection with any legal action to enforce the terms of this Lease. Notwithstanding the foregoing to the contrary, Tenant shall have the right to designate certain areas of the Demised Premises (e.g., the so-called “money room”) as secure areas such that any Landlord entry shall be prohibited unless Tenant consents to such access in its sole discretion. Secure areas shall include any areas of the Demised Premises that must be maintained in a secure or controlled environment pursuant to Legal Requirements governing wagering or Tenant’s horse racing track, simulcasting and wagering operations (it being acknowledged that Legal Requirements include the rules, regulations, orders or policies of the Massachusetts Gaming Commission or its Racing Division).

#### 21.21 Environment.

(a) Use of Hazardous Materials. Except for those Hazardous Materials (as defined below) existing on, at, under or about the Demised Premises as of the Lease Commencement Date, neither Tenant nor any party claiming by, through or under Tenant, or their respective employees, contractors and subcontractors of any tier, or any entity acting as an agent or sub-agent of any of them will during the Lease Term produce, use, store or generate any Hazardous Materials on, under or about the Demised Premises, nor cause or permit any Hazardous Material to be brought upon, placed, stored, manufactured, generated, blended, handled, recycled, used or Released (as defined below), on, in, under or about the Demised Premises, other than in a manner and amounts consistent with Tenant’s ordinary business of the Permitted Use as of the date hereof and in compliance with all Applicable Environmental Laws (hereinafter defined). As used herein, “**Hazardous Materials**” means any substance which is or contains: (i) any “hazardous substance” as now or hereafter defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Section 9601 “et seq.”) or any regulations promulgated thereunder (“CERCLA”); (ii) any “hazardous waste” as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.) or regulations promulgated thereunder; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. Section 2601 et seq.) or Clean Water Act (33 U.S.C. Section 1251 et seq.); (iv) petroleum, petroleum products and by-products including gasoline, diesel fuel or other petroleum hydrocarbons; (v) asbestos and asbestos-containing materials, in any form, whether friable or nonfriable; (vi) polychlorinated biphenyls; (vii) radon gas; (viii) mold, mildew and/or fungus in quantities and/or concentrations requiring remediation under commercially reasonable standards; (ix) any putrescible or nonputrescible solid, semisolid, liquid or gaseous waste of any type posing a threat to human health or the environment; and (x) any additional substances or materials which are now or hereafter classified or considered to be hazardous or toxic under any laws, ordinances, statutes, codes, rules, regulations, agreements, judgments, orders and decrees now or hereafter enacted, promulgated, or amended, of the United States, the states, the counties, the cities or any other political subdivisions in which the Demised Premises is located and any other political subdivision, agency or instrumentality exercising jurisdiction over the owner of the Demised Premises, any lessee of the Demised Premises, the Demised Premises or the use of the Demised Premises relating to pollution, the protection or

regulation of human health, natural resources or the environment, or the emission, discharge, Release or threatened Release of pollutants, contaminants, chemicals or industrial, toxic or hazardous substances or waste into the environment (including indoor or ambient air, surface water, ground water, land, soil or subsurface strata) (collectively referred to as “**Applicable Environmental Laws**”). Applicable Environmental Laws include, but are not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC § 9601, et seq., the Hazardous Materials Transportation Authorization Act of 1994, 49 USC § 5101, et seq., the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and Hazardous and Solid Waste Amendments of 1984, 42 USC § 6901, et seq., the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, 33 USC § 1251, et seq., the Clean Air Act of 1966, 42 USC § 7401, et seq., the Toxic Substances Control Act of 1976, 15 USC § 2601, et seq., the Safe Drinking Water Act of 1974, 42 USC §§ 300f through 300j, the Occupational Safety and Health Act of 1970, as amended, 29 USC § 651 et seq., the Oil Pollution Act of 1990, 33 USC § 2701 et seq., the Emergency Planning and Community Right-To-Know Act of 1986, 42 USC § 11001 et seq., the National Environmental Policy Act of 1969, 42 USC § 4321 et seq., the Federal Insecticide, Fungicide and Rodenticide Act of 1947, 7 USC § 136 et seq., M.G.L. c.21C; M.G.L. c.21E, and any other state or local law counterparts to the foregoing statutes, as amended, as such Applicable Environmental Laws, are in effect as of the Lease Commencement Date, or thereafter adopted, published, or promulgated. As used herein, “**Release**” means any releasing, disposing, discharging, injecting, spilling, leaking, pumping, dumping, emitting, escaping, emptying, dispersal, leaching, burying, migration, transporting or placing whether on land, soil, surface water, groundwater, building materials, or into air, or otherwise entering into the environment.

(b) Notification of Release of Hazardous Materials. Tenant shall promptly notify Landlord in writing of the occurrence of any Hazardous Materials Release first occurring during the Lease Term, (i) in violation of any Applicable Environmental Law, (ii) requiring reporting to the Massachusetts Department of Environmental Protection or any other governmental body with jurisdiction over the Demised Premises or the Hazardous Materials and/or any investigation, cleanup, remediation, abatement, and/or monitoring, or (iii) upon gaining knowledge of any pending or threatened regulatory actions or Claims made by any third party, relating to any Hazardous Materials or Hazardous Materials Release on, about, to, or from the Demised Premises or any buildings or other improvements or additions previously, now or hereafter located thereon. Tenant shall promptly and timely comply with all Applicable Environmental Laws concerning Releases of Hazardous Materials first occurring during the Lease Term and any regulatory actions associated with any such Release, including retaining a Licensed Site Professional (“**LSP**”), reporting such Release, and making applicable submissions in Tenant’s name as the Responsible Party pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000, et seq., (the “**MCP**”). For all such Releases, Tenant shall fully and timely resolve them in accordance with all Applicable Environmental Laws, at its sole cost and expense. Where remediation of such a Release is required, Tenant shall perform remediation to achieve a Permanent Solution as set forth in the MCP with no conditions or limitations that are inconsistent with Landlord’s intended use after Tenant vacates the Demised Premises, unless expressly approved in writing by Landlord in its sole but good faith discretion; provided, however, that Tenant shall be given reasonable access and rights by Landlord and its successors and assigns to conduct such remediation. The obligations of this Section 21.21(b) shall survive expiration of the Lease Term or any earlier termination of this Lease.

(c) EPA Consent Decree. If not already completed by the Lease Commencement Date, Tenant shall promptly and timely complete all outstanding obligations under the consent decree filed in the U.S. District Court for the District of Massachusetts on August 22, 2012 in *United States of America v. Sterling Suffolk Racecourse, LLC*, Civil Action No. 12-11556, as amended (the “**EPA Consent Decree**”) and shall obtain termination of the EPA Consent Decree from the United States District Court for the District of Massachusetts. If any ongoing actions, monitoring, or maintenance obligations pursuant to the EPA Consent Decree (other than any obligations pursuant to the NPDES Permit) exist following termination of the EPA Consent Decree, Landlord and Tenant shall enter into a written agreement that is satisfactory to each party in its reasonable discretion that requires Tenant to perform such obligations, at its sole cost and expense, and Landlord to cooperate reasonably with Tenant’s efforts to perform such obligations. The obligations of this Section 21.21(c) shall survive expiration of the Lease Term or any earlier termination of this Lease.

(d) NPDES Permit. Tenant shall not discharge storm water or other substances through the storm water management system except in compliance with the NPDES Permit (as defined below) or a new applicable NPDES permit. Tenant shall not seek any modifications of the Modification to Authorization to Discharge Under the National Pollutant Discharge Elimination System, NPDES Permit No. MA0040282, dated September 14, 2016, as amended or modified (the “**NPDES Permit**”) or any new NPDES permit, except with the prior written consent and cooperation of Landlord. During the Lease Term, Tenant, at its sole cost and expense, shall perform all obligations of the NPDES Permit and/or any new permit issued to replace the NPDES Permit. From and after the Expiration Date or any earlier termination of the Lease, Landlord, at its sole cost and expense, shall perform all obligations of the NPDES Permit and/or any new permit issued to replace the NPDES Permit, other than the Tenant’s NPDES Racing Closure Obligations pursuant to Section 21.21(e) below. Tenant shall not request any changes or modifications to the NPDES Permit or any new NPDES permit issued without Landlord’s prior written consent. At all times Landlord shall be responsible, at its sole cost and expense, for any infrastructure changes or modifications required by the United States Environmental Protection Agency (“**USEPA**”) as part of the NPDES Permit, any modifications to the NPDES Permit or any new NPDES permit issued, except to the extent such infrastructure changes or modifications are requested by Tenant (with Landlord’s prior written consent) or constitute Racing Activity Required Changes. The term “**Racing Activity Required Changes**” shall mean any infrastructure changes or modifications required by USEPA as part of the NPDES Permit, any modifications to the NPDES Permit or any new NPDES permit issued, to the extent required as a result of Tenant’s continued live horse racing operations at the Demised Premises (but not any such changes required in connection with Tenant ceasing on-site racing operations or otherwise required in connection with the condition of the Demised Premises as of the Lease Commencement Date). To the extent USEPA requires any Racing Activity Required Changes, Tenant shall be responsible, at its sole cost and expense, for such Racing Activity Required Changes unless Tenant elects to cease on-site racing operations and terminate this Lease. To the extent Landlord elects to modify the NPDES Permit without Tenant’s prior consent, Tenant shall not be responsible for any new or increased obligations, responsibilities or expenses pursuant to such modification. The obligations of this Section 21.21(d) shall survive expiration of the Lease Term or any earlier termination of this Lease.



(e) Tenant's NPDES Racing Closure Obligations. After Tenant delivers thirty (30) days' prior written notice pursuant to 205 CMR 149.03 (a "**Racing Closure Notice**") to the Massachusetts Gaming Commission established pursuant to Chapter 23K of the Massachusetts General Laws (the "**Commission**") and ceases on-site racing operations, Tenant shall timely perform Tenant's NPDES Racing Closure Obligations.

As used herein, "**Tenant's NPDES Racing Closure Obligations**" shall mean those obligations set forth in Parts I.A.11.f and I.A.13 of the NPDES Permit specifically related to permanent closure of all horse-related operations, such obligations to be performed in a good and workmanlike manner and in compliance with all applicable laws, including, without limitation, all Applicable Environmental Laws and the NPDES Permit. For clarity, these obligations shall include, to the extent required under the NPDES Permit, only the following obligations: (i) removal of all horses, (ii) removal and proper disposal off-site of all horse waste and horse debris, (iii) mucking out and cleaning of barns, holding pens and retention ponds, (iv) any other related activities associated with the presence of horses or horse racing operations necessary to remove biological horse material or concentrated animal feeding operation-related waste from the Demised Premises; and (v) performance of Tenant's Retention Pond Work. Notwithstanding the foregoing, other than Tenant's Retention Pond Work, Tenant's NPDES Racing Closure Obligations shall not require Tenant to remove or impair any of the storm or process water drainage infrastructure, including outfall points.

As used herein, "**Tenant's Retention Pond Work**" shall mean removal, in accordance with Part I.A.13(a)(2)(ii) of the NPDES Permit, of any manure and wastewater in the infield process-water retention pond (the "**Retention Pond**") to a depth of one foot or less, and refilling the Retention Pond with clean water to a level reasonably necessary to preserve the integrity of the Retention Pond's synthetic or earthen liner.

The obligations of this Section 21.21(e) shall survive expiration of the Lease Term or any earlier termination of this Lease.

(f) Indemnity. Tenant shall indemnify, defend, and hold Landlord harmless from and against all Claims arising out of or related to the EPA Consent Decree, the failure of Tenant to fulfill its obligations with respect to the NPDES Permit (including any new NPDES Permit issued to replace the NPDES Permit) set forth in Section 21.21(d), and/or any Tenant's NPDES Racing Closure Obligations; provided that Tenant shall not have indemnity obligation for the portion of any discharges solely attributable to Landlord's operations at the Property. Landlord shall indemnify, defend, and hold Tenant harmless from and against all Claims arising out of or related to the failure of Landlord to fulfill its obligations with respect to the NPDES Permit (including any new NPDES Permit issued to replace the NPDES Permit) set forth in Section 21.21(d); provided that Landlord shall not have indemnity obligation for the portion of any discharges solely attributable to Tenant's activities at the Property during the Lease Term and/or the Close-Out Term. The obligations of this Section 21.21(f) shall survive expiration of the Lease Term or any earlier termination of this Lease.

(g) Tenant's NPDES Racing Closure Obligations Funds. To provide security for Tenant's NPDES Racing Closure Obligations, prior to the Lease Commencement Date, Tenant shall make an unencumbered cash deposit in the amount of the Tenant's NPDES Racing Closure

Obligations Funds in a U.S. segregated bank account owned and identified by Tenant prior to the Lease Commencement Date. Prior to the expiration of the Survival Period (as that term is defined in the Contract of Sale), the Tenant's NPDES Racing Closure Obligations Funds shall be considered a portion of, and not a required addition to, the Claim Funds (as that term is defined in the Contract of Sale) held pursuant to Section 10.4 of the Contract of Sale. Following the Lease Commencement Date, Tenant shall provide bank statements to Landlord upon request evidencing that the Tenant's NPDES Racing Closure Obligations Funds remain in such bank account. Tenant may after the Survival Period draw from and reduce the Tenant's NPDES Racing Closure Obligations Funds to pay for the Tenant's NPDES Racing Closure Obligations. After Tenant has completed the Tenant's NPDES Racing Closure Obligations to the reasonable satisfaction of Landlord, the remaining amount of the Tenant's NPDES Racing Closure Obligations Funds may be released from such bank account by Tenant, and Tenant shall have no further obligation to maintain the Tenant's NPDES Racing Closure Obligations Funds in such bank account. The obligations of this Section 21.21(g) shall survive expiration of the Lease Term or any earlier termination of this Lease.

[THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Landlord and Tenant have duly executed and delivered this Lease as of the day and year first above written.

Landlord:

THE MCCLELLAN HIGHWAY  
DEVELOPMENT COMPANY, LLC, a Delaware  
limited liability company

By: \_\_\_\_\_

Name:

Title:

Tenant:

STERLING SUFFOLK RACECOURSE, LLC, a  
Massachusetts limited liability company

By: \_\_\_\_\_

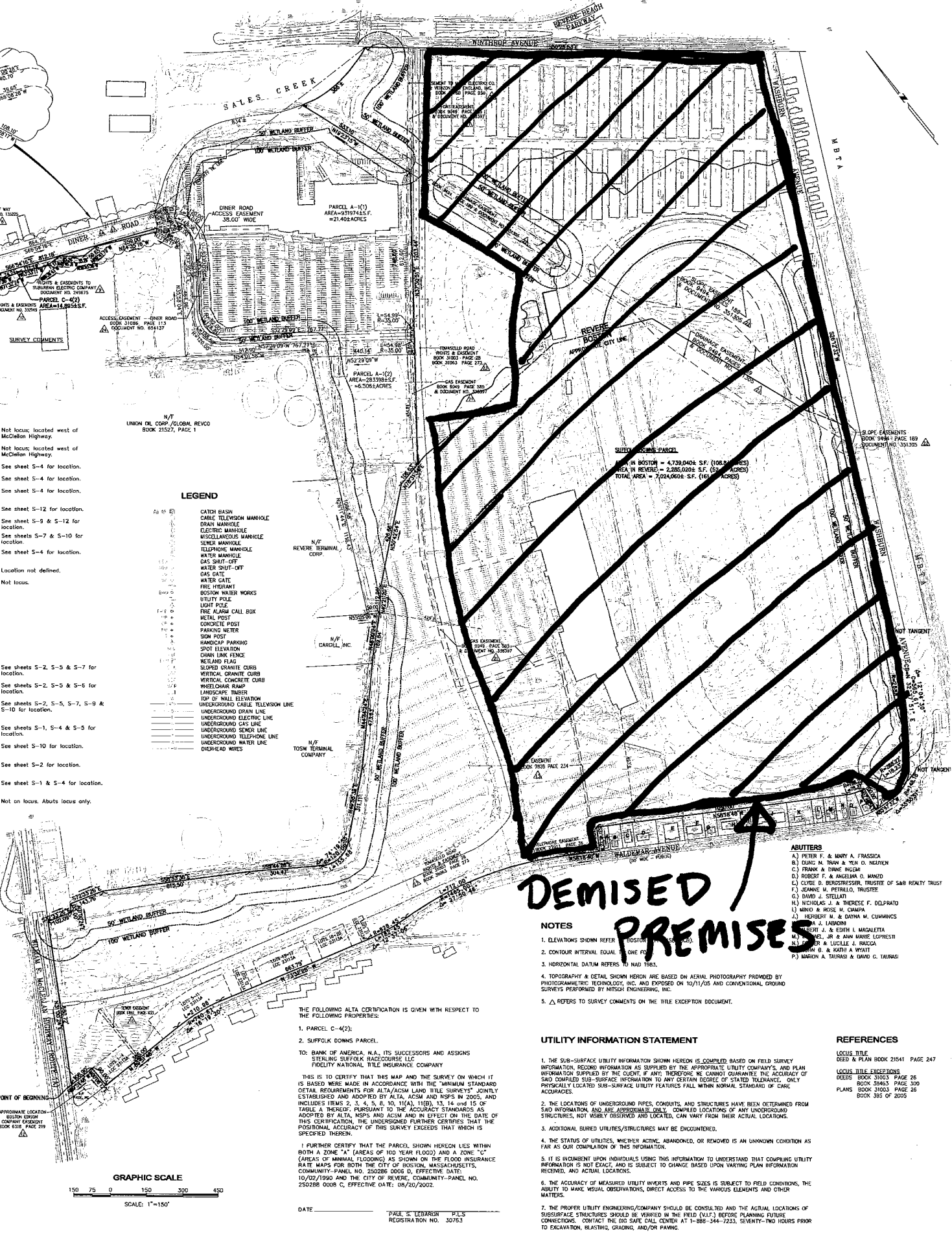
Name:

Title:

EXHIBIT A

Demised Premises

shown by the public  
 matters not of record  
 in Book 5322, Page 449  
 in Book 5448, Page 364, as  
 See sheet S-4 for location.  
 See sheet S-4 for location.  
 See sheet S-4 for location.  
 See sheet S-12 for location.  
 See sheet S-9 & S-12 for location.  
 See sheets S-7 & S-10 for location.  
 See sheet S-4 for location.  
 Location not defined.  
 Not locus.  
 Not locus.  
 Harbor may be subject to the Commonwealth of  
 See sheets S-2, S-5 & S-7 for location.  
 See sheets S-2, S-5 & S-5 for location.  
 See sheets S-2, S-5, S-7, S-9 & S-10 for location.  
 See sheets S-1, S-4 & S-5 for location.  
 See sheet S-10 for location.  
 See sheet S-2 for location.  
 See sheet S-1 & S-4 for location.  
 Not on locus. Abuts locus only.  
 dated as of June 30, 1997  
 dated as of June 30, 1997  
 dated as of June 30, 2000  
 Book 9494, Page 204.  
 Book 9494, Page 231.  
 6695, as affected by  
 6695, as affected by  
 by Certificate of  
 10, 2003 and  
 1, 2005 and recorded in  
 2005 and recorded in  
 110245; (b) Book 5447,  
 recorded in Book 51327.  
 2004 and recorded in  
 may have been amended  
 and recorded in Book  
 dated on June 26, 1995 in  
 1997 and recorded in



- LEGEND**
- ▲ CATCH BASIN
  - CABLE TELEVISION MANHOLE
  - DRAIN MANHOLE
  - ELECTRIC MANHOLE
  - MISCELLANEOUS MANHOLE
  - SINKER MANHOLE
  - TELEPHONE MANHOLE
  - WATER MANHOLE
  - GAS SHUT-OFF
  - WATER SHUT-OFF
  - WATER GATE
  - FIRE HYDRANT
  - BOSTON WATER WORKS
  - UTILITY POLE
  - LIGHT POLE
  - THE ALUM CALL BOX
  - METAL POST
  - CONCRETE POST
  - PARKING METER
  - SIGN POST
  - HANDBOOK PARKING
  - SPOT ELEVATION
  - WELLDRAWN ROAD
  - LANDSCAPE TIMBER
  - TOP OF WALL ELEVATION
  - UNDERGROUND CABLE TELEVISION LINE
  - UNDERGROUND DRAIN LINE
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND GAS LINE
  - UNDERGROUND SEWER LINE
  - UNDERGROUND TELEPHONE LINE
  - UNDERGROUND WATER LINE
  - HEADHIRE WIRES

# DEMISED PREMISES

**NOTES**

1. ELEVATIONS SHOWN REFER TO BOSTON (1985) MEAN SEA LEVEL.
2. CONTOUR INTERVAL EQUAL ONE FOOT.
3. HORIZONTAL DATUM REFERS TO NAD 1983.
4. TOPOGRAPHY AND DETAILS SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHY PROVIDED BY PHOTOGRAMMETRIC TECHNOLOGY, INC. AND EXPOSED ON 10/11/05 AND CONVENTIONAL GROUND SURVEYS PERFORMED BY NITSHG ENGINEERING, INC.
5. ▲ REFERS TO SURVEY COMMENTS ON THE TITLE EXCEPTION DOCUMENT.

**UTILITY INFORMATION STATEMENT**

1. THE SUB-SURFACE UTILITY INFORMATION SHOWN HEREON IS COMPILED BASED ON FIELD SURVEY INFORMATION AND USE ASSESSABLE ONLY. COMPILED LOCATIONS OF ANY UNDERGROUND STRUCTURES, NOT VISIBLY OBSERVED AND LOCATED, CAN VARY FROM THEIR ACTUAL LOCATIONS.
2. THE LOCATIONS OF UNDERGROUND PIPES, CONDUITS, AND STRUCTURES HAVE BEEN OBTAINED FROM SAID INFORMATION AND USE ASSESSABLE ONLY. COMPILED LOCATIONS OF ANY UNDERGROUND STRUCTURES, NOT VISIBLY OBSERVED AND LOCATED, CAN VARY FROM THEIR ACTUAL LOCATIONS.
3. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED.
4. THE STATUS OF UTILITIES, WHETHER ACTIVE, ABANDONED, OR REMOVED IS AN UNKNOWN CONDITION AS FAR AS OUR COMPILATION OF THIS INFORMATION.
5. IT IS INCUMBENT UPON INDIVIDUALS USING THIS INFORMATION TO UNDERSTAND THAT COMPILED UTILITY INFORMATION IS NOT EXACT, AND IS SUBJECT TO CHANGE BASED UPON VARYING PLAN INFORMATION RECEIVED, AND ACTUAL LOCATIONS.
6. THE ACCURACY OF MEASURED UTILITY INVERTS AND PIPE SIZES IS SUBJECT TO FIELD CONDITIONS, THE ABILITY TO MAKE VISUAL OBSERVATIONS, DIRECT ACCESS TO THE VARIOUS ELEMENTS AND OTHER MATTERS.
7. THE PROPER UTILITY ENGINEERING/COMPANY SHOULD BE CONSULTED AND THE ACTUAL LOCATIONS OF SUBSURFACE STRUCTURES SHOULD BE VERIFIED IN THE FIELD (N.E.T.) BEFORE PLANNING FUTURE CONNECTIONS. CONTACT THE DCS SAFE CALL CENTER AT 1-888-344-7233, SEVENTY-TWO HOURS PRIOR TO EXCAVATION, BLASTING, GRADING, AND/OR PAVING.

**REFERENCES**

- LOCUS TITLE  
 DEED & PLAN BOOK 21541 PAGE 247  
 LOCUS TITLE EXCEPTIONS  
 DEEDS BOOK 31023 PAGE 26  
 BOOK 54663 PAGE 300  
 BOOK 31003 PAGE 26  
 BOOK 305 OF 2005

THE FOLLOWING ALTA CERTIFICATION IS GIVEN WITH RESPECT TO THE FOLLOWING PRIORITIES:

1. PARCEL C-4(2);
2. SUFFOLK DOWNS PARCEL.

TO: BANK OF AMERICA, N.A., ITS SUCCESSORS AND ASSIGNS  
 STERLING SUFFOLK BACSOURCE LLC  
 FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD OPTICAL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 2005, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 10, 11(A), 11(B), 13, 14 and 15 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATE, THE UNDERSIGNED FURTHER CERTIFIES THAT THE POSITIONAL ACCURACY OF THIS SURVEY EXCEEDS THAT WHICH IS SPECIFIED THEREIN.

I FURTHER CERTIFY THAT THE PARCEL SHOWN HEREON LIES WITHIN BOTH A ZONE "A" (AREAS OF 100-YEAR FLOOD) AND A ZONE "C" (AREAS OF ANNUAL FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAPS FOR BOTH THE CITY OF BOSTON, MASSACHUSETTS, COMMUNITY-PANEL NO. 250288 0008 D, EFFECTIVE DATE: 10/02/1990 AND THE CITY OF REVERE, COMMUNITY-PANEL NO. 250288 0008 C, EFFECTIVE DATE: 08/20/2002.

DATE \_\_\_\_\_  
 PAUL S. LEDBETTER P.L.S.  
 REGISTRATION NO. 30763

- ABUTTERS**
- A) PETER F. & MARY A. FRASSICA
  - B) RUNG M. TRAN & TAY D. NGUYEN
  - C) FRANK & DANE NGUIM
  - D) ROBERT F. & ANGELINA D. MINOZ
  - E) CLYDE D. BURGESSER, TRUSTEE OF S&B REALTY TRUST
  - F) JEANNE M. PEFILLO, TRUSTEE
  - G) DAVID J. STELLATI
  - H) NICHOLAS J. & THERESE F. DELFRATO
  - I) MINO & ROSE M. CAMPA
  - J) HERBERT M. & DAVNA M. CUMMINGS
  - K) J. LADRONI
  - L) ROBERT J. & EDITH I. MAGALUETTA
  - M) JAMES W. JR. & ANN MARIE LIPRESTI
  - N) JERRY & LUCILLE A. PACO
  - O) NORMAN B. & KATHI A. WISAT
  - P) MARRION A. TAURAS & DAVID G. TAURAS



EXHIBIT B

Property

Real property in the Cities of Boston and Revere, County of Suffolk, Commonwealth of Massachusetts, described as follows:

A certain parcel of land situated in the Cities of Boston and Revere, County of Suffolk, Commonwealth of Massachusetts, commonly known as Suffolk Downs, shown on a plan entitled "Plan of Land in Boston and Revere" prepared by Rizzo Associates dated December 10, 1996, revised January 23, 1997 and recorded with Suffolk County Registry of Deeds in Book 21541, Page 247.

The above-described parcel includes the following Registered Land:

A certain parcel of land situated in that part of Boston called East Boston in the County of Suffolk and Commonwealth of Massachusetts, situated on Waldemar Avenue. Said land is shown as Lots One (1) thru Twenty-One (21) as shown on plan drawn by B. C. & J. J. Gallo, Civil Engineers, dated June 4, 1951, and September 18, 1953, as modified and approved by the Court, filed in the Land Registration Office as Plan No. 23113-A, a copy of a portion of which is filed with Certificate of Title No. 57352.

Excepting therefrom so much of the land shown as Parcels A-1 (1) and A-1 (2) on a Plan entitled "Plan of Land in Revere Massachusetts (Suffolk County)" dated November 25, 2002, last revised February 26, 2003, drawn by BSC Group and recorded with Suffolk Registry of Deeds in Book 31003, Page 26, which parcels were conveyed to Revere Diner Realty LLC by Deed dated March 21, 2003 and recorded in Book 31003, Page 26.

Also, excepting therefrom so much of the land shown as Parcels C-4(1) and C-4(2)(Z) on a plan entitled "Plan of Land in Revere, Massachusetts (Suffolk County) by BSC Group, dated March 30, 2005 and recorded with Suffolk Registry of Deeds in Book 2005, Page 395, which parcels were conveyed to the City of Revere by deed dated October 4, 2005 and recorded in Book 38463, Page 300.



Exhibit C

Existing Insurance

[Attached]

---

Exhibit D

Suffolk Downs Requirements For Insurance Certificates for Vendors

Tenant shall endeavor in good faith to cause any Vendor to provide a valid and current Certificate of Insurance (“COI”) in accordance with the requirements stated below.

**All certificates must list the certificate holder as follows:**

The McClellan Highway Development Company,  
LLC c/o The HYM Investment Group, LLC  
One Congress Street  
Boston, MA 02114

**And additional insured parties as follows:**

The McClellan Highway Development Company, LLC, McClellan Highway Holdings, LLC, Cathexis – SD, LLC, Cathexis RE Holdings, LP, The Three Box Development Company, LLC, HYM Three Box Holdings, LLC, and The HYM Investment Group, LLC and their respective subsidiaries, affiliated and parent companies, their respective successors and assigns and the respective officers, employees and agents as additional insureds using the ISO “Additional Insured – Owners, Lessees or Contractors – (Form B) form CG 20 10 11 85 form or another ISO form providing equivalent coverage.

**INSURANCE** Each of the required insurance coverages must be written by insurance companies licensed to do business in Massachusetts, and with A.M. Best ratings of A VIII or better. All Deductibles and Self Insured Retentions must be shown on the COI. The following minimum requirements shall be maintained on a per location basis:

**Commercial General Liability** (Coverage must reference endorsements for additional insured parties, primary and non-contributory and waiver of subrogation wording)

<i>\$1,000,000 per occurrence</i>	<i>Combined Single Limit for bodily injury and property damage</i>
<i>\$1,000,000 per occurrence</i>	<i>Personal and advertising injury</i>
<i>\$1,000,000 aggregate</i>	<i>Products/completed operations</i>
<i>\$2,000,000 aggregate per project or job</i>	<i>General policy aggregate</i>
<i>\$5,000 per person</i>	<i>Medical expense</i>

Notes: Acceptable certificates for the required insurance must be received prior to any work commencing and within fourteen (14) days of each renewal date of the current insurance policies. The certificates shall state that, in the event of cancellation, material change in coverage, or nonrenewal, at least thirty (30) days advance written notice shall be given to Owner and Owner’s Property Manager. The certificates shall use the ISO “Additional Insured – Owners, Lessees or Contractors – (Form B) form CG 20 10 11 85 form or another ISO form providing equivalent coverage to grant Additional Insured status. Any such policies shall not contain any assault/battery exclusions, firearms exclusions or contractual liability.

# TAB 2

Request for Approval of Sale of Suffolk Downs Racing Facility

This form approved by Commissioner of Revenue

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
OFFICE OF THE COLLECTOR-TREASURER  
ONE CITY HALL SQUARE, BOSTON, MA 02201

COLLECTOR OF TAXES  
DAVID SWEENEY



# FY 2017

## CITY OF BOSTON REAL ESTATE TAX

Office of the Assessor 617-635-4287

Office of the Collector 617-635-4131

Office Hours: Monday - Friday 9:00 AM - 5:00 PM

STERLING SUFFOLK RACECOURSE  
C/O JOHN RIZZO  
525 MCCLELLAN HW  
E BOSTON MA 02108

PAYMENTS CAN BE MADE ONLINE AT:

[www.boston.gov/taxpayments](http://www.boston.gov/taxpayments)  
credit/debit card payments are subject to fees

Vendor Number 0171022  
Distribution 1240-000  
Voucher Number 128149  
Check Code \_\_\_\_\_  
Approved By \_\_\_\_\_

If you are using a payment service to pay this bill, you MUST indicate the TAXYEAR and BILL NUMBER on the check



NOTICE: PLEASE SEE INSERT FOR IMPORTANT MOTOR VEHICLE REGISTRATION COMPLIANCE LAWS

MAKE CHECKS PAYABLE TO:  
THE CITY OF BOSTON

MAIL CHECKS TO:  
BOX 55808  
BOSTON, MA 02205

Do not send cash

WARD 01	PARCEL NO. 02524-000	BILL NUMBER 7157	BANK NO.
LOCATION 111 WALDEMAR AV			AREA 0
Tax Rate Per \$1,000	RESIDENTIAL 10.59	OPEN SPACE 10.59	COMMERCIAL 25.37
			INDUSTRIAL 25.37
CLASS C C	DESCRIPTION LAND BUILDING	ASSESSED OWNER STERLING SUFFOLK RACECOURSE	

IMPORTANT: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

IF YOU WISH TO CONTEST YOUR ASSESSMENT,  
YOU MAY FILE AN ABATEMENT BY 02/01/2017.  
DEADLINE FOR PAYMENT WITHOUT INTEREST IS 02/01/2017

### TAXPAYER'S COPY 3RD QUARTER

TOTAL FULL VALUATION	42,196,400
RESIDENTIAL EXEMPTION	0
TOTAL TAXABLE VALUATION	42,196,400
PRELIMINARY OVERDUE	.00
SPECIAL ASSESSMENTS	.00
CODE VIOLATIONS	.00
TOTAL TAX & SPEC. ASSMNT. DUE	1,070,522.67
PERSONAL EXEMPTIONS	.00
PAYMENTS TO DATE/CREDITS	563,425.56
NET TAX & SPEC. ASSMNT. DUE	507,097.11
1ST TAX PAYMENTS DUE BY 02/01/2017	253,548.56
2ND TAX PAYMENTS DUE BY 05/01/2017	253,548.55
TAX DUE	253,548.56
FEES	.00
INTEREST	.00
<b>TOTAL DUE</b>	<b>\$253,548.56</b>
Pay by 02/01/2017	

Please detach this portion and remit this slip with payment

### COMMONWEALTH OF MASSACHUSETTS CITY OF BOSTON

This form approved by Commissioner of Revenue

WARD 01	PARCEL NO. 02524-000	BILL NUMBER 7157	BANK NO.
LOCATION 111 WALDEMAR AV			

COLLECTOR OF TAXES  
DAVID SWEENEY

ASSESSED OWNER: STERLING SUFFOLK RACECOURSE

MAKE CHECKS PAYABLE TO:  
THE CITY OF BOSTON

MAIL CHECKS TO:  
BOX 55808  
BOSTON, MA 02205

Do not send cash

### COLLECTOR'S COPY 2017 REAL ESTATE TAX 3RD QUARTER

TAX DUE	253,548.56
FEES	.00
INTEREST	.00
<b>TOTAL DUE</b>	<b>\$253,548.56</b>
Pay by 02/01/2017	

STERLING SUFFOLK RACECOURSE  
C/O JOHN RIZZO  
525 MCCLELLAN HW  
E BOSTON MA 02108



**City of Revere**  
**Office of the Collector of Taxes**  
 281 Broadway  
 Revere, MA 02151-5027

Office of the Collector of Taxes  
 Phone Number  
**781-286-8120**



55189442

**BILL NO: 2017 1 17477**

THE COMMONWEALTH OF  
 MASSACHUSETTS  
 CITY OF REVERE  
 OFFICE OF THE COLLECTOR OF TAXES

**BILL MUST BE PAID BY FEB 1, 2017 IN ORDER TO AVOID INTEREST CHARGES. ABATEMENT APPLICATION TO ASSESSORS DUE: FEB 1, 2017**

**FISCAL YEAR 2017 REAL ESTATE TAX BILL**

**PROPERTY IDENTIFICATION**

BASED ON ASSESSMENTS AS OF JANUARY 1, 2016, Your real estate tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017 on the parcel of real estate described below is as follows:

**Map - Blk - Pcl - Unit** 004-80 -014B

**Location:** WINTHROP AVE

STERLING SUFFOLK REACEOURSE LLC  
 C/O HALL RACEOURSE PROPERTIES  
 525 MCCLELLAN HWY  
 EAST BOSTON MA 02128

TAX RATE PER \$ 1,000

CLASS	RESIDENTIAL 1	COMMERCIAL 3	INDUSTRIAL 4
TAX RATE	13.99	27.53	27.53

**Owner:** STERLING SUFFOLK RACEOURSE LL

REAL ESTATE TAX	388,142.72
WATER LIENS	
HEALTH LIENS	
OTHER LIENS	
TOTAL TAX AND LIENS	388,142.72
ABATEMENTS / EXEMPTIONS	
PRELIMINARY TAX	202,319.22
PAYMENTS MADE	202,319.22
PRELIMINARY FIRST (due on 8/1/2016)	
PRELIMINARY SECOND (due on 11/1/2016)	
Real Estate THIRD (due on 2/1/2017)	92,911.75
Real Estate FOURTH (due on 5/1/2017)	92,911.75
<b>AMOUNT NOW DUE by 2/1/2017</b>	<b>92,911.75</b>

VALUATION	
RESIDENTIAL	
COMMERCIAL	14,098,900
INDUSTRIAL	
OPEN SPACES	
EXEMPT	
TOTAL LAND VALUE	12,290,400
TOTAL BUILDING VALUE	1,808,500
TOTAL VALUATION	14,098,900

**RECEIVED**  
 JAN 03 2017

Vendor Number CITY 007  
 Distribution 1340-000  
 Voucher Number 128147  
 Check Code \_\_\_\_\_  
 Approved By \_\_\_\_\_  
 Retain this portion for your records

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

ALL PAYMENTS MUST BE TO:  
 THE CITY OF REVERE  
 COLLECTOR OF TAXES  
 281 BROADWAY  
  
 CITY HALL, OFFICE HOURS:  
 8:15 AM - 5 PM MON-THURS  
 8:15 AM - 12:15 PM FRI.

**SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

3,217

Return This Portion with Remittance -- tear here  
 THE COMMONWEALTH OF MASSACHUSETTS  
 CITY OF REVERE  
 OFFICE OF THE COLLECTOR OF TAXES

3rd qtr

**FISCAL YEAR 2017 REAL ESTATE TAX BILL**

BASED ON ASSESSMENTS AS OF JANUARY 1, 2016, Your real estate tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017 on the parcel of real estate described below is as follows:

**BILL NO: 2017 1 17477**



55189442

**Map - Blk - Pcl - Unit** 004-80 -014B

**Location:** WINTHROP AVE

STERLING SUFFOLK REACEOURSE LLC  
 C/O HALL RACEOURSE PROPERTIES  
 525 MCCLELLAN HWY  
 EAST BOSTON MA 02128

REAL ESTATE TAX	388,142.72
WATER LIENS	
HEALTH LIENS	
OTHER LIENS	
TOTAL TAX AND LIENS	388,142.72
ABATEMENTS / EXEMPTIONS	
PRELIMINARY TAX	202,319.22
PAYMENTS MADE	202,319.22
PRELIMINARY 1ST (due on 8/1/2016)	
PRELIMINARY 2ND (due on 11/1/2016)	
REAL ESTATE 3RD (due on 2/1/2017):	92,911.75
REAL ESTATE 4TH (due on 5/1/2017):	92,911.75
<b>AMOUNT NOW DUE by 2/1/2017</b>	<b>92,911.75</b>

17101747700000092911750



**City of Revere**  
**Office of the Collector of Taxes**  
 281 Broadway  
 Revere, MA 02151-5027

Office of the Collector of Taxes  
 Phone Number  
**781-286-8120**



55190347

**BILL NO: 2017 1 18524**

THE COMMONWEALTH OF  
 MASSACHUSETTS  
 CITY OF REVERE  
 OFFICE OF THE COLLECTOR OF TAXES

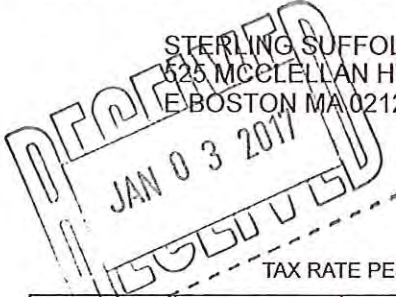
**BILL MUST BE PAID BY FEB 1, 2017 IN ORDER TO AVOID INTEREST CHARGES. ABATEMENT APPLICATION TO ASSESSORS DUE: FEB 1, 2017**

**PROPERTY IDENTIFICATION**

Map - Blk - Pcl - Unit 006-120B -001A

Location: LEE BURBANK HWY

STERLING SUFFOLK RACECOURSE LLC  
 525 MCCLELLAN HWY  
 E BOSTON MA 021282280



TAX RATE PER \$ 1,000

CLASS	RESIDENTIAL 1	COMMERCIAL 3	INDUSTRIAL 4
TAX RATE	13.99	27.53	27.53

Owner: STERLING SUFFOLK RACECOURSE LL

**FISCAL YEAR 2017 REAL ESTATE TAX BILL**

BASED ON ASSESSMENTS AS OF JANUARY 1, 2016, Your real estate tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017 on the parcel of real estate described below is as follows:

REAL ESTATE TAX	
REAL ESTATE TAX	7,155.05
WATER LIENS	
HEALTH LIENS	
OTHER LIENS	
TOTAL TAX AND LIENS	7,155.05
ABATEMENTS / EXEMPTIONS	
PRELIMINARY TAX	3,729.57
PAYMENTS MADE	3,729.57
PRELIMINARY FIRST (due on 8/1/2016)	
PRELIMINARY SECOND (due on 11/1/2016)	
Real Estate THIRD (due on 2/1/2017)	1,712.74
Real Estate FOURTH (due on 5/1/2017)	1,712.74
AMOUNT NOW DUE by 2/1/2017	<b>1,712.74</b>

VALUATION	
RESIDENTIAL	
COMMERCIAL	259,900
INDUSTRIAL	
OPEN SPACES	
EXEMPT	
TOTAL LAND VALUE	207,000
TOTAL BUILDING VALUE	52,900
TOTAL VALUATION	259,900

Vendor Number CITY 007  
 Distribution 1340-000  
 Voucher Number 128148  
 Check Copy Retain this portion for your records  
 Approved By \_\_\_\_\_

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

ALL PAYMENTS MUST BE TO:  
 THE CITY OF REVERE  
 COLLECTOR OF TAXES  
 281 BROADWAY  
  
 CITY HALL, OFFICE HOURS:  
 8:15 AM - 5 PM MON-THURS  
 8:15 AM - 12:15 PM FRI.

**SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

3,242

Return This Portion with Remittance -- tear here ^ 3rd qtr  
 THE COMMONWEALTH OF MASSACHUSETTS  
 CITY OF REVERE  
 OFFICE OF THE COLLECTOR OF TAXES

BILL NO: 2017 1 18524



55190347

Map - Blk - Pcl - Unit 006-120B -001A

Location: LEE BURBANK HWY

STERLING SUFFOLK RACECOURSE LLC  
 525 MCCLELLAN HWY  
 E BOSTON MA 021282280

**FISCAL YEAR 2017 REAL ESTATE TAX BILL**

BASED ON ASSESSMENTS AS OF JANUARY 1, 2016, Your real estate tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017 on the parcel of real estate described below is as follows:

REAL ESTATE TAX	7,155.05
WATER LIENS	
HEALTH LIENS	
OTHER LIENS	
TOTAL TAX AND LIENS	7,155.05
ABATEMENTS / EXEMPTIONS	
PRELIMINARY TAX	3,729.57
PAYMENTS MADE	3,729.57
PRELIMINARY 1ST (due on 8/1/2016)	
PRELIMINARY 2ND (due on 11/1/2016)	
REAL ESTATE 3RD (due on 2/1/2017):	1,712.74
REAL ESTATE 4TH (due on 5/1/2017):	1,712.74
AMOUNT NOW DUE by 2/1/2017	<b>1,712.74</b>

17101852400000001712746

## MacLachlan, Amy (MGC)

---

**From:** Mark Eagan <markeaganea@gmail.com>  
**Sent:** Wednesday, March 22, 2017 4:14 PM  
**To:** MGCcomments (MGC)  
**Subject:** Suffolk Downs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Need to deny simulcast license to Suffolk. Once the control has been taken away from sterling llc then a possible horse racetrack entrepreneur will come forth. By allowing them to continue to keep hold of license to simulcast no entity will even attempt to come here to setup a track. Please release the strangle hold and within a couple months a thoroughbred racetrack will be pursued by prospective entrepreneur  
Thanks



## MacLachlan, Amy (MGC)

---

**From:** Howitt, Steven (HOU) <steven.howitt@mahouse.gov>  
**Sent:** Wednesday, March 22, 2017 3:06 PM  
**To:** MGCcomments (MGC)  
**Subject:** Suffolk Downs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Committee,

I would like to weigh in on Suffolk Downs. I do not believe that if they are moving forward with selling an/or developing the property that they should continue to hold the simulcasting license nor have any connection and/or license for Thoroughbred Horse Racing in the Commonwealth. While some may argue that dog racing simulcast is still available in Raynham, the decision to end dog racing was the will of the people of MA and until that property is sold or developed, no comparison can be made between the two entities.

Thank you.

Steven Howitt

### **Representative Steven Howitt | 4th Bristol District**

State House, Room 237 | Boston, MA 02133 | [steven.howitt@mahouse.gov](mailto:steven.howitt@mahouse.gov)

o: (617) 722-2305 | f: (617) 626-0351

## MacLachlan, Amy (MGC)

---

**From:** Bobby Knych <seabiscuit2@cox.net>  
**Sent:** Wednesday, March 22, 2017 2:55 PM  
**To:** MGCcomments (MGC)  
**Subject:** Suffolk Downs

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please help us horseman and horsewoman against what the NEHBPA and Suffolk Downs is doing to us,,They are filling there pockets while we got kicked to the curb it seems,,Thankyou,,Robert Knych

## MacLachlan, Amy (MGC)

---

**From:** Minchello, John JM UTAS <John.Minchello@utas.utc.com>  
**Sent:** Wednesday, March 22, 2017 6:35 PM  
**To:** MGCcomments (MGC)  
**Subject:** SALE OF SUFFOLK DOWNS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing to the gaming commission about doing what is right for the starving horsemen. We expect you to stop looking the other way and do what is right, stop this disgraceful tragedy. What happen to the gaming commission, who stated in 2015 that you would be seeking more days and full-time race meet in 2016 and would no longer approve just a few days of live racing, tell all of us who lost our lively hood. Suffolk Downs wants to divest of the property and ownership, but continue their strangle on the thoroughbred industry in Massachusetts. Suffolk Downs and the NEHBPA just keeps maintaining their siphoning on horsemen's simulcast and advanced deposit wagering monies. The gaming commission really needs to step up and put a stop to this. Please consider racetrack operators interested in full-time racing, if you don't know there was one person who spoke to an state official on beacon hill a couple of months ago, and told the official that he had a strong interest in coming to Massachusetts, but the problem is the simulcast and the adw rights. You as the Gaming Commission need to step up and do the right thing. Need to put a stop to Suffolk Downs and The NEHBPA stealing money from the horse men. Don't allow them to simulcast and race for only six days, in 2017 & 2018. Keep your word, what you said in 2015.

As long as you let them race 6 days, the only people, that make money are Suffolk Downs and NEHBPA. Just a thought, maybe we should contact the FBI, to investigate where all this money is being given out, and where it's really going!!! ( Nothing against the gaming commission, just think you should really think what you are doing to help the horsemen, because as of right now you're not )

John Minchello  
A fed up Horse Owner who has had it.

## MacLachlan, Amy (MGC)

---

**From:** MGC Website <website@massgaming.com>  
**Sent:** Wednesday, March 22, 2017 5:55 PM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

<b>Name</b>
Paddy Reardon
<b>Email</b>
<a href="mailto:bodababie@yahoo.com">bodababie@yahoo.com</a>
<b>Phone</b>
(781) 336-3475
<b>Subject</b>
Suffolk downs sale
<b>Questions or Comments</b>
It is past time but not to late for an industry leader to vomebinto the state but the simulcast and the hub must be available. This the rime to give thw simulcast ,hub and ADW to a track builder while they are building. Please contact me or Bill Lagorio, thank you.



*Division of Racing*

TO: Stephen 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: March 23, 2017

RE: Standardbred Owners of Massachusetts Recognition

---

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128, Section 2 (j), the Standardbred Owners of Massachusetts, Inc. (SOM) has requested they be approved as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2017.

**Recommendation: That the Commission approve the request of the Standardbred Owners of Massachusetts, Inc. to be recognized as the group of representative Standardbred breeders to administer the Massachusetts Standardbred breeding program and the Sire Stakes races for 2017.**



Massachusetts Gaming Commission



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

March 22, 2017

Massachusetts Gaming Commission  
Racing Division  
Alexandra Lightbown  
Director of Racing  
101 Federal St., 12<sup>th</sup> Floor  
Boston, MA 02109

Dear Director Lightbown,

Standardbred Owners of Massachusetts, Inc. respectfully requests approval to be recognized as the duly organized representative group of standardbred breeders to administer the Massachusetts Standardbred Breeding program and Sire Stake races in accordance with Massachusetts General Law Chapter 128, sec. 2(j) for the upcoming 2017 season.

SOM, Inc. is a non-profit Massachusetts Corporation in good standing and has continuously administered the Massachusetts Breeding and Sire Stakes program since 1992.

Sincerely,

*Nancy Longobardi*

Nancy Longobardi  
Secretary / Treasurer

cc: Massachusetts Department of Agricultural Resources / Standardbred Breeding Program  
Plainridge Park Casino / Steve O'Toole – Director of Racing

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



Standardbred Owners of Massachusetts, Inc.  
PO Box 1862  
Plainville, MA 02762

<b>Year</b>	<b>Broodmares Registered</b>	<b>Registered Yearlings</b>	<b>2&amp;3 Year Olds Eligible to Race</b>	<b>Sire Stakes Purses</b>
2014	44	36	72	\$ 209,000
2015	56	48	79	\$ 640,000
2016	65	Due 5/2017	80	\$1,243,000
2017	111	Due 5/2018	86	\$1,300,000 E





PLAINRIDGE PARK  
CASINO

# Racing



PLAINRIDGE PARK  
CASINO

# Live Racing

## Live Racing Days

Year	Race Days	Change
2014	80	
2015	105	+30%
2016	115	+44%
2017	125	+56%





# Purses Paid to Horsemen

Year	Race Days	Mass Bred Stakes	Total Overnight Purses	Daily Purse Average
2014	80	\$ 209,000	\$2,615,000	\$32,700
2015	105	\$ 640,000	\$3,570,000	\$34,000
2016	115	\$1,243,000	\$6,766,000	\$58,800
2017	125	\$1,300,000 (est.)	\$7,400,000 (est.)	\$59,200 (est.)



# Handle

## Wagers on Horse Racing

Year	Live Racing	Live Daily Ave.	Simulcast
2014	\$ 7,566,221	\$ 94,578	\$32,358,732
2015	\$13,938,411	\$132,747	\$29,147,873
2016	\$18,010,539	\$156,613	\$35,787,926



# Employment

Plainridge Racing	Employees	Full-time	Part-time
2016	52	39	13
	100%	75%	25%

Horsemen	1099's	
2015	406	
2016	566	+28%



# Promotions & Events



**COFFEE MUG GIVEAWAY**



**HAPPY 1-YEAR ANNIVERSARY  
PLAINRIDGE PARK CASINO**

**JOIN THE CELEBRATION  
FRIDAY, JUNE 24 • 3PM-5PM**

**CAP 'N COIN KEYCHAIN GIVEAWAY**



**AT THE WHITE BUILDING JUST OUTSIDE 1ST FLOOR SIMULCAST ROOM  
WHILE SUPPLIES LAST**

IF YOU GAMBLE, USE YOUR GameSense. VISIT [GAMESENEMA.COM](http://GAMESENEMA.COM)  
Must be 21 or older to enter the gaming floor • Valid ID Required.

**2016 HARNESS RACING SEASON  
OPENING DAY  
MONDAY, APRIL 11**



**LIVE RACING • MONDAY, TUESDAY & THURSDAY POST TIME @ 4:00PM**



**UMBRELLA GIVEAWAY  
3:00PM  
FIRST FLOOR RACING**

LIMIT ONE PER CUSTOMER  
WHILE SUPPLIES LAST

IF YOU GAMBLE, USE YOUR GameSense. VISIT [GAMESENEMA.COM](http://GAMESENEMA.COM)  
Must be 21 or older to enter the gaming floor • Valid ID Required

**PLAINRIDGE PARK CASINO**

**KENTUCKY DERBY  
EXTRAVAGANZA!**

**OPEN TO THE PUBLIC AT 10:00AM  
BOYLSTON ROOM - 2ND FLOOR**

WHEN ON THE KENTUCKY DERBY - WE  
WILL BE OFFERING A LIMITED  
NUMBER OF TICKETS TO THE  
BOYLSTON ROOM - 2ND FLOOR  
FOR A COST OF \$5.00 PER SEAT

**PLAINRIDGE PARK CASINO**

**JOIN US FOR BREEDER'S CUP DAY**



**SATURDAY, NOVEMBER 5**

**Reserved seating available in the "Top of the Park"  
Simulcast Theater located on the 2nd floor of Racing**

A limited number of tickets are available at the  
program stand located on the 1st floor of  
racing for a cost of \$5.00 per seat

IF YOU GAMBLE, USE YOUR GameSense. VISIT [GAMESENEMA.COM](http://GAMESENEMA.COM)  
Must be 21 or older to enter the gaming floor • Valid ID Required.





# Player Rewards

Racing Customers Earn  
Marquee Rewards with  
Each Pari-Mutuel  
Wager Placed

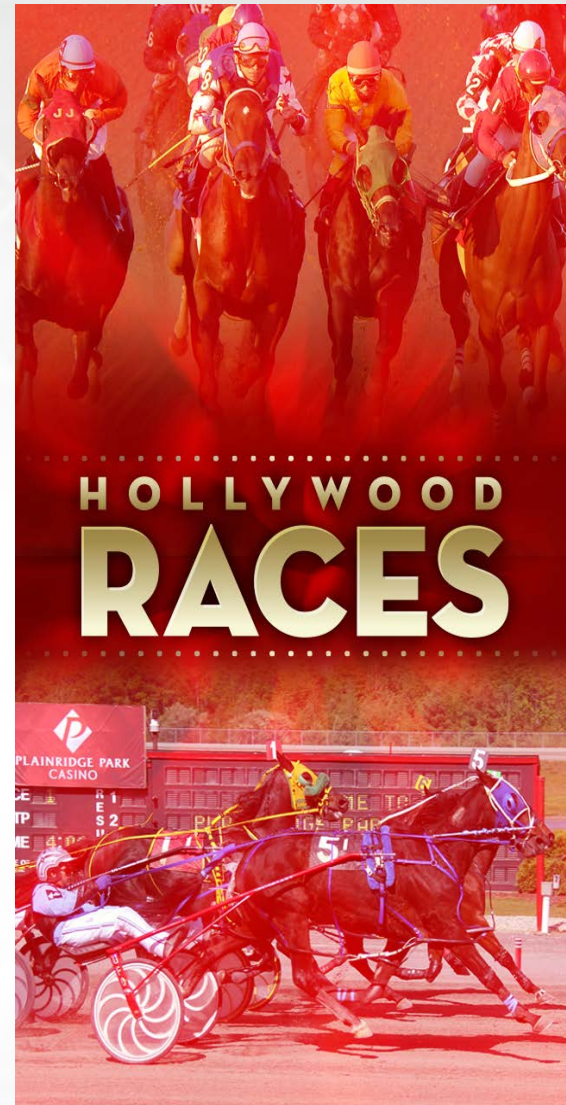


PLAINRIDGE PARK  
CASINO



# HollywoodRaces.com

- Internet Wagering
- Mobile App Wagering
- Telephone Assisted Wagering
- Special Offers



PLAINRIDGE PARK  
CASINO

# Investment in Racing

## Projects Completed

- Race Paddock Renovation
- Ship-In Barn
- Infield Video Display
- Track Equipment
- Outdoor Trackside Seating
- **Projects for 2017**
- Outdoor Concessions & Furniture
- Infield Fencing
- Track Equipment



# 2017 Season



- **Opening Day April 10**
  - Business After Hours
  - The United Regional Chamber of Commerce
- **Patriots Day April 17**
  - Hollywood Races
  - Sign Up Bonuses & Giveaways
- **Wicked Hi-5**
  - Pentafecta Wager with Carryover Jackpot
  - 6<sup>th</sup> Race Every Race Day
- **Yuengling Sponsored Events**
- **Massachusetts State Lottery Events**

**2016 Business Partner of the Year**



PLAINRIDGE PARK  
CASINO



## 2017 Season

### Spirit of Massachusetts Trot

- Friday July 28
- \$250,000 Purse
- Best Open Trotters
- Massachusetts Office of  
Travel and Tourism



**OBRIGADO – 2016 Trotter of the Year**  
Trainer – Paul Kelley



Thank You



PLAINRIDGE PARK  
CASINO



PLAINRIDGE PARK  
CASINO

# Predictors of Gambling & Problem Gambling in Massachusetts

Rachel Volberg

Robert Williams

March 30, 2017

# Overview

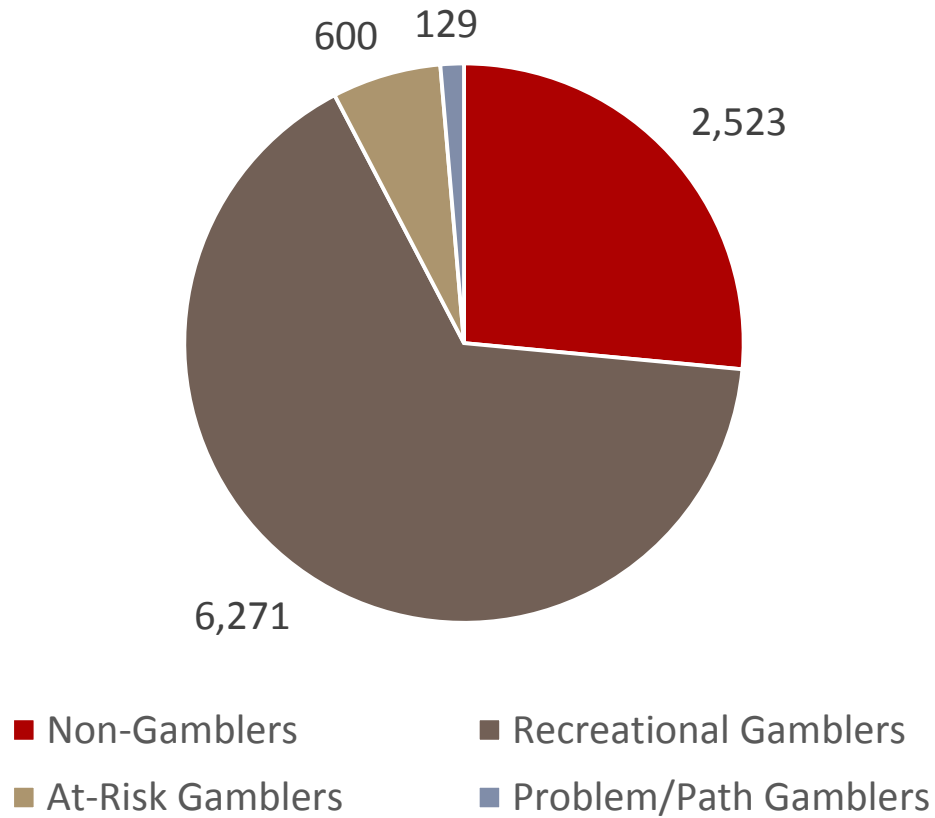
- Baseline General Population Survey (BGPS) completed in 2013/2014
  - Descriptive report published in 2015
- New report presents 4 deeper analyses of BGPS data
- Purpose is to identify predictors of gambling & problem gambling in MA
- Utility
  - Inform development of PG prevention, intervention, treatment initiatives
  - Inform cohort (MAGIC) study

# Baseline General Population Survey

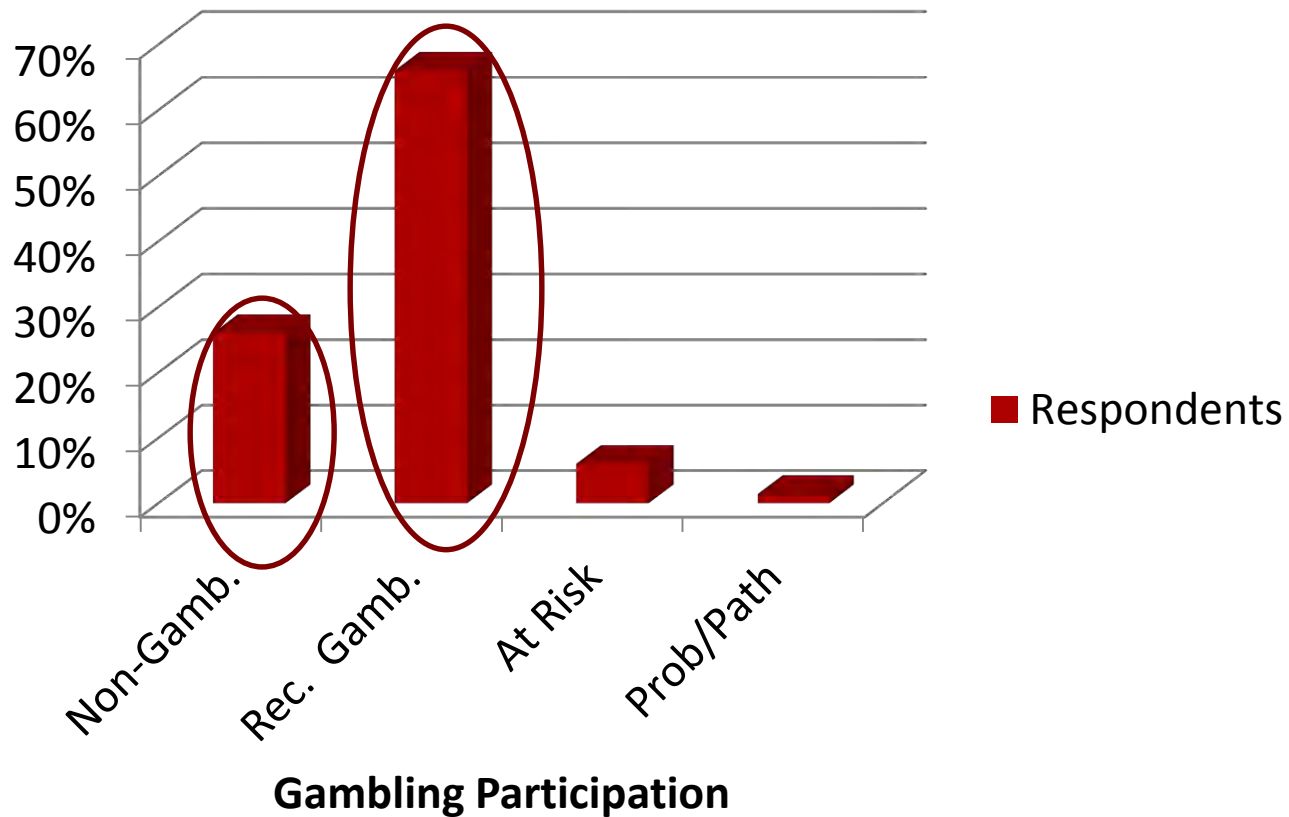
- Sample drawn from a list of addresses
- Respondents could complete online, on paper, or by telephone
- Data collected from Sept. 2013 – May 2014
- N=9,578 respondents
  - Respondents classified by Gambling Participation and PPGM



# Gambling Groups in MA



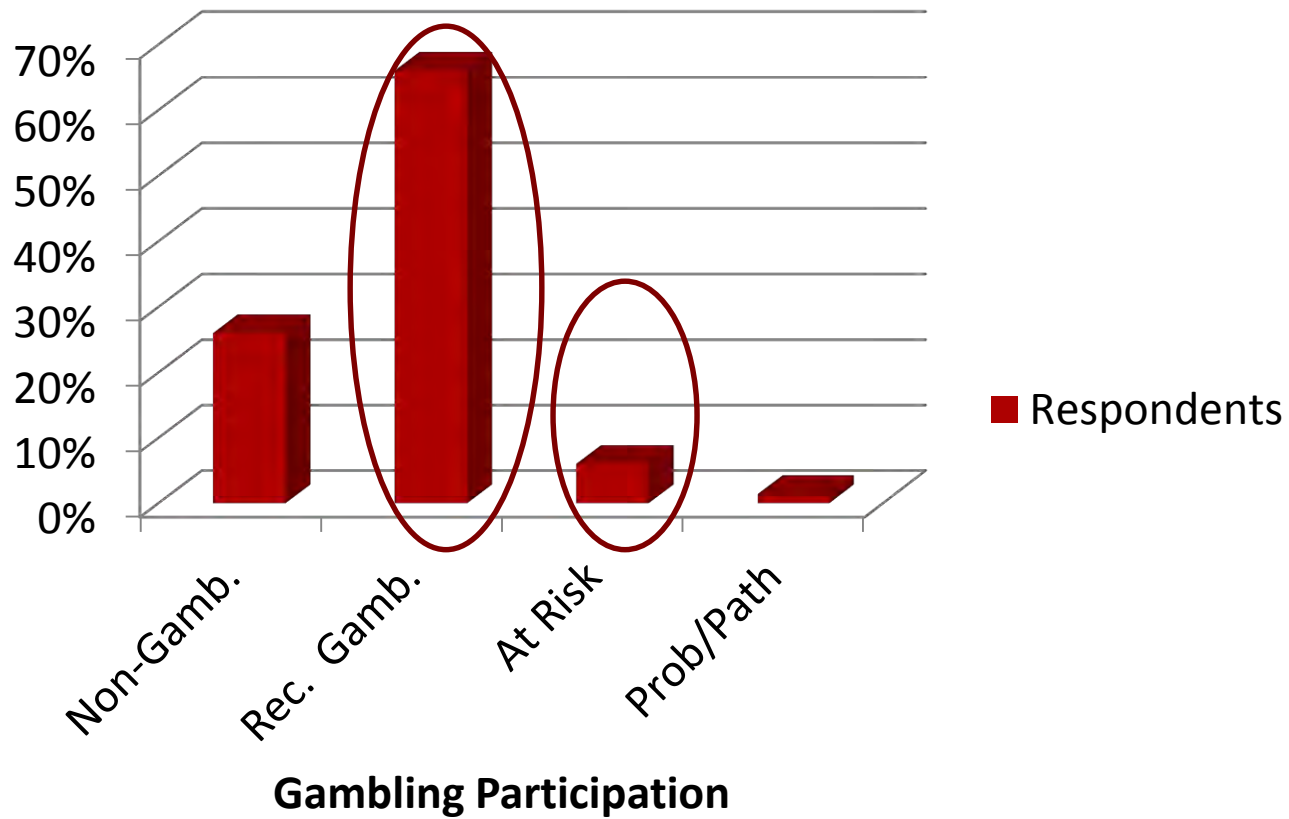
# 1<sup>st</sup> Analysis



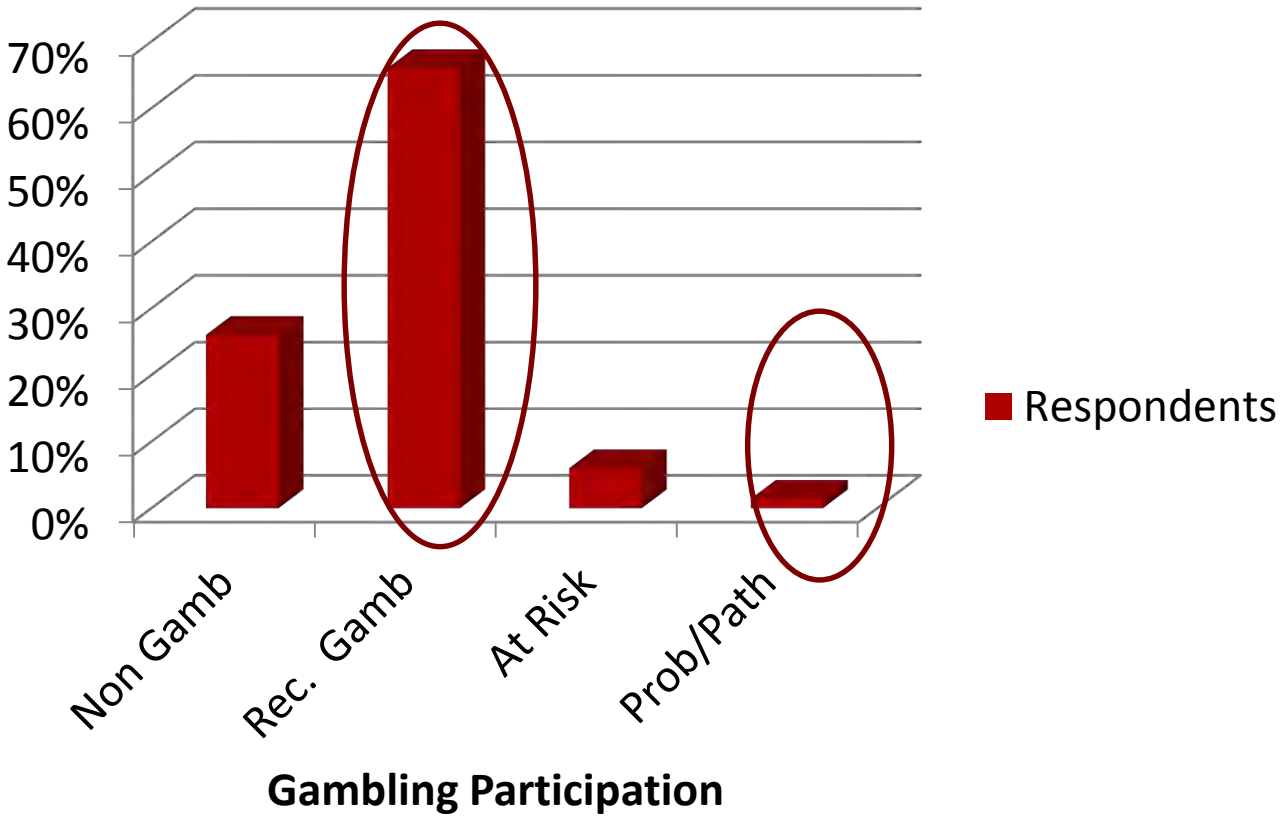
# 2<sup>nd</sup> Analysis



# 3<sup>rd</sup> Analysis



# 4<sup>th</sup> Analysis



# Characteristics Included in Multivariate Models

- Demographic Factors

- Gender, Age , Race/ethnicity, Country of birth, Marital status, Education, Employment, HH income, Military service, MA region of residence

- Health-related Factors

- General health, Stress, Mental health, Tobacco, Alcohol, Binge Drinking, Illicit drug use, Problems with drugs/alcohol, Behavioral addictions, Childhood happiness, Extreme sports

- Gambling-related Factors

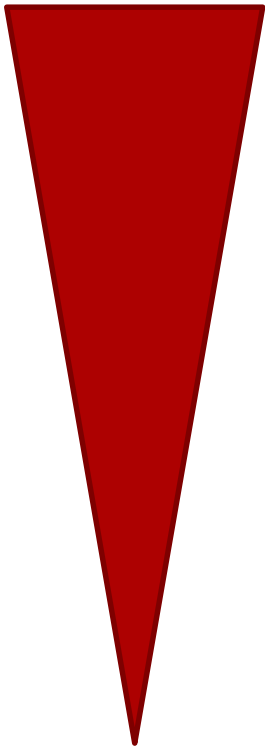
- Involvement of friends/family in gambling
- Past-year participation in 10 gambling formats

# Characteristics Included in Multivariate Models

- Gambling activities
  - Traditional lottery games
  - Instant tickets & pull tabs
  - Daily lottery games
  - Raffles
  - Sports betting
  - Bingo
  - Casino gambling
  - Horse racing
  - Private betting
  - Online gambling
- All past 12 months
- Levels of gambling analysis
  - Number of gambling activities
  - Frequency of gambling
  - Gambling expenditure

# Characteristics Distinguishing Non-Gamblers from Recreational Gamblers

Largest Difference



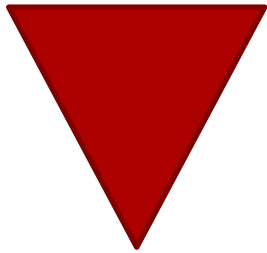
Smallest Difference

Characteristic
Have a lower portion of friends and family that are regular gamblers
Not use alcohol
Higher educational attainment
Be a student, homemaker, disabled, or retired
Be either 18-34 or 65+
Be born outside the United States
Not binge drink
Have lower household income
Not use tobacco
Have less happy childhood
Not have served in the military
Be non-White
Not have problems with drugs or alcohol



# Characteristics Contributing to Higher Gambling Involvement

Largest Difference

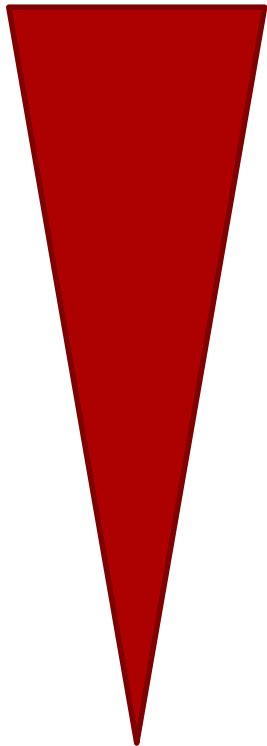


Smallest Difference

Characteristic
Have a greater portion of friends and family that are regular gamblers
Have lower educational attainment
Be male
Binge drink
Have poorer health status
Use tobacco

# Characteristics Distinguishing At-Risk Gamblers from Recreational Gamblers

Largest Difference

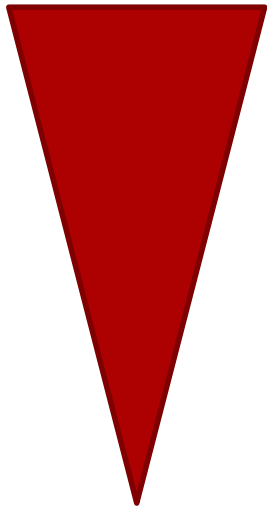


Smallest Difference

Characteristic
Be a casino gambler
Have a greater portion of friends and family that are regular gamblers
Play instant lottery games
Play daily lottery games
Be male
Be an online gambler
Be born outside the United States
Participate in private betting
Have lower educational attainment
Play bingo
Not purchase raffle tickets
Have lower HH income
Have mental health problems
Have no alcohol use in past 30 days

# Distinguishing At-Risk from Recreational Gamblers Controlled for Number of Gambling Formats

Largest Difference

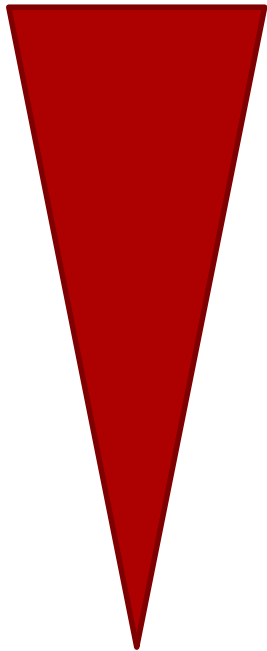


Smallest Difference

Characteristic
Number of gambling formats engaged in
Have a greater portion of friends and family that are regular gamblers
Not purchase raffle tickets
Be born outside the United States
Be a casino gambler
Have lower educational attainment
Be male
Have lower HH income
Have mental health problems
Have no alcohol use in past 30 days

# Characteristics Distinguishing Problem/Pathological Gamblers from Recreational Gamblers

Largest Difference

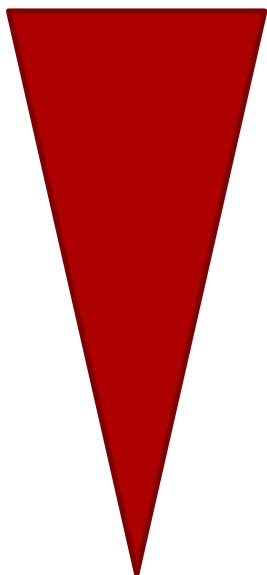


Smallest Difference

Characteristic
Play daily lottery games
Have a greater portion of friends and family that are regular gamblers
Be Black
Be a casino gambler
Be male
Be an online gambler
Play instant lottery games
Have behavioral addictions (overeating, sex, pornography, shopping, exercise)
Have lower educational attainment
Be born outside the United States
Have less happy childhood

# Distinguishing Problem/Path from Recreational Gamblers Controlled for Number of Gambling Formats

Largest Difference



Smallest Difference

Characteristic
Number of gambling formats engaged in
Be Black
Have a greater portion of friends and family that are regular gamblers
Not purchase raffle tickets
Be born outside the United States
Have lower educational attainment
Have behavioral addictions (overeating, sex, pornography, shopping, exercise)
Have less happy childhood
Have poorer health status
Participate in private betting

# Summary of Multivariate Predictors

	Non-Gambler	Higher Gambling Involvement	At-Risk Gambler	Problem and Pathological Gambler
Gender		Male	Male	Male
Age	18-34 or 65+			
Race/Ethnicity	Non-White			Black
Born in United States	No		No	No
Marital Status				
Educational Attainment	Higher	Lower	Lower	Lower
Employment	Student, Homemaker, Disabled, or Retired			
Household Income	Lower		Lower	
Military Service	No			
Region of Massachusetts				



# Summary of Multivariate Predictors

	Non-Gambler	Higher Gambling Involvement	At-Risk Gambler	Problem and Pathological Gambler
Health Status		Poorer		
Extreme Sports				
Stress Level				
Tobacco Use	No	Yes		
Alcohol Use	No		No	
Binge Drinking	No	Yes		
Illicit Drug Use				
Drug or Alcohol Problems	No			
Behavioral Addictions				Yes
Mental Health Problems			Yes	
Childhood Unhappiness	Higher			Higher

# Summary of Multivariate Predictors

	Non-Gambler	Higher Gambling Involvement	At-Risk Gambler	Problem and Pathological Gambler
Friend & Family Gambling	Fewer	More	More	More
Traditional Lottery	--	--		
Daily Lottery Games	--	--	Yes	Yes
Instant Lottery Games	--	--	Yes	Yes
Raffles	--	--	No	
Casino Gambling	--	--	Yes	Yes
Bingo	--	--	Yes	
Horse Racing	--	--		
Sports Betting	--	--		
Private Gambling	--	--	Yes	
Online Gambling	--	--	Yes	Yes

Shaded cells indicate the strongest individual predictor in each analysis.

# Implications for Prevention

- Importance of targeting excessive gambling levels rather than gambling in general
- The social network of gamblers is a particularly important target for prevention
- Certain demographic groups merit special attention
- Certain forms of gambling also merit attention as they pose an elevated risk to MA residents

# Gambling and Problem Gambling in Massachusetts: In-Depth Analysis of Predictors



March 23, 2017

In 2013/2014, a general population survey of 9,578 Massachusetts adults was conducted with results reported in Volberg et al. (2015). The present report is a follow-up to this. Whereas Volberg et al. (2015) provided a description of the characteristics of non-gamblers, recreational gamblers, at-risk gamblers, and problem gamblers, the present report focuses on identifying the univariate and multivariate predictors of membership in these groups.

**SEIGMA**  **SOCIAL AND ECONOMIC IMPACTS  
OF GAMBLING IN MASSACHUSETTS**

UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES

# Table of Contents

---

List of Figures.....	ii
List of Tables.....	ii
Authorship and Acknowledgements.....	iii
Executive Summary.....	v
Background.....	1
Baseline General Population Survey Methods.....	2
Analyses.....	6
Differences Between Recreational Gamblers and Non-Gamblers.....	7
Predictors of Level of Gambling Participation Among Gamblers.....	14
Differences Between Recreational Gamblers and At-Risk Gamblers.....	22
Differences Between Recreational Gamblers and Problem and Pathological Gamblers.....	30
Summary of Multivariate Predictors.....	41
Discussion.....	42
References.....	48

# List of Figures

---

Figure 1. Number of Gambling Formats Engaged in Among Gamblers in Past 12 Months ( $n = 6,992$ )..... 15

Figure 2. Number of Days Gambled Among Gamblers in Past 12 Months ( $n = 6,992$ ) ..... 16

Figure 3. Total Gambling Expenditure Among Gamblers in Past 12 Months ( $n = 6,992$ )..... 17

# List of Tables

---

Table 1. Baseline General Population Survey Sample Enrollment Table ..... 5

Table 2. Univariate Differences Between Recreational Gamblers and Non-Gamblers..... 9

Table 3. Stepwise Logistic Regression Predicting Non-Gambling versus Recreational Gambling ( $n = 8,794$ ) ..... 12

Table 4. Stepwise Logistic Regression Predicting Non-Gambling versus Gambling ( $n = 9,523$ )..... 13

Table 5. Stepwise Multiple Regression Predicting Number of Gambling Formats Engaged In ( $n = 6,992$ ) ..... 18

Table 6. Stepwise Multiple Regression Predicting Maximum Gambling Frequency ( $n = 6,992$ )..... 19

Table 7. Stepwise Multiple Regression Predicting Total Gambling Expenditure ( $n = 6,992$ ) ..... 20

Table 8. Multivariate Predictors of Gambling Involvement ( $n = 6,992$ )..... 20

Table 9. Univariate Differences Between Recreational Gamblers and At-Risk Gamblers ..... 24

Table 10. Stepwise Logistic Regression Predicting At-Risk Gambling versus Recreational Gambling ( $n = 6,871$ ).. 27

Table 11. Stepwise Logistic Regression Predicting At-Risk Gambling versus Recreational Gambling after Controlling for Number of Gambling Formats Engaged In ( $n = 6,871$ ) ..... 29

Table 12. Stepwise Logistic Regression Predicting At-Risk Gambling versus Problem and Pathological Gambling ( $n = 729$ )..... 29

Table 13. Univariate Differences between Recreational Gamblers and Problem and Pathological Gamblers ..... 33

Table 14. Univariate Predictors of Problem Gambling versus Pathological Gambling ..... 36

Table 15. Stepwise Logistic Regression Predicting Problem and Pathological Gambling versus Recreational Gambling ( $n = 6,400$ ) ..... 39

Table 16. Stepwise Logistic Regression Predicting Problem and Pathological Gambling versus Recreational Gambling after Controlling for Number of Gambling Formats Engaged In ( $n = 6,400$ ) ..... 40

Table 17. Multivariate Predictors of Non-Gambling, Level of Gambling, At-Risk Gambling, and Problem & Pathological Gambling..... 41



# Authorship and Acknowledgements

---

## Authorship

**Robert J. Williams**, Professor in the Faculty of Health Sciences at the University of Lethbridge in Alberta, Canada, and Co-Principal Investigator on the SEIGMA project.

**Martha Zorn**, SEIGMA Data Manager, School of Public Health and Health Sciences, University of Massachusetts at Amherst.

**Rachel A. Volberg**, Research Associate Professor at the School of Public Health and Health Sciences, University of Massachusetts Amherst and Principal Investigator on the SEIGMA project.

**Edward J. Stanek**, Professor Emeritus at the School of Public Health and Health Sciences, University of Massachusetts Amherst.

**Joshua Freeman**, Research Assistant on the SEIGMA project.

**Nozipho Maziya**, Research Assistant on the SEIGMA project.

**Mahim Naveed**, Research Assistant on the SEIGMA project.

**Yiding Zhang**, Research Assistant on the SEIGMA project.

**Penny S. Pekow**, Research Assistant Professor at the School of Public Health and Health Sciences, University of Massachusetts Amherst.

## Acknowledgements

Support for this study came from the Massachusetts Gaming Commission under ISA MGC10500003UMS15A establishing the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study. This multi-year project was competitively bid via the Massachusetts Gaming Commission Request for Response (MGC-RA-2012) for Research Services and awarded to the University of Massachusetts Amherst in April 2013.

The population survey on which the analyses in this report rest could not have been completed without the cooperation and good will of the thousands of Massachusetts residents who agreed to participate. We are also grateful to the many individuals at NORC at the University of Chicago who helped in collecting the data for the survey.

We would like to thank the members of the Massachusetts Gaming Commission’s Gaming Research Advisory Committee (GRAC) and Research Design and Analysis Subcommittee (RDASC). Members of these committees represent a range of perspectives and their careful review of early analyses and draft versions of this report contributed to its clarity as well as utility to multiple audiences.

Finally, we would like to thank Mark Vander Linden, Director of Research and Responsible Gaming, Chairman Stephen P. Crosby and Commissioner Enrique Zuniga of the Massachusetts Gaming Commission, for their thoughtful input and clear guidance over the course of the SEIGMA project. The Commission’s broad vision for the expansion of gambling in Massachusetts and commitment to the research needed to maximize the benefits and minimize harms related to gambling in the Commonwealth made this project possible.

**SUGGESTED CITATION:**

Williams, R.J., Zorn, M., Volberg, R.A., Stanek, E. J., Freeman, J., Maziya, N., Naveed, M., Zhang, Y., & Pekow, P. S. (2017). *Gambling and Problem Gambling in Massachusetts: In-Depth Analysis of Predictors*. Amherst, MA: School of Public Health and Health Sciences, University of Massachusetts Amherst.

**A PDF OF THIS REPORT CAN BE DOWNLOADED AT: [www.umass.edu/seigma](http://www.umass.edu/seigma)**

# Executive Summary

---

This report is a compendium of four separate but related analyses completed on a general population survey of 9,578 Massachusetts adults conducted from September 2013 to May 2014. The four analyses included examination of:

- Univariate and multivariate differences between Recreational Gamblers and Non-Gamblers
- Multivariate predictors of Level of Gambling Participation in terms of number of formats engaged in, frequency of gambling, and gambling expenditure
- Univariate and multivariate differences between Recreational Gamblers and At-Risk Gamblers
- Univariate and multivariate differences between Recreational Gamblers and Problem and Pathological Gamblers

There is considerable overlap in the characteristics of Recreational Gamblers and Non-Gamblers. However, there were several variables that statistically predicted greater likelihood of being a Non-Gambler. The strongest predictor was having fewer friends and family that were regular gamblers. Perhaps not surprisingly, not using alcohol was also a fairly strong predictor of being a Non-Gambler. The other predictors were having higher educational attainment; being a student, homemaker, disabled or retired; being in the age range 18-34 or 65+; being born outside the United States; not being a binge drinker; having lower household income; not using tobacco; having a less happy childhood; not having served in the military; being non-White, and not having problems with drugs or alcohol.

While there is considerable overlap in the characteristics of people who have low levels of gambling participation relative to people with high levels of participation, there were also several variables that statistically predict higher involvement. Interestingly, the portion of friends and family that were regular gamblers was also the strongest predictor in this analysis, with higher gambling involvement being associated with more friends/family involvement. Lower educational attainment, male gender, binge drinking, poorer health, and tobacco use were also predictive of higher gambling involvement.

There are greater differences between Recreational Gamblers and At-Risk Gamblers. In order of importance, people who were At-Risk Gamblers were significantly more likely to be casino gamblers, have a greater portion of friends and family that are regular gamblers, play instant lottery games, play daily lottery games, be male, be online gamblers, be born outside of the United States, participate in private betting, have lower educational attainment, play bingo, not purchase raffle tickets, have lower household income, have mental health problems, and have no alcohol use in the past 30 days.

The greatest differences were found between Recreational Gamblers and Problem/Pathological Gamblers. In order of importance, people who were Problem/ Pathological Gamblers were significantly more likely to: play daily lottery games, have a greater portion of friends and family involved in gambling, be Black, engage in casino gambling, be male, engage in online gambling, play instant lottery games, have other behavioral addictions, have lower educational attainment, be born outside the United States, and have lower childhood happiness.

There are several important implications for prevention from these findings:

- The lack of marked differences in the health and mental health status of Non-Gamblers versus Recreational Gamblers suggests that intervention efforts to prevent harm from gambling should probably not be directed at gambling generally, but more specifically to excessive levels of gambling and/or At-Risk Gambling.
- The social network of gamblers is a particularly important target for prevention, as portion of friends and family that are regular gamblers was the strongest overall predictor of Non-Gambling and Level of Gambling Participation, and the second strongest predictor of At-Risk Gambling and Problem/Pathological Gambling. The power of this specific predictor makes it clear that:
  - Gamblers need to be aware of the normalizing effect that their social group has on their own gambling behavior;
  - Friends and family of regular gamblers need to be aware of the facilitative role they have on that person's gambling; and
  - All gamblers need to be aware that problem gambling (and presumably heavy gambling) has a substantial genetic component and, if they have a positive family history of problem gambling, need to be particularly vigilant to the risks of excessive gambling engagement.
- There are certain demographic groups meriting special attention for prevention due to their consistent association with higher levels of gambling involvement, At-Risk Gambling and/or Problem/Pathological Gambling. These are males, individuals with lower educational attainment, immigrants, and African-Americans.
- Most problem gamblers are involved in an array of gambling formats, all of which contribute, to some extent, to the problems they experience. Nonetheless, consistent with other research on this topic, there is evidence that certain forms of gambling pose elevated risk to Massachusetts residents due to their continuous nature (i.e., casino gambling, instant lottery games, daily lottery games) and/or greater convenience and 24-hour availability (i.e., online gambling).

# Background

---

In November 2011, an *Act Establishing Expanded Gaming in the Commonwealth* was passed by the Massachusetts Legislature, allowing casinos and slot parlors to be introduced in Massachusetts for the first time under the regulatory auspices of the Massachusetts Gaming Commission (MGC). Three casino licenses were available, one in the Greater Boston area, one in Western Massachusetts, and one for Southeastern Massachusetts. A single slot parlor license was also available, with no geographic restriction on its location. Since that time, the slot parlor license has been granted to Plainridge Park Casino, which opened June 24, 2015 in Plainville. Two casinos have also been approved: MGM Springfield which is scheduled to open September 2018 in Springfield, and Wynn Boston Harbor Casino which is scheduled to open June 2019 in Everett.

Section 71 of the Expanded Gaming Act requires the Massachusetts Gaming Commission to establish an annual research agenda to understand the impact of these new venues. In 2012, the MGC selected a team from the University of Massachusetts Amherst School of Public Health and Health Sciences to conduct the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study. As part of the SEIGMA investigation, a comprehensive baseline survey of gambling among Massachusetts adults was undertaken between September 2013 and May 2014. Descriptive results from this Baseline General Population Survey (BGPS) are contained in Volberg et al. (2015). The present report is a follow-up to this earlier report. Whereas the Volberg et al. (2015) report provided a description of the characteristics of non-gamblers, recreational gamblers, at-risk gamblers, and problem gamblers, the present report focuses on identifying the univariate and multivariate predictors of non-gambling, level of gambling, at-risk gambling, and problem gambling.

The next section of this report reviews the methodology used in the Baseline General Population Survey, including recruitment procedures, sample, weighting, survey questionnaire, and how gamblers were classified. A more comprehensive description of these procedures is contained in Volberg et al. (2015).

# Baseline General Population Survey Methods

---

## Recruitment

In carrying out the BGPS, an Address-Based Sampling (ABS) approach was employed whereby a random sample of Massachusetts addresses was initially chosen, with over-selection of Western Massachusetts to ensure acceptable precision in establishing problem gambling prevalence in this part of the state. All selected addresses were mailed a letter and subsequent postcards inviting the adult (18+) household member with the most recent birthday to complete an online (WEB) survey. Households where no response was received after four weeks were mailed paper versions of the questionnaire and invited to alternatively complete the survey via this modality and return it by mail (SAQ). Households where no response was received after another four weeks were called on their landline (this number was available in 78% of cases) and invited to answer the questions over the telephone (CATI). The survey was launched on September 11, 2013 and data collection ended on May 31, 2014.

## Sample

A final sample of 9,578 respondents was obtained with a 36.6% AAPOR RR3 response rate (AAPOR, 2015).<sup>1</sup> Forty percent of the questionnaires were self-administered online, 52% were completed using the self-administered paper-and-pencil format, and 7% were completed by telephone interview. A total of 152 self-administered questionnaires and/or telephone interviews (1.6%) were completed in Spanish.

## Weighting

Weighting was applied to the BGPS sample to align the respondents to the known Massachusetts population as established in the 2012 census. The weighting procedure consisted of a series of six steps:

- Adjustment for the deliberate oversampling of addresses in Western Massachusetts. This weighting was assigned to all sampled addresses that were initially chosen.
- Adjustment for the unknown eligibility status. This weighting was assigned to eligible addresses to account for different rates of unknown eligibility (by address types, region, and Spanish versus English speaking neighborhood).
- Adjustment for the fact that differences in the rate of completed surveys varied as a function of region (Western or Eastern Massachusetts), language (English or Spanish), and survey modality (WEB, SAQ, CATI). These weights were applied to all completed surveys.
- Adjustment for household size (i.e., to compensate for the oversampling of people from small households and under-sampling of people from large households).
- Final adjustment via iterative raking to more closely align the distribution of the obtained sample to the known distribution of the 2012 Massachusetts adult (18+) population in terms of region x age, region x

---

<sup>1</sup> The response rate calculations recommended by the American Association for Public Opinion Research (AAPOR) are commonly used in academic research. A Response Rate 3 (RR3) is equivalent to the Council of American Survey Research Organizations (CASRO) rate, which is the number of completed interviews divided by the estimated number of eligible respondents. The estimated number of eligible respondents is the number of complete and partially complete interviews + the number of people who refused and/or could not be contacted + an estimate of the number of eligible cases among the remaining cases with unknown eligibility.

gender, region x race/ethnicity, region x education, age x gender, age x race/ethnicity, age x education, gender x race/ethnicity, gender x education, and race/ethnicity x education.

- Trimming the maximum and minimum allowable weights so as to increase the accuracy of derived estimates (e.g., prevalence of problem gambling).

## Questionnaire

The questionnaire had sections on health behaviors, attitudes toward gambling, gambling participation, problem gambling, and demographics.

Gambling participation was assessed by asking about past year frequency of participation in 11 different types of gambling:

- Purchase of **lottery tickets** such as Megabucks, Powerball, Lucky for Life, or Mass Cash
- Purchase of **instant tickets or pull tabs**
- Purchase of **raffle tickets**
- Purchase of **daily lottery games** such as Keno or Jackpot Poker
- Betting money on **sporting events** (this includes sports pools)
- Gambling at a **bingo hall**
- Gambling at a **casino, racino, or slots parlor outside of Massachusetts**
- Betting on a **horse race** at either a horse race track or an off-track site
- Gambling or **betting money against other people** on things such as card games; golf, pool, darts, bowling; video games; board games, or poker outside of a casino
- Purchase of **high risk stocks, options or futures or day trade** on the stock market
- **Gambling online**, which includes things such as playing poker, buying lottery tickets, betting on sports, bingo, slots or casino table games for money or playing interactive games for money

Seven response options were provided, ranging from ‘not at all’ to ‘4 or more times a week’. For each type engaged in, participants were then asked “roughly how much money do you spend on [type of gambling] in a typical month? Spend means how much you are ahead (+\$) or behind (-\$), or your net win or loss in an average month in the past 12 months.” In the WEB and SAQ surveys, participants were provided with an open-ended response box that contained a negative sign (to indicate a ‘loss’) that could be removed or replaced with a positive sign if the person wished to convey they had a net win.

## Gambler Classification

All participants who reported gambling once a month or more on some type of gambling were administered the Problem and Pathological Gambling Measure (PPGM) (Williams & Volberg, 2010, 2014). The PPGM is a relatively new instrument with superior sensitivity, specificity, and classification accuracy compared to older instruments such as the Problem Gambling Severity Index (PGSI), Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition (DSM-IV), and the South Oaks Gambling Screen (SOGS) (Williams & Volberg, 2010, 2014).

The superior performance of the PPGM is due to several factors. For one, any pattern of item endorsement above the designated threshold is sufficient to be deemed a problem gambler in the PGSI, DSM, and SOGS, whereas the PPGM requires there to be evidence of harm deriving from gambling **and** impaired control over gambling (i.e., the commonly accepted elements contained in most definitions of problem gambling, e.g., Neal, Delfabbro, & O’Neil, 2005). For another, the PPGM assesses **all** potential harms deriving from gambling, whereas only subsets of potential problems are assessed with the traditional instruments (i.e., physical and mental health problems are not assessed in the DSM-IV or SOGS; illegal activity and school and/or work



problems are not assessed in the PGSI). A final reason is that the PPGM endeavors to minimize false positives and false negatives. The former is accomplished by requiring that a person report gambling at least once a month in the past year to be classified as a problem gambler (no corroborating gambling behavior is required in the PGSI, SOGS or the DSM-IV). The latter is accomplished by allowing for problem gambling designation of individuals reporting sub-threshold levels of symptomatology if their gambling expenditure and frequency are equal to those of unambiguously identified problem gamblers.

Based on responses to the PPGM, a person was categorized as a **Non-Gambler** if he or she reported no past year participation in any form of gambling (not including high risk stocks). A total of 2,523 people received this classification (26.5% of the sample before weighting and 26.6% after weighting).

A person was categorized as a **Recreational Gambler** if he or she reported participating in one or more types of gambling in the past year but no problem gambling symptomatology and frequency of gambling and gambling expenditure were below levels reported by Problem and Pathological Gamblers. A total of 6,271 people received this classification (65.9% of the sample before weighting and 62.9% after weighting).

A person was categorized as an **At-Risk Gambler** if he or she reported participating in one or more types of gambling in the past year *and* reported one or more symptoms of problem gambling. Alternatively, a person could receive this designation if their frequency of gambling and gambling losses were greater than or equal to the median reported for Problem and Pathological Gamblers. A total of 600 people received this classification (6.3% of the sample before weighting and 8.4% after weighting).

A person was categorized as a **Problem Gambler** if he or she reported gambling at least once a month on one or more types of gambling; had a Problems Score of 1 or higher; an Impaired Control Score of 1 or higher; and a Total Score of 2 to 4. Alternatively, a person could receive this designation if they had a Total Score of 3 or higher plus a frequency of gambling and reported gambling loss that was greater or equal to the median for Problem and Pathological Gamblers. A total of 75 people received this classification (0.79% of the sample before weighting and 1.16% after weighting).

A person was categorized as a **Pathological Gambler** if he or she reported gambling at least once a month on one or more types of gambling; had a Problems Score of 1 or higher; an Impaired Control Score of 1 or higher; and a Total Score of 5 or higher. A total of 54 people received this classification (0.57% of the sample before weighting and 0.87% after weighting).

Table 1 on the following page shows the distribution of the sample (prior to weighting) as a function of gambling category by race/ethnicity and gender.

**Table 1. Baseline General Population Survey Sample Enrollment Table**

<b>Race/ Ethnicity</b>	<b>Gender</b>	<b>Non- Gambler</b>	<b>Recreational Gambler</b>	<b>At-Risk Gambler</b>	<b>Problem Gambler</b>	<b>Pathological Gambler</b>
White	Male	681	2156	258	36	29
	Female	1260	3208	221	18	12
	Missing	9	35	2		
Hispanic	Male	48	86	17	2	2
	Female	120	173	19	1	3
	Missing	2		1		
Black	Male	39	64	18	9	4
	Female	74	123	23	2	3
	Missing		1		1	
Asian	Male	68	82	17	3	
	Female	101	83	6	2	
	Missing	1				
Other	Male	7	20	1		
	Female	22	26	4		
	Missing	2	1			
Missing	Male	36	95	9		
	Female	35	89	2	1	1
	Missing	18	29	2		
<b>TOTAL</b>		<b>2523</b>	<b>6271</b>	<b>600</b>	<b>75</b>	<b>54</b>

# Analyses

---

Four primary analyses were conducted in the present investigation:

- An examination of **univariate and multivariate differences between Recreational Gamblers and Non-Gamblers**. A supplemental analysis also examined multivariate differences between Non-Gamblers and all Gamblers (i.e., Recreational, At-Risk, Problem, and Pathological Gamblers).
- An examination of the **multivariate predictors of Level of Gambling Participation among all Gamblers**. Three different measures of gambling participation were used: number of gambling formats engaged in; frequency of gambling; and gambling expenditure.
- An examination of the **univariate and multivariate differences between Recreational Gamblers and At-Risk Gamblers**. A supplemental analysis examined the contribution of individual forms of gambling to At-Risk Gambling after controlling for the number of gambling formats engaged in. An additional analysis examined whether there were any multivariate differences between At-Risk Gamblers and Problem Gamblers.
- An examination of the **univariate and multivariate differences between Recreational Gamblers and Problem and Pathological Gamblers**. A supplemental analysis examined whether there were any univariate differences between Problem Gamblers and Pathological Gamblers. An additional analysis examined the contribution of individual forms of gambling to Problem and Pathological Gambling after controlling for the number of gambling formats engaged in.

Recreational Gamblers were used as the reference group in most of these analyses to provide consistency across analyses and because Recreational Gambling is the normative/modal gambling category in Massachusetts.

Unweighted data was used in all of the analyses since the focus was on identifying differences or relationships within the data, independent of the data's relationship to the general population.

Missing values were replaced in all multivariate analyses using multiple imputation (Rubin, 2004). This involved imputing values for the 11 variables having the greatest number of missing values (i.e., household income, casino participation, mental health problems, age, binge drinking, race/ethnicity, marital status, being born in the United States, employment status, educational attainment, and current tobacco use) using a multivariate model that predicted a set of 10 likely values using the 25 variables having the strongest univariate association to the 11 aforementioned variables. Analyses were run for each of the imputed datasets and the results of these 10 imputations were then pooled using Rubin's rule (Rubin, 2004) to account for variability incurred through introduction of the imputed data. Relative efficiency was close to 1.0 for all 11 variables, indicating that the 10 imputations were sufficient.

# Differences Between Recreational Gamblers and Non-Gamblers

---

This analysis focuses on differences between Non-Gamblers and Recreational Gamblers. These results are interesting for their own sake and also have some practical value. In particular, it is useful to know whether there is any difference in the health and mental health status of Non-Gamblers compared to Recreational Gamblers as this has relevance to whether efforts to prevent gambling-related harm should be directed at gambling generally, or more targeted toward excessive gambling.

In contrast to the large literature on the predictors of problem gambling, the academic literature on the topic of gambling participation is relatively sparse (Rodgers, Caldwell & Butterworth, 2009). There are several potential reasons for this. One is the perceived ambiguity about which activities actually constitute gambling (Williams, Volberg, Stevens et al., 2017). Another is that the predictors of gambling participation have almost certainly changed over time, with gambling now widely considered a normative recreational activity rather than as something immoral and engaged in only by the fringes of society. As a consequence, the limited literature that does currently exist on this topic is focused primarily on special populations, such as predictors of gambling participation among under-age youth (e.g., Chalmers & Willoughby, 2006; Kwon, Kim & Choi, 2006; Moore & Ohtsuka, 1997) and seniors (e.g., Vander Bilt, Dodge, Pandav et al., 2004).

A few adult studies do exist. These studies have found the following attributes to be predictive of Non-Gambling:<sup>2</sup>

- **Female gender** (Gambling Commission, 2017; Kairouz, Paradis, Nadeau et al., 2015)
- **Ethnic/racial group** (African-Americans) (Raylu & Oei, 2004; Welte, Barnes, Wieczorek et al., 2002)
- **Age** (both younger and older people) (Gambling Commission, 2017; Kairouz, Paradis, Nadeau et al., 2015; Welte, Barnes, Wieczorek et al., 2002)
- **Lower socioeconomic status** (Kairouz, Paradis, Nadeau et al., 2015; Welte, Barnes, Wieczorek et al., 2002)
- **Higher educational attainment** (Kairouz, Paradis, Nadeau et al., 2015)
- **Religion** (Protestants relative to Catholics; Muslims) (Raylu & Oei, 2004; Welte, Barnes, Wieczorek, & Tidwell, 2004) and higher religiosity (Lam, 2006)

## Method

The categorical dependent variable in the present analysis was whether the person had not engaged in any form of gambling in the past year (i.e., was a Non-Gambler), or alternatively, had engaged in some form of gambling, but had not experienced any problems from their involvement (i.e., was a Recreational Gambler).

Twenty two independent variables were examined concerning whether they were significantly different between the two groups:

---

<sup>2</sup> The comparison group in all of these studies was all gamblers, rather than just Recreational Gamblers.

- **10 demographic variables:** gender, age, race/ethnicity, whether the person was born in the United States, marital status, educational attainment, employment, household income, military service, and geographic region of Massachusetts where they resided
- **11 variables assessing a range of health, mental health, substance use, and other behavioral issues:** self-reported health status in past 12 months, participation in extreme sports, overall level of stress in the past 12 months, current tobacco use, alcohol use in the past 30 days, binge drinking in the past 30 days, illicit drug use in the past 12 months, self-reported drug or alcohol problems in the past 12 months, self-reported behavioral addictions in the past 12 months (overeating, sex or pornography, shopping, exercise, Internet chat lines, etc.), serious mental health problems in the past 12 months, and rating of childhood happiness
- **1 gambling-related variable:** portion of friends and family that are regular gamblers

The first part of the analysis involved conducting univariate chi-square tests for each variable to see whether Non-Gamblers had a significantly different pattern of response compared to Recreational Gamblers. The second part involved conducting binary logistic regression for all variables collectively to determine which variables significantly discriminated between the two groups. Variables were entered into the logistic regression in a forward stepwise manner, with variable entry order determined by the size of the Wald statistic (minimum entry level of  $p = .01$  and a removal level of  $p = .05$ ). As noted above, missing values were all replaced with multiple imputation.

## Univariate Results

The results of the univariate analyses are shown in Table 2 with the demographic variables presented first, followed by the health-related variables, and then the gambling-related variable. As can be seen, there are statistically significant differences (based on  $p$ -values) on most variables due to the large sample sizes. Focusing on variables where the 95% confidence intervals do not overlap, the following characteristics were significantly associated with being a Non-Gambler:

### Demographic Variables

- Female gender
- Being younger than 35
- Being Hispanic, Asian, or Black
- Being born outside the United States
- Never married
- Higher educational attainment
- Being retired or a student, homemaker, or disabled
- Lower household income
- No military service
- Residing in the Greater Boston region

### Health-Related Variables

- Poorer physical health
- Lower stress
- No tobacco use
- No alcohol use
- No binge drinking
- No illicit drug use

- No drug or alcohol problems
- Mental health problems
- Less happy childhood

Gambling-Related Variables

- Smaller portion of friends and family being regular gamblers

**Table 2. Univariate Differences Between Recreational Gamblers and Non-Gamblers**

		Non-Gamblers (n = 2,523)		Recreational Gamblers (n = 6,271)		p
		%	95% C.I.	%	95% C.I.	
<b>Gender</b>	Male	34.8	(33.0, 36.7)	39.9	(38.7, 41.1)	<.001
	Female	63.9	(62.0, 65.7)	59.0	(57.8, 60.2)	
	Missing	1.3	(0.9, 1.8)	1.1	(0.8, 1.3)	
<b>Age</b>	18-34	17.0	(15.6, 18.5)	12.9	(12.1, 13.7)	<.001
	35-64	42.5	(40.6, 44.4)	54.5	(53.3, 55.7)	
	65+	34.1	(32.3, 36.0)	28.2	(27.1, 29.3)	
	Missing	6.4	(5.5, 7.4)	4.4	(3.9, 5.0)	
<b>Race/Ethnicity</b>	Hispanic	6.7	(5.8, 7.8)	4.1	(3.7, 4.7)	<.001
	Black	4.5	(3.7, 5.4)	3.0	(2.6, 3.4)	
	White	77.3	(75.6, 78.9)	86.1	(85.2, 86.9)	
	Asian	6.7	(5.8, 7.8)	2.6	(2.3, 3.1)	
	Missing or Other	4.8	(4.0, 5.7)	4.1	(3.7, 4.7)	
<b>Born in United States</b>	No	19.3	(17.9, 20.9)	9.9	(9.1, 10.6)	<.001
	Yes	78.7	(77.1, 80.3)	88.0	(87.2, 88.8)	
	Missing	1.9	(1.5, 2.6)	2.1	(1.8, 2.5)	
<b>Marital status</b>	Never married	19.9	(18.3, 21.5)	15.0	(14.2, 15.9)	<.001
	Living with partner/ married/widowed	65.4	(63.5, 67.2)	70.3	(69.2, 71.4)	
	Divorced or separated	12.2	(11.0, 13.5)	12.2	(11.4, 13.0)	
	Missing	2.6	(2.0, 3.3)	2.4	(2.1, 2.9)	
<b>Education</b>	High school or less	18.0	(16.5, 19.5)	16.2	(15.3, 17.1)	<.001
	Some college or Bachelor's	46.1	(44.2, 48.1)	54.8	(53.5, 56.0)	
	Beyond Bachelor's degree	33.9	(32.1, 35.8)	27.2	(26.1, 28.3)	
	Missing	2.0	(1.5, 2.6)	1.8	(1.5, 2.2)	
<b>Employment</b>	Employed	49.7	(47.8, 51.6)	60.8	(59.6, 62.0)	<.001
	Unemployed	3.2	(2.6, 4.0)	3.6	(3.1, 4.0)	
	Retired	29.6	(27.9, 31.4)	24.5	(23.4, 25.6)	
	Other <sup>1</sup>	15.7	(14.3, 17.1)	9.1	(8.4, 9.8)	
	Missing	1.8	(1.4, 2.4)	2.1	(1.8, 2.5)	
<b>Household Income</b>	Less than \$15,000	11.8	(10.6, 13.1)	7.0	(6.4, 7.7)	<.001
	\$15,000-<\$30,000	11.7	(10.5, 13.0)	10.0	(9.3, 10.8)	
	\$30,000-<\$50,000	15.0	(13.6, 16.4)	13.2	(12.3, 14.0)	
	\$50,000-<\$100,000	22.7	(21.1, 24.4)	27.1	(26.0, 28.2)	
	\$100,000-<\$150,000	10.1	(9.0, 11.3)	16.3	(15.4, 17.2)	
	\$150,000 and more	11.4	(10.2, 12.7)	12.6	(11.8, 13.4)	
	Missing	17.4	(16.0, 19.0)	13.9	(13.0, 14.7)	

		Non-Gamblers (n = 2,523)		Recreational Gamblers (n = 6,271)		p
		%	95% C.I.	%	95% C.I.	
Military service	No	91.6	(90.4, 92.6)	89.0	(88.2, 89.7)	<.001
	Yes	7.5	(6.5, 8.6)	9.8	(9.1, 10.5)	
	Missing	1.0	(0.6, 1.4)	1.2	(1.0, 1.5)	
Region	Western Massachusetts	27.8	(26.3, 29.3)	29.4	(28.8, 30.1)	<.001
	Greater Boston	59.1	(57.4, 60.9)	54.0	(53.0, 55.0)	
	Southeastern Massachusetts	13.1	(11.8, 14.4)	16.6	(15.7, 17.5)	
Health status past 12 months	Excellent	22.5	(20.9, 24.1)	22.0	(21.0, 23.0)	<.001
	Very good	36.5	(34.6, 38.4)	39.6	(38.4, 40.8)	
	Good	26.2	(24.5, 27.9)	27.5	(26.4, 28.6)	
	Fair	11.4	(10.2, 12.7)	8.9	(8.2, 9.6)	
	Poor	3.3	(2.7, 4.1)	1.9	(1.6, 2.2)	
	Missing	cell size ≤ 5		0.2	(0.1, 0.3)	
Participate in extreme sports	No	93.4	(92.3, 94.3)	93.4	(92.7, 93.9)	.721
	Yes	6.4	(5.5, 7.4)	6.3	(5.7, 6.9)	
	Missing	0.2	(0.1, 0.5)	0.3	(0.2, 0.5)	
Overall stress past 12 months	Very low	4.5	(3.8, 5.4)	3.2	(2.8, 3.7)	.010
	Low	17.7	(16.2, 19.2)	15.7	(14.8, 16.6)	
	Moderate	44.7	(42.8, 46.7)	46.6	(45.4, 47.8)	
	High	24.5	(22.9, 26.2)	25.8	(24.7, 26.8)	
	Very high	8.1	(7.1, 9.3)	8.5	(7.8, 9.2)	
	Missing	0.4	(0.2, 0.7)	0.3	(0.2, 0.5)	
Current tobacco use	No	89.5	(88.2, 90.6)	84.9	(84.0, 85.7)	<.001
	Yes	8.4	(7.4, 9.6)	13.5	(12.7, 14.3)	
	Missing	2.1	(1.6, 2.7)	1.7	(1.4, 2.0)	
Alcohol use past 30 days	No	41.6	(39.7, 43.5)	24.6	(23.6, 25.7)	<.001
	Yes	57.9	(56.0, 59.8)	75.1	(74.0, 76.1)	
	Missing	0.5	(0.3, 0.8)	0.3	(0.2, 0.4)	
Binge drinking past 30 days	No	80.7	(79.2, 82.2)	69.6	(68.5, 70.7)	<.001
	Yes	14.7	(13.3, 16.1)	25.8	(24.8, 26.9)	
	Missing	4.6	(3.8, 5.5)	4.5	(4.1, 5.1)	
Illicit Drug use past 12 months	No	93.7	(92.7, 94.6)	90.9	(90.1, 91.5)	<.001
	Yes	5.3	(4.5, 6.2)	8.5	(7.8, 9.2)	
	Missing	1.0	(0.7, 1.5)	0.7	(0.5, 0.9)	
Drug or alcohol problems past 12 months	No	98.3	(97.8, 98.8)	97.4	(97.0, 97.8)	<.001
	Yes	0.8	(0.5, 1.2)	1.8	(1.5, 2.2)	
	Missing	0.9	(0.6, 1.4)	0.8	(0.6, 1.0)	
Behavioral addictions past 12 months	No	89.0	(87.7, 90.1)	89.3	(88.5, 90.0)	.922
	Yes	10.1	(9.0, 11.3)	9.9	(9.1, 10.6)	
	Missing	1.0	(0.6, 1.4)	0.9	(0.7, 1.2)	
Mental health problems past 12 months	No	78.2	(76.5, 79.7)	81.4	(80.4, 82.3)	.004
	Yes	15.7	(14.4, 17.2)	13.6	(12.7, 14.4)	
	Missing	6.1	(5.2, 7.1)	5.1	(4.6, 5.7)	



		Non-Gamblers (n = 2,523)		Recreational Gamblers (n = 6,271)		p
		%	95% C.I.	%	95% C.I.	
Childhood Rating	Very happy	26.4	(24.7, 28.1)	27.6	(26.5, 28.7)	<.001
	Happy	47.3	(45.3, 49.2)	49.4	(48.2, 50.6)	
	Neither happy nor unhappy	16.6	(15.2, 18.1)	16.2	(15.3, 17.1)	
	Unhappy	7.0	(6.0, 8.0)	4.6	(4.1, 5.2)	
	Very unhappy	1.9	(1.5, 2.6)	1.5	(1.2, 1.8)	
	Missing	0.8	(0.5, 1.3)	0.7	(0.5, 1.0)	
Portion of Friends and Family Regular Gamblers	None of them	64.0	(62.1, 65.9)	49.4	(48.2, 50.7)	<.001
	Some of them	32.8	(31.0, 34.7)	47.5	(46.2, 48.7)	
	Most of them	0.9	(0.6, 1.3)	1.5	(1.2, 1.8)	
	All of them	0.9	(0.6, 1.4)	0.5	(0.4, 0.8)	
	Missing	1.4	(1.0, 1.9)	1.1	(0.9, 1.4)	

Note: *Italicized figures indicate relative standard error >30%.*

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

## Multivariate Results

Many of the above-mentioned individual variables are correlated with each other. Consequently, statistically significant differences between Recreational Gamblers and Non-Gamblers on some of these variables may reflect differences in the same underlying attribute. Thus, the more central question concerns which variables significantly differentiate the groups when these variables are analyzed simultaneously in a multivariate analysis (i.e., binary logistic regression).

A binary logistic regression found that maximal discrimination between the groups occurred via a model with a constant and 13 predictor variables. Table 3 on the following page shows the log of the odds ratio and Wald statistic for each of the 13 predictors. The variance accounted for was low with adjusted *R* squared ranging from 12.2% to 12.6% (depending on the imputation). Using a classification cutoff of 28.0% to maximize both sensitivity and specificity,<sup>3</sup> overall prediction success ranged from 62.1% to 62.9%. In order of importance, people who were Non-Gamblers were significantly more likely than Recreational Gamblers to:

- Have a lower portion of friends and family that were regular gamblers
- Not use alcohol
- Have higher educational attainment
- Be a student, homemaker, disabled, or retired
- Be either 18-34 or 65+
- Be born outside the United States
- Not binge drink
- Have lower household income
- Not use tobacco

<sup>3</sup> Whenever there are large differences in the sizes of the two groups being compared (as is the case in the present analysis), classification accuracy will be high simply by predicting that everyone is a member of the larger group (i.e., Recreational Gamblers). However, this figure disguises the fact that prediction accuracy for the smaller group may be poor. For this reason, it is better to choose a classification cut-off close to the size of the smaller group relative to the total sample (i.e., 28%). Using such a cutpoint, the analysis will strive to obtain high classification accuracy for **both** groups and the resultant overall classification accuracy will be very close to the individual classification accuracy for each group.

- Have less happy childhoods
- Not have served in the military
- Not have problems with drugs or alcohol
- Be non-White

**Table 3. Stepwise Logistic Regression Predicting Non-Gambling versus Recreational Gambling (n = 8,794)**

		Odds Ratio <sup>4</sup> & 95% C.I.	Wald Statistics <sup>5</sup>	p
<b>Portion of Friends and Family Regular Gamblers</b>		.64 (0.59, 0.71)	89.2	p < .0001
<b>Alcohol use in Past 30 Days</b>	No	1.72 (1.53, 1.93)	85.5	p < .0001
	Yes	Reference group		
<b>Education</b>	High School or Less	Reference group	Reference group	
	Bachelor's or some College	1.07 (0.93, 1.23)	0.9	p = .0029
	Beyond Bachelor's degree	1.72 (1.46, 2.03)	41.3	p < .0001
<b>Employment</b>	Employed	Reference group	Reference group	
	Unemployed	1.00 (0.75, 1.33)	0.0	p = .8811
	Retired	1.17 (0.98, 1.38)	3.1	p < .0001
	Other <sup>1</sup>	1.68 (1.43, 1.97)	41.1	p < .0001
<b>Age</b>	18-34	1.60 (1.37, 1.86)	38.2	p < .0001
	35-64	Reference group	Reference group	
	65+	1.34 (1.14, 1.57)	12.4	p < .0001
<b>Born in United States</b>	No	1.57 (1.33, 1.85)	28.3	p < .0001
	Yes	Reference group		
<b>Binge Drinking</b>	Yes	Reference group	25.3	p < .0001
	No	1.43 (1.24, 1.65)		
<b>Household Income</b>		.97 (0.96, 0.98)	23.4	p < .0001
<b>Current Tobacco use</b>	Yes	Reference group	16.9	p < .0001
	No	1.42 (1.20, 1.69)		
<b>Unhappy Childhood</b>		1.12 (1.06, 1.18)	16.8	p < .0001
<b>Military Service</b>	Yes	Reference group	9.0	p < .0001
	No	1.32 (1.10, 1.58)		
<b>Problems with Drugs or Alcohol</b>	Yes	Reference group	8.5	p < .0001
	No	2.14 (1.28, 3.57)		
<b>Race/Ethnicity</b>	Hispanic	1.19 (0.94, 1.51)	2.1	p = .0048
	Black	1.44 (1.11, 1.86)	7.7	p < .0001
	White	Reference group	Reference group	
	Asian	1.45 (1.10, 1.91)	8.0	p = .0017
	Other	1.54 (0.95, 2.49)	3.2	p = .0001

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

<sup>4</sup> In logistic regression, the odds ratio is the increase (or decrease if the ratio is less than one) in the odds of being in the predicted category when the value of the predictor variable increases by one unit. With categorical variables (as used in the present analysis), it is the odds of being in the predicted category relative to the reference group. In the present example the odds ratio for alcohol use (1.72) means that respondents who did not drink alcohol in the last 30 days are 72% more likely not to gamble than those who did drink alcohol in the last 30 days. It should be noted that odds ratios will be higher than 'relative risk' when the two group sizes are reasonably comparable (as they are in the present analysis).

<sup>5</sup> The Wald statistic assesses the statistical significance of the coefficients. It is analogous to the t-test for assessing the significance of a coefficient in a bivariate correlation.

### Multivariate Differences between Non-Gamblers and All Gamblers

A second multivariate analysis examined which set of variables maximally differentiated Non-Gamblers from *all* Gamblers (i.e., Recreational, At-Risk, Problem and Pathological Gamblers). As can be seen in Table 4, the results are very similar to the results obtained when just comparing Non-Gamblers to Recreational Gamblers. The only difference between the two analyses is that race/ethnicity was a predictive variable in the previous analysis, but not in the present analysis. This variable was one of the weakest variables in the first analysis and became nonsignificant in the present analysis due to the increased predictive power of variables such as portion of friends/family who are regular gamblers, educational attainment, age, binge drinking, tobacco use, and military service (as several of these variables bear a strong relationship with At-Risk and Problem/Pathological Gambling). The variance accounted for was again low with adjusted *R* squared ranging from 12.5% to 12.9% and classification accuracy ranging from 65.0% to 65.8%.

**Table 4. Stepwise Logistic Regression Predicting Non-Gambling versus Gambling (n = 9,523)**

		Odds Ratio & 95% C.I.	Wald Statistics	<i>p</i>
<b>Portion of Friends and Family Regular Gamblers</b>		.58 (0.53, 0.64)	138.8	<i>p</i> < .0001
<b>Alcohol use in Past 30 Days</b>	No	1.71 (1.53, 1.92)	88.1	<i>p</i> < .0001
	Yes	Reference group		
<b>Born in United States</b>	No	1.69 (1.48, 1.94)	60.7	<i>p</i> < .0001
	Yes	Reference group		
<b>Education</b>	High School or Less	Reference group	Reference group	
	Bachelor's or some College	1.15 (1.00, 1.32)	3.8	<i>p</i> < .0001
	Beyond Bachelor's degree	1.88 (1.60, 2.22)	59.5	<i>p</i> < .0001
<b>Age</b>	18-34	1.66 (1.43, 1.92)	47.3	<i>p</i> < .0001
	35-64	Reference group	Reference group	
	65+	1.31 (1.11, 1.53)	11.1	<i>p</i> < .0001
<b>Employment</b>	Employed	Reference group	Reference group	
	Unemployed	.98 (0.74, 1.29)	0.0	<i>p</i> = .7743
	Retired	1.19 (1.01, 1.41)	4.3	<i>p</i> < .0001
	Other <sup>1</sup>	1.70 (1.46, 2.00)	45.7	<i>p</i> < .0001
<b>Binge Drinking</b>	Yes	Reference group	33.5	<i>p</i> < .0001
	No	1.50 (1.31, 1.73)		
<b>Household Income</b>		.97 (0.96, 0.98)	23.1	<i>p</i> < .0001
<b>Current Tobacco use</b>	Yes	Reference group	22.3	<i>p</i> < .0001
	No	1.49 (1.26, 1.76)		
<b>Military Service</b>	Yes	Reference group	15.0	<i>p</i> < .0001
	No	1.42 (1.19, 1.70)		
<b>Unhappy Childhood</b>		1.10 (1.05, 1.16)	13.3	<i>p</i> < .0001
<b>Problems with Drugs or Alcohol</b>	Yes	Reference group	9.4	<i>p</i> < .0001
	No	2.20 (1.33, 3.65)		

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

# Predictors of Level of Gambling Participation Among Gamblers

---

Higher levels of gambling involvement are likely to have increased potential for gambling-related harm. Thus, the purpose of the present analysis is to identify characteristics associated with more intensive gambling involvement.

Level of gambling involvement has four basic attributes: (1) number of types of gambling engaged in; (2) frequency of gambling; (3) total expenditure; and (4) time spent gambling (Williams, Volberg, Stevens et al., 2017). The first three measures were used in the present analysis. Time spent gambling was not assessed in the Baseline General Population Survey for several reasons, including space limitations, the fact that time spent gambling is highly correlated with the other measures of gambling involvement, and controversies in how time should be calculated for certain formats (e.g., should time spent watching sporting events and/or calculating odds be included in sports betting; should time travelling to a gambling venue be included).

There is a voluminous literature on the predictors of problem gambling, which is associated with higher levels of gambling involvement. There is a much smaller literature on the predictors of level of gambling involvement, independent of their relationship to problem gambling. These studies have found the following attributes to be predictive of higher levels of gambling involvement:

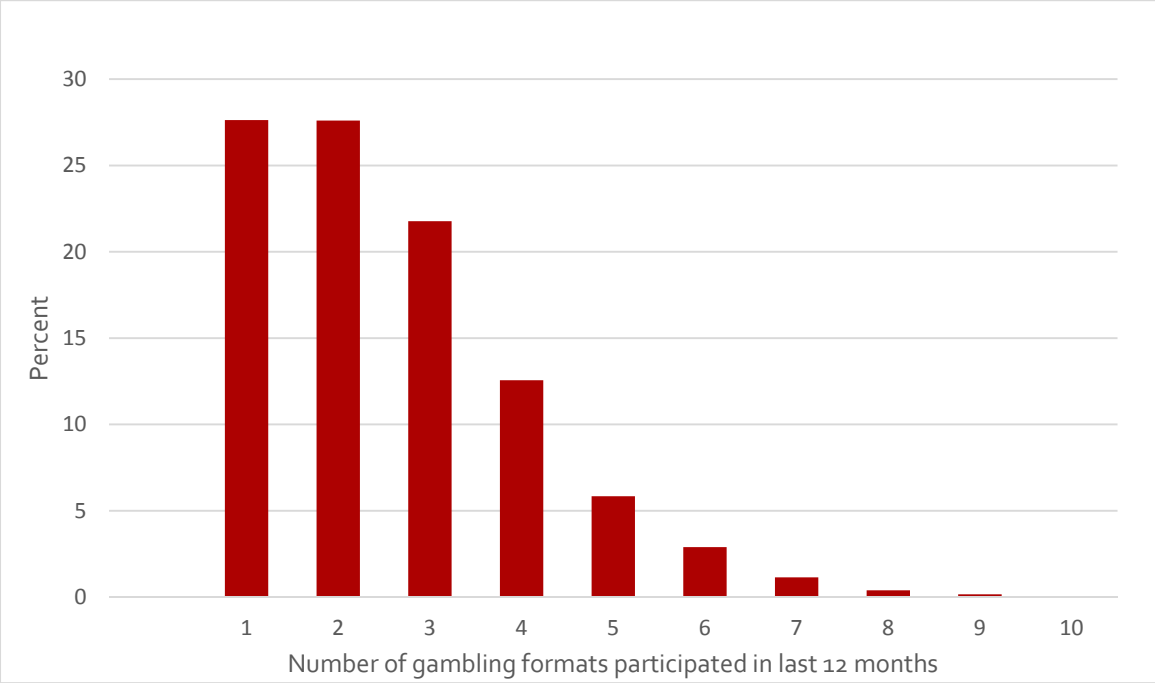
- **Male gender** (Gambling Commission, 2017; Kairouz et al., 2015; Welte, Barnes, Wieczorek et al., 2004)
- **Ethnic/racial group** (Raylu & Oei, 2004; Williams, Stevens & Nixon, 2011)
- **Lower educational attainment** (Williams, Hann, Schopflocher et al., 2015)
- **Lower socioeconomic status** (Welte, Barnes, Wieczorek et al., 2004)
- **Marital status** (divorced, widowed, or cohabiting) (Welte, Barnes, Wieczorek et al., 2004)
- **Nonreligiosity** (Lam, 2006)
- **Friend and family involvement in gambling** (Browne & Brown, 1994; Welte, Wieczorek, Barnes, & Tidwell, 2006; Williams, Hann, Schopflocher et al., 2015)
- **Propensity for risk and excitement seeking** (Cyders & Smith, 2008; Gibbs van Brunschot, 2009; Mishra, Lalumière, & Williams, 2010; Williams, Hann, Schopflocher et al., 2015)
- **Impulsivity** (Cronce & Corbin, 2010; Cyders & Smith, 2008; Upton, Bishara, Ahn & Stout, 2011)
- **Antisociality** (Mishra, Lalumière, Morgan & Williams, 2011; Williams, Hann, Schopflocher et al., 2015)
- **Gambling availability** (LaBrie, Shaffer, LaPlante & Wechsler, 2003; Welte, Wieczorek, Barnes et al., 2004)
- **Gambling fallacies** (Leonard & Williams, 2016; Williams, Hann, Schopflocher et al., 2015; Yakovenko, Hodgins, el-Guebaly et al., 2016)

## Method

All respondents in the Baseline General Population Survey who had gambled in the past year were included in this analysis (n = 6,992). Three dependent variables were used as aggregate overall measures of gambling participation.

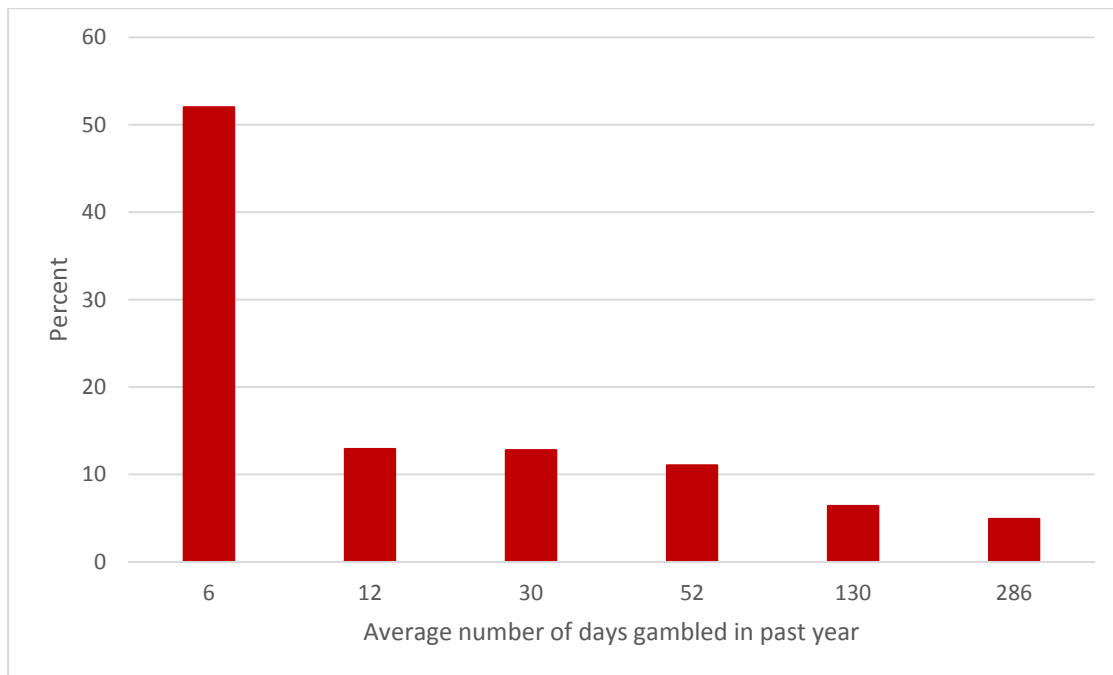
The first measure of gambling participation was the **number of gambling formats** (ranging from 1 to 10) that each respondent reported participating in within the past year. Among all gamblers, the average number of gambling formats engaged in was 2.6, the median was 2.0, the mode was 1.0, and the range was 1 to 10. The distribution of the number of formats engaged in among past year gamblers is shown in Figure 1.

**Figure 1. Number of Gambling Formats Engaged in Among Gamblers in Past 12 Months (n = 6,992)**



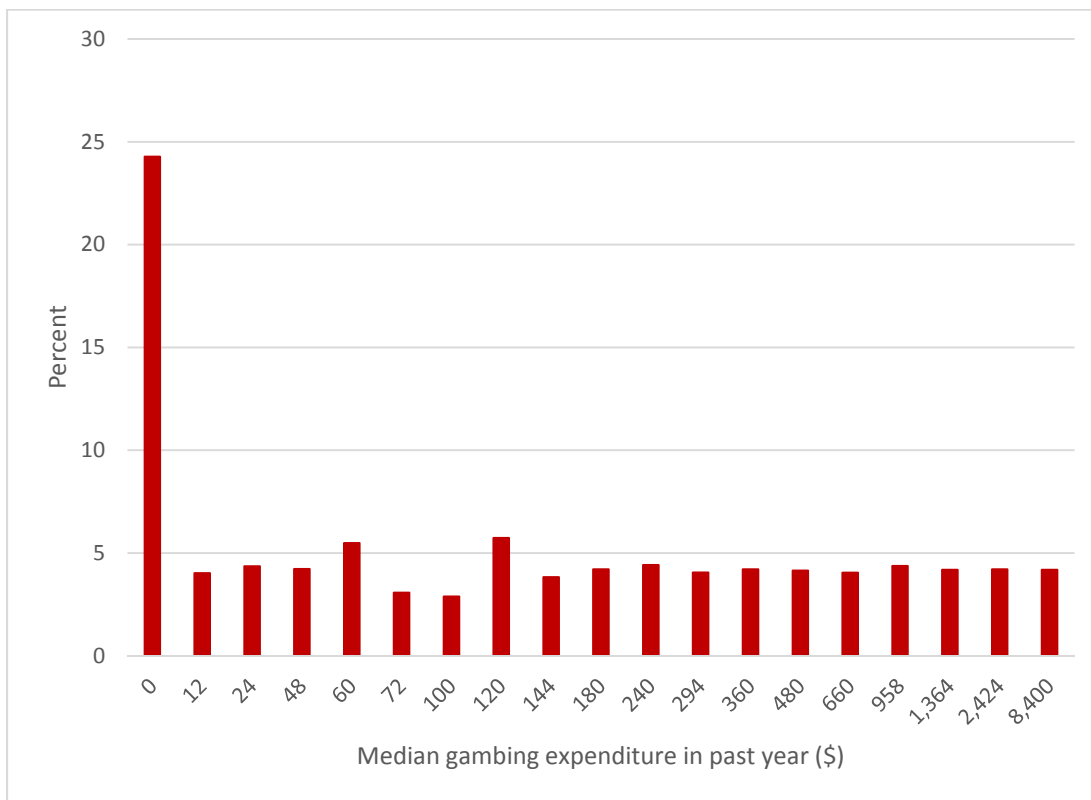
The second measure of gambling involvement was overall **frequency of gambling**, as measured by the maximum frequency reported for any type of gambling in the past year. A reported frequency of 4 or more times per week (mean 5.5 days/week) was converted to an annual frequency of 286 days (52 weeks x 5.5); 2-3 times per week was given a value of 130 days (52 weeks x 2.5); once a week was given a value of 52 days (52 weeks x 1); 2-3 times per month was given a value of 30 days (12 months x 2.5); and a frequency of less than once a month was given a value of 6 days (12 months x 0.5). Among all gamblers, the average number of overall days gambled in the past 12 months was 36.6, the median was 6.0 days, the mode was 6.0 days, and the range was 6 to 286 days. The distribution of number of days gambled in the past 12 months among past year gamblers is presented in Figure 2.

**Figure 2. Number of Days Gambled Among Gamblers in Past 12 Months (n = 6,992)**



The third measure of gambling participation was **total gambling expenditure** on all types of gambling in the past year. Total reported monthly gambling expenditure ranged widely, from a loss of \$1,120,001 to reported winnings of \$44,940. To reduce the impact of outliers and to correct for skewness, expenditures were re-categorized into 20 groups by rank (20 groupings was determined to be a sufficient re-categorization to reduce skewness while preserving the continuous nature of the variable). All respondents who reported positive gains from gambling ( $n = 500$ ; 7.2%) were placed in the first group. All respondents who reported \$0 average gain/loss ( $n = 1,197$ ; 17.1%) were placed in the second group. The remaining 5,293 respondents who reported losses were categorized into 18 additional groups ordered by reported expenditure. Each respondent was assigned a 'gambling expenditure' equal to the score defined by the median expenditure in their reported expenditure group. Among gamblers, the average past year gambling expenditure was \$669.44, the median was \$120.00 and the mode was \$0. The distribution of gambling expenditure among past year gamblers is presented in Figure 3.

**Figure 3. Total Gambling Expenditure Among Gamblers in Past 12 Months ( $n = 6,992$ )**





Twenty two independent variables were examined to assess whether they were significantly associated with each of the three measures of gambling involvement:

- **10 demographic variables:** gender, age, race/ethnicity, whether the person was born in the United States, marital status, educational attainment, employment, household income, military service, and geographic region of Massachusetts where they resided
- **11 variables assessing a range of health, mental health, substance use, and other behavioral issues:** self-reported health status in past 12 months, participation in extreme sports, overall level of stress in the past 12 months, current tobacco use, alcohol use in the past 30 days, binge drinking in the past 30 days, illicit drug use in the past 12 months, self-reported drug or alcohol problems in the past 12 months, self-reported behavioral addictions in the past 12 months (overeating, sex or pornography, shopping, exercise, Internet chat lines, etc.), serious mental health problems in the past 12 months, and rating of childhood happiness
- **1 gambling-related variable:** portion of friends and family that are regular gamblers

Models predicting level of gambling participation among gamblers were developed via multiple regression. Entry of the independent variables into the model was forward stepwise, using a *p*-value for variable entry of 0.01, and a *p*-value of 0.05 for exclusion from the model. Missing values were all replaced with multiple imputation.

### Multivariate Predictors of Number of Gambling Formats Engaged In

Table 5 displays the variables that contributed significantly to prediction of the number of gambling formats engaged in, their standardized regression coefficients,<sup>6</sup> and the adjusted *R*<sup>2</sup> at each step.<sup>7</sup> Altogether, 12.3% - 12.5% (depending on the imputation) of the variability in number of gambling formats was predicted by all of the independent variables taken together. Because of the skewness of the dependent variable we also examined a model where number of gambling formats was collapsed into four categories. The results were very similar to the original results with no improvement in the proportion of variance explained.

**Table 5. Stepwise Multiple Regression Predicting Number of Gambling Formats Engaged In (n = 6,992)**

	Standardized Regression Coefficients	Adjusted <i>R</i> <sup>2</sup>	Step
Portion of friends and family regular gamblers	.193	.051-.053	1
Binge drinking	.124	.077-.079	2
Male gender	.084	.089-.091	3
High school or less	.110	.090-.092	4
Bachelor's or some College	.103	.096-.098	
Beyond Bachelor's degree	Reference group	Reference group	

<sup>6</sup> Standardized regression coefficients show the importance of each variable relative to the other variables. A standardized regression coefficient for a particular independent variable of 0.5 means that one standard deviation increase in this variable predicts 0.5 of a standard deviation increase in the dependent variable (in this case, number of gambling formats).

<sup>7</sup> Adjusted *R*<sup>2</sup> takes into account the number of independent variables so that *R*<sup>2</sup> will only increase if a variable improves *R*<sup>2</sup> above what would be expected by chance.

	Standardized Regression Coefficients	Adjusted R <sup>2</sup>	Step
Employed	.122	.099-.101	5
Unemployed	.031	.099-.101	
Retired	.097	.102-.104	
Other <sup>1</sup>	Reference group	Reference group	
Alcohol use in past 30 days	.068	.106-.108	6
Behavioral addictions	.055	.108-.111	7
Born in United States	.053	.112-.114	8
Age 18-34	Reference group	Reference group	9
Age 35-64	.078	.115-.117	
Age 65+	.022	.115-.117	
Military service	.049	.117-.119	10
Level of general health	-.054	.119-.121	11
Level of childhood unhappiness	.040	.121-.123	12
Current tobacco use	.043	.122-.124	13
Level of household income	.040	.123-.125	14

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

### Multivariate Predictors of Gambling Frequency

Table 6 displays the variables that contributed significantly to prediction of overall frequency of gambling, their standardized regression coefficients, and the adjusted R<sup>2</sup> at each step. Altogether, 10.8% - 11.0% of the variability in frequency of gambling was predicted by all of the independent variables taken together. Because of the skewness of the dependent variable, we also examined a model where frequency of gambling was collapsed into three categories, but here again, the results were very similar with no improvement in the percentage of variance explained.

**Table 6. Stepwise Multiple Regression Predicting Maximum Gambling Frequency (n = 6,992)**

	Standardized Regression Coefficients	Adjusted R <sup>2</sup>	Step
High school or less	.172	.029	1
Bachelor's or some College	.071	.036-.037	
Beyond Bachelor's degree	Reference group	Reference group	
Male gender	.148	.071-.072	2
Portion of friends and family regular gamblers	.137	.091-.093	3
Age 18-34	Reference group	Reference group	4
Age 35-64	.102	.091-.093	
Age 65+	.117	.096-.098	
Current tobacco use	.052	.100-.102	5
Level of general health	-.054	.103-.104	6
Binge drinking	.057	.105-.108	7
Military service	.055	.108-.110	8

## Multivariate Predictors of Total Gambling Expenditure

Table 7 displays the variables that contributed significantly to prediction of total gambling expenditure, their standardized regression coefficients, and the adjusted  $R^2$  at each step. Altogether, 8.7% - 8.9% of the variability in number of gambling formats was predicted by all of the independent variables taken together. Because of the skewness and discontinuity of the dependent variable, we examined a model where expenditure was collapsed into four categories but found the results and percentage of variance explained to be very similar.

**Table 7. Stepwise Multiple Regression Predicting Total Gambling Expenditure (n = 6,992)**

	Standardized Regression Coefficients	Adjusted $R^2$	Step
Portion of friends and family regular gamblers	.168	.040-.041	1
Male gender	.130	.060-.061	2
High school or less	.132	.072-.073	3
Bachelor's or some College	.062	.076-.077	
Beyond Bachelor's degree	Reference group	Reference group	
Binge drinking	.062	.080-.081	4
Level of general health	-.040	.082-.083	5
Current tobacco use	.050	.083-.085	6
Employed	.078	.083-.084	7
Unemployed	.010	.083-.085	
Retired	.092	.086-.088	
Other <sup>1</sup>	Reference group	Reference group	
Behavioral addictions	.036	.087-.089	8

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

## Summary across Analyses

Table 8 below summarizes the results of the three analyses, with a rank ordering of predictors according to their average standardized regression coefficient.

**Table 8. Multivariate Predictors of Gambling Involvement (n = 6,992)**

	Standardized Regression Coefficients			
	# Formats	Maximum Frequency	Total Expenditure	Average
Portion of friends and family regular gamblers	.193	.137	.168	.166
High school or less	.110	.172	.132	.138
Bachelor's or some College	.103	.071	.062	.079
Beyond Bachelor's degree	reference	reference	reference	reference
Male gender	.084	.148	.130	.121
Binge drinking	.124	.057	.062	.081
Level of general health	-.054	-.054	-.040	-.049
Current tobacco use	.043	.052	.050	.048

	Standardized Regression Coefficients			
	# Formats	Maximum Frequency	Total Expenditure	Average
Age 18-34	reference	reference	reference	reference
Age 35-64	.078	.102	0	.060
Age 65+	.022	.117	0	.046
Employed	.122	0	.078	.067
Unemployed	.031	0	.010	.014
Retired	.097	0	.092	.063
Other <sup>1</sup>	reference	reference	reference	reference
Military service	.049	.055	0	.035
Alcohol use in past 30 days	.068	0	0	.023
Behavioral addictions	.055	0	.036	.030
Born in United States	.053	0	0	.018
Level of childhood unhappiness	.040	0	0	.013
Level of household income	.040	0	0	.013

<sup>1</sup>Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

# Differences Between Recreational Gamblers and At-Risk Gamblers

---

Identification of risk factors for experiencing gambling-related harm is important for the development of effective problem gambling prevention, intervention and treatment initiatives. As indicated in the previous analysis, one way of doing this is to identify variables predictive of higher levels of gambling involvement. However, another way, and the focus of the present analysis, is to identify variables predictive of being in the At-Risk Gambler category. It is expected that many of these variables will be similar to the variables predictive of higher levels of gambling involvement. Nonetheless, it is instructive to determine whether any differences exist.

While at-risk gambling is a universally accepted concept, it is not a universally accepted diagnostic category nor is there consensus on the criteria that constitute 'at-risk' gambling. Conventionally, most problem gambling assessment instruments (including the PPGM) identify At-Risk Gamblers as individuals with symptoms of problem gambling, but at a level below what is needed for problem gambling designation. More specifically, an At-Risk Gambler in the PPGM is someone who reports problem gambling symptomatology but not evidence of both impaired control and significant problems deriving from this impaired control that would allow the person to be designated as a Problem or Pathological Gambler. Additionally, the PPGM allows an At-Risk designation if the person reports a frequency of gambling and gambling losses that are equal to or greater than that reported for Problem and Pathological Gamblers.

It is important to note that all of the major longitudinal studies of gambling that have examined the predictive validity of the At-Risk Gambling designation have found it to be one of the strongest predictors of future problem gambling (Billi, Stone, Marden & Yeung, 2014; el-Guebaly, Casey, Currie et al., 2015; Williams, Hann, Schopflocher et al., 2015).<sup>8</sup> Despite the predictive value of the At-Risk designation, the existing academic literature on the predictors of At-Risk Gambling is virtually nonexistent.

## Method

The categorical dependent variable in the present analysis was whether the person was a Recreational Gambler or an At-Risk Gambler. Respondents classified as Problem and/or Pathological Gamblers were not included in the analysis.

Thirty two independent variables were examined to determine whether they were significantly different between the two groups:

- **10 demographic variables:** gender, age, race/ethnicity, whether the person was born in the United States, marital status, educational attainment, employment, household income, military service, and geographic region of Massachusetts where they resided

---

<sup>8</sup> That being said, Williams, Hann, Schopflocher et al. (2015) have noted that the predictive validity of the At-Risk category could be even higher if additional criteria were used in the At-Risk designation: i.e., past history of problem gambling; higher frequency of involvement in electronic gambling machines and/or casino table games; having family members and/or close friends that are regular or problem gamblers; having a big gambling win in the past year; higher levels of gambling fallacies; using gambling as a way of escaping from problems; and having a history of impulsivity. This is being considered for future versions of the Problem and Pathological Gambling Measure (Williams & Volberg, 2010, 2014).

- **11 variables assessing a range of health, mental health, substance use, and other behavioral issues:** self-reported health status in past 12 months, participation in extreme sports, overall level of stress in the past 12 months, current tobacco use, alcohol use in the past 30 days, binge drinking in the past 30 days, illicit drug use in the past 12 months, self-reported drug or alcohol problems in the past 12 months, self-reported behavioral addictions in the past 12 months (overeating, sex or pornography, shopping, exercise, Internet chat lines, etc.), serious mental health problems in the past 12 months, and rating of childhood happiness
- **11 gambling-related variables:** portion of friends and family that are regular gamblers, lottery purchase in the past 12 months, daily lottery purchase in the past 12 months, instant lottery purchase in the past 12 months, raffle purchase in the past 12 months, sports betting in the past 12 months, bingo participation in the past 12 months, horse race betting in the past 12 months, private betting in the past 12 months, casino gambling in the past 12 months, and online gambling in the past 12 months.

The first part of the analysis involved conducting univariate chi-square tests for each variable to see whether Recreational Gamblers had a significantly different pattern of response compared to At-Risk Gamblers. The second part involved conducting binary logistic regression for all variables collectively to determine which variables significantly discriminated between the two groups. Variables were entered into the logistic regression in a forward stepwise manner, with variable entry order determined by the size of the Wald statistic (minimum entry level of  $p = .01$  and a removal level of  $p = .05$ ). Missing values were all replaced with multiple imputation.

## Univariate Results

The results of the univariate analyses are shown in Table 9 on the following page with the demographic variables presented first, followed by the health-related variables, and then the gambling-related variables. As can be seen, there are statistically significant differences (based on  $p$ -values) on most variables due to the large sample sizes. Focusing on variables where the 95% confidence intervals do not overlap, the following variables significantly predicted At-Risk Gambling status:

### Demographic Variables

- Male gender
- Being Black
- Being born outside the United States
- Lower educational attainment
- Lower household income
- Military service

### Health-Related Variables

- Poorer physical health
- Tobacco use
- No alcohol use in past 30 days
- Binge drinking
- Behavioral addictions
- Mental health problems

### Gambling-Related Variables

- Greater portion of friends and family being regular gamblers
- Greater rates of participation in all types of gambling except raffle tickets

- Engaging in a larger number of gambling formats

**Table 9. Univariate Differences Between Recreational Gamblers and At-Risk Gamblers**

		Recreational Gamblers (n = 6,271)		At-Risk Gamblers (n = 600)		p
		%	95% C.I.	%	95% C.I.	
<b>Gender</b>	Male	39.9	(38.7, 41.1)	53.3	(49.3, 57.3)	.001
	Female	59.0	(57.8, 60.2)	45.8	(41.9, 49.8)	
	Missing	1.1	(0.8, 1.3)	cell size ≤ 5		
<b>Age</b>	18-34	12.9	(12.1, 13.7)	14.2	(11.6, 17.2)	.085
	35-64	54.5	(53.3, 55.7)	51.0	(47.0, 55.0)	
	65+	28.2	(27.1, 29.3)	31.7	(28.1, 35.5)	
	Missing	4.4	(3.9, 5.0)	3.2	(2.0, 4.9)	
<b>Race/Ethnicity</b>	Hispanic	4.1	(3.7, 4.7)	6.2	(4.5, 8.4)	<.001
	Black	3.0	(2.6, 3.4)	6.8	(5.1, 9.1)	
	White	86.1	(85.2, 86.9)	80.2	(76.8, 83.2)	
	Asian	2.6	(2.3, 3.1)	3.8	(2.6, 5.7)	
	Missing or Other	4.1	(3.7, 4.7)	3.0	(1.9, 4.7)	
<b>Born in United States</b>	No	9.9	(9.1, 10.6)	15.7	(13.0, 18.8)	<.001
	Yes	88.0	(87.2, 88.8)	83.5	(80.3, 86.3)	
	Missing	2.1	(1.8, 2.5)	cell size ≤ 5		
<b>Marital status</b>	Never married	15.0	(14.2, 15.9)	17.3	(14.5, 20.6)	<.001
	Living with partner/ married/widowed	70.3	(69.2, 71.4)	68.0	(64.2, 71.6)	
	Divorced or separated	12.2	(11.4, 13.0)	13.8	(11.3, 16.8)	
	Missing	2.4	(2.1, 2.9)	cell size ≤ 5		
<b>Education</b>	High school or less	16.2	(15.3, 17.1)	30.2	(26.6, 34.0)	<.001
	Some college or Bachelor's	54.8	(53.5, 56.0)	54.5	(50.5, 58.4)	
	Beyond Bachelor's degree	27.2	(26.1, 28.3)	14.7	(12.1, 17.7)	
	Missing	1.8	(1.5, 2.2)	cell size ≤ 5		
<b>Employment</b>	Employed	60.8	(59.6, 62.0)	56.0	(52.0, 59.9)	.001
	Unemployed	3.6	(3.1, 4.0)	5.5	(3.9, 7.6)	
	Retired	24.5	(23.4, 25.6)	26.8	(23.4, 30.5)	
	Other <sup>1</sup>	9.1	(8.4, 9.8)	11.2	(8.9, 13.9)	
	Missing	2.1	(1.8, 2.5)	cell size ≤ 5		
<b>Household Income</b>	Less than \$15,000	7.0	(6.4, 7.7)	12.5	(10.1, 15.4)	<.001
	\$15,000-<\$30,000	10.0	(9.3, 10.8)	14.0	(11.5, 17.0)	
	\$30,000-<\$50,000	13.2	(12.3, 14.0)	16.8	(14.1, 20.0)	
	\$50,000-<\$100,000	27.1	(26.0, 28.2)	27.5	(24.1, 31.2)	
	\$100,000-<\$150,000	16.3	(15.4, 17.2)	13.0	(10.5, 15.9)	
	\$150,000 and more	12.6	(11.8, 13.4)	7.7	(5.8, 10.1)	
	Missing	13.9	(13.0, 14.7)	8.5	(6.5, 11.0)	
<b>Military service</b>	No	89.0	(88.2, 89.7)	83.5	(80.3, 86.3)	<.001
	Yes	9.8	(9.1, 10.5)	15.5	(12.8, 18.6)	
	Missing	1.2	(1.0, 1.5)	1.0	(0.5, 2.2)	
<b>Region</b>	Western Massachusetts	29.4	(28.8, 30.1)	29.0	(25.6, 32.6)	.847
	Greater Boston	54.0	(53.0, 55.0)	53.5	(49.6, 57.4)	
	South Eastern Massachusetts	16.6	(15.7, 17.5)	17.5	(14.7, 20.7)	



		Recreational Gamblers (n = 6,271)		At-Risk Gamblers (n = 600)		p
		%	95% C.I.	%	95% C.I.	
Health status past 12 months	Excellent	22.0	(21.0, 23.0)	12.7	(10.2, 15.6)	<.001
	Very good	39.6	(38.4, 40.8)	36.7	(32.9, 40.6)	
	Good	27.5	(26.4, 28.6)	35.2	(31.5, 39.1)	
	Fair	8.9	(8.2, 9.6)	11.7	(9.3, 14.5)	
	Poor	1.9	(1.6, 2.2)	3.8	(2.6, 5.7)	
	Missing	0.2	(0.1, 0.3)	0.0	NA	
Participate in extreme sports	No	93.4	(92.7, 93.9)	91.5	(89.0, 93.5)	<.001
	Yes	6.3	(5.7, 6.9)	8.5	(6.5, 11.0)	
	Missing	0.3	(0.2, 0.5)	0.0	NA	
Overall stress past 12 months	Very low	3.2	(2.8, 3.7)	4.2	(2.8, 6.1)	.268
	Low	15.7	(14.8, 16.6)	14.0	(11.5, 17.0)	
	Moderate	46.6	(45.4, 47.8)	44.2	(40.2, 48.2)	
	High	25.8	(24.7, 26.8)	26.3	(23.0, 30.0)	
	Very high	8.5	(7.8, 9.2)	11.0	(8.7, 13.8)	
	Missing	0.3	(0.2, 0.5)	cell size ≤ 5		
Current tobacco use	No	84.9	(84.0, 85.7)	75.8	(72.3, 79.1)	<.001
	Yes	13.5	(12.7, 14.3)	21.7	(18.6, 25.1)	
	Missing	1.7	(1.4, 2.0)	2.5	(1.5, 4.1)	
Alcohol use past 30 days	No	24.6	(23.6, 25.7)	30.8	(27.3, 34.6)	.007
	Yes	75.1	(74.0, 76.1)	68.8	(65.0, 72.4)	
	Missing	0.3	(0.2, 0.4)	cell size ≤ 5		
Binge drinking past 30 days	No	69.6	(68.5, 70.7)	59.2	(55.2, 63.0)	<.001
	Yes	25.8	(24.8, 26.9)	35.8	(32.1, 39.7)	
	Missing	4.5	(4.1, 5.1)	5.0	(3.5, 7.1)	
Illicit Drug use past 12 months	No	90.9	(90.1, 91.5)	88.3	(85.5, 90.7)	.170
	Yes	8.5	(7.8, 9.2)	10.7	(8.4, 13.4)	
	Missing	0.7	(0.5, 0.9)	1.0	(0.5, 2.2)	
Drug or alcohol problems past 12 months	No	97.4	(97.0, 97.8)	96.2	(94.3, 97.4)	.296
	Yes	1.8	(1.5, 2.2)	2.5	(1.5, 4.1)	
	Missing	0.8	(0.6, 1.0)	1.3	(0.7, 2.6)	
Behavioral addictions past 12 months	No	89.3	(88.5, 90.0)	84.3	(81.2, 87.0)	.006
	Yes	9.9	(9.1, 10.6)	14.5	(11.9, 17.5)	
	Missing	0.9	(0.7, 1.2)	1.2	(0.6, 2.4)	
Mental health problems past 12 months	No	81.4	(80.4, 82.3)	74.5	(70.9, 77.8)	<.001
	Yes	13.6	(12.7, 14.4)	20.2	(17.2, 23.6)	
	Missing	5.1	(4.6, 5.7)	5.3	(3.8, 7.4)	
Childhood Rating	Very happy	27.6	(26.5, 28.7)	23.3	(20.1, 26.9)	.047
	Happy	49.4	(48.2, 50.6)	48.3	(44.4, 52.3)	
	Neither happy nor unhappy	16.2	(15.3, 17.1)	18.5	(15.6, 21.8)	
	Unhappy	4.6	(4.1, 5.2)	6.7	(4.9, 9.0)	
	Very unhappy	1.5	(1.2, 1.8)	2.3	(1.4, 3.9)	
	Missing	0.7	(0.5, 1.0)	cell size ≤ 5		
Portion of Friends and Family Regular Gamblers	None of them	49.4	(48.2, 50.7)	21.0	(17.9, 24.4)	<.001
	Some of them	47.5	(46.2, 48.7)	69.2	(65.4, 72.7)	
	Most of them	1.5	(1.2, 1.8)	6.5	(4.8, 8.8)	
	All of them	0.5	(0.4, 0.8)	2.5	(1.5, 4.1)	
	Missing	1.1	(0.9, 1.4)	cell size ≤ 5		

		Recreational Gamblers (n = 6,271)		At-Risk Gamblers (n = 600)		p
		%	95% C.I.	%	95% C.I.	
Played Traditional Lottery Games in Past 12 months	No	23.0	(22.0, 24.1)	11.0	(8.7, 13.8)	<.001
	Yes	76.8	(75.8, 77.9)	88.8	(86.1, 91.1)	
	Missing	0.2	(0.1, 0.3)	cell size ≤ 5		
Played Instant Games in Past 12 months	No	52.7	(51.5, 54.0)	27.0	(23.6, 30.7)	<.001
	Yes	46.7	(45.4, 47.9)	71.5	(67.8, 75.0)	
	Missing	0.6	(0.4, 0.8)	1.5	(0.8, 2.9)	
Played Daily Lottery Games in Past 12 months	No	85.1	(84.2, 86.0)	62.0	(58.1, 65.8)	<.001
	Yes	14.1	(13.3, 15.0)	36.8	(33.1, 40.8)	
	Missing	0.8	(0.6, 1.0)	1.2	(0.6, 2.4)	
Played Raffles in Past 12 months	No	49.2	(48.0, 50.5)	53.0	(49.0, 57.0)	.182
	Yes	49.9	(48.7, 51.1)	46.0	(42.1, 50.0)	
	Missing	0.8	(0.6, 1.1)	1.0	(0.5, 2.2)	
Gambled at Casino in Past 12 months	No	71.8	(70.7, 72.9)	43.0	(39.1, 47.0)	<.001
	Yes	23.3	(22.2, 24.3)	51.5	(47.5, 55.5)	
	Missing	4.9	(4.4, 5.5)	5.5	(3.9, 7.6)	
Played Bingo in Past 12 months	No	96.1	(95.6, 96.5)	89.5	(86.8, 91.7)	<.001
	Yes	3.3	(2.9, 3.8)	10.3	(8.1, 13.0)	
	Missing	0.6	(0.4, 0.8)	cell size ≤ 5		
Bet on Horse Racing in Past 12 months	No	95.6	(95.1, 96.1)	90.3	(87.7, 92.4)	<.001
	Yes	4.0	(3.5, 4.5)	9.5	(7.4, 12.1)	
	Missing	0.4	(0.3, 0.6)	cell size ≤ 5		
Sports Betting in Past 12 months	No	86.2	(85.3, 87.0)	74.8	(71.2, 78.1)	<.001
	Yes	13.3	(12.5, 14.1)	25.0	(21.7, 28.6)	
	Missing	0.5	(0.4, 0.8)	cell size ≤ 5		
Private Betting in Past 12 months	No	88.1	(87.2, 88.8)	78.0	(74.5, 81.1)	<.001
	Yes	10.9	(10.1, 11.7)	21.3	(18.2, 24.8)	
	Missing	1.1	(0.8, 1.4)	cell size ≤ 5		
Online Gambling in Past 12 months	No	97.9	(97.5, 98.2)	93.0	(90.7, 94.8)	<.001
	Yes	1.0	(0.8, 1.3)	5.3	(3.8, 7.4)	
	Missing	1.1	(0.9, 1.4)	1.7	(0.9, 3.1)	
Number of Gambling Formats Engaged in	0	0.0	NA	1.3	(0.7, 2.6)	<.001
	1	29.9	(28.8, 31.0)	8.5	(6.5, 11.0)	
	2	28.8	(27.7, 29.9)	19.2	(16.2, 22.5)	
	3	21.8	(20.7, 22.8)	21.0	(17.9, 24.4)	
	4	11.5	(10.7, 12.3)	20.7	(17.6, 24.1)	
	5	5.0	(4.5, 5.5)	13.2	(10.7, 16.1)	
	6	2.2	(1.9, 2.6)	8.5	(6.5, 11.0)	
	7	0.6	(0.5, 0.9)	5.2	(3.7, 7.2)	
	8	0.2	(0.1, 0.3)	2.0	(1.1, 3.5)	
	9	cell size ≤ 5		cell size ≤ 5		
10	0.0	NA	cell size ≤ 5			

Note: *Italicized figures indicate relative standard error >30%*

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

## Multivariate Results

Many of the above-mentioned individual variables are correlated with each other. Consequently, statistically significant differences between Recreational Gamblers and At-Risk Gamblers on some of these variables may reflect differences in the same underlying attribute. Thus, the more central question concerns which variables significantly differentiate the groups when these variables are analyzed simultaneously in a multivariate analysis (i.e., binary logistic regression).

A binary logistic regression found that maximal discrimination between the groups occurred with a model including a constant and 14 predictor variables. Table 10 on the following page shows the log of the odds ratio and Wald statistic for each of the 14 predictors. The variance accounted for was modest, with adjusted *R* squared ranging between 21.9% and 22.0% for the 10 imputations. Using a classification cutoff of 8.0% to maximize both sensitivity and specificity, overall prediction success ranged between 70.8% and 71.0%. In order of importance, people who were At-Risk Gamblers were significantly more likely to:

- Be a casino gambler
- Have a greater portion of friends and family that are regular gamblers
- Play instant lottery games
- Play daily lottery games
- Be male
- Be an online gambler
- Be born outside of the United States
- Participate in private betting
- Have lower educational attainment
- Play bingo
- Not purchase raffle tickets
- Have lower household income
- Have mental health problems
- Have no alcohol use in the past 30 days

**Table 10. Stepwise Logistic Regression Predicting At-Risk Gambling versus Recreational Gambling (n = 6,871)**

		Odds Ratio & 95% C.I.	Wald Statistics	<i>p</i>
<b>Casino Gambling</b>	No	Reference group	110.4	<i>p</i> < .0001
	Yes	2.73 (2.26, 3.29)		
<b>Portion of friends and family regular gamblers</b>		2.16 (1.86, 2.51)	101.0	<i>p</i> < .0001
<b>Instant Games</b>	No	Reference group	48.3	<i>p</i> < .0001
	Yes	2.04 (1.67, 2.50)		
<b>Daily Lottery Games</b>	No	Reference group	41.6	<i>p</i> < .0001
	Yes	1.97 (1.61, 2.43)		
<b>Gender</b>	Male	1.60 (1.33, 1.94)	24.1	<i>p</i> < .0001
	Female	Reference group		
<b>Online Gambling</b>	No	Reference group	22.1	<i>p</i> < .0001
	Yes	3.31 (2.01, 5.46)		
<b>Born in United States</b>	No	1.79 (1.37, 2.32)	19.0	<i>p</i> < .0001
	Yes	Reference group		
<b>Private Betting</b>	No	Reference group	18.3	<i>p</i> < .0001
	Yes	1.70(1.34, 2.18)		

		Odds Ratio & 95% C.I.	Wald Statistics	<i>p</i>
<b>Education</b>	High school or less	1.92 (1.40, 2.63)	16.7	<i>p</i> < .0001
	Bachelor's or some College	1.24 (0.95, 1.62)	2.4	<i>p</i> < .0001
	Beyond Bachelor's degree	Reference group	Reference group	
<b>Bingo</b>	No	Reference group	13.4	<i>p</i> < .0001
	Yes	1.88 (1.34, 2.64)		
<b>Raffles</b>	No	1.30 (1.08, 1.57)	7.3	<i>p</i> < .0001
	Yes	Reference group		
<b>Household income</b>		.97 (0.95, 0.99)	6.9	<i>p</i> = .0008
<b>Mental health problems past 12 months</b>	No	Reference group	6.7	<i>p</i> = .0002
	Yes	1.36 (1.07, 1.73)		
<b>Alcohol use past 30 days</b>	No	1.32 (1.07, 1.63)	6.5	<i>p</i> < .0001
	Yes	Reference group		

### Controlling for Number of Gambling Formats Engaged In

A supplemental analysis was undertaken to examine the contribution of individual forms of gambling to At-Risk Gambling status after controlling for the number of gambling formats engaged in. This was done by adding number of gambling formats as an additional predictor variable. The reason for this supplemental analysis is that the strong relationship between problem gambling and engaging in certain forms of gambling (e.g., online gambling) is partly due to the fact that these forms tend to be patronized by individuals with high levels of gambling involvement (Baggio, Dupuis, Berchtold et al., 2017; LaPlante, Nelson, LaBrie & Shaffer, 2009; Wood, Williams & Parke, 2012). Thus, entering the number of gambling formats engaged in as an additional variable helps determine whether there are specific types of gambling that provide additional power to predict At-Risk Gambling after number of gambling formats enters the model.

As seen in Table 11 on the following page, when number of gambling formats is added to the model, casino gambling and non-involvement in raffles still add predictive power. Also, as expected, number of gambling formats becomes the most powerful predictive variable as it is best seen as an aspect of At-Risk Gambling.

**Table 11. Stepwise Logistic Regression Predicting At-Risk Gambling versus Recreational Gambling after Controlling for Number of Gambling Formats Engaged In (n = 6,871)**

		Odds Ratio & 95% C.I.	Wald Statistics	p
<b>Number of gambling formats engaged in</b>		1.63 (1.51, 1.76)	165.0	<i>p</i> < .0001
<b>Portion of friends and family regular gamblers</b>		2.12 (1.82, 2.46)	96.6	<i>p</i> < .0001
<b>Raffles</b>	No	2.13 (1.71, 2.66)	46.1	<i>p</i> < .0001
	Yes	Reference group		
<b>Born in United States</b>	No	1.86 (1.43, 2.42)	21.9	<i>p</i> < .0001
	Yes	Reference group		
<b>Casino Gambling</b>	No	Reference group	20.3	<i>p</i> < .0001
	Yes	1.63 (1.32, 2.02)		
<b>Education</b>	High school or less	1.93 (1.41, 2.63)	17.1	<i>p</i> < .0001
	Bachelor's or some College	1.25 (.96, 1.63)	2.7	<i>p</i> < .0001
	Beyond Bachelor's degree	Reference group	Reference group	
<b>Gender</b>	Male	1.46 (1.21, 1.76)	16.1	<i>p</i> < .0001
	Female	Reference group		
<b>Household income</b>		.96 (.94, .99)	11.3	<i>p</i> = .0002
<b>Mental health problems past 12 months</b>	No	Reference group	9.9	<i>p</i> < .0001
	Yes	1.45 (1.14, 1.83)		
<b>Alcohol use past 30 days</b>	No	1.33 (1.08, 1.65)	7.3	<i>p</i> < .0001
	Yes	Reference group		

**Multivariate Differences between At-Risk Gamblers and Problem and Pathological Gamblers**

A final analysis examined whether there were any variables that differentiated At-Risk Gamblers from Problem and Pathological Gamblers. This analysis included the 729 respondents classified as At-Risk or Problem/Pathological Gamblers based on the PPGM. Binary logistic regression found that maximal discrimination between the groups occurred with a constant and only 2 predictor variables. Table 12 shows the log of the odds ratios and Wald statistic for the 2 predictors. The variance accounted for was very low, with adjusted *R* squared ranging between 7.6% and 8.1%. Using a classification cutoff of 18.0% to maximize both sensitivity and specificity, overall prediction success was very weak, ranging between 56.0% and 56.4%. In order of importance, people who were Problem/Pathological Gamblers were significantly more likely than At-Risk Gamblers to:

- Have behavioral addictions (overeating, sex or pornography, shopping, exercise, Internet chat lines, etc.)
- Play daily lottery games

**Table 12. Stepwise Logistic Regression Predicting At-Risk Gambling versus Problem and Pathological Gambling (n = 729)**

		Odds Ratio & 95% C.I.	Wald Statistics	p
<b>Behavioral Addictions</b>	No	Reference group	24.8	<i>p</i> < .0001
	Yes	2.99 (1.94, 4.62)		
<b>Daily Lottery Games</b>	No	Reference group	9.1	<i>p</i> < .0001
	Yes	1.83 (1.24, 2.71)		

# Differences Between Recreational Gamblers and Problem and Pathological Gamblers

---

Identification of variables associated with problem gambling has obvious implications for prevention and treatment. There are many studies that have identified cross-sectional and or longitudinal predictors of problem gambling. These are as follows:

- **Male gender** (Blanco et al., 2006; Johansson et al., 2009; Kessler, Hwang, LaBrie et al., 2008; Petry, 2005; Petry, Stinson & Grant, 2005; Volberg, Abbott, Ronnberg et al., 2001; Williams, Volberg & Stevens, 2012)
- **Non-Caucasian or a member of a minority group** (Alegria et al., 2009; Kessler et al., 2008; Petry, 2005; Petry, Stinson & Grant, 2005; Williams, Volberg & Stevens, 2012)
- **Young age** (18 – 25) (Johansson et al., 2009; Kessler et al., 2008; Petry, 2005; Volberg, Abbott, Ronnberg et al., 2001; Williams, Volberg & Stevens, 2012)
- **Less education or poor school performance** (Afifi, Cox, Martens et al., 2010a; Billi et al., 2014; Scherrer et al., 2007; Scholes-Balog et al., 2014; Williams, Volberg & Stevens, 2012; Winters et al., 2005).
- **Being divorced or separated** (e.g., Afifi, Cox, Martens et al., 2010a; Black et al., 2012; Petry, Stinson & Grant, 2005)
- **Lower income** (Afifi, Cox, Martens et al., 2010a; Volberg, Abbott, Ronnberg et al., 2001; Williams, Volberg & Stevens, 2012)
- **Abusive or neglectful upbringing** (Black et al., 2012; Hodgins et al., 2010; Kausch et al., 2006; Petry & Steinberg, 2005; Specker et al., 1996)
- **Family history of gambling and/or problem gambling** (Eisen et al., 1998; Hardoon, Gupta & Derevensky, 2004; Langhinrichsen-Rohling et al., 2004; Lobo & Kennedy, 2009; Shah et al., 2005; Reith & Dobbie, 2011; Slutske, Zhu, Meier et al., 2009, 2010).
- **Early onset of gambling** (Kessler et al., 2008; Vitaro & Bujold, 1996; Vitaro, Arsenault & Tremblay, 1997; Vitaro, Wanner, Ladouceur et al., 2004; Winters, Stinchfield, Botzet et al. 2002, 2005)
- **Peer group or friends involvement in gambling** (Welte, Wieczorek, Barnes et al., 2006; Williams, Hann, Schopflocher et al., 2015)
- **Poorer physical health** (Afifi, Cox, Martens et al., 2010b; Morasco & Petry, 2006)
- **Impulsivity, risk-taking, and attentional problems** (Carlton et al., 1987; Clarke, 2004; Cyders & Smith, 2008; Lawrence et al., 2009; Lee et al., 2011; MacLaren, Fugelsang, et al., 2011; Mishra, Lalumiere & Williams, 2010; Nower & Blaszczynski, 2006; Pagani et al, 2009; Parke, Griffiths & irwing, 2004; Shenasse et al., 2012; Specker, Carlson, Christenson et al., 1995; Vitaro, Arsenault & Tremblay, 1999).
- **Neuroticism, lower agreeableness, and lower conscientiousness** (Bagby et al., 2007; MacLaren, Best, Dixon et al., 2011; MacLaren, Fugelsang, Harrigan et al., 2011; Myrseth et al., 2009; Williams, Hann, Schopflocher et al., 2015)
- **Conduct disorder and/or antisocial personality** (Blaszczynski & McConaghy, 1994; Crockford & el-Guebaly, 1998; Johansson et al., 2009; Meyer & Fabian, 1991; Mishra, Lalumiere, Morgan et al., 2011; Petry, Stinson & Grant, 2005; Slutske, Eisen, Xian et al., 2001; Welte, Barnes, Tidwell et al., 2009; Williams, Hann, Schopflocher et al., 2015)

- **Significant stressors and/or poor support systems** (Afifi et al., 2010a; Coman, Burrows & Evans, 1997; Goudriaan et al., 2009; Reith & Dobbie, 2011, 2013; Turner, Zangeneh & Littman-Sharp, 2006; Williams, Hann, Schopflocher et al., 2015)
- **Substance use and abuse** (Grant, Kushner & Kim, 2002; Lorains et al., 2011; Petry, 2007; Petry, Stinson & Grant, 2005; Rush et al., 2008; Slutske et al., 2000)
- **Mental health problems** (particularly mood and anxiety disorders) (Johansson et al., 2009; Kim et al., 2006; Lorains et al., 2011; Mood Disorders of Canada, 2004; Petry, Stinson & Grant, 2005; Quigley et al., 2014; Rush et al., 2008; Williams, Hann, Schopflocher et al., 2015; Zimmerman et al., 2006)
- **Cultural tradition of gambling** (Loo, Raylu & Oei, 2008; Raylu & Oei, 2004; Williams, Belanger & Pruzak, 2016; Williams, Stevens & Nixon, 2011)
- **Greater intensity of gambling involvement as measured by higher frequency, expenditure, and number of formats engaged in** (Goudriaan et al., 2009; Romild, Volberg & Abbott, 2014; Williams, Hann, Schopflocher et al., 2015)
- **Experiencing a 'big win'** (Billi et al., 2014; Lesieur & Custer, 1984; Turner, Zangeneh & Littman-Sharp, 2006; Turner, Jain, Spence et al., 2008; Williams, Hann, Schopflocher et al., 2015).
- **Engaging in 'continuous' forms of gambling** (electronic gambling machines) that provide a high frequency of reinforcement (Dowling, Smith & Thomas, 2005; Meyer, Hayer & Griffiths, 2009; Welte, Barnes, Wieczorek et al., 2007; Williams, Volberg & Stevens, 2012)
- **Internet gambling** (Wood & Williams, 2007, 2011; Wood, Williams & Parke, 2012)
- **Readily available gambling opportunities** (Lester, 1994; Rush, Veldhuizen & Adlaf, 2007; St-Pierre et al., 2014; Thomas, Bates, Moore et al., 2011; Welte, Barnes, Wieczorek et al., 2004, 2007; Williams, West & Simpson, 2012)
- **Gambling fallacies** (Delfabbro, 2004; Gaboury & Ladouceur, 1989; Goodie & Fortune, 2013; Johansson et al., 2009; Joukhador, Blaszczyński & Maccallum, 2004; Joukhador, Maccallum & Blaszczyński, 2003; Leonard & Williams, 2016; Miller & Currie, 2008; Myrseth, Pallesen, Molde et al., 2009; Toneatto, Blitz-Miller, Calderwood et al., 1997; Wohl & Enzle, 2002)
- **Gambling serving a psychological need** (i.e., escape; money being an important goal or measure of success to the individual) (Blaszczyński & Nower, 2010; Clarke, 2004; Ledgerwood & Petry, 2006; Li, 2007; Nixon & Solowoniuk, 2009; Nixon, Solowoniuk & McGowan, 2006; Schull, 2002; Volberg, Reitzes & Boles, 1997; Wood & Griffiths, 2007)

## Method

The categorical dependent variable in the present analysis was whether the respondent was a Recreational Gambler (n=6,271) or a Problem or Pathological Gambler (n=129)

Thirty two independent variables were examined concerning whether they were significantly different between the two groups:

- **10 demographic variables:** gender, age, race/ethnicity, whether the person was born in the United States, marital status, educational attainment, employment, household income, military service, and geographic region of Massachusetts where they resided
- **11 variables assessing a range of health, mental health, substance use, and other behavioral issues:** self-reported health status in past 12 months, participation in extreme sports, overall level of stress in the past 12 months, current tobacco use, alcohol use in the past 30 days, binge drinking in the past 30 days, illicit drug use in the past 12 months, self-reported drug or alcohol problems in the past 12 months, self-reported behavioral addictions in the past 12 months (overeating, sex or pornography, shopping, exercise, Internet chat lines, etc.), serious mental health problems in the past 12 months, and rating of childhood happiness



- **11 gambling-related variables:** portion of friends and family that are regular gamblers, lottery purchase in the past 12 months, daily lottery purchase in the past 12 months, instant lottery purchase in the past 12 months, raffle purchase in the past 12 months, sports betting in the past 12 months, bingo participation in the past 12 months, horse race betting in the past 12 months, private betting in the past 12 months, casino gambling in the past 12 months, and online gambling in the past 12 months.

The first part of the analysis involved conducting univariate chi-square tests for each variable to see whether Recreational Gamblers had a significantly different pattern of response compared to Problem and Pathological Gamblers. The second part involved conducting binary logistic regression for all variables collectively to determine which variables significantly discriminated between the two groups. Variables were entered into the logistic regression in a forward stepwise manner, with variable entry order determined by the size of the Wald statistic (minimum entry level of  $p = .01$  and a removal level of  $p = .05$ ). Missing values were all replaced with multiple imputation.

## Univariate Results

The results of the univariate analysis comparing Recreational Gamblers to Problem and Pathological Gamblers are shown in Table 13 with the demographic variables presented first, followed by the health-related variables, and then the gambling-related variables. As can be seen, there are statistically significant differences (based on  $p$ -values) on most variables due to the large sample sizes. Focusing on variables where the 95% confidence intervals do not overlap, the following variables significantly predicted Problem/Pathological Gambling status:

### Demographic Variables

- Male gender
- Being Black
- Being born outside the United States
- Being divorced or separated
- Lower educational attainment
- Unemployment
- Lower household income
- Military service

### Health-Related Variables

- Poorer physical health
- Tobacco use
- Binge drinking
- Illicit drug use
- Drug or alcohol problems
- Behavioral addictions
- Mental health problems
- Less happy childhood

### Gambling-Related Variables

- Greater portion of friends and family regular gamblers
- Greater rates of participation in all types of gambling except raffle tickets
- Engaging in a larger number of gambling formats

**Table 13. Univariate Differences between Recreational Gamblers and Problem and Pathological Gamblers**

		Recreational Gamblers (n = 6,271)		Problem Gamblers (n = 129)		p
		%	95% C.I.	%	95% C.I.	
Gender	Male	39.9	(38.7, 41.1)	65.9	(57.3, 73.5)	<.001
	Female	59.0	(57.8, 60.2)	33.3	(25.8, 41.9)	
	Missing	1.1	(0.8, 1.3)	cell size ≤ 5		
Age	18-34	12.9	(12.1, 13.7)	15.5	(10.2, 22.8)	.700
	35-64	54.5	(53.3, 55.7)	55.0	(46.4, 63.4)	
	65+	28.2	(27.1, 29.3)	26.4	(19.5, 34.6)	
	Missing	4.4	(3.9, 5.0)	cell size ≤ 5		
Race/Ethnicity	Hispanic	4.1	(3.7, 4.7)	6.2	(3.1, 11.9)	.001
	Black	3.0	(2.6, 3.4)	14.7	(9.6, 21.9)	
	White	86.1	(85.2, 86.9)	73.6	(65.4, 80.5)	
	Asian	2.6	(2.3, 3.1)	cell size ≤ 5		
	Missing or Other	4.1	(3.7, 4.7)	cell size ≤ 5		
Born in United States	No	9.9	( 9.1, 10.6)	20.9	(14.8, 28.8)	<.001
	Yes	88.0	(87.2, 88.8)	79.1	(71.2, 85.2)	
	Missing	2.1	(1.8, 2.5)	0.0	NA	
Marital status	Never married	15.0	(14.2, 15.9)	20.9	(14.8, 28.8)	.004
	Living with partner/ married/widowed	70.3	(69.2, 71.4)	57.4	(48.7, 65.6)	
	Divorced or Separated	12.2	(11.4, 13.0)	20.9	(14.8, 28.8)	
	Missing	2.4	(2.1, 2.9)	cell size ≤ 5		
Education	High school or less	16.2	(15.3, 17.1)	41.9	(33.7, 50.5)	<.001
	Some college or Bachelor's	54.8	(53.5, 56.0)	44.2	(35.9, 52.8)	
	Beyond Bachelor's degree	27.2	(26.1, 28.3)	10.9	(6.5, 17.5)	
	Missing	1.8	(1.5, 2.2)	cell size ≤ 5		
Employment	Employed	60.8	(59.6, 62.0)	53.5	(44.9, 61.9)	.026
	Unemployed	3.6	(3.1, 4.0)	12.4	(7.7, 19.3)	
	Retired	24.5	(23.4, 25.6)	20.2	(14.1, 27.9)	
	Other <sup>1</sup>	9.1	(8.4, 9.8)	12.4	(7.7, 19.3)	
	Missing	2.1	(1.8, 2.5)	cell size ≤ 5		
Household Income	Less than \$15,000	7.0	(6.4, 7.7)	18.6	(12.8, 26.2)	<.001
	\$15,000-<\$30,000	10.0	(9.3, 10.8)	17.1	(11.5, 24.5)	
	\$30,000-<\$50,000	13.2	(12.3, 14.0)	15.5	(10.2, 22.8)	
	\$50,000-<\$100,000	27.1	(26.0, 28.2)	25.6	(18.8, 33.8)	
	\$100,000-<\$150,000	16.3	(15.4, 17.2)	10.1	(5.9, 16.6)	
	\$150,000 and more	12.6	(11.8, 13.4)	6.2	(3.1, 11.9)	
	Missing	13.9	(13.0, 14.7)	7.0	(3.7, 12.9)	
Military service	No	89.0	(88.2, 89.7)	77.5	(69.5, 83.9)	.011
	Yes	9.8	(9.1, 10.5)	20.2	(14.1, 27.9)	
	Missing	1.2	(1.0, 1.5)	cell size ≤ 5		
Region	Western Massachusetts	29.4	(28.8, 30.1)	30.2	(23.0, 38.6)	.941
	Greater Boston	54.0	(53.0, 55.0)	54.3	(45.7, 62.6)	
	South Eastern Massachusetts	16.6	(15.7, 17.5)	15.5	(10.2, 22.8)	

		Recreational Gamblers (n = 6,271)		Problem Gamblers (n = 129)		p
		%	95% C.I.	%	95% C.I.	
Health status past 12 months	Excellent	22.0	(21.0, 23.0)	7.0	(3.7, 12.9)	<.001
	Very good	39.6	(38.4, 40.8)	27.9	(20.9, 36.2)	
	Good	27.5	(26.4, 28.6)	43.4	(35.1, 52.1)	
	Fair	8.9	(8.2, 9.6)	17.8	(12.2, 25.4)	
	Poor	1.9	(1.6, 2.2)	cell size ≤ 5		
	Missing	0.2	(0.1, 0.3)	0.0	NA	
Participate in extreme sports	No	93.4	(92.7, 93.9)	89.9	(83.4, 94.1)	.429
	Yes	6.3	(5.7, 6.9)	9.3	(5.4, 15.7)	
	Missing	0.3	(0.2, 0.5)	cell size ≤ 5		
Overall stress past 12 months	Very low	3.2	(2.8, 3.7)	cell size ≤ 5		<.001
	Low	15.7	(14.8, 16.6)	8.5	(4.8, 14.7)	
	Moderate	46.6	(45.4, 47.8)	50.4	(41.9, 58.9)	
	High	25.8	(24.7, 26.8)	32.6	(25.1, 41.1)	
	Very high	8.5	(7.8, 9.2)	7.0	(3.7, 12.8)	
	Missing	0.3	(0.2, 0.5)	0.0	NA	
Current tobacco use	No	84.9	(84.0, 85.7)	65.9	(57.3, 73.5)	<.001
	Yes	13.5	(12.7, 14.3)	31.8	(24.4, 40.3)	
	Missing	1.7	(1.4, 2.0)	cell size ≤ 5		
Alcohol use past 30 days	No	24.6	(23.6, 25.7)	27.9	(20.9, 36.2)	<.001
	Yes	75.1	(74.0, 76.1)	72.1	(63.8, 79.1)	
	Missing	0.3	(0.2, 0.4)	0.0	NA	
Binge drinking past 30 days	No	69.6	(68.5, 70.7)	48.1	(39.6, 56.6)	<.001
	Yes	25.8	(24.8, 26.9)	44.2	(35.9, 52.8)	
	Missing	4.5	(4.1, 5.1)	7.8	(4.2, 13.8)	
Illicit Drug use past 12 months	No	90.9	(90.1, 91.5)	82.2	(74.6, 87.8)	<.001
	Yes	8.5	(7.8, 9.2)	17.8	(12.2, 25.4)	
	Missing	0.7	(0.5, 0.9)	0.0	NA	
Drug or alcohol problems past 12 months	No	97.4	(97.0, 97.8)	90.7	(84.4, 94.6)	.029
	Yes	1.8	(1.5, 2.2)	8.5	(4.8, 14.7)	
	Missing	0.8	(0.6, 1.0)	cell size ≤ 5		
Behavioral addictions past 12 months	No	89.3	(88.5, 90.0)	64.3	(55.7, 72.1)	<.001
	Yes	9.9	(9.1, 10.6)	34.9	(27.2, 43.5)	
	Missing	0.9	(0.7, 1.2)	cell size ≤ 5		
Mental health problems past 12 months	No	81.4	(80.4, 82.3)	69.0	(60.5, 76.4)	.007
	Yes	13.6	(12.7, 14.4)	26.4	(19.5, 34.6)	
	Missing	5.1	(4.6, 5.7)	4.7	(2.1, 10.0)	
Childhood rating	Very happy	27.6	(26.5, 28.7)	17.1	(11.5, 24.5)	<.001
	Happy	49.4	(48.2, 50.6)	41.9	(33.7, 50.5)	
	Neither happy nor unhappy	16.2	(15.3, 17.1)	28.7	(21.6, 37.1)	
	Unhappy	4.6	(4.1, 5.2)	11.6	(7.1, 18.4)	
	Very unhappy	1.5	(1.2, 1.8)	cell size ≤ 5		
	Missing	0.7	(0.5, 1.0)	0.0	NA	

		Recreational Gamblers (n = 6,271)		Problem Gamblers (n = 129)		p
		%	95% C.I.	%	95% C.I.	
Portion of friends and family regular gamblers	None of them	49.4	(48.2, 50.7)	14.7	(9.6, 21.9)	<.001
	Some of them	47.5	(46.2, 48.7)	71.3	(63.0, 78.4)	
	Most of them	1.5	(1.2, 1.8)	9.3	(5.4, 15.7)	
	All of them	0.5	(0.4, 0.8)	<i>cell size ≤ 5</i>		
	Missing	1.1	(0.9, 1.4)	<i>cell size ≤ 5</i>		
Traditional Lottery Games in past 12 months	No	23.0	(22.0, 24.1)	<i>cell size ≤ 5</i>		<.001
	Yes	76.8	(75.8, 77.9)	96.1	(91.0, 98.4)	
	Missing	0.2	(0.1, 0.3)	0.0	NA	
Instant Lotteries in past 12 months	No	52.7	(51.5, 54.0)	17.8	(12.2, 25.4)	<.001
	Yes	46.7	(45.4, 47.9)	82.2	(74.6, 87.8)	
	Missing	0.6	(0.4, 0.8)	0.0	NA	
Daily Lottery Games in past 12 months	No	85.1	(84.2, 86.0)	46.5	(38.1, 55.1)	<.001
	Yes	14.1	(13.3, 15.0)	53.5	(44.9, 61.9)	
	Missing	0.8	(0.6, 1.0)	0.0	NA	
Raffles in past 12 months	No	49.2	(48.0, 50.5)	48.1	(39.6, 56.6)	.798
	Yes	49.9	(48.7, 51.1)	50.4	(41.9, 58.9)	
	Missing	0.8	(0.6, 1.1)	<i>cell size ≤ 5</i>		
Casino gambling in past 12 months	No	71.8	(70.7, 72.9)	39.5	(31.5, 48.2)	<.001
	Yes	23.3	(22.2, 24.3)	55.0	(46.4, 63.4)	
	Missing	4.9	(4.4, 5.5)	5.4	(2.6, 10.9)	
Bingo in past 12 months	No	96.1	(95.6, 96.5)	84.5	(77.2, 89.8)	.002
	Yes	3.3	(2.9, 3.8)	14.0	(9.0, 21.0)	
	Missing	0.6	(0.4, 0.8)	<i>cell size ≤ 5</i>		
Horse Race betting in past 12 months	No	95.6	(95.1, 96.1)	80.6	(72.9, 86.5)	<.001
	Yes	4.0	(3.5, 4.5)	18.6	(12.8, 26.2)	
	Missing	0.4	(0.3, 0.6)	<i>cell size ≤ 5</i>		
Sports betting in past 12 months	No	86.2	(85.3, 87.0)	67.4	(58.9, 74.9)	<.001
	Yes	13.3	(12.5, 14.1)	31.8	(24.3, 40.3)	
	Missing	0.5	(0.4, 0.8)	<i>cell size &lt; 5</i>		
Private betting in past 12 months	No	88.1	(87.2, 88.8)	76.0	(67.9, 82.6)	.006
	Yes	10.9	(10.1, 11.7)	23.3	(16.8, 31.3)	
	Missing	1.1	(0.8, 1.4)	<i>cell size ≤ 5</i>		
Online gambling in Past 12 months	No	97.9	(97.5, 98.2)	86.0	(79.0, 91.0)	<.001
	Yes	1.0	(0.8, 1.3)	11.6	(7.1, 18.4)	
	Missing	1.1	(0.9, 1.4)	<i>cell size ≤ 5</i>		
Number of gambling formats engaged in	1	29.9	(28.8, 31.0)	4.7	(2.1, 10.0)	<.001
	2	28.8	(27.7, 29.9)	7.0	(3.7, 12.8)	
	3	21.8	(20.7, 22.8)	24.8	(18.1, 33.0)	
	4	11.5	(10.7, 12.3)	24.8	(18.1, 33.0)	
	5	5.0	(4.5, 5.5)	13.2	(8.4, 20.2)	
	6	2.2	(1.9, 2.6)	11.6	(7.1, 18.4)	
	7	0.6	(0.5, 0.9)	7.0	(3.7, 12.9)	
	8	0.2	(0.1, 0.3)	<i>cell size ≤ 5</i>		
	9	<i>cell size ≤ 5</i>		<i>cell size ≤ 5</i>		
	10	0.0	NA	0.0	NA	

Note: *Italicized figures indicate relative standard error >30%*

<sup>1</sup> Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

### Univariate Differences Between Problem Gamblers and Pathological Gamblers

A supplemental analysis investigated whether there were any significant univariate differences between Problem Gamblers and Pathological Gamblers. The results of this analysis are shown in Table 14. Although small sample sizes limited the ability to detect statistically significant differences, there were few large differences in the large majority of demographic and health-related variables. There was a trend toward higher tobacco and illicit drug use among Pathological Gamblers as well as a tendency for gambling participation rates to be higher, although the differences were not statistically significant. There was only one variable where the 95% confidence intervals did not overlap: higher rates of participation in daily lottery games.

**Table 14. Univariate Predictors of Problem Gambling versus Pathological Gambling**

		Problem Gamblers (n = 75)		Pathological Gamblers (n = 54)		p
		%	95% C.I.	%	95% C.I.	
<b>Gender</b>	Male	66.7	(55.3, 76.4)	64.8	(51.3, 76.3)	.573
	Female	32.0	(22.5, 43.3)	35.2	(23.7, 48.7)	
	Missing	cell size ≤ 5		0	NA	
<b>Age</b>	18-34	14.7	(8.3, 24.6)	16.7	(8.9, 29.0)	.823
	35-64	53.3	(42.1, 64.2)	57.4	(44.0, 69.8)	
	65+	29.3	(20.2, 40.5)	22.2	(13.1, 35.2)	
	Missing	cell size ≤ 5		cell size ≤ 5		
<b>Race/Ethnicity</b>	Hispanic	cell size ≤ 5		cell size ≤ 5		.162
	Black	16.0	(9.3, 26.1)	13.0	(6.3, 24.8)	
	White	72.0	(60.9, 81.0)	75.9	(62.9, 85.5)	
	Asian	cell size ≤ 5		0.0	NA	
	Missing or Other	cell size ≤ 5		cell size ≤ 5		
<b>Born in United States</b>	No	22.7	(14.6, 33.5)	18.5	(10.3, 31.1)	.562
	Yes	77.3	(66.5, 85.4)	81.5	(68.9, 89.7)	
	Missing	0.0	NA	0.0	NA	
<b>Marital status</b>	Never married	14.7	(8.3, 24.6)	29.6	(19.0, 43.0)	.141
	Living with partner/ married/widowed	64.0	(52.6, 74.0)	48.1	(35.3, 61.3)	
	Divorced or separated	21.3	(13.5, 32.0)	20.4	(11.7, 33.1)	
	Missing	0.0	NA	cell size ≤ 5		
<b>Education</b>	High school or less	42.7	(32.0, 54.0)	40.7	(28.6, 54.2)	.666
	Some college or Bachelor's	45.3	(34.5, 56.6)	42.6	(30.2, 56.0)	
	Beyond Bachelor's degree	10.7	(5.4, 19.9)	11.1	(5.1, 22.6)	
	Missing	cell size < 5		cell size ≤ 5		
<b>Employment</b>	Employed	58.7	(47.3, 69.2)	46.3	(33.6, 59.5)	.236
	Unemployed	12.0	(6.4, 21.5)	13.0	(6.3, 24.8)	
	Retired	21.3	(13.5, 32.0)	18.5	(10.3, 31.1)	
	Other <sup>1</sup>	8.0	(3.6, 16.7)	18.5	(10.3, 31.1)	
	Missing	0.0	NA	cell size ≤ 5		

		Problem Gamblers (n = 75)		Pathological Gamblers (n = 54)		p
		%	95% C.I.	%	95% C.I.	
Household income	Less than \$15,000	18.7	(11.4, 29.1)	18.5	(10.3, 31.1)	.855
	\$15,000-<\$30,000	18.7	(11.4, 29.1)	14.8	(7.6, 26.9)	
	\$30,000-<\$50,000	14.7	(8.3, 24.6)	16.7	(8.9, 29.0)	
	\$50,000-<\$100,000	21.3	(13.5, 32.0)	31.5	(20.6, 44.9)	
	\$100,000-<\$150,000	12.0	(6.4, 21.5)	cell size ≤ 5		
	\$150,000 and more	cell size ≤ 5		cell size ≤ 5		
	Missing	8.0	(3.6, 16.7)	cell size ≤ 5		
Military service	No	73.3	(62.3, 82.1)	83.3	(71.0, 91.1)	.384
	Yes	24.0	(15.7, 34.9)	14.8	(7.6, 26.9)	
	Missing	cell size ≤ 5		cell size ≤ 5		
Region	Western Massachusetts	30.7	(21.4, 41.9)	29.6	(19.1, 42.9)	.747
	Greater Boston	52.0	(40.8, 63.0)	57.4	(44.1, 69.8)	
	South Eastern Massachusetts	17.3	(10.3, 27.6)	13.0	(6.3, 24.8)	
Health status past 12 months	Excellent	8.0	(3.6, 16.7)	cell size ≤ 5		.980
	Very good	26.7	(17.9, 37.7)	29.6	(19.0, 43.0)	
	Good	44.0	(33.3, 55.3)	42.6	(30.2, 56.0)	
	Fair	17.3	(10.4, 27.6)	18.5	(10.3, 31.1)	
	Poor	cell size ≤ 5		cell size ≤ 5		
	Missing	0.0	NA	0.0	NA	
Participate in extreme sports	No	88.0	(78.5, 93.6)	92.6	(81.9, 97.2)	.482
	Yes	10.7	(5.4, 19.9)	cell size ≤ 5		
	Missing	cell size ≤ 5		0.0	NA	
Overall stress past 12 months	Very low	0.0	NA	cell size ≤ 5		.116
	Low	cell size ≤ 5		11.1	(5.1, 22.6)	
	Moderate	58.7	(47.3, 69.2)	38.9	(26.9, 52.3)	
	High	30.7	(21.3, 41.9)	35.2	(23.7, 48.7)	
	Very high	cell size ≤ 5		11.1	(5.1, 22.6)	
	Missing	0.0	NA	0.0	NA	
Current tobacco use	No	74.7	(63.7, 83.2)	53.7	(40.5, 66.4)	.050
	Yes	24.0	(15.7, 34.9)	42.6	(30.2, 56.0)	
	Missing	cell size ≤ 5		cell size ≤ 5		
Alcohol use past 30 days	No	29.3	(20.2, 40.5)	25.9	(16.0, 39.1)	.668
	Yes	70.7	(59.5, 79.8)	74.1	(60.9, 84.0)	
	Missing	0.0	NA	0.0	NA	
Binge drinking past 30 days	No	53.3	(42.1, 64.2)	40.7	(28.6, 54.2)	.173
	Yes	37.3	(27.2, 48.7)	53.7	(40.5, 66.4)	
	Missing	9.3	(4.5, 18.3)	cell size ≤ 5		
Illicit Drug use past 12 months	No	88.0	(78.5, 93.6)	74.1	(60.9, 84.0)	.051
	Yes	12.0	(6.4, 21.5)	25.9	(16.0, 39.1)	
	Missing	0.0	NA	0.0	NA	
Drug or alcohol problems past 12 months	No	92.0	(83.3, 96.4)	88.9	(77.4, 94.9)	.426
	Yes	cell size ≤ 5		11.1	(5.1, 22.6)	
	Missing	cell size ≤ 5		0.0	NA	
Behavioral addictions past 12 months	No	70.7	(59.5, 79.8)	55.6	(42.2, 68.1)	.160
	Yes	29.3	(20.2, 40.5)	42.6	(30.2, 56.0)	
	Missing	0.0	NA	cell size ≤ 5		

		Problem Gamblers (n = 75)		Pathological Gamblers (n = 54)		p
		%	95% C.I.	%	95% C.I.	
Mental health problems past 12 months	No	72.0	(60.9, 81.0)	64.8	(51.3, 76.3)	.519
	Yes	22.7	(14.6, 33.4)	31.5	(20.6, 44.9)	
	Missing	cell size ≤ 5		cell size ≤ 5		
Childhood Rating	Very happy	13.3	(7.3, 23.0)	22.2	(13.1, 35.2)	.150
	Happy	49.3	(38.3, 60.5)	31.5	(20.6, 44.9)	
	Neither happy nor unhappy	29.3	(20.2, 40.5)	27.8	(17.5, 41.1)	
	Unhappy	8.0	(3.6, 16.7)	16.7	(8.9, 29.0)	
	Very unhappy	0.0	NA	cell size ≤ 5		
	Missing	0.0	NA	0.0	NA	
Portion of friends and family regular gamblers	None of them	13.3	(7.3, 23.0)	16.7	(8.9, 29.0)	.489
	Some of them	72.0	(60.9, 81.0)	70.4	(57.0, 81.0)	
	Most of them	12.0	(6.4, 21.5)	cell size ≤ 5		
	All of them	cell size ≤ 5		cell size ≤ 5		
	Missing	0.0	NA	cell size ≤ 5		
Traditional Lottery Games in past 12 months	No	cell size ≤ 5		cell size ≤ 5		.274
	Yes	94.7	(86.7, 98.0)	98.1	(88.1, 99.7)	
	Missing	0.0	NA	0.0	NA	
Instant Lottery Games in past 12 months	No	18.7	(11.4, 29.1)	16.7	(8.9, 29.0)	.768
	Yes	81.3	(70.9, 88.6)	83.3	(71.0, 91.1)	
	Missing	0.0	NA	0.0	NA	
Daily Lottery Games in past 12 months	No	57.3	(46.0, 68.0)	31.5	(20.6, 44.9)	.003
	Yes	42.7	(32.0, 54.0)	68.5	(55.1, 79.4)	
	Missing	0.0	NA	0.0	NA	
Raffles in past 12 months	No	50.7	(39.5, 61.7)	44.4	(31.9, 57.7)	.254
	Yes	46.7	(35.8, 57.9)	55.6	(42.3, 68.1)	
	Missing	cell size ≤ 5		0.0	NA	
Casino gambling in past 12 months	No	38.7	(28.4, 50.1)	40.7	(28.6, 54.2)	.663
	Yes	57.3	(46.0, 68.0)	51.9	(38.7, 64.7)	
	Missing	cell size ≤ 5		cell size ≤ 5		
Bingo in past 12 months	No	81.3	(70.9, 88.6)	88.9	(77.4, 94.9)	.248
	Yes	16.0	(9.3, 26.1)	11.1	(5.1, 22.6)	
	Missing	cell size ≤ 5		0.0	NA	
Horse Race betting in past 12 months	No	89.3	(80.1, 94.6)	68.5	(55.1, 79.4)	.019
	Yes	10.7	(5.4, 19.9)	29.6	(19.0, 43.0)	
	Missing	0.0	NA	cell size ≤ 5		
Sports betting in past 12 months	No	70.7	(59.5, 79.8)	63.0	(49.5, 74.7)	.358
	Yes	28.0	(19.0, 39.1)	37.0	(25.3, 50.5)	
	Missing	cell size ≤ 5		0.0	NA	
Private betting in past 12 months	No	78.7	(68.0, 86.5)	72.2	(58.9, 82.5)	.378
	Yes	20.0	(12.4, 30.5)	27.8	(17.5, 41.1)	
	Missing	cell size ≤ 5		0.0	NA	
Online gambling in past 12 months	No	88.0	(78.5, 93.6)	83.3	(71.0, 91.1)	.087
	Yes	8.0	(3.6, 16.7)	16.7	(8.9, 29.0)	
	Missing	cell size ≤ 5		0.0	NA	



		Problem Gamblers (n = 75)		Pathological Gamblers (n = 54)		p
		%	95% C.I.	%	95% C.I.	
Number of gambling formats engaged in	1	<i>cell size ≤ 5</i>		<i>cell size ≤ 5</i>		.094
	2	12.0	(6.4, 21.5)	0.0	NA	
	3	22.7	(14.6, 33.5)	27.8	(17.5, 41.1)	
	4	25.3	(16.8, 36.3)	24.1	(14.5, 37.1)	
	5	12.0	(6.4, 21.5)	14.8	(7.6, 26.9)	
	6	10.7	(5.4, 19.9)	13.0	(6.3, 24.7)	
	7	<i>cell size ≤ 5</i>		<i>cell size ≤ 5</i>		
	8	<i>cell size ≤ 5</i>		<i>cell size ≤ 5</i>		
	9	<i>cell size ≤ 5</i>		<i>cell size ≤ 5</i>		
	10	0.0	NA	0.0	NA	

Note: *Italicized figures indicate relative standard error >30%*

<sup>1</sup>Student, homemaker, disabled were combined into 'Other' because of small sample sizes in each.

## Multivariate Results

Many of the above-mentioned individual variables are correlated with each other. Consequently, statistically significant differences between Recreational Gamblers and Problem and Pathological Gamblers on some of these variables may reflect differences in the same underlying attribute. Thus, the more central question concerns which variables significantly differentiate the groups when these variables are analyzed simultaneously in a multivariate analysis (i.e., binary logistic regression).

A binary logistic regression found that maximal discrimination between Recreational Gamblers and Problem/Pathological Gamblers occurred for a model with a constant and 11 predictor variables. Table 15 (below) shows the log of the odds ratio and Wald statistic for each of the 11 predictors. The variance accounted for was modest, with adjusted *R* squared ranging between 30.7% and 31.1%. Using a classification cutoff of 2% to maximize both sensitivity and specificity, overall prediction success was between 81.4% and 81.7%.

**Table 15. Stepwise Logistic Regression Predicting Problem and Pathological Gambling versus Recreational Gambling (n = 6,400)**

		Odds Ratio & 95% C.I.	Wald Statistics	p
Daily Lottery Games	No	Reference group	28.2	p < .0001
	Yes	3.00 (2.00, 4.50)		
Portion of friends and family regular gamblers		2.25 (1.66, 3.05)	27.9	p < .0001
Race/Ethnicity	Other	.86 (0.30, 2.43)	0.1	p = .8420
	Hispanic	.70 (0.28, 1.79)	0.6	p = .3097
	Black	4.60 (2.55, 8.30)	25.8	p < .0001
	White	Reference group	Reference group	
Casino Gambling	No	Reference group	23.1	p < .0001
	Yes	2.65 (1.78, 3.94)		
Gender	Male	2.62 (1.75, 3.92)	22.1	p < .0001
	Female	Reference group		
Online Gambling	No	Reference group	19.8	p < .0001
	Yes	5.71 (2.65, 12.30)		

		Odds Ratio & 95% C.I.	Wald Statistics	p
Instant Lottery	No	Reference group	15.4	p < .0001
	Yes	2.70 (1.64, 4.43)		
Behavioral Addictions	No	Reference group	14.3	p < .0001
	Yes	2.34 (1.50, 3.65)		
Education	High school or less	3.27 (1.69, 6.33)	13.2	p < .0001
	Bachelor's or some College	1.20 (0.63, 2.28)	0.4	p = .3333
	Beyond Bachelor's degree	Reference group	Reference group	
Born in United States	No	2.49 (1.42, 4.34)	10.3	p < .0001
	Yes	Reference group		
Childhood Unhappiness		1.38 (1.12, 1.69)	9.1	p < .0001

### Controlling for Number of Gambling Formats Engaged In

A supplemental analysis was undertaken to examine the contribution of individual forms of gambling to Problem/Pathological Gambling status after controlling for the number of gambling formats engaged in (i.e., number of gambling formats was added as an additional predictor variable).

As shown in Table 16, when number of gambling formats is added to the model, the only type of gambling that added power in predicting Problem or Pathological Gambling was non-involvement in raffle tickets and engagement in private gambling. As expected, number of gambling formats becomes the most powerful predictive variable as it is best seen as a manifestation of Problem/Pathological Gambling.

**Table 16. Stepwise Logistic Regression Predicting Problem and Pathological Gambling versus Recreational Gambling after Controlling for Number of Gambling Formats Engaged In (n = 6,400)**

		Odds Ratio & 95% C.I.	Wald Statistics	p
Number of gambling formats engaged in		2.22 (1.91, 2.57)	112.6	p < .0001
Race/Ethnicity	Other	0.90 (0.32, 2.52)	0.1	p = .8959
	Hispanic	0.65 (0.26, 1.62)	0.9	p = .1712
	Black	4.69 (2.59, 8.50)	26.3	p < .0001
	White	Reference group	Reference group	
Portion of friends and family regular gamblers		2.07 (1.53, 2.79)	22.8	p < .0001
Raffles	No	2.81 (1.76, 4.49)	18.6	p < .0001
	Yes	Reference group		
Gender	Male	2.29 (1.52, 3.45)	15.7	p < .0001
	Female	Reference group		
Born in United States	No	3.03 (1.73, 5.30)	15.3	p < .0001
	Yes	Reference group		
Education	High school or less	3.06 (1.57, 5.98)	11.5	p < .0001
	Bachelor's or some College	1.23 (0.64, 2.36)	0.5	p = .2785
	Beyond Bachelor's degree	Reference group	Reference group	
Behavioral Addictions	No	Reference group	9.8	p < .0001
	Yes	2.05 (1.30, 3.24)		
Childhood Unhappiness		1.37 (1.11, 1.70)	8.5	p < .0001
Poorer health status		1.32 (1.08, 1.61)	7.2	p < .0001
Private betting	No	2.17 (1.23, 3.85)	7.1	p < .0001
	Yes	Reference group		

# Summary of Multivariate Predictors

The significant multivariate predictors from each of the analyses are reported in Table 17. Entries in the columns of the table indicate characteristics of respondents that are more common in the risk group, compared to Recreational Gamblers.

**Table 17. Multivariate Predictors of Non-Gambling, Level of Gambling, At-Risk Gambling, and Problem & Pathological Gambling**

	Non-Gambler	Higher Gambling Involvement	At-Risk Gambler	Problem and Pathological Gambler
Gender		Male	Male	Male
Age	18-34 or 65+			
Race/Ethnicity	Non-White			Black
Born in United States	No		No	No
Marital Status				
Educational Attainment	Higher	Lower	Lower	Lower
Employment	Student, Homemaker, Disabled, or Retired			
Household Income	Lower		Lower	
Military Service	No			
Region of Massachusetts				
Health Status		Poorer		
Extreme Sports				
Stress Level				
Tobacco Use	No	Yes		
Alcohol Use	No		No	
Binge Drinking	No	Yes		
Illicit Drug Use				
Drug or Alcohol Problems	No			
Behavioral Addictions				Yes
Mental Health Problems			Yes	
Childhood Unhappiness	Higher			Higher
Friend & Family Gambling	<b>Fewer</b>	More	More	More
Traditional Lottery	--	--		
Daily Lottery Games	--	--	Yes	Yes
Instant Lottery Games	--	--	Yes	Yes
Raffles	--	--	No	
Casino Gambling	--	--	Yes	Yes
Bingo	--	--	Yes	
Horse Racing	--	--		
Sports Betting	--	--		
Private Gambling	--	--	Yes	
Online Gambling	--	--	Yes	Yes

Shaded cells indicate the strongest individual predictor in each analysis.

# Discussion

---

This report presents four separate but related analyses of data from a general population survey of Massachusetts adults. The focus of these analyses is on the univariate and multivariate differences between Recreational Gamblers in Massachusetts and three other groups, namely Non-Gamblers, At-Risk Gamblers and Problem/Pathological Gamblers. The purpose of these analyses is to identify variables that differentiate these groups. This information is important for the development of effective problem gambling prevention, intervention and treatment initiatives in the Commonwealth.

## Recreational Gamblers versus Non-Gamblers

All of the variables identified in prior research as predictive of being a non-gambler were also predictive in the present univariate or multivariate results: female gender, minority group status, younger and older age, lower socioeconomic status, higher educational attainment. Prior studies have identified religion and religiosity as being predictive of non-gambling. However, religion and religiosity were not assessed in the Baseline General Population Survey. Additional variables identified in the present investigation that have not been previously identified as predictive of non-gambling are: not using alcohol or tobacco; not having problems with drugs or alcohol; having a smaller portion of friends and family that are regular gamblers; being a student, homemaker, or disabled; not having served in the military; being an immigrant; and having a somewhat lower level of childhood happiness.

The strongest predictor of being a Non-Gambler rather than a Recreational Gambler in Massachusetts was the single gambling-related variable: having a lower portion of friends and family that are regular gamblers. There were several additional variables that significantly discriminated between the groups to some extent. Focusing on the multivariate results, demographically, Non-Gamblers were more likely to have higher educational attainment; be a student, homemaker, disabled, or retired; in the age range of 18-34 or 65+; be born outside of the United States; have lower incomes; not to have served in the military; and to be non-White. In terms of health-related variables, Non-Gamblers were more likely not to use tobacco, not to use alcohol, not to binge drink, not to have problems with drugs or alcohol, and to have less happy childhoods.

The only difference in these results when the comparison group was **all** gamblers rather than just Recreational Gamblers was that being non-White was no longer a significant predictor.

The ability of the multivariate model to discriminate between Non-Gamblers and Recreational Gamblers was relatively weak with *R* squared being only 12.2% to 12.6% and classification accuracy being only 62.1% to 62.9%. The implication of this result is that there are many similarities between the two groups. This makes some theoretical sense, as a good portion of Recreational Gamblers are designated as such simply because of their occasional purchase of lottery or raffle tickets. Similarly, a portion of occasional raffle or lottery ticket purchasers will be classified as Non-Gamblers because they made no purchases in the past year.

## Prevention Implications

There are no marked differences in the health and mental health status of Recreational Gamblers versus Non-Gamblers. While it is true that having drug or alcohol problems was a multivariate predictor of Recreational Gambling, it was the weakest of the 13 predictors and the actual percentage difference is only 1% (0.8% of Non-Gamblers versus 1.8% of Recreational Gamblers). Offsetting this is the fact that there were small but significant univariate differences favoring Recreational Gamblers (i.e., better physical health status, lower rate of mental health problems). The lack of marked differences in the health and mental health of these two groups implies

that intervention efforts to prevent harm from gambling should probably not be directed at gambling generally, as recreational gambling is a normative activity not clearly associated with elevated harm. Rather, the focus should be more specific to excessive levels of gambling and/or At-Risk Gambling.

### **Predicting Level of Gambling Participation Among Gamblers**

The ability of the multivariate models to predict level of gambling involvement among gamblers was also fairly weak, with each of these models only able to account for between 9% - 12% of the variance. Here again, this indicates that there are many similarities between gamblers at different levels of gambling involvement.

Nonetheless, there were some variables that did statistically predict higher involvement across all measures of gambling participation. Demographically, higher intensity gamblers were more likely to be male and have lower educational attainment. In terms of health-related behaviors, they were more likely to be a binge drinker, report poorer physical health, and to be a current tobacco user. Similar to what was found for the prediction of Recreational Gamblers relative to Non-Gamblers, the strongest predictor of higher levels of gambling involvement was having a higher portion of friends and family being regular gamblers.

Although the literature on this topic is not large, it is notable that friend and family involvement in gambling, lower educational attainment, and male gender have all previously been identified in other studies as predictive of a higher level of gambling involvement.

### **Prevention Implications**

Higher levels of gambling involvement are likely to increase the potential for gambling-related harm. Indeed, as will be discussed later, many of the above-mentioned variables are also predictive of At-Risk and Problem/Pathological Gambling.

Thus, it is useful to know that having a larger portion of friends and family who are regular gamblers is the strongest predictor of more intensive gambling. While people tend to gravitate to other people with similar interests, longitudinal research has shown that friend and family involvement is an important prospective risk factor for future problem gambling (Reith & Dobbie, 2011, 2013; Williams, Hann, Schopflocher et al., 2015; Winters et al., 1995, 2002, 2005). The mechanism by which this occurs is presumably because having a gambling-involved social network both encourages gambling involvement and normalizes excessive involvement. In the case of family members, it likely also speaks to a shared genetic predisposition to problem gambling, the magnitude of which has been shown to be quite substantial (Eisen, Lin, Lyons et al., 1998; Lobo & Kennedy, 2006, 2009; Shah, Eisen, Xian & Potenza, 2005; Slutske, Zhu, Meier, & Martin, 2010). Thus it is clear that (a) gamblers need to be aware of the normalizing effect that their social group has on their own gambling behavior; (b) friends and family of regular gamblers need to be aware of the facilitative role they have on that person's gambling; and (c) all gamblers need to be aware that problem gambling (and presumably heavy gambling) has a significant genetic basis and thus need to be particularly vigilant if they have a positive family history.

The other practical implication of the present investigation is that it points to demographic groups suited for targeted prevention: i.e., males and people with lower educational attainment. People who use tobacco, binge drink, and have poorer general health also merit special attention.

### **Recreational Gamblers versus At-Risk Gamblers**

The ability of the multivariate model to discriminate between Recreational Gamblers and At-Risk Gamblers was modest, with *R* squared being 21.9% - 22.0%. Part of the reason for the improved discriminative ability relative to the previous analyses is that 10 additional gambling variables were utilized for the At-Risk analysis.

Nonetheless, the results of our analysis indicate that some important differences exist between these groups (and more so than exists for just higher or lower levels of gambling involvement). In contrast, considerable similarities were found between At-Risk Gamblers and Problem /Pathological Gamblers, with a multivariate model examining differences having an *R* squared of only 7.6% - 8.1% and only two variables being significantly more common among Problem and Pathological Gamblers relative to At-Risk Gamblers: behavioral addictions and playing daily lottery games.<sup>9</sup>

Focusing on the multivariate results, demographically, At-Risk Gamblers compared to Recreational Gamblers are more likely to be male, to be born outside the United States, and to have lower educational attainment, and lower household income. In terms of health, they are more likely to have mental health problems and not to have used alcohol in the past 30 days. It is unclear why alcohol abstinence is predictive of At-Risk Gambling, but it may be due to the fact that people with a history of alcohol abuse or who come from a family with alcohol abusers tend to have a bimodal distribution of alcohol use themselves (i.e., high rates of heavy users and high rates of abstinence) (e.g., Weitzman & Wechsler, 2000). The strongest predictors of being an At-Risk Gambler are gambling-related variables, with At-Risk Gamblers significantly more likely to participate in casino gambling, have a greater portion of friends and family that are regular gamblers, play instant lottery games, play daily lottery games, be online gamblers, play bingo, and not to purchase raffle tickets. However, when controlling for the number of gambling formats engaged in, casino gambling and not participating in raffles are the only types of gambling that remain significant predictors. Non-involvement in raffles is likely predictive because purchasing raffle tickets is often done to support charitable causes rather than to win money.

There is virtually no literature to reference concerning the relationship between the variables that discriminated between the groups in the present analysis and variables that have been identified in prior research.

### **Prevention Implications**

The practical implications of the present results are similar to the implications discussed in the previous analysis, in that it provides further indication that targeting the social networks of At-Risk Gamblers is particularly important in prevention.

These results also reaffirm the notion that certain demographic groups are well suited for targeted prevention. In addition to males and individuals with lower educational attainment that were also identified in the previous analysis, immigrants and individuals with lower income have a higher risk profile. Also similar to the previous analysis, poorer health was implicated in the form of higher rates of mental health problems. However, in contrast to the previous analysis that found higher rates of tobacco and binge drinking associated with higher levels of gambling involvement, the only substance-use variable that was significant in the present analysis was that non-use of alcohol in the previous 30 days was more predictive of being an At-Risk Gambler.

The present results also reaffirm prior research showing that certain types of gambling have a higher risk profile than other types. Casino gambling, which was the strongest individual predictor of At-Risk Gambling status, primarily involves slot machines and casino table games, which have a strong association to gambling-related harm because of their continuous nature (Dowling, Smith & Thomas, 2005; Meyer, Hayer & Griffiths, 2009; Welte, Barnes, Wieczorek et al., 2007; Williams, West, & Simpson, 2012). Instant lottery games were also a strong predictor of At-Risk Gambling, which may be similarly related to the short period of time between the wager and the outcome and the ability to immediately re-wager (Griffiths, 2002; Papoff & Norris, 2009; Short et al., 2015). It is important to note that although the majority of problem gamblers in Massachusetts do not

---

<sup>9</sup> There are still important differences in overall level of gambling involvement and problem gambling symptomatology, which is the basis for the different classifications of members of these two groups.

identify any particular type of gambling as being more problematic than others, those that do identify a problematic format are most likely to identify instant lottery games (see Williams, Pekow, Volberg et al., 2017 for a discussion of this issue). Finally, as has also been found in previous research, online gambling was a significant predictor of At-Risk Gambling, presumably due to its 24-hour availability, convenience, and the fact that it offers continuous forms of gambling.

The caveat to these gambling-related results is that only casino gambling and not participating in raffles remain significant after number of gambling formats engaged in was entered into the multivariate model. This is a further reminder that most problem gamblers engage in several different types of gambling, all of which contribute to their problems and there is often not a singular problematic format. At the same time it is important to recognize that entering number of gambling formats into the multivariate model has significant limitations in illustrating the importance of specific gambling formats. The most important limitation is that extensive involvement in several different types of gambling is **one aspect** of being an At-Risk Gambler or a Problem/Pathological Gambler, which is why it is not normally used as a predictor (and why aggregate gambling frequency and total gambling expenditure were also not used as predictors). This is also why it is overwhelmingly the strongest predictor when entered into the model. When an aspect of a disorder is entered as a predictor of the disorder, it becomes very difficult for other variables to add any predictive power as it is analogous to trying to predict Pathological Gambling after Problem Gambling is entered as a predictor, or Major Depression after low mood is entered as a predictor.<sup>10</sup>

Of final note, there are important implications to the fact that there were almost no characteristics that differentiated At-Risk Gamblers from Problem and Pathological Gamblers. This reaffirms previous research that shows At-Risk Gambling to be one of the strongest prospective predictors of future problem gambling. It also means that (a) the variables predictive of Problem and Pathological Gambling will likely be similar to the variables predictive of At-Risk Gambling and (b) that targeting the variables predictive of At-Risk Gambling will have significant efficacy in preventing Problem Gambling. It is important to recognize that prevention efforts are often more effective with people at-risk for developing problems, as their behavior is less entrenched than with people who have already developed problems (Hodgins & el-Guebaly, 2000; Shaffer & Korn, 2002).

### Recreational Gamblers versus Problem and Pathological Gamblers

The ability of the multivariate model to discriminate between Recreational Gamblers and Problem and Pathological Gamblers was stronger than any of the other analyses undertaken in this report, with between 30.7% and 31.1% of the variance explained and overall prediction success between 81.4% and 81.7%. In contrast, there were relatively few differences between Problem Gamblers and Pathological Gamblers, other than a trend toward higher substance use and rates of gambling participation. This is similar to the earlier finding of very few differences between At-Risk and Problem/Pathological Gamblers. It is interesting to note,

---

<sup>10</sup> The other challenge to this approach concerns the equivalency and substitutability of more harmful forms of gambling. Using a drug example, polydrug use is common among drug abusers. Some use caffeine + tobacco + heroin; some use caffeine + tobacco + cocaine; some use caffeine + cannabis + methamphetamine, etc. Thus, using multiple drugs is a very strong predictor of drug abuse and it is often not possible to **statistically** show that heroin use, or cocaine use, or methamphetamine use have additive harm, even though it is self-evident they are causing the most problems and are what people are seeking treatment for. The issue has to do with the substitutability and equivalency of more harmful substances. In other words, the person who is using heroin is just as impaired as the person using cocaine who is just as impaired as the person using methamphetamine. It is difficult to show an addictive effect of heroin, cocaine, or methamphetamine when controlling for the **number of drugs** and easier when controlling for specific 'light drugs' (i.e., tobacco, caffeine, and cannabis).



however, that in both cases playing daily lottery games was predictive of being a Pathological Gambler rather than a Problem Gambler and a Problem Gambler rather than an At-Risk Gambler.

Focusing on the multivariate results, demographically, Problem and Pathological Gamblers were more likely to be Black,<sup>11</sup> male, have lower educational attainment, and be born outside the United States. In terms of health, they were more likely to have behavioral addictions and lower childhood happiness. Gambling-related variables were the strongest discriminators, with the following variables significantly predicting greater likelihood of being a Problem or Pathological Gambler: having a greater portion of friends and family involved in gambling, playing daily lottery games, engaging in casino gambling, engaging in online gambling, and playing instant lottery games. However, none of these gambling formats was predictive when controlling for number of gambling formats engaged in (although private betting and non-involvement in raffles do become predictive). As before, this reminds us that problem gamblers typically engage in several different types of gambling, all of which contribute to their difficulties. At the same time, we also have to be aware that entering number of gambling formats into the model reduces the marginal (or incremental) importance of individual types of gambling.

The present results are highly consistent with prior research in that all variables associated with Problem/Pathological Gambling in either the univariate or multivariate results have also been found to be predictive of problem gambling in prior research (i.e., male gender, minority group status, immigrants, divorce/separation, lower educational attainment, lower income, unemployment, poorer physical health, substance use and abuse, behavioral addictions, unhappier childhoods, friend/family involvement in gambling, higher rates of participation in each individual type of gambling, engagement in continuous forms of gambling, engagement in online gambling). One interesting and unique finding not previously reported in the literature is that the purchase of raffle tickets in Massachusetts is predictive of *not* being a Problem or Pathological Gambler. As was explained for At-Risk Gambling, this is presumably because raffle tickets are often purchased in order to support charitable causes, rather than with aspirations to win.

### Prevention Implications

As was the case for Level of Gambling Involvement, one of the strongest individual predictors of being a Problem/Pathological Gambler was having a larger portion of friends and family also regularly involved in gambling (it was also the second strongest predictor for being an At-Risk Gambler). This is further evidence that targeting the social networks of heavy gamblers, At-Risk Gamblers, and Problem/Pathological Gamblers needs to be a very high priority.

Also similar to the analyses on Level of Gambling Involvement and At-Risk Gambling, the present results reaffirm that certain demographic groups merit special targeting for intervention, with most of these groups having already been identified in previous analyses: males, Blacks, lower educational attainment, and being born outside of the United States. It is interesting that being born outside of the United States was a predictor of problem gambling even when controlling for education and race/ethnicity. This may be because many immigrants to Massachusetts come from countries (e.g., Latin America), where legal forms of gambling are less available. The present results also indicate that adverse health-related conditions are related to Problem and Pathological Gambling, but there is less consistency between the analyses concerning what these conditions are.

---

<sup>11</sup> It is worth noting that both Non-Gamblers and Problem/Pathological Gamblers in Massachusetts are significantly more likely to be non-White than Recreational Gamblers. It is possible that non-Whites in Massachusetts represent a bi-modal group in the population, with a relatively large proportion who have little or no involvement in gambling and a significant minority who gamble frequently and experience gambling-related difficulties. This pattern has been found among recent immigrants, youth and women in other jurisdictions and may reflect recent exposure to legal, commercial gambling as well as heightened vulnerability to the development of gambling-related difficulties (Abbott, Volberg & Rönnerberg, 2004).

In the present analysis, it was having other behavioral addictions (e.g., shopping, sex, exercise), a less happy childhood, and poorer physical health.

Finally, as was also seen with At-Risk Gambling, interventions directed at continuous forms of gambling (i.e., casino gambling, instant lottery games) and online gambling are warranted given their statistical association with Problem/Pathological Gambling.

Of final note, there is considerable overlap in the predictors for higher gambling involvement, At-Risk Gambling and Problem/Pathological Gambling in the Commonwealth. An important implication of this finding is that, for the most part, targeted prevention and intervention efforts aimed at At-Risk Gamblers and heavily involved gamblers will be effective for Problem/Pathological Gamblers, and vice versa.

# References

---

- Abbott, MW, Volberg, RA & Rönnerberg, S. (2004). Comparing the New Zealand and Swedish national surveys of gambling and problem gambling. *Journal of Gambling Studies*, 20(3), 237-258.
- Afifi TO, Cox BJ, Martens PJ, Sareen J & Enns MW (2010a). Demographic and social variables associated with problem gambling among men and women in Canada. *Psychiatry Research*, 178(2), 395-400.
- Afifi TO, Cox BJ, Martens PJ, Sareen J & Enns MW (2010b). The relationship between problem gambling and mental and physical health correlates among a nationally representative sample of Canadian women. *Canadian Journal of Public Health*, 101, 171-175.
- Alegria AA, Petry NM, Hasin DS, Liu S-M, Grant BF & Blanco C (2009). Disordered gambling among racial and ethnic groups in the US: Results from the National Epidemiologic Survey on Alcohol and Related Conditions. *CNS Spectrums*, 14(3), 132-142.
- American Association for Public Opinion Research (AAPOR) (2015). [\*Standard Definitions\*](#). April 2015.
- Bagby RM, Vachon DD, Bulmash E, Toneatto T, Quilty LC & Costa PT (2007). Pathological gambling and the five factor model of personality. *Personality and Individual Differences*, 43, 873-880.
- Baggio S, Dupuis M, Berchtold A, Spilka S, Simon O & Studer, J. (2017). Is gambling involvement a confounding variable for the relationship between Internet gambling and gambling problem severity?. *Computers in Human Behavior*.
- Billi R, Stone CA, Marden P & Yeung K (2014). *Victorian Gambling Study: A Longitudinal Study of Gambling and Health in Victoria, 2008-2012*. Victoria, Australia: Victorian Responsible Gambling Foundation.
- Black DW, Shaw MC, McCormick BA & Allen J (2012). Marital status, childhood maltreatment, and family dysfunction: A controlled study of pathological gambling. *The Journal of Clinical Psychiatry*, 73(10), 1293.
- Blanco C, Hasin DS, Petry N, Stinson FS & Grant BF (2006). Sex differences in subclinical and DSM-IV pathological gambling: results from the National Epidemiologic Survey on Alcohol and Related Conditions. *Psychological Medicine*, 36(07), 943-953.
- Blaszczynski A & McConaghy N (1994). Antisocial personality disorder and pathological gambling. *Journal of Gambling Studies*, 10, 129-145.
- Blaszczynski A & Nower L (2010). Instrumental tool or drug: Relationship between attitudes to money and problem gambling. *Addiction Research and Theory*, 18, 681-691.
- Browne BA & Brown DJ (1994). Predictors of lottery gambling among American college students. *Journal of Social Psychology*, 134(3), 339-347.
- Carlton PL, Manowitz P, McBride H, Nora R, Swartzburg M & Goldstein L (1987). Attention deficit disorder and pathological gambling. *Journal of Clinical Psychiatry*, 48(12), 487-488.

- Chalmers H & Willoughby T (2006). Do predictors of gambling involvement differ across male and female adolescents? *Journal of Gambling Studies*, 22(4), 373-392.
- Clarke D (2004). Impulsiveness, locus of control, motivation and problem gambling. *Journal of Gambling Studies*, 20(4), 319-345.
- Coman GJ, Burrows GD & Evans BJ (1997). Stress and anxiety as factors in the onset of problem gambling: Implications for treatment. *Stress Medicine*, 13(4), 235-244.
- Crockford DN & el-Guebaly N (1998). Psychiatric comorbidity in pathological gambling: A critical review. *Canadian Journal of Psychiatry*, 43(1), 43-50.
- Cronce JM & Corbin WR (2010). Effects of alcohol and initial gambling outcomes on within-session gambling behavior. *Experimental and Clinical Psychopharmacology*, 18(2), 145.
- Cyders MA & Smith GT (2008). Clarifying the role of personality dispositions in risk for increased gambling behavior. *Personality and Individual Differences*, 45(6), 503-508.
- Delfabbro P (2004). The stubborn logic of regular gamblers: Obstacles and dilemmas in cognitive gambling research. *Journal of Gambling Studies*, 20(1), 1-21.
- Dowling N, Smith D & Thomas T (2005). Electronic gaming machines: Are they the 'crack-cocaine' of gambling? *Addiction*, 100(1), 33-45.
- Eisen SA, Lin N, Lyons M, Scherrer JF, Griffith K, True WR et al. (1998). Familial influences on gambling behavior: An analysis of 3359 twin pairs. *Addiction*, 93(9), 1375-1384.
- el-Guebaly N, Casey DM, Currie S, Hodgins DC, Schopflocher D, Smith GJ & Williams RJ (2015). *The Leisure, Lifestyle, & Lifecycle Project (LLLP): A Longitudinal Study of Gambling in Alberta*. Final Report for the Alberta Gambling Research Institute. February 2015.
- Gaboury A & Ladouceur R (1989). Erroneous perceptions and gambling. *Journal of Social Behavior and Personality*, 4, 411-420.
- Gambling Commission (2017). Gambling Participation in 2016: Behaviour, Awareness and Attitudes. <http://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-participation-in-2016-behaviour-awareness-and-attitudes.pdf> February 2017.
- Gibbs van Brunschot E (2009). *Gambling and Risk Behavior: A Literature Review*. Calgary: Alberta Gambling Research Institute.
- Goodie AS & Fortune EE (2013). Measuring cognitive distortions in pathological gambling: Review and meta-analyses. *Psychology of Addictive Behaviors*, 27(3), 730-743. <http://doi.org/10.1037/a0031892>
- Goudriaan AE, Slutske WS, Krull JL & Sher KJ (2009). Longitudinal patterns of gambling activities and associated risk factors in college students. *Addiction*, 104(7), 1219-1232.
- Grant JE, Kushner MG & Kim SW (2002). Pathological gambling and alcohol use disorder. *Alcohol Research and Health*, 26(2), 143-150.

- Griffiths M (2002). Are lottery scratchcards a “hard” form of gambling?. *Journal of Gambling Issues*.
- Hardoon KK, Gupta R & Derevensky JL (2004). Psychosocial variables associated with adolescent gambling. *Psychology of Addictive Behaviors, 18*(2), 170.
- Hodgins DC & el-Guebaly N (2000). Natural and treatment-assisted recovery from gambling problems: A comparison of resolved and active gamblers. *Addiction, 95*, 777-789.
- Hodgins DC, Schopflocher DP, el-Guebaly N, Casey DM, Smith GJ, Williams RJ & Wood RT (2010). The association between childhood maltreatment and gambling problems in a community sample of adult men and women. *Psychology of Addictive Behaviors, 24*(3), 548.
- Johansson A, Grant JE, Kim SW, Odlaug BL & Götestam KG (2009). Risk factors for problematic gambling: A critical literature review. *Journal of Gambling Studies, 25*(1), 67-92.
- Joukhador J, Blaszczynski A & Maccallum F (2004). Superstitious beliefs in gambling among problem and non-problem gamblers: Preliminary data. *Journal of Gambling Studies, 20*(2), 171-180.
- Joukhador J, Maccallum F & Blaszczynski A (2003). Differences in cognitive distortions between problem and social gamblers. *Psychological Reports, 92*(3, Pt. 2), 1203-1214.
- Kairouz S, Paradis C, Nadeau L, Hamel D & Robillard C (2015). Patterns and trends in gambling participation in the Quebec population between 2009 and 2012. *Canadian Journal of Public Health, 106*(3), e115-e120.
- Kausch O, Rugle L & Rowland DY (2006). Lifetime histories of trauma among pathological gamblers. *The American Journal on Addictions, 15*, 35-43.
- Kessler RC, Hwang I, LaBrie R, Petukhova M, Sampson NA, Winters KC & Shaffer HJ (2008). DSM-IV pathological gambling in the National Comorbidity Survey Replication. *Psychological medicine, 38*(09), 1351-1360.
- Kim SW, Grant JE, Eckert ED, Faris PL & Hartman BK (2006). Pathological gambling and mood disorders: Clinical associations and treatment implications. *Journal of Affective Disorders, 92*, 109-116.
- Kwon SJ, Kim KH & Choi JO (2006). Awareness of adult gambling and predictors of gambling behavior in children. *Korean Journal of Health Psychology, 11*, 147-162.
- LaBrie RA, Shaffer HJ, LaPlante DA & Wechsler H (2003). Correlates of college student gambling in the United States. *Journal of American College Health, 52*(2), 53-62.
- Lam D (2006). The influence of religiosity on gambling participation. *Journal of Gambling Studies, 22*(3), 305-320.
- Langhinrichsen-Rohling J, Rohde P, Seeley JR & Rohling ML (2004). Individual, family, and peer correlates of adolescent gambling. *Journal of Gambling Studies, 20*, 23-46.
- LaPlante DA, Nelson SE, LaBrie RA & Shaffer HJ (2009). Disordered gambling, type of gambling and gambling involvement in the British Gambling Prevalence Survey 2007. *European Journal of Public Health, 21*(4), 532-537.
- Lawrence AJ, Luty J, Bogdan NA, Sahakian BJ & Clark L (2009). Problem gamblers share deficits in impulsive decision-making with alcohol-dependent individuals. *Addiction, 104*(6), 1006-1015.

- Ledgerwood DM & Petry NM (2006). Psychological experience of gambling and subtypes of pathological gamblers. *Psychiatry Research*, 144(1), 17-27.
- Lee GP, Storr CL, Ialongo NS & Martins SS (2011). Compounded effect of early adolescence depressive symptoms and impulsivity on late adolescence gambling: A longitudinal study. *Journal of Adolescent Health*, 48(2), 164-169.
- Leonard CA & Williams RJ (2016). The relationship between gambling fallacies and problem gambling. *Psychology of Addictive Behaviors*. Jul 18 [Epub ahead of print].
- Lesieur HR & Custer RL (1984). Pathological gambling: Roots, phases, and treatment. *The Annals of the American Academy of Political and Social Science*, 146-156.
- Lester D (1994). Access to gambling opportunities and compulsive gambling. *International Journal of the Addictions*, 29(12), 1611-1616.
- Li J (2007). Women's ways of gambling and gender-specific research. *Sociological Inquiry*, 77(4), 626-636.
- Lobo DS & Kennedy J (2006). The genetics of gambling and behavioral addictions. *CNS Spectrums*, 11(12), 931-939.
- Lobo DS & Kennedy JL (2009). Genetic aspects of pathological gambling: a complex disorder with shared genetic vulnerabilities. *Addiction* 104, 1454–1465.
- Loo JM, Raylu N & Oei TP (2008). Gambling among the Chinese: A comprehensive review. *Clinical Psychology Review*, 28(7), 1152-1166.
- Lorains FK, Cowlishaw S & Thomas SA (2011). Prevalence of comorbid disorders in problem and pathological gambling: Systematic review and meta-analysis of population surveys. *Addiction*, 106(3), 490-498.
- MacLaren VV, Best LA, Dixon MJ & Harrigan KA (2011). Problem gambling and the five factor model in university students. *Personality and Individual Differences*, 50(3), 335-338.
- MacLaren VV, Fugelsang JA, Harrigan KA & Dixon MJ (2011). The personality of pathological gamblers: A meta-analysis. *Clinical Psychology Review*, 31(6), 1057-1067.
- Meyer G & Fabian T (1992). Delinquency among pathological gamblers: A causal approach. *Journal of Gambling Studies*, 8, 61-77.
- Meyer G, Hayer T & Griffiths M (2009). *Problem Gambling in Europe*. Springer.
- Miller NV & Currie SR (2008). A Canadian population level analysis of the roles of irrational gambling cognitions and risky gambling practices as correlates of gambling intensity and pathological gambling. *Journal of Gambling Studies*, 24, 257-274.
- Mishra S, Lalumière ML, Morgan M & Williams RJ (2011). An examination of the relationship between gambling and antisocial behavior. *Journal of Gambling Studies*, 27(3), 409-426.
- Mishra S, Lalumière ML & Williams RJ (2010). Gambling as a form of risk-taking: Individual differences in personality, risk-accepting attitudes, and behavioral preferences for risk. *Personality and Individual Differences*, 49(6), 616-621.

- Mood Disorders Society of Canada (2004). *Mood Disorders and Problem Gambling: Cause, Effect, or Cause for Concern: A Review of the Literature*. Guelph, Ontario: Author.
- Moore SM & Ohtsuka K (1997). Gambling activities of young Australians: Developing a model of behaviour. *Journal of Gambling Studies*, 13(3), 207-236.
- Morasco BJ & Petry NM (2006). Gambling problems and health functioning in individuals receiving disability. *Disability & Rehabilitation*, 28(10), 619-623.
- Myrseth H, Pallesen P, Molde H, Johnsen BH & Lorvik IM (2009). Personality factors as predictors of pathological gambling. *Personality and Individual Differences*, 47, 933-937.
- Neal P, Delfabbro PH & O'Neil M (2005). *Problem Gambling and Harm: Towards a National Definition*. Report to the Victoria Department of Justice. Adelaide: South Australian Centre for Economic Studies.
- Nixon G & Solowoniuk J (2009). Introducing the hero complex and the mythic iconic pathway of problem gambling. *International Journal of Mental Health and Addiction*, 7(1), 108-123.
- Nixon G, Solowoniuk J & McGowan V (2006). The counterfeit hero's journey of the pathological gambler: A phenomenological hermeneutics investigation. *International Journal of Mental Health and Addiction*, 4(3), 217-232.
- Nower L & Blaszczynski A (2006). Impulsivity and pathological gambling: A descriptive model. *International Gambling Studies*, 6(1), 61-75.
- Pagani LS, Derevensky JL & Japel C (2009). Predicting gambling behavior in sixth grade from kindergarten impulsivity: a tale of developmental continuity. *Archives of Pediatrics & Adolescent Medicine*, 163, 238.
- Papoff KM & Norris JE (2009). Instant ticket purchasing by Ontario baby boomers: Increasing risk for problem gamblers. *Journal of Gambling Studies*, 25(2), 185-199.
- Parke A, Griffiths M & Irwing P (2004). Personality traits in pathological gambling: Sensation seeking, deferment of gratification and competitiveness as risk factors. *Addiction Research & Theory*, 12, 201-212.
- Petry NM (2005). *Pathological Gambling: Etiology, Comorbidity, and Treatment*. Washington, DC: American Psychological Association.
- Petry NM (2007). Gambling and substance use disorders: Current status and future directions. *American Journal on Addictions*, 16(1), 1-9.
- Petry NM & Steinberg KL (2005). Childhood maltreatment in male and female treatment-seeking pathological gamblers. *Psychology of Addictive Behaviors*, 19(2), 226-229.
- Petry NM, Stinson FS & Grant BF (2005). Comorbidity of DSM-IV pathological gambling and other psychiatric disorders: Results from the National Epidemiologic Survey on Alcohol and Related Conditions. *Journal of Clinical Psychiatry*, 66(5), 564-574.
- Quigley L, Yakovenko I, Hodgins DC, Dobson KS, el-Guebaly N, Casey DM, Currie SR, Smith GJ, Williams RJ & Schopflocher DP (2015). Comorbid problem gambling and major depression in a community sample. *Journal of Gambling Studies*, 31 (4), 1135-1152.



- Raylu N & Oei TP (2004). Role of culture in gambling and problem gambling. *Clinical Psychology Review, 23*, 1087-1114.
- Reith G & Dobbie F (2011). Beginning gambling: The role of social networks and environment. *Addiction Research & Theory, 19*(6), 483-493.
- Reith G & Dobbie F (2013). Gambling careers: A longitudinal, qualitative study of gambling behaviour. *Addiction Research & Theory, 21*(5), 376-390.
- Rodgers B, Caldwell T & Butterworth P (2009). Measuring gambling participation. *Addiction, 104*, 1065-1069.
- Romild U, Volberg RA & Abbott M (2014). The Swedish Longitudinal Gambling Study (Swelogs): design and methods of the epidemiological (EP-) track. *International Journal of Methods in Psychiatric Research, 23*, 372–386, doi: [10.1002/mpr.1449](https://doi.org/10.1002/mpr.1449)
- Rubin DB (2004). *Multiple Imputation for Nonresponse in Surveys* (Vol. 81). John Wiley & Sons.
- Rush B, Veldhuizen S & Adlaf E (2007). Mapping the prevalence of problem gambling and its association with treatment accessibility and proximity to gambling venues. *Journal of Gambling Issues, 193-213*.
- Rush BR, Bassani DG, Urbanoski KA & Castel S (2008). Influence of co-occurring mental and substance use disorders on the prevalence of problem gambling in Canada. *Addiction, 103*(11), 1847-1856.
- Scherrer JF, Slutske WS, Xian H, Waterman B, Shah KR, Volberg RA et al. (2007). Factors associated with pathological gambling at 10 year follow-up in a national sample of middle-aged men. *Addiction, 102*, 970-978.
- Scholes-Balog KE, Hemphill SA, Dowling NA & Toumbourou JW (2014). A prospective study of adolescent risk and protective factors for problem gambling among young adults. *Journal of Adolescence, 37* (2), 215-24.
- Schull ND (2002). *Escape Mechanism: Women, Caretaking, and Compulsive Machine Gambling*. Berkeley: Center for Working Families, University of California, Berkeley.
- Shaffer H J & Korn DA (2002). Gambling and related mental disorders: A public health analysis. *Annual Review of Public Health, 23*, 171-212.
- Shah KR, Eisen SA, Xian H & Potenza MN (2005). Genetic studies of pathological gambling: A review of methodology and analyses of data from the Vietnam Era Twin Registry. *Journal of Gambling Studies, 21* (2), 179-203.
- Shenasse ED, Paradis AD, Dolan SL, Wilhelm CS & Buka SL (2012). Childhood impulsive behavior and problem gambling by adulthood: A 30-year prospective community-based study. *Addiction, 107*(1), 160-168.
- Short MM, Penney AM, Mazmanian D & Jamieson J (2015). Lottery ticket and instant win ticket gambling: exploring the distinctions. *Journal of Gambling Issues, 6-21*.
- Slutske WS, Eisen SA, True WR, Lyons MJ, Goldberg J & Tsuang M (2000). Common genetic vulnerability for pathological gambling and alcohol dependence in men. *Archives of General Psychiatry, 57*, 666-673.

- Slutske WS, Eisen S, Xian H, True WR, Lyons MJ, Goldberg J et al. (2001). A twin study of the association between pathological gambling and antisocial personality disorder. *Journal of Abnormal Psychology, 110*, 297-308.
- Slutske WS, Meier MH, Zhu G, Statham DJ, Blaszczyński A & Martin NG (2009). The Australian Twin Study of Gambling (OZ-GAM): Rationale, sample description, predictors of participation, and a first look at sources of individual differences in gambling involvement. *Twin Research and Human Genetics, 12*, 63-78.
- Slutske W, Zhu G, Meier M & Martin N (2010). Genetic and environmental influences on disordered gambling in men and women. *Archives of General Psychiatry, 67*, 624-630.
- Specker SM, Carlson GA, Christenson GA & Marcotte M (1995). Impulse control disorders and attention deficit disorder in pathological gamblers. *Annals of Clinical Psychiatry, 7*(4), 175-179.
- Specker SM, Carlson GA, Edmonson KM, Johnson PE & Marcotte M (1996). Psychopathology in pathological gamblers seeking treatment. *Journal of Gambling Studies, 12*(1), 67-81.
- St-Pierre RA, Walker DM, Derevensky J & Gupta R (2014). How availability and accessibility of gambling venues influence problem gambling: A review of the literature. *Gaming Law Review and Economics, 18*(2), 150-172.
- Thomas AC, Bates G, Moore S, Kyrios M, Meredyth D & Jessop G (2011). Gambling and the multidimensionality of accessibility: More than just proximity to venues. *International Journal of Mental Health and Addiction, 9*(1), 88-101.
- Toneatto T, Blitz-Miller T, Calderwood K, Dragonetti R & Tsanos A (1997). Cognitive distortions in heavy gambling. *Journal of Gambling Studies, 13*(3), 253-266.
- Turner NE, Jain U, Spence W & Zangeneh M (2008). Pathways to pathological gambling: Component analysis of variables related to pathological gambling. *International Gambling Studies, 8*(3), 281-298.
- Turner NE, Zangeneh M & Littman-Sharp N (2006). The experience of gambling and its role in problem gambling. *International Gambling Studies, 6*(2), 237-266.
- Upton DJ, Bishara AJ, Ahn WY & Stout JC (2011). Propensity for risk taking and trait impulsivity in the Iowa Gambling Task. *Personality and Individual Differences, 50*(4), 492-495.
- Vander Bilt J, Dodge HH, Pandav R, Shaffer HJ & Ganguli M (2004). Gambling participation and social support among older adults: A longitudinal community study. *Journal of Gambling Studies, 20*(4), 373-389.
- Vitaro F, Arseneault L & Tremblay RE (1997). Dispositional predictors of problem gambling in male adolescents. *American Journal of Psychiatry, 154*, 1759-1770.
- Vitaro F, Arseneault L & Tremblay RE (1999). Impulsivity predicts problem gambling in low SES adolescent males. *Addiction, 94*, 565-575.
- Vitaro F & Bujold A (1996). Predictive and concurrent correlates of gambling in early adolescent boys. *Journal of Early Adolescence, 16*(2), 211-228.

- Vitaro F, Wanner B, Ladouceur R, Brendgen M & Tremblay RE (2004). Trajectories of gambling during adolescence. *Journal of Gambling Studies*, 20, 47-69.
- Volberg RA, Abbott MW, Rönnerberg S & Munck IM (2001). Prevalence and risks of pathological gambling in Sweden. *Acta Psychiatrica Scandinavica*, 104(4), 250-256.
- Volberg RA, Reitzes DC & Boles J (1997). Exploring the links between gambling, problem gambling, and self-esteem. *Deviant Behavior: An Interdisciplinary Journal*, 18, 321-342.
- Volberg RA, Williams RJ, Stanek EJ, Houpt KA, Zorn M, Rodriguez-Monguio R (2015). *Gambling and Problem Gambling in Massachusetts: Results of a Baseline Population Survey*. Amherst, MA: School of Public Health and Health Sciences, University of Massachusetts Amherst.
- Weitzman ER & Wechsler H (2000). Alcohol use, abuse, and related problems among children of problem drinkers: findings from a national survey of college alcohol use. *The Journal of Nervous and Mental Disease*, 188(3), 148-154.
- Welte JW, Barnes GM, Tidwell MC & Hoffman JH (2009). Association between problem gambling and conduct disorder in a national survey of adolescents and young adults in the United States. *Journal of Adolescent Health*, 45(4), 396-401.
- Welte JW, Barnes GM, Wieczorek WF & Tidwell MC (2004). Gambling participation and pathology in the United States—A sociodemographic analysis using classification trees. *Addictive Behaviors*, 29(5), 983-989.
- Welte JW, Barnes GM, Wieczorek WF, Tidwell MC & Hoffman JH (2007). Type of gambling and availability as risk factors for problem gambling: A tobit regression analysis by age and gender. *International Gambling Studies*, 7(2), 183-198.
- Welte JW, Barnes GM, Wieczorek WF, Tidwell MC & Parker J (2002). Gambling participation in the US—Results from a national survey. *Journal of Gambling Studies*, 18(4), 313-337.
- Welte JW, Wieczorek WF, Barnes GM & Tidwell MC (2006). Multiple risk factors for frequent and problem gambling: Individual, social, and ecological. *Journal of Applied Social Psychology*, 36(6), 1548-1568.
- Welte JW, Wieczorek WF, Barnes GM, Tidwell MC & Hoffman JH (2004). The relationship of ecological and geographic factors to gambling behavior and pathology. *Journal of Gambling Studies*, 20(4), 405-423.
- Williams RJ, Belanger YD & Pruzak SY (2016). Gambling and Problem Gambling among Canadian Urban Aboriginals. *Canadian Journal of Psychiatry*, 61 (11), 724-731.
- Williams RJ, Hann RG, Schopflocher D, West B, McLaughlin P, White N, King K & Flexhaug T (2015). *Quinte Longitudinal Study of Gambling and Problem Gambling*. Report prepared for the Ontario Problem Gambling Research Centre. Guelph, Ontario. February 20, 2015. <http://hdl.handle.net/10133/3641>
- Williams RJ, Pekow PS, Volberg RA, Stanek EJ, Zorn M & Houpt KA. (2017). *Impacts of Gambling in Massachusetts: Results of a Baseline Online Panel Survey (BOPS)*. Amherst, MA: School of Public Health & Health Sciences, University of Massachusetts Amherst.

- Williams RJ, Stevens RMG & Nixon G (2011). Gambling and problem gambling in North American Aboriginal people. In Y.D. Belanger (ed.), *First Nations Gaming in Canada*. pp. 166-194. Winnipeg, Manitoba: University of Manitoba Press.
- Williams RJ & Volberg RA (2010). *Best Practices in the Population Assessment of Problem Gambling*. Report submitted to the Ontario Problem Gambling Research Centre. Guelph, Ontario. March 31, 2010.
- Williams RJ & Volberg RA (2014). Classification accuracy of four problem gambling assessment instruments. *International Gambling Studies*, 14 (1), 15-28.
- Williams RJ, Volberg RA & Stevens RMG (2012). *Population Prevalence of Problem Gambling: Methodological Influences, Standardized Rates, Jurisdictional Differences, and Worldwide Trends*. Report prepared for the Ontario Ministry of Health and Long-Term Care and the Ontario Problem Gambling Research Centre. May 8, 2012. <https://www.uleth.ca/dspace/handle/10133/3068>
- Williams RJ, Volberg RA, Stevens RMG, Williams LA & Arthur JN (2017). *The Definition, Dimensionalization, and Assessment of Gambling Participation*. Report prepared for the Canadian Consortium for Gambling Research. February 1, 2017
- Williams RJ, West BL & Simpson RI (2012). *Prevention of Problem Gambling: A Comprehensive Review of the Evidence, and Identified Best Practices*. Report prepared for the Ontario Problem Gambling Research Centre and the Ontario Ministry of Health and Long Term Care. October 1, 2012. <https://www.uleth.ca/dspace/handle/10133/3121>
- Winters KC, Stinchfield RD, Botzet A & Anderson N (2002). A prospective study of youth gambling behaviors. *Psychology of Addictive Behaviors*, 16(1), 3-9.
- Winters KC, Stinchfield RD, Botzet A & Slutske WS (2005). Pathways of youth gambling problem severity. *Psychology of Addictive Behaviors*, 19, 104-107.
- Winters KC, Stinchfield RD & Kim LG (1995). Monitoring adolescent gambling in Minnesota. *Journal of Gambling Studies*, 11, 165-183.
- Wohl MJA & Enzle ME (2002). The deployment of personal luck: Sympathetic magic and illusory control in games of pure chance. *Personality and Social Psychology Bulletin*, 28(10), 1388-1397.
- Wood RT & Griffiths MD (2007). A qualitative investigation of problem gambling as an escape-based coping strategy. *Psychology and Psychotherapy: Theory, Research and Practice*, 80(1), 107-125.
- Wood RT & Williams RJ (2007). Problem gambling on the Internet: Implications for Internet gambling policy in North America. *New Media & Society*, 9(3), 520-542.
- Wood RT & Williams RJ (2011). A comparative profile of the Internet gambler: Demographic characteristics, game-play patterns, and problem gambling status. *New Media & Society*, 13(7), 1123-1141.
- Wood RT, Williams RJ & Parke J (2012). The relationship between problem gambling and Internet gambling. In Williams RJ, Wood RT & Parke J (eds.), *Routledge International Handbook of Internet Gambling* (pp. 200-211). Routledge: London.

Yakovenko I, Hodgins DC, el-Guebaly N, Casey DM, Currie SR, Smith GJ & Schopflocher DP (2016). Cognitive distortions predict future gambling involvement. *International Gambling Studies*, 1-18.

Zimmerman M, Chelminski I & Young D (2006). Prevalence and diagnostic correlates of DSM-IV pathological gambling in psychiatric outpatients. *Journal of Gambling Studies*, 22, 255-262.





OVERALL GAMING AREA

GAME SENSE INFORMATION CENTER

# OVERALL CASINO PLAN

SCALE: 1"=50'-0"

(11X17)

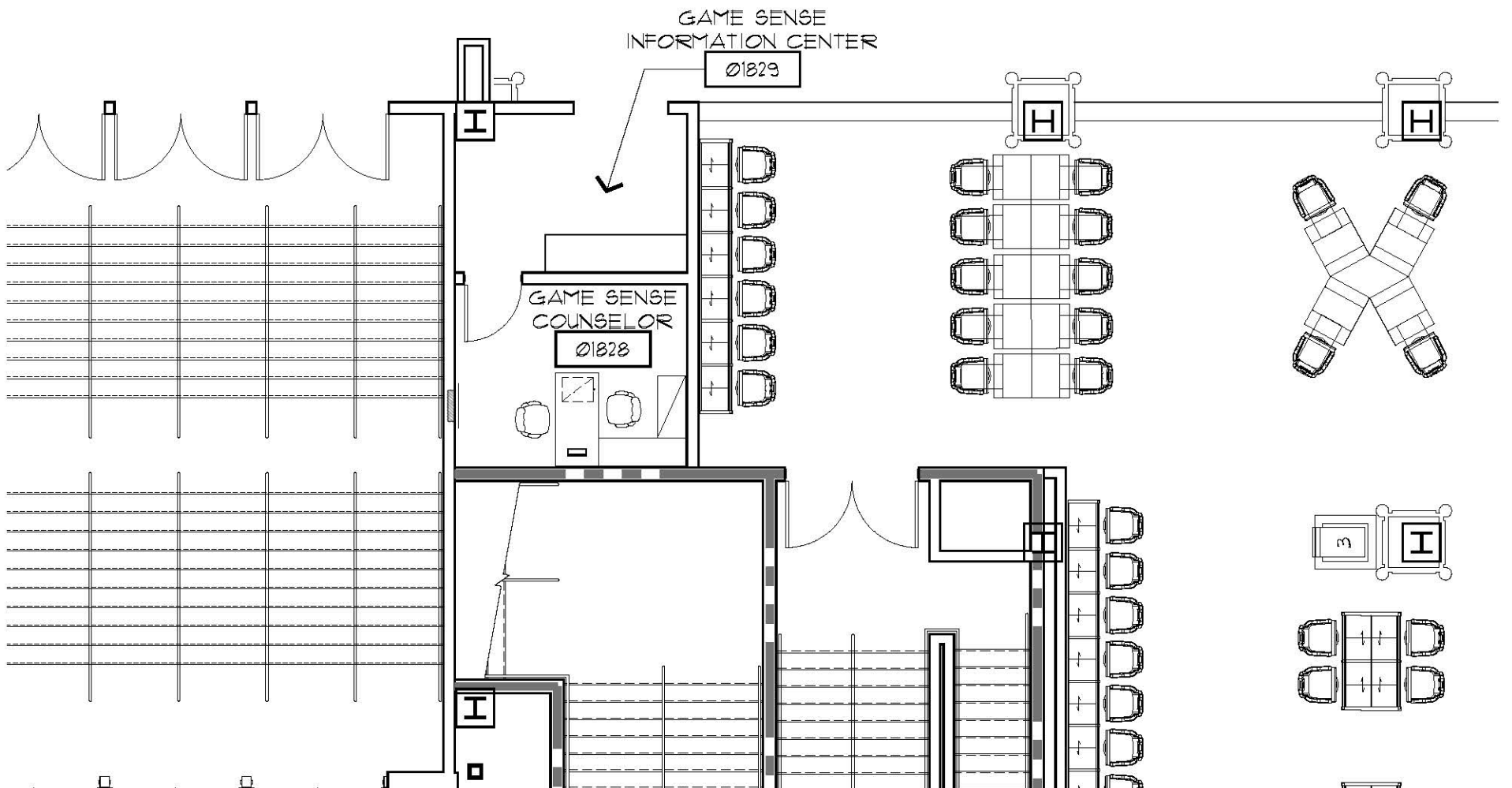
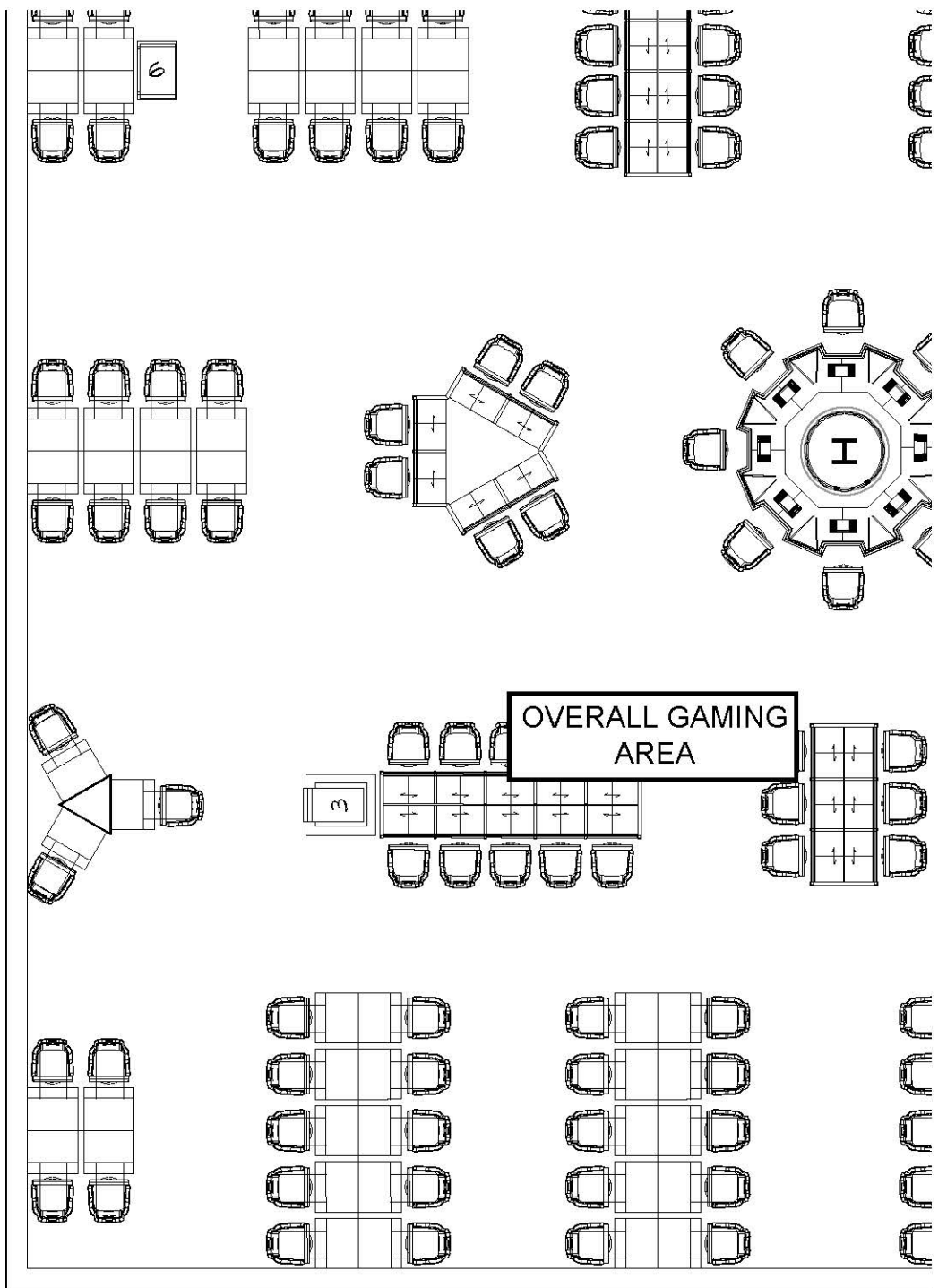
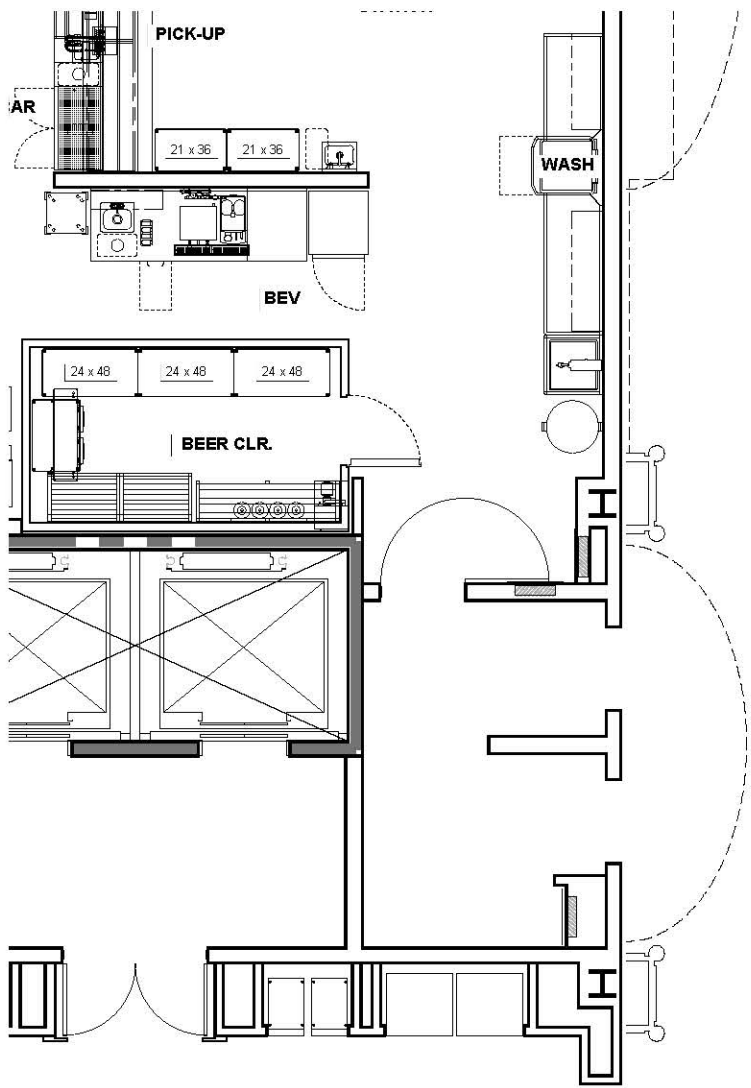
DRAWINGS AS DESIGN CRITERIA ARE THE PROPERTY OF WYNN DESIGN AND DEVELOPMENT, AND ANY USE OR REPRODUCTION IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT IS STRICTLY PROHIBITED. DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF THE WYNN DESIGN AND DEVELOPMENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED MAY BE UTILIZED ONLY FOR USE AND DESIGN DEVELOPMENT OF THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECTS. SIA-C 049-740

DRAWING NUMBER: <b>LR-1</b> <b>SK A-1</b>	PROJECT NUMBER: <b>500-00-000</b>	DRAWING TITLE: <b>GAME SENSE INFORMATION CENTER</b>
	REVIEWED BY: -	
	DATE: March 21, 2011	



EVERETT, MA






# ENLARGED GAME SENSE INFORMATION CENTER

SCALE: 1/8" = 1'-0"

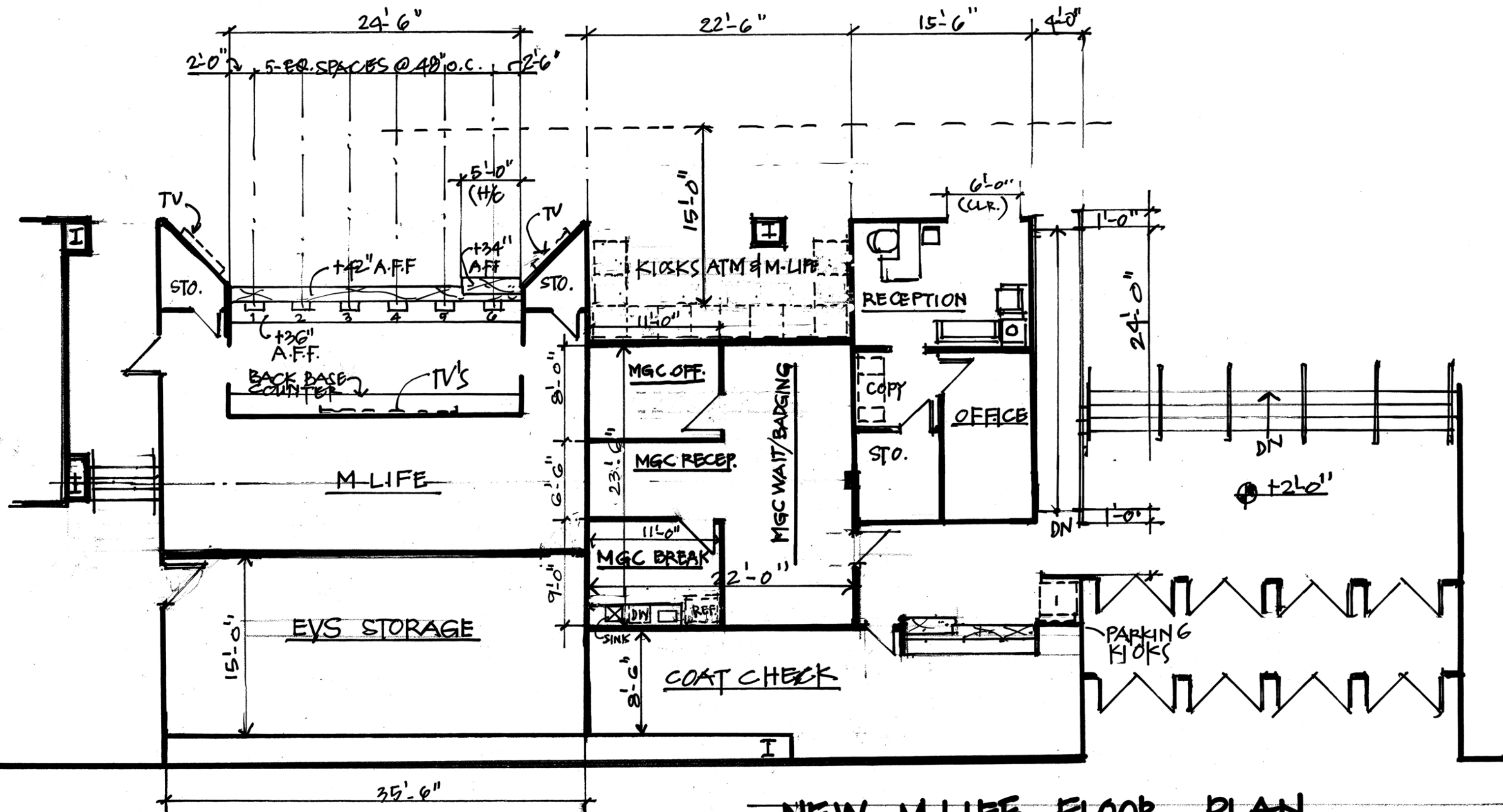
(11X17)

DRAWINGS AS DESIGN CRITERIA ARE THE PROPERTY OF WYNN DESIGN AND DEVELOPMENT, AND ANY USE OR REPRODUCTION IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT IS STRICTLY PROHIBITED. DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF THE WYNN DESIGN AND DEVELOPMENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED MAY BE UTILIZED ONLY FOR USE AND DESIGN DEVELOPMENT OF THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECTS. SAC 660-760.		
DRAWING NUMBER: <b>LR-1</b> <b>SK A-2</b>	PROJECT NUMBER: 500-00-000 REVIEWED BY: - DATE: March 21, 2011	DRAWING TITLE: <b>GAME SENSE INFORMATION CENTER</b>
 EVERETT, MA		









**NEW M LIFE FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

DATE: 03-20-2017



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

FROM: Teresa Fiore, Program Manager of Research and Responsible Gaming  
Mark Vander Linden, Director Research and Responsible Gaming

Cc: Marlene Warner, Executive Director,  
Amanda Winters, Assistant Director of Programs & Services, Massachusetts  
Council on Compulsive Gambling

DATE: March 30, 2017

RE: Review of March 2017 Problem Gambling Awareness Month

---

### **Background**

Tomorrow marks the final day of the National Problem Gambling Awareness Month (PGAM). While most GameSense outreach efforts to date have been patron-facing, attention this month was shifted to the education of Plainridge Park Casino (PPC) staff. Alongside our in-house staff outreach, we also used the month to launch the 2017 GameSense advertising campaign. Both efforts have been successful overall with specific metrics explained below.

### **In-House PGAM Activities at Plainridge Park Casino**

As a population at a higher risk for developing gambling problems and one which often interacts with casino patrons who may be struggling with their own gambling, PPC staff were the targeted audience for PGAM activities.

To kick off the month, an E-blast was created and sent out to all PPC staff. For those without an employee email, the E-blast was printed and posted and its content was shared verbally by managers during pre-shift meetings. Content included statistics from the SEIGMA study, how to respond to patrons struggling with their gambling, a reminder that GameSense is a resource which can be used by staff, and the PGAM activities for the upcoming month. Through excellent collaboration with PPC, this E-blast marked the first of what will be quarterly communication.

All PGAM activities were displayed on a table set up at back of house. This table served as the PGAM "hub" and displayed responsible and problem gambling brochures, responsible gaming educational activities, and a raffle box from which participants will be chosen to win prizes. Staff who participated in weekly interactive games such as Jeopardy, Price is Right, Family Feud and a scavenger hunt were also entered into a weekly raffle with a prize of a \$25 gift card. To make the table a more engaging experience, GameSense Advisors staffed it during busy days which increased visitor traffic and helped build the relationship between PPC staff and GameSense Advisors.



Massachusetts Gaming Commission

Displayed on the table was a poster sized Thank You letter addressed to all PPC staff and MGC Gaming Agents. Written largely by GameSense Advisor Bill Milhomme, this letter acknowledged the work done by PPC staff and Agents in furthering the GameSense Mission.

*“As GameSense Advisors, we interact with guests everyday who might need a friendly hello or an offer to take a break. However, we are only one set of eyes on the floor, and we rely on our colleagues at PPC to help identify guests who may wish to seek help or need more information about games. While GameSense is the face of the program, its heart comes from Casino Employees and Gaming Agents who make responsible gaming a part of everyday operations. We appreciate your support to date and thank you for your future support as well!”*

**Did you know...**

- Men are **three times** more likely than women to have a gambling problem.
- 2 percent** of Massachusetts residents have a gambling problem.
- 1 in 6** Massachusetts adults report knowing someone who gambles too much.

**What can staff do for a guest showing signs of problem gambling?**

1. Offer to **ESCORT THE GUEST** to speak with a GameSense Advisor
2. **POINT THE GUEST TO RESOURCES**, including the toll-free helpline, brochures, and literature
3. Offer to **PASS THEIR NAME AND PHONE NUMBER** to a GameSense Advisor
4. **REPORT THE ENCOUNTER** to your supervisor and to a GameSense Advisor
5. Remember, GameSense is not just for casino guests! Staff should **CONSIDER GAMESENSE A RESOURCE** for themselves, friends, and loved ones. Confidentiality is a priority and all visits are handled discreetly.

With content taken directly from the E-blast, 300 postcards (shown above) were left out on the PGAM table. Within the first two weeks, all copies had been taken. This is an impressive number given that there are a total of 473 casino employees. All other educational collateral and activities needed to be replenished as well. For the final week of PGAM, PPC generously allowed us to borrow their photo booth and place it next to the table. Available to all staff, the booth is a fun way to conclude the month and serve as a lasting impression of PGAM.

### Advertising Campaign

During the March 2<sup>nd</sup> Commission meeting, MGC Director of Communications Elaine Driscoll presented on the GameSense Brand Awareness Campaign which was launched earlier this month to coincide with PGAM. The purpose of this campaign is to increase brand awareness, generate website traffic, highlight responsible gambling resources, and provide responsible gaming tips. This cost efficient yet high output digital strategy consisted of online ads, pre-roll video, and paid social media ads which targeted to users likely to visit Plainridge Park Casino or who reside geographically nearby. As of March 24, 14 days into the campaign, we have measured robust positive response, particularly to the video.

- GameSenseMA.com has received 1,650 page views in two weeks. That marks a 550% increase from the prior 6-month weekly average of around 300.



Massachusetts Gaming Commission

- GameSenseMA.com received 1,162 sessions (users who are actively engaged), with about 80% percent of all traffic directly attributable to the paid ad campaign.
- The Facebook ads have been immensely successful, generating 1,435 clicks. More than 2% of users who have seen this ad have clicked on it. Successful Facebook ads typically have a click-through-rate (CTR) of 0.5% to 2%. We credit the high CTR to effective targeting of populations around Plainridge Park Casino who have expressed an interest in gaming.

$$\text{CTR} = \frac{\text{Clicks}}{\text{Impressions}} \times 100$$



- Videos that have been posted to Facebook have been viewed 5,215 times, with about 13.3% of those viewers watching the video to completion.
- The static image featuring an actor portraying a GameSense Advisor with the message “Don’t chase your losses” has been particularly effective on Facebook. The 133 users who have clicked on it have resulted in people spending an average of 1 minute 46 seconds on GameSenseMA.com. This speaks to successful messaging, and targeting to an audience particularly interested in responsible gaming initiatives.
- Additionally, organic (free) reach on Facebook resulted in 5,958 video views.
- Earned media efforts around the campaign resulted in mentions of GameSense on WCVB-TV, New England Public Radio, and WBUR 90.9.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 136.00: SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES AT  
GAMING ESTABLISHMENTS

136.08: Form of the Gaming Beverage License

(2) Licensed Area Addendum. As part of the Gaming Beverage License, the commission shall issue a licensed area addendum for each licensed area approved pursuant to 205 CMR 136.03(4). Each licensed area addendum shall contain the following:

\*\*\*

(j) ~~The identity and contact information for all managers or other principal representatives.~~

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 143.00: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

143.02: Progressive gaming devices

(e) 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.



**TABLE GAMES  
RULES OF THE GAME**

**Page 2: BOSTON 5 STUD POKER**  
**Page 11: DOUBLE CROSS POKER**  
**Page 20: DOUBLE ATTACK BLACKJACK**  
**Page 30: FOUR CARD POKER**  
**Page 38: TEXAS HOLD 'EM BONUS POKER**  
**Page 47: FLOP POKER**  
**Page 55: TWO CARD JOKER POKER**  
**Page 63: ASIA POKER**  
**Page 73: ULTIMATE TEXAS HOLD 'EM**  
**Page 83: WINNER'S POT POKER**  
**Page 93: SUPREME PAI GOW**  
**Page 108: MISSISSIPPI STUD**  
**Page 116: CASINO WAR**

## **23: BOSTON 5 STUD POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Boston 5 Stud Poker, shall have the following meanings unless the context clearly indicated otherwise:

*Ante wager--* means the wager placed at the same time as the first wager prior to any cards being dealt in order to participate in the round of play. The amount of the ante wager shall be exactly one-half of the amount of the first wager.

*Ante bonus wager hand--* means a player's five-card hand as defined in Section 11(d).

*First wager--* means the initial wager placed at the same time as the ante wager prior to any cards being dealt in order to participate in the round of play. The amount of the first wager shall be exactly twice the amount of the ante wager.

*Fold--* means the withdrawal of a player from a round of play by discarding his or her hand after the first three cards have been dealt and prior to placing the second wager.

*Hand--* means the five-card hand dealt to each player.

*Push--* means a tie, as defined in Section 10(f).

*Rank--* or "ranking" means the relative position of a card or group of cards as set forth in Section 5.

*Round of play--* or "round" means one complete cycle of play during which all players playing at the table have been dealt a hand, have folded or wagered upon it, and have had their wagers paid off or collected in accordance with the Rules of Boston 5 Stud Poker.

*Second wager--* means the wager placed after the player has reviewed his or her first three cards but prior to the final two cards being dealt in order to complete the round of play. The amount of the second wager shall be exactly the amount of the first wager and twice the amount of the ante wager.

*Stub--* means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit--* means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Optional bonus wager--* means the optional wager on the first three cards dealt to a player as defined in Section 6(c).

### **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of Boston 5 stud poker shall be played with one deck of cards with backs of the same color and design, one additional solid yellow or green cutting card and one additional solid yellow or green cover card to be used in accordance with the procedures set forth in Section 4. The deck of cards used shall meet the requirements of 205 CMR 146-48.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continually alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

### **3. Opening of the table for gaming**

(a) After receiving a deck of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

### **4. Shuffle of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards by use of an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall deal or deliver the cards in accordance with the procedures set forth in Sections 7-9.

(c) Whenever there is no gaming activity at a Boston 5 stud poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first

player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) shall be completed.

### **5. Boston 5 stud poker rankings**

(a) The rank of the cards used in Boston 5 stud poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three, and two. Notwithstanding the foregoing, an ace may be used to complete a “straight flush” or “straight” formed with a two, three, four and five.

(b) The permissible five-card poker hands at the game of Boston 5 stud poker, in order of highest to lowest rank, shall be:

1. “Royal flush” is a hand consisting of an ace, king, queen, jack and ten of the same suit;
2. “Straight flush” is a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and ten being the highest ranking five-card straight flush and ace, two, three, four and five being the lowest five-card straight flush;
3. “Four of a kind” is a hand consisting of four cards of the same rank, with four aces being the highest ranking four of a kind and four twos being the lowest ranking four of a kind;
4. “Full house” is a hand consisting of a “three of a kind” and a “pair” with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;
5. “Flush” is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and nine being the highest ranking five-card flush and two, three, four, five and seven being the lowest ranking five-card flush;
6. “Straight” is a hand consisting of five unsuited cards of consecutive rank, with an ace, king, queen, jack, and ten being the highest ranking five-card straight and an ace, two, three, four and five being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two and three);
7. “Three of a kind” is a hand consisting of three cards of the same rank, with three aces being the highest ranking three of a kind and three twos being the lowest ranking three of a kind;
8. “Two pairs” is a hand consisting of two “pairs,” with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
9. “One pair” is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands which are of identical poker rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand which contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a push.

(d) For purposes of the optional bonus wager as defined in Section 6(c), the permissible three-

card hands at the game of Boston 5 stud poker recognized for a payout in accordance with Section 11(d) shall be:

1. “Three-card straight flush” is a hand consisting of three cards of the same suit in consecutive ranking;
2. “Three-of-a-kind” is a hand consisting of three cards of the same rank;
3. “Three-card straight” is a hand consisting of three unsuited cards of consecutive rank; provided, however, that an ace may not be combined with a king and two;
4. “Three-card flush” is a hand consisting of three cards of the same suit, not in consecutive order; and
5. “One pair” is a hand consisting of two cards of the same rank.

## **6. Wagers**

(a) All wagers at Boston 5 stud poker shall be made by placing gaming chips or plaques, and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) All ante and first wagers shall be placed prior to the dealer announcing “No more bets” in accordance with the dealing procedures in Sections 7-9. Except as provided in Section 10, no wager shall be made, increased, or withdrawn after the dealer has announced “No more bets.”

(c) Upon placing an ante and first wager, a player may, at his or her discretion, make an optional bonus wager by placing a gaming chip in the minimum denomination of \$1.00 on the designated betting area of the layout.

(d) A second wager shall be made in accordance with Section 10.

(e) Only players who are seated at the Boston 5 stud poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of 205 CMR 146-51 and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automatic card shuffling device.

(b) Prior to dealing the cards and once all ante and first wagers and, if applicable, all optional bonus wagers have been placed, the dealer shall announce “No more bets.”

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Three consecutive cards face down to each player; and
2. Three consecutive cards face down to an area directly in front of the table inventory container designated for the dealer’s hand in a manner as to not disclose the value of the cards.

(e) After the final two cards have been dealt to each player who placed a second wager and the area designated for the hand of the dealer in a manner as to not disclose the value of the cards as



provided in Section 10(d), the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the area designed for the placement of the dealer's hand has more or less than five cards) but 52 cards remain in the deck, all hands are void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

(g) The five cards comprising the dealer's hand shall be spread in a row and then placed in the designated area directly in front of the table inventory container with the top card to the dealer's right and the bottom card to the dealer's left.

### **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play Boston 5 stud poker from his or her hand.

(b) Once the procedures required by Section 4 have been completed, the following requirements shall be observed if a casino chooses to have the cards dealt from the dealer's hand:

1. The dealer shall place the stacked deck of cards in either hand.
2. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
3. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
4. The dealer shall then announce "No more bets."
5. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Three consecutive cards face down to each player; and
2. Three consecutive cards face down to an area directly in front of the table inventory container designated for the dealer's hand in a manner as to not disclose the value of the cards.

(d) After the final two cards have been dealt to each player who placed a second wager and the area designated for the hand of the dealer in a manner as to not disclose the value of the cards as provided in Section 10(d), the dealer shall place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count

the stub in accordance with the provisions of Section 7.

(f) The five cards comprising the dealer's hand shall be spread in a row and then placed in the designated area directly in front of the table inventory container with the top card to the dealer's right and the bottom card to the dealer's left.

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, choose to have the cards used to play Boston 5 poker dealt from an automated dealing shoe which dispenses cards in stacks of three cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce "No more bets."

(c) The dealer shall deliver the first stack of three cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with Section 6. The dealer shall then deliver a stack of three cards face down to the area designated for the dealer's hand in a manner as to not disclose the value of the cards.

(d) After each stack of three cards has been dispensed and delivered in accordance with this subsection and all second wagers have been placed, the dealer shall remove the remaining cards from the automated dealing shoe and then shall place these cards in either hand and shall deal the final two cards in accordance with Section 10(d) and the provisions of Section 8(b). After all final cards have been dealt, the dealer shall place the stub in the discard rack without exposing the cards and the round of play shall proceed in accordance with Section 10.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7.

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of 205 CMR 146-49.

(g) The stack of five cards comprising the dealer's hand shall be spread in a row and then placed in the designated area directly in front of the table inventory container with the top card to the dealer's right and the bottom card to the dealer's left.

### **10. Boston 5 stud poker second wagers; procedure for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed but before the final two cards are dealt as provided in (d) below, any player who has placed an optional bonus wager may elect to expose those cards in order to qualify for the optional bonus payout as defined in Section 11. The dealer shall collect all losing optional bonus wagers from players

with three-card hands who elect not to expose three-card hands or from players who elect to expose three-card hands that do not qualify for the optional bonus wager payout. The dealer shall then pay all winning optional bonus wagers as set forth in Section 11(d).

(b) After the resolution of all optional bonus wagers, each player shall either place a second wager equal in amount to the first wager in the designated betting area or fold and forfeit the ante and first wager. If a player folds, the entire ante and first wager shall be collected by the dealer and placed in the table inventory container. A folded hand of a player shall then be collected by the dealer and placed in the discard rack without exposing the cards.

(c) Each player who makes a second wager shall be responsible for his or her own hand and no other person other than the dealer may touch the cards of that player. A player may withdraw his or her second wager at any time prior to the deal of the final two cards pursuant to (d) below.

Each player shall be required to keep all cards in full view of the dealer at all times.

(d) The dealer shall, starting with the player farthest to his or her left who has placed and not withdrawn a second wager and continuing around the table in a clockwise manner, deal the cards as follows:

1. Two consecutive cards face down (the fourth and fifth cards) to each player who has placed a second wager; and
2. Two consecutive cards face down (the fourth and fifth cards) to the area designated for the dealer's hand.

(e) The dealer shall then turn over and reveal all five cards of his or her hand simultaneously and shall set the highest ranking poker hand.

(f) The dealer shall, starting with the player farthest to his or her right and continuing counterclockwise around the table, turn over each player's cards. The wagers of each player shall be resolved in order, regardless of outcome.

1. Losing wagers shall immediately be collected by the dealer and placed in the table inventory container. Losing hands shall then be immediately collected by the dealer and placed in the discard rack. Ante, first and second wagers shall lose if the hand of the dealer has a hand rank higher than that of the player.
2. If the hand rank of the player ties with that of the dealer, the hand of the player shall be a push. The dealer shall not collect or pay the wagers, but shall immediately collect the cards of that player.
3. Winning wagers shall be paid in accordance with Section 11. First and second wagers made by a player shall win if the hand of the player has a hand rank higher than that of the dealer. After paying a player's winning first and second wagers, the dealer shall determine whether the player has a hand that qualifies for an ante bonus payout as set forth in Section 11(d). Winning ante bonus payout hands shall be paid in accordance with Section 11(c). If a player does not have an ante bonus payout hand, the player's ante shall be returned to the player. A player is entitled to an ante bonus payout regardless of whether the hand of the player is higher in rank than that of the dealer. After all winning wagers of the player are paid, the dealer shall immediately collect the cards of that player and place them in the discard rack.

(g) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**11. Payout odds**

(a) The payout odds for winning wagers at Boston 5 stud poker printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word “to” or “win,” and no odds shall be stated through the use of the word “for.”

(b) A gaming licensee shall pay out winning first and second wagers at payout odds of 1 to 1.

(c) A gaming licensee shall payoff each winning ante bonus wager at the game of Boston 5 stud poker at no less than the odds listed below:

<u>Hand</u>	<u>Payout Odds</u>
Royal flush	1000 to 1
Straight flush	200 to 1
Four-of-a-kind	100 to 1
Full house	25 to 1
Flush	15 to 1
Straight	8 to 1
Three-of-a-kind	4 to 1
Two pair	2 to 1

(d) A gaming licensee shall pay off each winning optional bonus wager at the game of Boston 5 stud poker at no less than the odds listed below:

<u>Hand</u>	<u>Payout Odds</u>
Three-card straight flush	40 to 1
Three-of-a-kind	25 to 1
Three-card straight	6 to 1
Three-card flush	3 to 1
One pair	1 to 1

(e) Notwithstanding the minimum payout odds in (b) through (d) above, a gaming licensee may establish a maximum amount as approved by the Commission that is payable to a player on a single hand, which amount shall be at least \$50,000 or the maximum amount that could be won when betting the minimum permissible wager, whichever is greater. The payout limit shall either be included on the layout or posted at the table pursuant to 205 CMR 146-32(2) and (3). If the payout limit is not included on the layout, each gaming licensee shall provide notice of any increase in the payout limit in accordance with 205 CMR 147.03. Any maximum payout limit established by a gaming licensee shall apply only to payouts for winning first and second wagers and the ante bonus wager and shall not apply to payouts for winning optional bonus wagers.

**12. Irregularities**

(a) If any of the dealer’s first three cards is exposed prior to each player having either folded or placed a second bet wager pursuant to Section 10, all hands shall be void, except for those three-card hands that qualify for an ante bonus or an optional bonus wager payout.

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt four cards of the five card hand, the dealer shall deal an additional card to complete the hand. Any other misdeal to the dealer shall result in all hands being void and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards after the first three cards are dealt to a player, the round of play shall be void, except for those three-card hands that qualify for an ante bonus or an optional bonus wager payout.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.



## **24: DOUBLE CROSS POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Double Cross Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Ante--* or “ante wager” means the initial wager required to be made prior to any cards being dealt in order to participate in the round of play.

*Community card--* means any of the five cards that are initially dealt face down in a cross formation in the designated area to the right of the table inventory container, with the three community cards contained in either axis of the cross being used by each player and the dealer to form a five-card poker hand.

*Fold--* means the withdrawal of a player from a round of play by discarding his or her hand after the first two cards have been dealt to the player and prior to placing raise wagers.

*Hand--* means the five-card poker hand formed by combining the two cards dealt to a player or the dealer and the three cards contained in either axis of the community card cross.

*Raise--* or “raise wagers” means the two wagers, each equal in amount to the ante wager, required to be placed by a player prior to the dealer turning over the last three community cards that may be used to form a five-card poker hand.

*Rank--* or ranking means the relative value of a card or group of cards as set forth in Section 5

*Round of play--* means one complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been paid off or collected in accordance with the Rules of the Game of Double Cross Poker.

*Stub--* means the remaining portion of the deck after all cards in the round of play have been dealt or delivered.

*Suit--* means one of the four categories of cards: club, diamond, heart or spade.

*Three-card wager--* shall mean the optional, supplemental wager on the three-card hand comprised of a player’s two cards and the community card farthest from the dealer in the vertical array of the community card cross.

### **2. Cards; number of decks**

(a) Except as provided in (b) below, double cross poker shall be played with one deck of cards with backs of the same color and design and one additional cover card. The cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission. The deck of cards shall meet the requirements of **205 CMR 146-48.**

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a

second deck of cards to play the game provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

### **3. Opening of the table for gaming**

(a) After receiving a deck of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer, and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

### **4. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer, or device, shall place the deck of cards in a single stack; provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;

- iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on top of the cover card pursuant to (c)1ii above; and
- iv. Removing the cover card and placing it in the discard rack; and

2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut, and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly, or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a double cross poker table, which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) shall be completed.

### **5. Double cross poker rankings**

(a) The rank of the cards used in double cross poker for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be combined with a 2, 3, 4 and 5 to complete a “straight” or a “straight flush.” All suits shall be considered equal in rank.

(b) The permissible hands at the game of double cross poker, in order of highest to lowest rank, shall be:

1. “Royal flush” is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
2. “Straight flush” is a hand consisting of five cards of the same suit in consecutive ranking;
3. “Four-of-a-kind” is a hand consisting of four cards of the same rank;
4. “Full house” is a hand consisting of “three-of-a-kind” and a “pair”;
5. “Flush” is a hand consisting of five cards of the same suit;
6. “Straight” is a hand consisting of five cards of consecutive rank, not all of the same suit;
7. “Three-of-a-kind” is a hand consisting of three cards of the same rank;
8. “Two pairs” is a hand consisting of two “pairs”;
9. “Pair” is a hand containing two cards of the same rank; and
10. “High Card” is a hand that does not contain any of the permissible five-card hands listed in (b)1 through 9 above and the value of which is determined by the highest ranking individual card in the hand.

(c) For purposes of the optional three-card wager, the permissible three-card hands in the game of double cross poker recognized for a payout in accordance with Section 11(c) shall be:

1. “Three-card straight flush” is a hand consisting of three cards of the same suit in consecutive ranking;
2. “Three-of-a-kind” is a hand consisting of three cards of the same rank regardless of suit;
3. “Three-card straight” is a hand consisting of three unsuited cards of consecutive rank; provided, however, that an ace may not be combined with a king and two;

4. "Three-card flush" is a hand consisting of three cards of the same suit, not in consecutive order; and
5. "One pair" is a hand is a hand consisting of two cards of the same rank.

## **6. Wagers**

(a) All wagers at double cross shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) Only players who are seated at a double cross poker table may wager at the game. Once a player has placed his or her ante wager and received cards, that player must remain seated until the completion of the round of play.

(c) All ante wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedures in Sections 7-9. Except as provided in Section 10, no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."

(d) Upon placing an ante wager, a player may, at his or her discretion, make an optional three-card wager on the designated area of the layout in an amount ranging from \$1.00 to \$100.00.

(e) Raise wagers shall be made in accordance with Section 10.

## **7. Procedures for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards and once all ante wagers have been placed, the dealer shall announce "No more bets."

(c) In dealing the cards, each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Two consecutive cards face down to each player in a manner as to not disclose the value of the cards;
2. Two consecutive cards face down to the area designated for the placement of the dealer's cards in a manner as to not disclose the value of the cards; and
3. Five consecutive cards face down in a cross formation to the area designated for the placement of the community cards in a manner as to not disclose the value of the cards, with the first three community cards being dealt from the dealer's left to right in a horizontal array and the remaining two community cards being dealt to the top and bottom of the center card in the horizontal array to complete a vertical array of three cards.

(d) After two cards have been dealt to each player and the dealer, and five cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct numbers of cards are still present in the deck. The dealer shall

determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the area designated for the placement of the dealer's cards has more or less than two cards, or the area designated for the community cards has more or less than five cards), but 52 cards remain in the deck, all hands shall be void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to 205 CMR 146-49.

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of 205 CMR 146-49.

### **8. Procedures for dealing the cards from the hand**

(a) Notwithstanding any other provisions of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play double cross poker from his or her hand.

(b) If a gaming licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall then announce "No more bets" prior to dealing any cards.

(c) The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Two consecutive cards face down to each player in a manner as to not disclose the value of the cards;
2. Two consecutive cards face down to the area designated for the placement of the dealer's cards in a manner as to not disclose the value of the cards; and
3. Five consecutive cards face down in a cross formation to the area designated for the placement of community cards in a manner as to not disclose the value of the cards, with the first three community cards being dealt from the dealer's left to right in a horizontal array and the remaining two community cards being dealt to the top and bottom of the center card in the horizontal array to complete a vertical



array of three cards.

(d) After two cards have been dealt to each player and the dealer, and five cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct numbers of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e).

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, choose to have the cards used to play double cross poker dealt from an automated dealing shoe, which dispenses cards in stacks of two cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. Prior to the shoe dispensing any stacks of cards, the dealer shall then announce "No more bets."

(c) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed an ante wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an ante wager in accordance with Section 6. The dealer shall then deliver a stack of two cards face down to the area designated for the dealer's hand in a manner as to not disclose the value of the cards. These two cards shall remain in a stack with one on top of the other face down until each player has elected to fold or made a raise wager. The dealer shall then remove the remaining cards from the automated dealing shoe and deal from his or her hand five consecutive community cards face down in a cross formation to the area designated for the placement of community cards in a manner as to not disclose the value of the cards, with the first three community cards being dealt from the dealer's left to right in a horizontal array and the remaining two community cards being dealt to the top and bottom of the center card to complete a vertical array of three cards. After all cards have been dispensed, delivered and dealt in accordance with this section, the dealer shall place the stub in the discard rack without exposing the cards.

(d) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct numbers of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e).

### **10. Procedures for completion of each round of play**

(a) After the dealing procedures required by Sections 7-9 have been completed, the dealer shall turn over the community card in the vertical array farthest from the dealer and the community card in the horizontal array to the right of the dealer. Any player who has placed a three-card wager may elect to expose his or her two cards in order to qualify for the payout for the three-card wager. The dealer shall determine whether the player's two cards and the community card in the vertical array farthest from the dealer constitute a winning three-card wager hand. The

dealer shall collect all losing three-card wagers from players who elect not to expose their two cards or from players who expose their two cards that do not qualify for the three-card wager payout. The dealer shall then pay all winning three-card wagers as set forth in Section 11(c). The dealer shall turn face down the two cards of players who exposed them.

(b) After the resolution of all three-card wagers, each player shall make a decision regarding the fold option or the designation of an array of community cards to use pursuant to (c) below. Each player shall be responsible for his or her own hand, and shall be required to keep his or her two cards in full view of the dealer at all times. Each player's cards shall then be placed face down on the appropriate area of the layout and the player shall not touch the cards again.

(c) The dealer shall, beginning with the player to the dealer's left and moving clockwise around the table, ask each player if he or she wishes to fold or to play the hand.

1. If a player folds, the player shall lose his or her ante. After the dealer collects the player's ante and places it in the table inventory container, the dealer shall then immediately collect the player's cards and place them face down in the discard rack.
2. If a player elects to play the hand, the player shall use the two cards dealt to the player and three community cards in either a designated vertical or horizontal alignment of the cross formation to form a five card poker hand. The player shall verbally inform the dealer that he or she intends to use the three community cards in the vertical or horizontal alignment. The player shall place two additional wagers, both in equal amounts to the ante, in the same alignment (vertical or horizontal) of the community cards the player intends to use to form his or her five card poker hand.

(d) After the player farthest to the dealer's right has made his or her decision, the dealer shall then turn over the remaining three community cards.

(e) After the dealer turns over the remaining three community cards, the dealer shall then turn over the dealer's two cards. The dealer shall determine the alignment of community cards, vertical or horizontal, that will yield the higher ranking poker hand. The dealer shall then place the dealer's two cards in the same alignment of the three community cards used to form the higher five-card poker hand.

(f) After the dealer determines the alignment of community cards for the dealer's hand in accordance with (e) above, the dealer shall start with the player farthest to his or her right, and continuing counterclockwise around the table, turn the two cards of each remaining player face up.

(g) Each remaining player who has not folded shall play his or her pre-designated five-card poker hand against the dealer's higher ranking five-card hand in accordance with the double cross poker hand rankings set forth at Section 5.

1. The dealer shall compare the ranking of the player's five-card hand designated by the alignment of the player's wagers to the ranking of the dealer's five-card hand.
2. If the ranking of a player's five-card hand is lower than the dealer's hand, the player shall lose all three wagers. All three wagers shall be collected and placed into the table inventory container, and the player's cards shall be immediately collected by the dealer and placed face down in the discard rack.
3. If the ranking of a player's five-card hand is higher than the dealer's five-card hand, the player shall be paid 1 to 1 on the ante and an amount on the two raise

wagers in accordance with the payout table set forth at Section 11. In the event that a player's five-card hand and the dealer's five-card hand are of equal ranking ("tie hand"), the player's hand shall be considered a push, and the wager is neither paid nor collected. All winning five-card hands shall remain face up on the layout until all winning wagers have been paid by the dealer.

(h) After paying all winning wagers, the dealer shall immediately collect the cards of all players and place them in the discard rack, together with the remaining cards in the deck used for the round of play. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**11. Payout odds; payout limitation**

(a) The payout odds for winning wagers at double cross poker, printed on any layout, sign, brochure or other publication distributed by a gaming licensee shall be stated through the use of the word "to" or "win" and no odds shall be stated through the use of the word "for."

(b) Subject to the payout limitation in (c) below, a gaming licensee shall pay off each winning raise wager at the game of double cross poker at no less than the following odds:

<u>Hand</u>	<u>Payout Odds</u>
Royal Flush	300 to 1
Straight Flush	50 to 1
Four-of-a-Kind	15 to 1
Full House	7 to 1
Flush	6 to 1
Straight	5 to 1
Three-of-a-Kind	3 to 1
Two Pair	3 to 2
One Pair	1 to 1
High Card	1 to 1

(c) A gaming licensee shall pay off each winning three-card wager at the game of double cross poker at no less than the following odds:

<u>Hand</u>	<u>Payout Odds</u>
Three-card Straight Flush	40 to 1
Three-of-a-Kind	30 to 1
Three-card Straight	6 to 1
Three-card Flush	4 to 1
One pair	1 to 1

(d) Notwithstanding the minimum payout odds required in (b) above, a gaming licensee may establish a maximum amount as approved by the Commission that is payable to a player on a single hand, which amount shall be at least \$60,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. The payout limit shall either be included on the layout or posted at the table pursuant to 205 CMR 146-33(2) and (3). If the established payout limit is not included on the layout, each gaming

licensee shall provide notice of any decrease in the payout limit in accordance with 205 CMR 147.03.

## **12. Irregularities**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(f) Any automated card shuffling device, or automated dealing shoe, shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## **25: DOUBLE ATTACK BLACKJACK**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Double Attack Blackjack, shall have the following meanings unless the context clearly indicates otherwise:

*Blackjack*-- shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except that this shall not include an ace and a 10 point value card dealt to a player who has split pairs.

*Double attack wager*-- shall mean an optional wager, in an amount not to exceed the amount of the initial wager, afforded to each player after the dealer is dealt a card face upwards.

*Hard total*-- shall mean the total point count of a hand which contains no aces or which contains aces that are each counted as one in value.

*Initial wager*-- shall mean the wager required to be made prior to any cards being dealt in order to participate in the round of play.

*Soft total*-- shall mean the total point count of a hand which contains an ace that is counted as 11 in value.

*Suit*-- shall mean one of the four categories of cards: club, diamond, heart, spade.

### **2. Cards; number of decks; rank of cards**

(a) Double attack blackjack shall be played with six or eight decks of cards, with backs of the same color and design and one additional cutting card. The decks shall meet the requirements of 205 CMR 146-48(a) and shall consist of 48 cards, with the 10 of each suit having been removed from each deck during the inspection required by 205 CMR 146-49 and Section 3. The cutting card shall be opaque and a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.

(b) The point value of the cards contained in each deck shall be as follows:

1. Any card from 2 to 9 shall have its face value;
2. Any jack, queen or king shall have a value of 10;
3. An ace shall have a value of 11, unless that value would give a player or the dealer a point total in excess of 21, in which case an ace shall have a value of one.

### **3. Opening of the table for gaming**

(a) After receiving the decks of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (c) below or the requirements of 205 CMR 146-50.

(b) If the decks contain the 10 of any suit, the dealer shall remove these cards from the decks, and the floorperson shall verify that all such cards have been removed from each deck, and shall destroy them in a manner approved by the Commission. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be



spread out face up on the table for visual inspection by the first player to arrive at the table. Each deck of cards shall be spread out separately, according to suit and in sequence.

(c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards, and stacked. If during the mixing or the stacking process a card is turned over and exposed to the players, the cards shall be remixed. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

#### **4. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each shoe of cards has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, place the stack of cards in the dealing shoe and deal the cards in accordance with the procedures set forth in Section 7; provided, however, that nothing herein shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined pursuant to (d) below. If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

1. The first player to the table, if the game is just beginning; or
2. The player on whose box the cutting card appeared during the last round of play; or
3. The player at the farthest position to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play; or
4. The player at the farthest position to the right of the dealer if the reshuffle was initiated at the discretion of the gaming licensee.

(e) The player or dealer making the cut shall place the cutting card in the stack at least a deck from either end. Once the cutting card has been inserted, the dealer shall take the cutting card and all the cards on top of the cutting card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards that was just shuffled and align them along the side of the dealing shoe. Thereafter, the dealer shall insert the cutting card in the stack at a position at least approximately one-quarter of the way in from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards

shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by (c) and (d) above.

(g) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in Section 7(j), provided, however, that the gaming licensee may determine after each round of play that the cards should be reshuffled.

(h) A gaming licensee may submit to the Commission for approval the proposed shuffle, cut card placement, number of cut cards (to include shuffle techniques without the use of any cut cards), location of where the shuffle takes place, who is responsible for shuffling, shuffling equipment (dealing shoes or other dealing devices) and burn card procedures.

(i) Whenever there is no gaming activity at a double attack blackjack table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) shall be completed.

## **5. Wagers; payout odds**

(a) An initial wager and a double attack wager shall win if:

1. The point total of the player is 21 or less and that of the dealer is in excess of 21;
2. The point total of the player exceeds that of the dealer without either exceeding 21; or
3. The player has a blackjack and the dealer has a point total of 21 in three or more cards.

(b) Except as otherwise provided in (a)3 above, a wager made in accordance with this section shall be void if the point value of the player's hand equals the point value of the dealer's hand or if both player and dealer have blackjack. However, an initial wager shall lose and a double attack wager shall be void if the dealer has a blackjack and the player does not have blackjack.

(c) All wagers at double attack blackjack shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash may be accepted, provided it is confirmed by the dealer and casino supervisor, and that such cash is expeditiously converted into gaming chips or plaques in accordance with **205 CMR 146-09**.

(d) Except as otherwise provided in the Rules of the Game of Double Attack Blackjack, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.

(e) After each round of play is complete, the dealer shall collect all losing initial and double attack wagers and pay off all winning initial and double attack wagers at odds of 1 to 1.

(f) Except as expressly permitted by the Rules of the Game of Double Attack Blackjack, once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(g) Once an insurance wager, a wager to double down or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by the Rules of the Game of Double Attack Blackjack.

(h) After the cards have been shuffled pursuant to Section 4, a gaming licensee may, in its

discretion, prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table unless the gaming licensee chooses to permit the player to begin wagering or until a reshuffle of the cards has occurred.

#### **6. Optional bonus wager**

(a) A player at a double attack blackjack table may make an optional bonus wager that the dealer will exceed a point total of 21 with exactly three cards.

(b) Prior to the first card being dealt for each round of play, a player who has placed the initial wager may make an additional bonus wager, which shall be in an amount not less than \$1.00 and shall not exceed the lesser of:

1. The amount of the player's initial wager; or
2. A maximum amount established by the gaming licensee, which limit shall be posted in accordance with 205 CMR 147.03.

(c) An optional bonus wager shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate area of the double attack blackjack layout, except that a verbal wager accompanied by cash may be accepted provided that it is confirmed by the dealer and casino supervisor at the table prior to the first card being dealt to any player, and that such cash is expeditiously converted into gaming chips or plaques in accordance with 205 CMR 146-09.

(d) If the dealer's first two cards yield a point count of 17 or higher or immediately after the dealer has drawn a third card to a point count of less than 17, and before any other wagers are paid or collected, the dealer shall settle all optional bonus wagers as follows:

1. If the dealer's point total does not exceed 21 with exactly three cards all optional bonus wagers lose and shall be immediately collected by the dealer.
2. If the dealer's point total exceeds 21 with exactly three cards the dealer shall immediately pay all optional bonus wagers starting with the player immediately to the dealer's right and proceeding counterclockwise around the table. Except as provided in (d)3 below, the dealer shall pay each player who has placed an optional bonus wager based on the value of the third card drawn by the dealer in accordance with the following pay table:

#### **Dealer's Third Card Value Payout Odds**

Ten	3 to 1
Nine	6 to 1
Eight	8 to 1
Seven	10 to 1
Six	15 to 1

3. If the value of the dealer's third card is an eight of the same color or suit of the dealer's first two cards which are also each an eight, a gaming licensee shall pay each player who has placed an optional bonus wager as follows:
  - Three eights of the same color 50 to 1
  - Three eights of the same suit 200 to 1

(e) The optional bonus wager shall have no bearing on any other wager made by a player at the

game of double attack blackjack.

### **7. Procedure for dealing the cards**

(a) All cards used at double attack blackjack shall be dealt from a dealing shoe specifically designed for such purpose and located on the table to the left of the dealer.

(b) The dealer shall remove cards from the shoe with his or her left hand, turn them face upwards, and then place them on the appropriate area of the layout with his or her right hand, except that the dealer has the option to deal hit cards to the first two betting positions with his or her left hand.

(c) After the full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack, which shall be located on the table immediately to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described in this subsection before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by a player.

(d) At the commencement of each round of play and after all players are given the opportunity to make an initial wager in the area marked "BET", the dealer shall deal a card to himself or herself face up and offer all players the opportunity to place an additional wager in the area marked "Double Attack" in an amount equal to the player's initial wager. The remaining cards are to be dealt in the following order.

1. One card face upwards to each box on the layout in which a wager is contained.
2. A second card face upwards to each box in which a wager is contained.

(e) After two cards have been dealt to each player, the dealer shall, beginning from his or her left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether he or she wishes to surrender, double down, split pairs, stand or draw, as provided for by the Rules of the Game of Double Attack Blackjack.

(f) As each player indicates his or her decisions, the dealer shall deal face upwards whatever additional cards are necessary to effectuate such decisions consistent with the Rules of the Game of Double Attack Blackjack and shall announce the new point total of such player after each additional card is dealt.

(g) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to himself or herself; provided, however, that such card shall not be removed from the dealing shoe until the dealer has first announced "Dealer's Card," which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table. Any additional cards authorized to be dealt to the hand of the dealer by Section 12 shall be dealt face upwards at this time, after which the dealer shall announce his or her total point count. In lieu of the requirements of this subsection, one of the procedures set forth in (i) below may be implemented.

(h) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his or her far right and moving counterclockwise around the table. After all the players' cards have been collected, the dealer shall pick up his or her cards against the bottom of the players' cards and place them in the discard rack.

(i) In lieu of the procedure set forth in (g) above, a gaming licensee may permit the dealer to deal his or her hole card face downward after a second card and before additional cards are dealt

to the players; provided, however, that the dealer shall not look at the face of the hole card until after all other cards requested by the players pursuant to those regulations are dealt to them. Notwithstanding the foregoing, if a gaming licensee elects to utilize a card reader device and the dealer's first card is an ace, king, queen or jack of any suit, the dealer shall determine whether the hole card will give the dealer a blackjack prior to dealing any additional cards to the players at the table, in accordance with procedures approved by the Commission. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table. If the dealer has a blackjack, no additional cards shall be dealt and each player's wager(s) shall be settled in accordance with Sections 5-6, as applicable. Any gaming licensee using this alternate dealing procedure shall provide notice thereof in accordance with the requirements set forth in 205 CMR 147.03.

(j) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed, after which the dealer shall:

1. Collect the cards as provided in (h) above;
2. Remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing; and
3. Shuffle the cards.

(k) No player or spectator shall handle, remove or alter any cards used to game at double attack blackjack except as explicitly permitted by the Rules of the Game of Double Attack Blackjack, and no dealer or other casino employee shall permit a player or spectator to engage in such activity.

(l) Each player at the table shall be responsible for correctly computing the point count of his or her hand, and no player shall rely on the point counts required to be announced by the dealer under this section without checking the accuracy of such announcement himself or herself.

## **8. Surrender**

(a) After the first two cards are dealt to a player and the player's point total is announced, the player may elect to discontinue play on his or her hand for that round by surrendering one-half the amount of his or her wager(s). A player may also elect to surrender after additional cards are drawn, after a hand is split and after doubling down. A player may not elect to surrender after he or she decides to stand.

1. If the first card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall immediately collect one-half the amount of the player's wager(s) and return one-half to the player.
2. If the first card dealt to the dealer is an ace, king, queen or jack, the dealer shall place the player's wager(s) on top of the player's cards. When the dealer's second card is revealed, the hand shall be settled by immediately collecting the entire wager if the dealer has blackjack, or by collecting one-half the amount of the player's wager(s) and returning one-half to the player if the dealer does not have blackjack.
3. If a card reader device is employed on the game, the gaming licensee shall have the option to, when a player elects to surrender, collect one-half the amount of the player's wager(s) and return one-half to the player immediately regardless of the dealer's up card, provided that the dealer has already determined that he or she does not have a blackjack.

(b) If the player has made an insurance wager and then elects to surrender, each wager shall be



settled separately, and one wager shall have no bearing on the other.

### **9. Doubling down**

(a) Except for when a player is dealt a blackjack, a player may elect to double down, that is, make an additional wager not in excess of the amount of his or her wager(s), on the two or more cards dealt to that player, including any hands resulting from a split pair, on the condition that only one additional card shall be dealt to each hand on which the player has elected to double down. In such circumstances, the one additional card shall be dealt face upwards and placed sideways on the layout.

(b) Winning wager(s) on a doubled hand shall be paid in accordance with Section 5(e).

(c) If a dealer has a blackjack after a player doubles down, the dealer shall collect only the amount of the original wager(s) of such player, and shall not collect the additional amount(s) wagered in doubling down.

### **10. Splitting pairs**

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands, provided that the player makes a wager on the second hand so formed in an amount equal to his or her initial wager. If a player has also placed a double attack wager, the player shall make a wager on the second hand so formed in an amount equal to his or her initial wager and double attack wager.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand.

(c) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate his or her decision to stand, draw or double down with respect thereto. A player may also split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair; provided, however, that a player may split pairs a maximum of two times (total of three hands) at a table with seven player positions or a maximum of three times (total of four hands) at a table with six player positions.

(d) If the dealer obtains blackjack after a player splits pairs, the dealer shall collect only the amount of the original wager(s) of such player, and shall not collect the additional amount(s) wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card. Aces may be split only once and cannot be resplit.

### **11. Insurance**

(a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance wager, which shall win if the dealer's second card is a king, queen or jack and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8 or 9.

(b) An insurance wager shall be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may wager an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be wagered. All insurance wagers shall be placed immediately after the second card is dealt to each player and prior to any additional cards being dealt to any player at the table. If a card reader device is in use, all insurance wagers shall be placed prior to the dealer inserting his or her

hole card into the card reader device.

(c) All winning insurance wagers shall be paid at odds of 5 to 2.

(d) All losing insurance wagers shall be collected by the dealer immediately after the dealer draws his or her second face up card or discloses his or her hole card and before the dealer draws any additional cards.

### **12. Drawing of additional cards by players and the dealer**

(a) A player may elect to draw additional cards whenever his or her point count total is less than 21, except that:

1. A player having blackjack or a hard total of 21 may not draw additional cards; and

2. A player electing to double down shall draw only one additional card.

(b) Except as provided in (c) below, a dealer shall draw additional cards to his or her hand until the dealer has a hard or soft total of 17, 18, 19, 20 or 21, at which point no additional cards shall be drawn.

(c) A dealer shall draw no additional cards to his or her hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play including the resolution of any optional bonus wagers.

### **13. More than one player wagering on a box**

(a) Unless otherwise directed by the Commission, a gaming licensee may permit from one to three people to wager on any one box of the double attack blackjack layout, provided that the first person wagering on that box consents to additional players wagering on such box, and provided further that the gaming licensee adheres to such procedures and limitations imposed by the Commission as dictated by the particular circumstances.

(b) Whenever more than one player wagers on a box, the player seated at that box shall have the exclusive right to call the decisions with regard to the cards dealt to such box. In the case of no seated player, the person with the highest wager in the box shall have such right.

(c) The player calling the decisions with respect to any box shall place his or her wager in that portion of the box closest to the dealer's side of the table and all other players wagering on such box shall place their wagers immediately behind and in a vertical line with the aforementioned wager.

(d) Whenever more than one player is wagering on a box and the player calling the decisions decides to double down, the other players may also double their wagers but shall not be required to do so. In any event, only one additional card shall be dealt to the hand that is subject to the double down decision.

(e) Whenever more than one player is wagering on a box and the player calling the decisions decides to place an additional bet in the double attack box, the other players may also place an additional bet in the double attack box, but shall not be required to do so.

(f) Whenever more than one player is wagering on a box and the player calling the decisions decides to split pairs, the other players shall either make an additional wager to cover each split pair or designate the split pair to which their initial wager shall apply.

(g) Whenever more than one player is wagering on a box, each player shall have the right to make an insurance wager, regardless of whether the other players on that box make such a wager.

(h) The Commission and its agents shall have the discretion and authority to limit, control and regulate the implementation of this section as is appropriate under the circumstances which shall include, without limitation, the right to limit the number of tables at which this procedure is permitted, the right to limit the number of boxes at each table on which more than one person can wager and the right to require the gaming licensee to establish the ability of its dealers to implement this section.

#### **14. Player wagering on more than one box**

A player may only wager on one box at a double attack blackjack table unless the gaming licensee, in its discretion, permits the player to wager on additional boxes.

#### **15. Irregularities**

(a) A card found turned face up in the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.

(b) If a 10 card of any suit is found in the shoe, it shall not be used in the game and shall be removed from the shoe and destroyed by a floorperson in a manner approved by the Commission. If more than one 10 card is found in the shoe during the dealing of the cards, the round of play shall be void and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(d) If the dealer fails to deal the first card to himself or herself before dealing the first two cards to each player, the round of play shall be void.

(e) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, such card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to him or her during such round. If the card is refused by the player and the dealer cannot use the card, the card shall be burned.

(f) If the dealer has a point count of 17 or higher and accidentally draws a card for himself or herself, such card shall be burned.

(g) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in Section 4, the first card shall be drawn face down and burned, and the dealer shall complete the round of play.

(h) If no cards are dealt to the player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(i) If after receiving the first two cards, the dealer fails to deal an additional card or cards to a player who has requested such cards, then, at the player's option, the dealer shall either deal the additional cards after all other players have received their additional cards but prior to the dealer revealing his or her hole card, or shall call the player's hand dead and return the player's original wager.

(j) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(k) Any automated card shuffling device shall be removed from a gaming table before any other method of shuffling may be utilized at that table.

(l) If the dealer inserts his or her hole card into a card reader device when the value of his or her first card is not an ace, king, queen or jack, the dealer, after notification to a casino supervisor, shall:

1. If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager; or
2. If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(m) If a card reader device malfunctions, the dealer may only continue dealing the game of double attack blackjack at that table using the dealing procedures applicable when a card reader device is not in use.

## **26: FOUR CARD POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Four Card Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Aces up wager*-- means the optional wager that a player may make prior to any cards being dealt that the player's best four card poker hand will be a pair of aces or better, with a winning aces up wager being paid in accordance with a posted pay table regardless of the outcome of the player's hand against the dealer's hand.

*Ante wager*-- means the wager that a player is required to make prior to any cards being dealt in order to compete against the dealer's hand in a round of play.

*Hand*-- means the best four card poker hand that can be formed by each player and the dealer from the cards they are dealt.

*Play wager*-- means an additional wager, in an amount from one to three times the amount of the player's ante wager, that a player is required to make if the player opts to remain in competition against the dealer.

*Round of play*-- means one complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this 147-26.

*Stub*-- means the remaining portion of the deck after all cards in the round of play have been dealt or delivered.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade.

### **2. Cards; number of decks**

(a) Except as provided in (b) below, four card poker shall be played with one deck of cards with backs of the same color and design and one additional cover card to be used in accordance with the procedures set forth in Section 5. The cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission. The deck of cards shall meet the requirements of 205 CMR 146-48.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.



### **3. Four card poker rankings**

(a) The rank of the cards used in four card poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or a "straight" with a two, three and four.

(b) The permissible poker hands in the game of four card poker, in order of highest to lowest rank, shall be:

1. "Four-of-a-kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
2. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking, with ace, king, queen and jack being the highest ranking straight flush and four, three, two and ace being the lowest ranking straight flush;
3. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
4. "Flush" is a hand consisting of four cards of the same suit, regardless of rank;
5. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit, with ace, king, queen and jack being the highest ranking straight and four, three, two and ace being the lowest ranking straight;
6. "Two Pair" is a hand consisting of two "pairs;" and
7. "Pair" is a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands that are of equal rank pursuant to the provisions of (b) above, or that contain none of the hands authorized in (b) above, the hand that contains the highest ranking card as provided in (a) above that is not contained in the other hand shall be considered the higher ranking hand. If, after application of the foregoing, the hands are of equal rank, the hands shall be considered a tie.

### **4. Opening of the table for gaming**

(a) After receiving a deck of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 5.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of

cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

### **5. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing herein shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-49, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to section (c)ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a four card poker table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 4(c) shall be completed.

### **6. Wagers**

(a) The following wagers may be placed in the game of four card poker:

1. A player may compete solely against the dealer by placing an ante wager in an amount within the posted minimum and maximum wagers and then placing a play wager in an amount from one to three times the amount of the ante wager; or
2. A player may compete solely against a posted payout table by placing an aces up wager in any amount within the posted minimum and maximum wagers; or
3. A player may compete against both the dealer and the posted payout table by placing wagers in accordance with the requirements of (a)1 and 2 above.

(b) All wagers at four card poker shall be made by placing gaming chips or plaques and, if

applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(c) Only players who are seated at a four card poker table may wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

(d) All ante wagers and aces up wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedures in Sections 7-9. No wager shall be made, increased, or withdrawn after the dealer has announced "No more bets." All play wagers shall be placed in accordance with Section 10(b).

(e) A gaming licensee may, in its discretion, permit a player to place wagers at two betting positions during a round of play provided that the two betting positions are adjacent to each other.

## **7. Procedures for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 5 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) The dealer shall announce "No more bets" prior to dealing any cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal one card at a time, in order, to each player who has placed an ante wager and/or an aces up wager and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players shall be dealt face down and in a manner as to not disclose the value of the cards. The first five cards dealt to the dealer shall be face down, and in a manner as to not disclose the value of the cards, and the sixth card shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(d) After five cards have been dealt to each player and six to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player has more or less than five cards or the dealer has more or less than six cards) but 52 cards remain in the deck, all hands shall be void pursuant to 147 -26.12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the

completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

### **8. Procedures for dealing the cards from the hand**

(a) Notwithstanding any other provisions of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play four card poker from his or her hand.

(b) If a gaming licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 5 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall then announce "No more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal one card at a time in order to each player who has placed an ante wager and/or an aces up wager and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players shall be dealt face down in a manner as to not disclose the value of the cards. The first five cards dealt to the dealer shall be face down, and in a manner as to not disclose the value of the cards, and the sixth card shall be dealt face up. The dealer's fifth and sixth cards shall be dealt consecutively.

(d) After five cards have been dealt to each player and six cards have been dealt to the dealer, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e)-(f).

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play four card poker dealt from an automated dealing shoe which dispenses cards in stacks of five cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by Section 5 have been completed, the cards shall be placed in the automated dealing shoe.

2. The dealer shall then announce "No more bets" prior to the shoe dispensing any stacks of cards.

(c) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down in a manner as to not disclose the value of the cards to each of the other players who has placed a wager in accordance with Section 6. The dealer shall then deliver a stack of five cards face down in a manner as to not disclose the value of the cards to himself or herself. When the automated dealing shoe dispenses the next stack of five cards, the dealer shall remove the stack from the shoe and place the stack on the layout next to his or her hand. The dealer shall spread the cards in the stack face down, with the bottom card of the stack to the dealer's far left and the top card of the stack to the dealer's far right. The dealer shall turn the bottom card of the stack (on the dealer's far left) face up on the dealer's hand. The dealer shall collect the remaining four cards of that stack and place them in the discard rack without revealing them.

(d) After each stack of five cards has been dispensed and delivered in accordance with this section, the dealer shall remove the stub from the automated dealing shoe and, except as provided in (e) below, place the cards in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e)-(f).

#### **10. Procedures for completion of each round of play**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her cards. Each player who wagers at four card poker shall be responsible for his or her own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(b) The dealer shall, starting with the player farthest to his or her left and continuing clockwise around the table, offer each player who has placed an ante wager the option to either make a play wager or forfeit his or her ante wager. A play wager shall be made in an amount from one to three times the amount of the player's ante wager. If a player has placed an ante wager and an aces up wager but does not make a play wager, the player shall forfeit the ante wager but shall not forfeit the aces up wager.

(c) After each player has either placed a play wager on the designated area of the layout or forfeited his or her ante wager, the dealer shall collect all forfeited ante wagers. The dealer shall collect the cards of any player who forfeited his or her ante wager and also did not make an aces up wager, placing the cards in the discard rack.

(d) The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking hand. The dealer shall then, starting with the player farthest to his or her right whose hand is still active, reveal the cards of each player and select the four cards that form the highest possible ranking hand for each player. The dealer shall then collect all losing ante, play and aces up wagers.

(e) The dealer shall then settle the wagers remaining on the table by complying with either (e)1 or 2 below. A gaming licensee shall identify in its approved gaming submission which alternative the dealer shall use. The dealer's cards shall be placed in the discard rack after all players' cards have been collected.

1. The dealer shall, for each of the following procedures, start with the player farthest to the dealer's right and continue counterclockwise around the table until the procedure has been completed as to all players:
  - i. Reveal the best four card poker hand of each player;
  - ii. Collect all losing wagers;
  - iii. Pay each winning wager in accordance with the payout odds listed in Section 11; and
  - iv. Collect all player hands and place them in the discard rack.
2. The dealer shall, starting with the player farthest to the dealer's right and continuing counterclockwise around the table, complete all of the following procedures as to each remaining player in succession:
  - i. Reveal the best four card poker hand of the player;
  - ii. Collect losing wagers or pay winning wagers in accordance with the payout odds listed in Section 11; and
  - iii. Collect the player's cards and place them in the discard rack.

(f) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

## **11. Payout Odds**

(a) There are three payout types as follows:

1. A player in competition against the dealer shall be paid 1 to 1 on both the ante wager and the play wager if the player's hand is either ranked higher than the dealer hand's or is of equal rank with the dealer's hand.
2. A player placing an ante wager and a play wager who has a three-of-a-kind or better shall be paid a bonus on the ante wager, regardless of whether the player's hand outranks the dealer's hand, at no less than the following odds:

<u>Hand Type</u>	<u>Payout Odds</u>
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

3. A player shall be paid for an aces up wager if the player's best four card poker hand is a qualifying hand type below, regardless of whether the player's hand outranks the dealer's hand, at no less than the odds in accordance with one of the following payout tables:

<u>Hand Type</u>	<u>Table I</u>	<u>Table II</u>	<u>Table III</u>	<u>Table IV</u>
Four-of-a-kind	50 to 1	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	30 to 1	30 to 1
Three-of-a-kind	9 to 1	7 to 1	9 to 1	7 to 1
Flush	6 to 1	6 to 1	6 to 1	6 to 1
Straight	4 to 1	5 to 1	4 to 1	5 to 1
Two pair	2 to 1	2 to 1	2 to 1	2 to 1
Pair of aces	1 to 1	1 to 1	1 to 1	1 to 1



<u>Hand Type</u>	<u>Table V</u>	<u>Table VI</u>	<u>Table VII</u>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	5 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two pair	3 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

## **12. Irregularities**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his or her cards as prescribed in Section 10(d), all hands shall be void and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## **27: TEXAS HOLD ‘EM BONUS POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Texas Hold ‘Em Bonus Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Ante--* or “ante wager” means the initial wager required to be made prior to any cards being dealt in order to participate in the round of play.

*Bonus wager--* means the optional, supplemental wager on the two cards dealt to a player.

*Burn--* means to remove the top or next card from the deck and place it face down in the discard rack without revealing it to anyone.

*Community cards--* means any of the five cards dealt face up in the center of the table that are used by each player and the dealer with their own two cards to form the best possible five-card poker hand.

*Flop--* means the first three community cards dealt face up to the area designated for the placement of the community cards.

*Flop wager--* means the second wager, equal to twice the amount of the player’s ante, that is required to be made prior to the flop being dealt in order to continue participation in the round of play.

*Fold--* means the withdrawal of a player from a round of play by discarding his or her two cards prior to placing the flop wager.

*Hand--* means the highest ranking five-card hand that can be formed from the five community cards and the two cards dealt to the dealer or a player.

*Push--* means a tie, as defined in Section 10(h)(3).

*Rank--* or “ranking” means the relative position of a card or group of cards as set forth in Section 5.

*River--* or “river card” means the fifth and final community card dealt face up to the designated area of the layout.

*River wager--* means the fourth wager, equal to the amount of the player’s ante, that the player may place prior to the river card being dealt.

*Round of play--* or “round” means one complete cycle of play during which all players playing at the table have been dealt a hand, have folded or wagered upon it, and have had their wagers paid or collected in accordance with the Rules of the Game of Texas Hold ‘Em Bonus Poker.

*Stub*-- means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Turn*-- or “turn card” means the fourth community card dealt face up to the designated area of the layout.

*Turn wager*-- means the third wager, equal to the amount of the player’s ante, that a player may place prior to the turn card being dealt.

## **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of texas hold ‘em bonus poker shall be played with one deck of cards that meets the requirements of 205 CMR 146-48 and two additional solid yellow or green cover cards.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of 205 CMR 146-48;
2. The backs of the cards in the two decks are of a different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continually alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

## **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

## **4. Shuffle and cut of the cards**

(a) Immediately prior to commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a texas hold 'em bonus table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) and, if applicable, (d) shall be completed.

## **5. Texas hold 'em bonus poker hand rankings**

(a) The rank of the cards used in texas hold 'em bonus poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or "straight" formed with a 2, 3, 4 and 5.

(b) The permissible five-card poker hands at the game of texas hold 'em bonus poker, in order of highest to lowest rank, shall be:

1. "Royal flush" is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
2. "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and 10 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush;
3. "Four of a kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four of a kind and four 2's being the lowest ranking four of a kind;

4. "Full house" is a hand consisting of a "three of a kind" and a "pair" with three aces and two kings being the highest ranking full house and three 2's and two 3's being the lowest ranking full house;
5. "Flush" is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush;
6. "Straight" is a hand consisting of five unsuited cards of consecutive rank, with an ace, king, queen, jack, and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, 2 and 3);
7. "Three of a kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three of a kind and three 2's being the lowest ranking three of a kind;
8. "Two pairs" is a hand consisting of two "pairs," with two aces and two kings being the highest ranking two pair and two 3's and two 2's being the lowest ranking two pair; and
9. "One pair" is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2's being the lowest ranking pair.

(c) When comparing two hands which are of identical poker rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand which contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a push.

## **6. Wagers**

(a) All wagers at texas hold 'em bonus poker shall be made by placing gaming chips or plaques, and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) All wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in Sections 7-9. Except as provided in Section 10, no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."

(c) Upon placing an ante wager, a player may also place a bonus wager by placing, at a minimum, a \$1.00 gaming chip on the designated betting area of the layout. The outcome of the bonus wager shall have no bearing on any other wager made by the player at the game of texas hold 'em bonus poker.

(d) Flop, turn and river wagers shall be made in accordance with the provisions of Section 10.

(e) Only players who are seated at the texas hold 'em bonus poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer

or by the automated card shuffling device.

(b) The dealer shall announce “No more bets” prior to dealing any cards.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the dealer’s hand under a cover card;
3. A second card face down to each player; and
4. A second card face down to the area designated for the dealer’s hand under a

cover card.

(e) After two cards have been dealt to each player and to the area designated for the hand of the dealer, and after all community cards have been dealt in accordance with the provisions of Section 10, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the area designated for the placement of the dealer’s cards has more or less than two cards) but 52 cards remain in the deck, all hands are void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

(g) Notwithstanding the provisions of (f) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

## **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play texas hold ‘em bonus poker from his or her hand.

(b) If a casino chooses to have the cards dealt from the dealer’s hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the



cards, the dealer shall use that hand whenever holding the cards during that round of play.

ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.

3. The dealer shall announce “No more bets” prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the dealer’s hand under a cover card;
3. A second card face down to each player; and
4. A second card face down to the area designated for the dealer’s hand under a cover card.

(d) After two cards have been dealt to each player and to the area designated for the hand of the dealer and after all community cards have been dealt in accordance with the provisions of Section 10, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

## **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play texas hold ‘em bonus poker dealt from an automated dealing shoe which dispenses cards in stacks of two cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce “No more bets” prior to the shoe dispensing any stacks of cards.

(c) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with Section 6. The dealer shall then place a cover card on top of the dealer’s stack of two cards in the automated dealing shoe and deliver the

stack face down with the cover card on top to the area designated for the dealer's hand.

(d) After each stack of two cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures set forth in Section 8(b)(2)-(3), deal from his or hand the five community cards in accordance with the provisions of Section 10. After all community cards have been dealt, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

#### **10. Procedure for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her cards without exposing them to any person, replace the cards face down on the layout and either place a flop wager or fold and forfeit the ante wager.

1. If a player chooses to place a flop wager, the wager shall be placed in the designated flop betting area.
2. If a player folds, the player's ante shall be collected by the dealer and placed in the table inventory container.
  - i. If the player has also placed a bonus wager, the player's cards shall remain on the table pending resolution of the bonus wager at the conclusion of the round of play.
  - ii. If no bonus wager has been made, the dealer shall immediately spread the cards of the folded hand face down, collect the cards and place them in the discard rack.

(b) Once all players have either placed a flop wager or folded, the dealer shall burn the next card face down. The dealer shall then turn face up the next three cards in the deck (the flop) and place them in the designated area for the community cards.

(c) Prior to revealing the turn card, the dealer shall, starting with the player farthest to the dealer's left who has placed a flop wager and proceeding around the table in a clockwise manner, ask each player who has placed a flop wager if he or she wishes to place a turn wager or check (not place a turn wager). If a player wishes to place a turn wager, the wager shall be placed in the designated turn betting area.

(d) Once all remaining players have either placed a turn wager or checked, the dealer shall burn the next card face down. The dealer shall then turn face up the next card in the deck (the turn) and place it in the designated area for the community cards.

(e) Prior to revealing the river card, the dealer shall, starting with the player farthest to the dealer's left who has placed a flop wager and proceeding around the table in a clockwise manner, ask each player if he or she desires to place a river wager or check (not place a river wager). If a player wishes to place a river wager, the wager shall be placed in the designated river betting area.

(f) Once all remaining players have either placed a river wager or checked, the dealer shall burn the next card face down. The dealer shall then turn the next card in the deck (the river) face up and place it in the designated area for the community cards.

(g) The dealer shall remove the cover card on top of the dealer's cards and place it on the table layout. The dealer shall then turn the dealer's two cards face up, and announce and place the cards to indicate the best possible five-card poker hand that can be formed using the dealer's two cards and the five community cards.

(h) Starting with the player farthest to the dealer's right who has placed a flop wager and proceeding in a counterclockwise manner around the table, the dealer shall turn face up the two cards of each player who has placed a flop wager and announce the best possible five-card poker hand that can be formed using the two player cards and the five community cards. The wagers of each player shall be resolved one player at a time regardless of outcome. Unless a player has placed a bonus wager, the hand of the player shall then be immediately collected by the dealer and placed in the discard rack.

1. If the player's five-card poker hand has a lower rank than the dealer's five-card poker hand, the player shall lose and the dealer shall immediately collect any ante, flop, turn and river wagers made by the player and place the wagers in the table inventory container.
2. If the player's five-card poker hand has a higher rank than the dealer's five-card poker hand, the player shall win and the dealer shall pay any ante, flop, turn and river wagers made by the player in accordance with the payout odds set forth in Section 11, provided, however, that the ante wager shall not be paid unless the player's winning hand has a rank, at the election of the gaming licensee, of straight or higher or flush or higher.
3. If the player's five-card poker hand and the dealer's five-card poker hand are of equal rank, the player's hand shall be a push. In such case, the dealer shall not collect or pay the player's wagers.
4. After settling a player's ante, flop, turn and river wagers, the dealer shall settle any bonus wager made by the player by determining whether the player's two cards qualify for a payout in accordance with Section 11(c). A winning bonus wager shall be paid without regard to the outcome of any other wager made by the player. After the bonus wager of the player is settled, the dealer shall immediately collect the cards of that player and place them in the discard rack.

(i) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

## **11. Payout odds**

(a) The payout odds for winning wagers at texas hold 'em bonus poker printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word "to" or "win," and no odds shall be stated through the use of the word "for."

(b) A gaming licensee shall pay each winning ante, flop, turn and river wager at odds of 1 to 1.

(c) A gaming licensee shall pay each winning bonus wager at the game of texas hold 'em bonus poker at no less than the odds set forth below:

Player's Two Cards

Payout Odds

Ace-ace	30 to 1
Ace-king (same suit)	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1
Ace-king (different suits)	15 to 1
King-king, queen-queen or jack-jack	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1
10-10 through two-two (pair)	3 to 1

(d) A gaming licensee may, in its discretion, supplement the pay table set forth in (c) above to include a payout for when both a player and the dealer have a pair of aces. In such case, the player shall be paid at odds of no less than 1000 to 1.

(e) Notwithstanding the payout odds set forth in (b) through (d) above, the aggregate payout limit on all winning ante, flop, turn, river and bonus wagers for any hand shall be \$50,000.00 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

## **12. Irregularities**

(a) If any card dealt to the dealer in texas hold 'em bonus poker is exposed prior to each player having either folded or placed a flop, turn or river wager pursuant to Section 10, all hands shall be void. Notwithstanding the foregoing, if a player has placed a bonus wager, such wager shall be settled in accordance with the payout odds set forth in Section 11(c).

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled. Notwithstanding the foregoing, if the card(s) are found face up after each player and the dealer has received their initial two cards, any bonus wager shall be settled in accordance with the payout odds set forth in Section 11(c).

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player's hand shall be void and the cards shall be reshuffled. If the dealer is dealt an incorrect number of cards, all players' hands shall be void unless the dealer can deal himself or herself the correct number of cards in sequence, provided that such cards have not already been turned face up.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## **13. Prohibition against a player wagering on more than one player position**

A player shall not be permitted to wager on more than one player position at a texas hold 'em bonus poker table.

## **28: FLOP POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Flop Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Ante--* or “ante wager” means the initial wager, required to be made by a player prior to any cards being dealt, that the player’s hand will qualify for a posted payout.

*Community cards--* means the three cards dealt face down in the center of the table, two of which shall be used by each player with his or her own three cards to form the best possible player hand.

*Flop wager--* means the optional additional wager, equal in amount to the player’s ante wager and placed prior to exposure of the community cards by the dealer, that the player’s hand will qualify for a posted payout.

*Hand--* or “player hand” means the highest ranking five-card poker hand that can be formed using two of the three community cards and the three cards dealt to a player.

*Pot wager--* means the initial wager, required to be made by a player prior to any cards being dealt, that the player’s hand will be the highest ranking player hand at the table during the round of play.

*Rank--* or “ranking” means the relative position of a card or hand as set forth in Section 5.

*Round of play--* or “round” means one complete cycle of play during which all players playing at the table have placed their wagers, been dealt a hand and had their wagers paid or collected in accordance with the Rules of the Game of Flop Poker.

*Stub--* means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit--* means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Surrender--* means the decision of a player to forfeit his or her ante wager prior to the dealer exposing the community cards.

*Tie hand--* means a five-card poker hand that is of equal rank with another five-card poker hand during a round of play.

### **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of flop poker shall be played with one deck of cards that meets the requirements of 205 CMR 146-48 and one additional solid yellow or green cover card.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game provided that:

1. Each deck of cards complies with the requirements of 205 CMR 146-48;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

### **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

### **4. Shuffle and cut the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;



- ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
- iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
- iv. Removing the cover card and placing it in the discard rack; and

2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a flop poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) and, if applicable, (d) shall be completed.

**5. Flop poker hand rankings**

(a) The rank of the cards used in flop poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a “straight flush” or a “straight” formed with a 2, 3, 4 and 5. An ace may not be used, however, with any other sequence of cards to form a “straight” (for example, queen, king, ace, 2 and 3).

(b) The permissible hands at the game of flop poker, in order of highest to lowest rank, shall be:

- 1. “Royal flush” is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
- 2. “Straight flush” is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush;
- 3. “Four-of-a-kind” is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
- 4. “Full house” is a hand consisting of “three-of-a-kind” and a “pair,” with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;
- 5. “Flush” is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush;
- 6. “Straight” is a hand consisting of five cards of consecutive rank, not all of the same suit, with ace, king, queen, jack and 10 being the highest ranking straight and ace, 2, 3, 4 and 5 being the lowest ranking straight;
- 7. “Three-of-a-kind” is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
- 8. “Two pairs” is a hand consisting of two “pairs,” with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs; and

9. "Pair" is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands which are of identical rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand that contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

## **6. Wagers**

(a) All wagers at flop poker shall be made by placing gaming chips or plaques, and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) Except as provided in Section 10, all wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in Sections 7-9, and no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."

(c) Each player shall be required to place an ante wager and, unless there is only one player at the flop poker table, a pot wager.

(d) The outcome of the ante wager and any flop wager made by a player shall have no bearing on the pot wager of that player.

(e) Only players who are seated at a flop poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of 205 CMR 146-51 and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) The dealer shall announce "No more bets" prior to dealing any cards.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the community cards;
3. A second card face down to each player;
4. A second card face down to the area designated for the community cards;
5. A third card face down to each player; and
6. A third card face down to the area designated for the community cards.
7. All card will be dealt in a manner as to not disclose the value of the cards

(e) After three cards have been dealt to each player and to the area designated for the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in

order to determine that the correct number of cards are still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the area designated for the placement of the community cards has more or less than three cards) but 52 cards remain in the deck, all hands shall be void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to 205 CMR 146-49.

### **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play flop poker from his or her hand.

(b) If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall announce "No more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the community cards;
3. A second card face down to each player;
4. A second card face down to the area designated for the community cards;
5. A third card face down to each player; and
6. A third card face down to the area designated for the community cards.
7. All card will be dealt in a manner as to not disclose the value of the cards

(d) After three cards have been dealt to each player and the area designated for the community cards, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e)-(f).

## **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, choose to have the cards used to play flop poker dealt from an automated dealing shoe which dispenses cards in stacks of three cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce “No more bets” prior to the shoe dispensing any stacks of cards.

(c) The dealer shall deliver the first stack of three cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in a manner as to not disclose the value of the cards in accordance with Section 6. The dealer shall then deliver a stack of three cards face down to the area designated for the community cards in a manner as to not disclose the value of the cards.

(d) After each stack of three cards has been dispensed and delivered in accordance with this section, the dealer shall remove the stub from the automated dealing shoe and, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(e)-(f).

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of 205 CMR 146-49.

## **10. Procedure for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her cards without exposing them to any person, replace the cards face down on the layout and either place a flop wager or surrender the ante wager.

1. If a player chooses to place a flop wager, the wager shall be placed in the designated flop wager betting area.
2. If a player chooses to surrender his or her ante wager, the player’s ante shall be collected by the dealer and placed in the table inventory container.

(b) Once each player has either placed a flop wager or surrendered his or her ante wager, the dealer shall turn the three community cards (the flop) face up in the designated area for the community cards.

(c) Starting with the player farthest to the dealer’s right and proceeding in a counterclockwise manner around the table, the dealer shall, one player at a time, turn the three cards of each player face up, announce the best possible five-card hand that can be formed using the three cards of the player and two of the three community cards, and collect or pay any ante and flop wagers

remaining on the table.

1. Ante and flop wagers shall lose if the best possible five-card hand that can be formed has a rank lower than a pair of jacks. Losing ante and flop wagers shall be collected by the dealer and placed in the table inventory container.
2. Ante and flop wagers shall win if the best possible five-card hand that can be formed has a rank of jacks or better. Winning ante and flop wagers shall be paid by the dealer in accordance with the payout odds set forth in Section 11.

(d) After settling all remaining ante and flop wagers, the dealer shall determine the player at the table with the highest ranking five-card hand and award that player the pot bets of all players. If the five-card hands of two or more players are of equal rank, the hand of each such player shall be a tie hand. In such case, the dealer shall award the pot wagers of all players in equal amounts to those players with a tie hand.

(e) After the pot wagers of all players have been awarded in accordance with (d) above, the dealer shall immediately collect the cards of all players and the community cards and place them in the discard rack. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

## **11. Payout odds**

(a) The payout odds for winning ante and flop wagers printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word “to” or “win,” and no odds shall be stated through the use of the word “for.”

(b) Each winning ante wager shall be paid at odds of 1 to 1.

(c) Each winning flop wager shall be paid once for the highest ranking qualifying hand that can be formed and at no less than the odds set forth below:

<u>Hand</u>	<u>Payout Odds</u>
Royal flush	1000 to 1
Straight flush	500 to 1
Four-of-a-kind	100 to 1
Full house	30 to 1
Flush	20 to 1
Straight	10 to 1
Three-of-a-kind	4 to 1
Two pair	2 to 1
Pair, jacks or better	1 to 1

(d) Notwithstanding the payout odds set forth in (b) and (c) above, the aggregate payout limit for a player on winning ante and flop wagers on any hand shall be \$50,000.00 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

## **12. Irregularities**

(a) If any community card is exposed after each player has placed an ante and pot wager but prior to each player having either placed a flop wager or surrendered his or her ante wager, all ante and flop wagers shall be void. Notwithstanding the foregoing, the pot wagers of all players

shall be awarded in accordance with the provisions of Section 10.

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled. Notwithstanding the foregoing, if the card(s) are found face up after all cards have been dealt, the pot wagers of all players shall be awarded in accordance with the provisions of Section 10.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player's hand shall be void.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

### **13. Prohibition against a player wagering on more than one player position**

A player shall not be permitted to wager on more than one player position at a flop poker table.



## **29: TWO CARD JOKER POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Two Card Joker Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Ante--* or “ante wager” means a wager a player may make prior to any cards being dealt that the hand of the player will have a higher rank than the hand of the dealer.

*Call wager--* means an additional wager a player who has placed an ante wager is required to make after receiving his or her two cards if the player elects to remain in competition against the hand of the dealer.

*Hand--* means the two-card joker poker hand that is held by each player and the dealer after the cards are dealt.

*Rank--* or “ranking” means the relative position of a card or hand as set forth in Section 5.

*Round of play--* or “round” means one complete cycle of play during which all players playing at the table have placed one or more wagers, been dealt a hand, and had their wagers paid or collected in accordance with the Rules of the Game of Two Card Joker Poker.

*Stub--* means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit--* means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Tie hand--* means the two-card joker hand of a player is equal in rank to the two-card joker poker hand of the dealer during a round of play.

### **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of two card joker poker shall be played with one deck of cards that meets the requirements of **205 CMR 146-48** and two additional solid yellow or green cover cards.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game provided that:

1. Each deck of cards complies with the requirements of **205 CMR 146-48**;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

### **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

### **4. Shuffle and cut the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a two card joker poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are

spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) and, if applicable, (d) shall be completed.

## **5. Two card joker poker hand rankings**

(a) The rank of the cards used in two card joker poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a “straight flush” or a “straight” formed with a 2. A joker may only be used to form a pair with the other joker or a non-joker card.

(b) The permissible hands at the game of two card joker poker, in order of highest to lowest rank, shall be:

1. “Two jokers” is a hand consisting of two jokers;
2. “Royal flush” is a hand consisting of an ace and a king of the same suit;
3. “Straight flush” is a hand consisting of two cards of the same suit in consecutive ranking, other than an ace and a king, with a king and a queen being the highest ranking straight flush and an ace and a two being the lowest ranking straight flush;
4. “Straight” is a hand consisting of two cards, not of the same suit, in consecutive ranking, with an ace and a king being the highest ranking straight and an ace and a two being the lowest ranking straight;
5. “Pair” is a hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair; provided, however, that a hand consisting of one joker and one non-joker shall be ranked as a pair of the non-joker card;
6. “Flush” is a hand consisting of two cards of the same suit but not of consecutive rank, with an ace and a queen being the highest ranking flush and an ace and a three being the lowest ranking flush; and
7. “High card” is a hand that is not listed in (b)1 through 6 above, the value of which is determined by the higher ranking card in the hand.

(c) When comparing two hands which are of identical rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand that contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

## **6. Wagers**

(a) All wagers at two card joker poker shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) Except as provided in Section 10, all wagers shall be placed prior to the dealer announcing “No more bets” in accordance with the dealing procedure in Sections 7-9, and no wager shall be made, increased, or withdrawn after the dealer has announced “No more bets.”

(c) The following wagers may be placed in the game of two card joker poker:

1. A player may compete solely against the dealer by placing an ante wager and, unless the player chooses to fold after receiving his or her cards, a call wager in

accordance with Section 10;

2. A player may compete solely against a posted pay table by placing a pair up wager and/or a super flush bonus wager; or
3. A player may compete against both the dealer and the posted pay table by placing wagers in accordance with (c)1 and 2 above.

(d) The outcome of an ante wager and, if placed, a call wager shall have no bearing on a pair up wager or a super flush bonus wager made by a player at the game of two card joker poker.

(e) Only players who are seated at a two card joker poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

### **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) The dealer shall announce “No more bets” prior to dealing any cards.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the dealer’s hand under a cover card;
3. A second card face down to each player; and
4. A second card face down to the area designated for the dealer’s hand under a cover card.
5. All cards will be dealt in a manner as to not disclose the value of the cards

(e) After two cards have been dealt to each player and to the area designated for the hand of the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 54 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than two cards) but 54 cards remain in the deck, all hands shall be void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

### **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play two card joker poker from his or her hand.

(b) If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall announce "No more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player;
2. One card face down to the area designated for the dealer's hand under a cover card;
3. A second card face down to each player; and
4. A second card face down to the area designated for the dealer's hand under a cover card.
5. All cards will be dealt in a manner as to not disclose the value of the cards

(d) After two cards have been dealt to each player and the dealer, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play two card joker poker dealt from an automated dealing shoe which dispenses cards in stacks of two cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce "No more bets" prior to the shoe dispensing any stacks of cards.

(c) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe,

the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with Section 6. The dealer shall then place a cover card on top of the dealer's stack of two cards in the automated dealing shoe and deliver the stack face down in a manner as to not disclose the value of the cards with the cover card on top to the area designated for the dealer's hand.

(d) After each stack of two cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the stub from the automated dealing shoe and, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 54 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

#### **10. Procedure for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her cards without exposing them to any person and replace the cards face down on the layout.

(b) The dealer shall then, starting with the player farthest to the left of the dealer and moving clockwise around the table, offer each player who has placed an ante wager the option to either make a call wager in an amount equal to the player's ante or fold the hand and forfeit his or her ante wager.

(c) After each player has either placed a call wager or folded his or her hand, the dealer shall, starting with the player farthest to the right of the dealer and moving counterclockwise around the table, complete the following procedures in succession for each player:

1. If the player has placed either a pair up wager or a super flush wager, reveal the cards of the player and settle the pair up wager and/or the super flush wager in accordance with the provisions of Section 11(d)-(e); and
2. If the player has folded his or her hand, collect the ante wager and cards of the player and place the cards in the discard rack.

(d) The dealer shall then remove the cover card from the dealer's hand, reveal his or her cards and, starting with the player farthest to the right of the dealer and continuing counterclockwise around the table, complete the following applicable procedures in succession for each player with wagers remaining on the table:

1. If the dealer does not have a qualifying hand of queen or higher, the dealer shall:
  - i. Pay the player 1 to 1 on the ante wager;
  - ii. Return the call wager of the player; and
  - iii. Collect the cards of the player and place them in the discard rack; or
2. If the dealer has a qualifying hand of queen or higher, the dealer shall:
  - i. Unless the hand of the player was revealed pursuant to (c)1 above, reveal the cards of the player;
  - ii. Collect the ante and call wagers of the player if the hand of the dealer



is ranked higher than the hand of the player;

iii. Pay the ante and call wagers of the player in accordance with the payout odds listed Section 11 if the hand of the player is ranked higher than the hand of the dealer; and

iv. Collect the cards of the player and place them in the discard rack.

(e) Upon completion of the procedures in (d)1 or 2 above, the dealer shall place the cards of the dealer in the discard rack.

(f) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

### **11. Payout odds**

(a) The payout odds for winning ante, call, pair up and super flush bonus wagers printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word “to” or “win,” and no odds shall be stated through the use of the word “for.”

(b) A player shall be paid 1 to 1 on an ante wager if:

1. The player placed a call wager and the dealer does not have a qualifying hand rank of “queen or higher;” or
2. The dealer has a qualifying hand rank of “queen or higher” and the hand of the player is ranked higher than the hand of the dealer.

(c) If the dealer does not have a qualifying hand rank of “queen or higher,” the call wager of a player shall be returned to the player. If the dealer has a qualifying hand rank of “queen or higher,” the call wager of a player shall be paid in accordance with the following pay table if the hand of the player is ranked higher than the hand of the dealer:

<u>Player’s Hand</u>	<u>Payout Odds</u>
Pair of jokers	8 to 1
Royal flush	5 to 1
Straight flush	3 to 1
Straight or less	1 to 1

(d) A winning pair up wager shall be paid in accordance with the one of following pay tables pre-selected by the gaming licensee:

<u>Player’s Hand</u>	<u>Table 1</u>	<u>Table 2</u>	<u>Table 3</u>
Pair of jokers	40 to 1	50 to 1	40 to 1
Royal flush	20 to 1	25 to 1	30 to 1
Straight flush	5 to 1	4 to 1	4 to 1
Straight	3 to 1	3 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

(e) A winning super flush bonus wager shall be paid in accordance with the following pay table:

<u>Player’s Hand</u>	<u>Payout Odds</u>
----------------------	--------------------

Royal flush	30 to 1
Straight flush	5 to 1
Ace high flush	3 to 1
King high flush	2 to 1
Flush	1 to 1
Straight	Push
Pair (including pair of jokers)	Push

(f) If a player and the dealer have a tie hand, the player's ante and call wagers are a push and shall be returned to the player.

## **12. Irregularities**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(b) A card dealt in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards shall be reshuffled.

(d) If one or both of the dealer's cards is inadvertently exposed prior to the dealer revealing his or her cards as prescribed in Section 10(d), all hands shall be void and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## **30: ASIA POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Asia Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Copy hand*-- means either a high hand, medium hand or low hand of a player that is identical in rank to the corresponding high hand, medium hand or low hand of the dealer.

*High hand*-- means the four-card hand formed by the player or dealer from the seven cards that he or she is dealt, so that the four-card hand is higher in rank than the medium hand and low hand.

*Low hand*-- means the one-card hand formed by the player or dealer from the seven cards that he or she is dealt, so that the one-card hand is lower in rank than the high hand and the medium hand.

*Medium hand*-- means the two-card hand formed by the player or dealer from the seven cards that he or she is dealt so that the two-card hand is lower in rank than the high hand and higher in rank than the low hand.

*Rank or ranking*-- means the relative position of a card or group of cards as set forth in Section 3.

*Set or setting the hands*-- means the process of forming a high hand, medium hand and low hand from the seven cards that are dealt to a player or the dealer.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade.

### **2. Cards; number of decks**

(a) Except as provided in (b) below, asia poker shall be played with one deck of cards that meets the requirements of **205 CMR 146-48**, including one joker, and one additional cutting card and one additional cover card. The cutting card and cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission. Nothing in this section or **205 CMR 146-49** shall prohibit a gaming licensee from using decks that are manufactured with two jokers provided that only one joker is used for gaming at asia poker.

(b) If an automated card shuffling device is used for asia poker, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of a different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from one deck only shall be placed in the discard rack at any given time.

### **3. Asia poker rankings; cards; poker hands**

(a) The rank of the cards used in asia poker, in order from highest to lowest rank, shall be: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three, and two. Notwithstanding the foregoing, an ace may be used to complete a “straight flush” or a “straight” formed with a two, three and four. Except as otherwise provided in (c) below, the joker shall be used and ranked as an ace.

(b) The permissible poker hands at the game of asia poker, in order from highest to lowest rank, shall be:

1. “Four aces” is a high hand consisting of all four aces or three aces and the joker;
2. “Royal flush” is a high hand consisting of an ace, king, queen and jack of the same suit;
3. “Straight flush” is a high hand consisting of four cards of the same suit in consecutive ranking, with ace, two, three and four being the highest ranking straight flush; king, queen, jack and 10 being the second highest ranking straight flush, and five, four, three and two being the lowest ranking straight flush;
4. “Four-of-a-kind” is a high hand consisting of four cards of the same rank regardless of suit, with four kings being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
5. “Flush” is a high hand consisting of four cards of the same suit, and when comparing two flushes, the provisions of (e) below shall be applied;
6. “Straight” is a high hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest ranking straight; an ace, two, three, and four being the second highest ranking straight, and a five, four, three and two being the lowest ranking straight;
7. “Three-of-a-kind” is a high hand containing three cards of the same rank regardless of suit, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
8. “Two pairs” is a high hand containing two pairs, with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs; and
9. “Pair” is either a high hand or a medium hand consisting of two cards of the same rank, regardless of suit, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) For purposes of setting the hands, a joker may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(d) Notwithstanding the provisions of (b) above, a gaming licensee may, in its discretion, determine that a straight flush formed with an ace, two, three, and four of the same suit shall be the lowest ranking straight flush and that a straight formed with an ace, two, three, and four, regardless of suit, shall be the lowest ranking straight. If a gaming licensee chooses to exercise this option, it shall so indicate in its Rules of the Games Submission.

(e) When comparing two high hands, two medium hands or two low hands that are of identical poker hand rank pursuant to the provisions of this section, or that contain none of the poker hands authorized in this section, the hand that contains the highest ranking card as provided in (a) above not contained in the other hand shall be considered the higher ranking hand. If the two

hands are of identical rank after the application of this subsection, the hands shall be considered a copy hand.

#### **4. Asia poker shaker and dice; computerized random number generator; button**

(a) The starting position for the dealing or delivery of cards in asia poker shall be determined by using one of the following methods:

1. Three dice and an asia poker shaker, which shall meet the requirements of 205 CMR 146-45 and 39(4), respectively, and be used in accordance with 205 CMR 146-46 and Section 11(a).
  - i. The three dice shall be maintained at all times within the asia poker shaker.
  - ii. The asia poker shaker and the dice contained therein shall be the responsibility of the dealer and shall never be left unattended while at the table.
  - iii. No dice that have been placed in an asia poker shaker for use in gaming shall remain on a table for more than 24 hours;
2. A computerized random number generator that, in accordance with 205 CMR 146-39(5) and Section 11(c), shall automatically select and display a number from 1 through 7 inclusive; or
3. If an automated card shuffling device and dealing shoe is used pursuant to Sections 10 and 11(d), a button that is moved by the dealer clockwise around the table as each round of play is completed.

#### **5. Opening of the table for gaming**

(a) After receiving a deck of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) If the deck of cards used by the gaming licensee contains two jokers, the dealer and a casino supervisor shall ensure that only one joker is utilized and that the other joker is torn in half and discarded. Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence and shall include one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing or chemmy shuffle of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 6.

(d) If a gaming licensee uses an automated card shuffling device to play the game of asia poker and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above immediately prior to the commencement of play.

#### **6. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall

shuffle the cards either manually or by use of an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section shall be deemed to prohibit an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the cards directly into an automated or manual dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 8-10; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 8-10.

(d) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at an asia poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures set forth in Section 5(c) shall be completed.

## **7. Wagers**

(a) All wagers at asia poker shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting area of the asia poker layout. A verbal wager accompanied by cash shall not be accepted at the game of asia poker.

(b) Only players who are seated at the asia poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

(c) All wagers at asia poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures set forth in Sections 8-10. No wager at asia poker shall be made, increased or withdrawn after the dealer has announced "no more bets."

## **8. Procedures for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of 205 CMR 146-51. Once the procedures required by Section 6 have been completed, the cards shall be placed in the manual dealing shoe and the dealer shall announce "no more bets."



(b) The dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for dealing the cards.

(c) After the starting position for dealing the cards has been determined, each card shall be removed from the dealing shoe with the left hand of the dealer and placed face down on the appropriate area of the layout with the right hand of the dealer. The dealer shall deal the first card to the starting position as determined in (b) above and, moving clockwise around the table, deal a card to all other positions, including the dealer, regardless of whether there is a wager at the position. The dealer shall then return to the starting position and deal a second card in a clockwise rotation and shall continue dealing until each position, including the dealer, has seven cards.

(d) After seven cards have been dealt to each position, including the dealer, the dealer shall remove the remaining cards from the shoe and determine whether exactly four cards are left.

1. If four cards remain, the four cards shall not be exposed to anyone and shall be placed in the discard rack. The dealer shall then collect any cards dealt to a position where there is no wager and place them in the discard rack without exposing the cards.
2. If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a player or the dealer has more or less than seven cards, all hands shall be void pursuant to Section 14. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-1.18.**

## **9. Procedures for dealing the cards from the hand**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter,** a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play asia poker from his or her hand.

(b) If a gaming licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.

1. Once the procedures required by Section 6 have been completed, the dealer shall place the deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
2. The dealer shall then announce "no more bets" prior to dealing seven stacks of seven cards each to the area in front of the table inventory container. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall deal the first seven cards moving from left to right and the second seven cards moving from right to left and shall continue alternating in this manner until there are seven stacks of seven cards.

(d) After seven stacks of seven cards have been dealt, the dealer shall determine whether exactly four cards are left by spreading them face down on the layout.

1. If four cards remain, the cards shall not be exposed to anyone at the table and shall be placed in the discard rack.
2. If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a stack has more or less than seven cards, the round of play shall be void and the cards reshuffled. If the cards have not been misdealt, the round of play shall be considered void and the entire deck of cards shall be removed from the table pursuant to 205 CMR 146-49.

(e) Once the dealer has completed dealing the seven stacks and placed the four remaining cards in the discard rack, the dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for delivering the stacks of cards.

(f) After the starting position for delivering the stacks of cards has been determined, the dealer shall deliver the first stack to the starting position as determined in (e) above and, moving clockwise around the table, deliver the remaining stacks in order to all positions, including the dealer, regardless of whether there is a wager at the position. In delivering the stacks, the stack farthest to the left of the dealer shall be considered the first stack, and the stack farthest to the right of the dealer shall be considered the seventh stack. The dealer shall deliver each stack face down.

(g) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a player position where there is no wager and place them in the discard rack without exposing the cards.

#### **10. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, choose to have the cards used to play asia poker dealt from an automated dealing shoe that dispenses cards in stacks of seven cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by Section 6 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce “no more bets” prior to the shoe dispensing any stacks of cards.

(c) The dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for delivering the stacks of cards.

(d) Once the starting position has been determined in accordance with (c) above, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall deliver a stack in turn to each of the other positions, including the dealer, moving clockwise around the table, whether or not there is a wager at the position. The dealer shall deliver each stack face down.

(e) After the seven stacks of seven cards have been dispensed and delivered to each position, including the dealer, the dealer shall remove the remaining cards from the shoe and determine whether exactly four cards are left by spreading them face down on the layout.

1. If four cards remain, the cards shall not be exposed to anyone at the table and shall be placed in the discard rack. The dealer shall then collect any stacks dealt

to a position where there is no wager and place them in the discard rack without exposing the cards.

2. If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt and a stack has more or less than seven cards, the round of play shall be void and the cards reshuffled. If the cards have not been misdealt, the round of play shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

### **11. Procedure for determining the starting position for dealing cards or delivering stacks of cards**

(a) In order to determine the starting position for the dealing of cards or the delivery of stacks of cards for the game of asia poker, a gaming licensee may, in its discretion, use the procedure authorized in (b), (c) or (d) below.

(b) The dealer shall shake the asia poker shaker and dice described in Section 4 at least three times so as to cause a random mixture of the dice.

1. The dealer shall then remove the lid covering the asia poker shaker, total the dice and announce the total.
2. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the total of the three dice.
3. Examples are as follows:
  - i. If the dice total 8, the dealer would receive the first card or stack of cards; or
  - ii. If the dice total 14, the sixth betting position would receive the first card or stack of cards.
4. After the dealing or delivery of the cards has been completed in accordance with the procedures set forth in Sections 8-10, the dealer shall place the cover on the asia poker shaker and shake the shaker once. The asia poker shaker shall then be placed to the right of the dealer.

(c) The dealer may use a computerized random number generator approved by the Commission to select and display a number from 1 through 7 inclusive, and verbally announce the number. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the number displayed by the random number generator.

(d) If an automated card shuffling device and dealing shoe is used pursuant to Section 10, the dealer may use a flat disc button approved by the Commission to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(e) After the starting position for a round of play has been determined, a gaming licensee may, in its discretion, mark that position by the use of an additional cut card or similar object.

## **12. Procedures for completion of each round of play; setting of hands; payment and collection of wagers**

(a) After the dealing of the cards has been completed, each player shall set his or her hands by arranging the cards into a high hand, medium hand and low hand. When setting the three hands, the high hand shall be higher in rank than the medium hand, and the medium hand shall higher in rank than the low hand. For example, if the medium hand contains a pair of sevens, the high hand must contain at least a pair of sevens and the two remaining cards.

(b) Each player at the table shall be responsible for setting his or her own hands and no other person except the dealer may touch the cards of that player. Notwithstanding the foregoing, if a player requests assistance in the setting of his or her hands, the dealer may inform the requesting player of the manner in which the gaming licensee requires the hands of the dealer to be set in its Rules of the Games Submission. Each player shall be required to keep the seven cards in full view of the dealer at all times. Once each player has set a high, medium and low hand and placed the three hands face down on the appropriate area of the layout, the player shall not touch the cards again.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his or her hands by arranging the cards into a high, medium and low hand. The dealer shall then place the three hands face up on the appropriate area of the layout.

(d) Each gaming licensee shall submit to the Commission in its Rules of the Games Submission the manner in which it will require the hands of the dealer to be set.

(e) A player may announce that he or she wishes to surrender his or her wager prior to the dealer exposing any of the three hands of that player pursuant to (f) below. Once the player has announced his or her intention to surrender, the dealer shall:

1. Immediately collect the wager from that player; and
2. Collect the seven cards dealt to that player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(f) Once the dealer has set a high hand, medium hand and low hand pursuant to (d) above, the dealer shall expose all three hands of each player, starting from the right and proceeding counterclockwise around the table. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the asia poker wager of that player shall win or lose.

(g) All losing asia poker wagers shall be immediately collected by the dealer and put in the table inventory container. All losing asia poker hands shall also be collected. An asia poker wager made by a player shall lose if:

1. Any two of the player's three hands are identical (copy hand) or lower in rank than the dealer's corresponding hands;
2. Any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand;
3. The high hand of the player was not set so as to rank higher than his or her medium hand, or the medium hand of the player was not set so as to rank higher than his or her low hand; or

4. The three hands of the player were not otherwise set correctly in accordance with the rules of the game (for example, a player forms a one-card medium hand and a five-card high hand).

(h) All hands that result in a winning asia poker wager shall be immediately paid by the dealer from the table inventory container. After being paid, winning asia poker hands shall also be collected. The dealer shall pay all winning wagers and collect all losing wagers, in order, beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. An asia poker wager made by a player shall win if any two of the player's three hands are higher in rank than the dealer's corresponding hands.

(j) A winning asia poker wager shall be paid off by a gaming licensee at odds of 1 to 1.

(k) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in case of a question or dispute.

### **13. A player wagering on more than one betting area**

(a) A gaming licensee may, in its discretion, permit a player to wager on no more than two betting areas at an asia poker table, which areas must be adjacent to each other.

(b) If a gaming licensee permits a player to wager on two adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked and set and placed face down on the appropriate area of the layout, the hand may not be changed.

### **14. Irregularities; invalid roll of the dice**

(a) If the dealer uncovers the asia poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the asia poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card or delivers the first stack to the wrong position, all hands shall be called dead and the dealer shall reshuffle the cards.

(d) If the dealer exposes any of the cards dealt to a player, the player has the option of voiding the hand. Without looking at the unexposed cards, the player shall make the decision either to play out the hand or to void the hand.

(e) If a card or cards in the hand of the dealer is exposed, all hands shall be void and the cards shall be reshuffled.

(f) A card found turned face up in the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found turned face up in the shoe, all hands shall be void and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards reshuffled.

(i) If the dealer does not set his or her hands in the manner submitted to the Commission pursuant to Section 12, the hands must be reset in accordance with this submission and the round of play completed.

(j) If a card is exposed while the dealer is dealing the seven stacks in accordance with Section 9, the cards shall be reshuffled.

(k) If cards are being dealt from the hand and the dealer fails to deal the seven stacks in accordance with Section 9(c), the cards shall be reshuffled.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(m) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(n) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.



## **31: ULTIMATE TEXAS HOLD ‘EM**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Ultimate Texas Hold ‘Em, shall have the following meanings unless the context clearly indicates otherwise:

*Ante*-- or “ante wager” means an initial wager, separate from but equal in amount to the player’s blind wager, required to be made prior to any cards being dealt in order to participate in the round of play.

*Blind*-- or “blind wager” means an initial wager, separate from but equal in amount to the player’s ante, required to be made prior to any cards being dealt in order to participate in the round of play.

*Burn*-- means to remove the top or next card from the deck and place it face down in the discard rack without revealing it to anyone.

*Check*-- means that the player waives the right to place a play wager but remains in the round of play.

*Community card*-- means any of the five cards dealt face up in the center of the table, all of which may be used by each player and the dealer together with his or her own two cards to form the best possible five-card poker hand.

*Flop*-- means the first three community cards dealt face up in the area designated for the placement of the community cards.

*Fold*-- means the withdrawal of a player from a round of play by discarding his or her two cards and not making a play wager.

*Hand*-- or “poker hand” means the highest ranking five-card hand that can be formed from the five community cards and the two cards dealt to the dealer or a player.

*Play wager*-- means a wager made after two cards have been dealt to each player and the dealer, which wager can be made before the flop is dealt, after the flop is dealt but before the final two community cards are dealt, or after the final two community cards are dealt but before the dealer reveals his or her two cards.

*Push*-- means a tie, as defined in Section 10(h)(3).

*Rank*-- or “ranking” means the relative position of a card or group of cards as set forth in Section 5.

*Round of play*-- or “round” means one complete cycle of play during which all players playing at the table have been dealt a hand, have folded or wagered upon it, and have had their wagers paid or collected in accordance with the Rules of the Game of Ultimate Texas Hold ‘Em.

*Stub*-- means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Trips wager*-- means an optional wager that a player may make prior to any cards being dealt that the player's best five-card hand will be a three-of-a-kind or better, with a winning trips wager being paid in accordance with a posted pay table regardless of the outcome of the player's hand against the dealer's hand.

## **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of ultimate texas hold 'em shall be played with one deck of cards that meets the requirements of 205 CMR 146-48 and two additional solid yellow or green cover cards.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of 205 CMR 146-48;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continually alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

## **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

## **4. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9, or
2. If the cards were shuffled manually, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of a cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at an ultimate texas hold 'em table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures set forth in 147 - 31.3(c) and, if applicable, (d) shall be completed.

## **5. Ultimate texas hold 'em hand rankings**

(a) The rank of the cards used in ultimate texas hold 'em, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or a "straight" formed with a 2, 3, 4 and 5.

(b) The permissible poker hands at the game of ultimate texas hold'em, in order of highest to lowest rank, shall be:

1. "Royal flush" is a hand consisting of an ace, king, queen, jack and ten of the same suit;
2. "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with ace, king, queen, jack and ten being the highest ranking five-card straight flush and ace, two, three, four and five being the lowest ranking five-card straight flush;
3. "Four-of-a-kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;

4. "Full house" is a hand consisting of a "three-of-a-kind" and a "pair" with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;
5. "Flush" is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and nine being the highest ranking flush and two, three, four, five and seven being the lowest ranking flush;
6. "Straight" is a hand consisting of five unsuited cards of consecutive rank, with an ace, king, queen, jack and ten being the highest ranking straight and an ace, two, three, four and five being the lowest ranking straight; provided however, that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand (for example, queen, king, ace, two and three);
7. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
8. "Two pairs" is a hand consisting of two "pairs," with two aces and two kings being the highest ranking two pair and two threes and two twos being the lowest ranking two pair; and
9. "One pair" is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands which are of identical poker rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand that contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a push.

## **6. Wagers**

(a) All wagers at ultimate texas hold 'em shall be made by placing gaming chips or plaques, and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) All ante, blind and trips wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in Sections 7-9. Except as provided in Section 10, no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."

(c) Upon placing an ante wager and a blind wager, a player may also place a trips wager by placing a wager on the designated betting area of the layout. The outcome of the trips wager shall have no bearing on any other wager made by the player at the game of ultimate texas hold 'em.

(d) Play wagers shall be made in accordance with the provisions of Section 10.

(e) Only players who are seated at the ultimate texas hold 'em poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have

been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) The dealer shall announce “No more bets” prior to dealing any cards.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. One card face down to each player who has placed wagers in accordance with Section 6;
2. One card face down to the area designated for the dealer’s hand under a cover card in a manner as to not disclose the value of the cards;
3. A second card face down to each player who has placed wagers in accordance with Section 6; and
4. A second card face down to an area designated for the dealer’s hand under a cover card in a manner as to not disclose the value of the cards.

(e) After two cards have been dealt to each player and to the area designated for the dealer’s hand, and after all community cards have been dealt in accordance with the provisions of Section 10, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the area designated for the placement of the dealer’s hand has more or less than two cards) but 52 cards remain in the deck, all hands shall be void pursuant to Section 13. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

## **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play ultimate texas hold ‘em from his or her hand.

(b) If a casino chooses to have the cards dealt from the dealer’s hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.

- ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
  3. The dealer shall announce “No more bets” prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.
- (c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:
1. One card face down to each player who has placed wagers in accordance with Section 6;
  2. One card face down to the area designated for the dealer’s hand under a cover card in a manner as to not disclose the value of the card;
  3. A second card face down to each player who has placed wagers in accordance with Section 6; and
  4. A second card face down to the area designated for the dealer’s hand under a cover card in a manner as to not disclose the value of the card.
- (d) After two cards have been dealt to each player and the area designated for the hand of the dealer and all community cards have been dealt in accordance with the provisions of Section 10, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.
- (e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

## **9. Procedures for dealing the cards from an automated dealing shoe**

- (a) Notwithstanding any other provision of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, choose to have the cards used to play ultimate texas hold ‘em dealt from an automated dealing shoe which dispenses cards in stacks of two cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.
- (b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:
1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
  2. The dealer shall then announce “No more bets” prior to the shoe dispensing any stacks of cards.
- (c) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed wagers in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed wagers in accordance with Section 6. The dealer shall then place a cover card on top of the dealer’s stack of two cards in the automated dealing shoe and deliver the stack face down with the cover card on top to the area designated for the dealer’s hand.
- (d) After each stack of two cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures set forth in Section 8(b)(2)-(3), deal from his or her hand the five community cards in a manner as to not disclose the value of the cards in accordance with the



provisions of Section 10. After all community cards have been dealt, the dealer shall, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still in the deck. The dealer shall count the stub in accordance with the provisions of Section 7(f).

#### **10. Procedures for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her cards without exposing them to any person and replace the cards face down on the layout. The dealer shall then, starting with the player farthest to his or her left and proceeding in a clockwise manner around the table, ask each player if the player wishes to place a play wager prior to the dealing of the first three community cards. The player may either check or place a play wager in an amount equal to three or four times the amount of the player's ante wager.

1. If a player places a play wager, the wager shall be placed in the designated play betting area.
2. If a player checks, the player shall remain in the game and defer his or her decision to place a play wager to the next betting opportunity.

(b) Once all players have either placed a play wager or checked, the dealer shall burn the next card. The dealer shall then deal the next three cards in the deck (the flop) face up to the designated area for the community cards.

(c) After the flop has been dealt, the dealer shall, starting with the player farthest to his or her left and proceeding in a clockwise manner around the table, ask each player who has not placed a play wager if he or she wishes to place a play wager prior to the dealing of the final two community cards. The player may either check or place a play wager in an amount equal to two times the amount of the player's ante wager.

1. If a player places a play wager, the wager shall be placed in the designated play betting area.
2. If a player checks, the player shall remain in the game and defer his or her decision to place a play wager to the next betting opportunity.

(d) Once all players have either placed a play wager or checked, the dealer shall burn the next card. The dealer shall then deal the next two cards in the deck face up to the designated area for the community cards.

(e) After the final two community cards have been dealt, the dealer shall, starting with the player farthest to his or her left and proceeding in a clockwise manner around the table, ask each player who has not yet placed a play wager whether he or she wishes to fold his or her hand or place a play wager equal in amount to his or her ante wager.

1. If a player places a play wager, the wager shall be placed in the designated play betting area.
2. If a player folds, the ante and blind wagers of the player shall be collected by the dealer and placed in the table inventory container.
  - i. If the player has also placed a trips wager, the dealer shall place the cards of the player face down underneath the player's trips wager pending its resolution at the conclusion of the round of play.

- ii. If the player has not placed a trips wager, the dealer shall immediately spread the cards of the folded hand face down and place them in the discard rack.

(f) After each player has either folded or placed a play wager, the dealer shall remove the cover card from the top of the dealer's cards and place it on the table layout. The dealer shall then turn his or her two cards face up, position his or her cards near the three community cards that can be used to form the best possible five-card hand and announce the dealer's hand to the players.

(g) If the dealer's best possible five-card hand is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a play wager and proceeding in a counterclockwise manner around the table, return each player's ante wager and resolve all other wagers in accordance with (h) below.

(h) If the dealer's best possible five-card hand is a pair or above, the dealer shall, starting with the player farthest to the dealer's right who has placed a play wager and proceeding in a counterclockwise manner around the table, turn the two cards of each player who has placed a play wager face up and announce the best possible five-card poker hand that can be formed using the player's two cards and the five community cards. The wagers of each player shall be resolved one player at a time regardless of outcome. After all wagers placed by a player are settled, the player's cards shall then be immediately collected by the dealer and placed in the discard rack.

1. If the player's five-card hand is ranked lower than the dealer's five-card hand, the player shall lose and the dealer shall immediately collect any ante, blind and play wagers made by the player and place the wagers in the table inventory container.
2. If the player's five-card hand is ranked higher than the dealer's five-card hand, the player shall win and the dealer shall pay any ante, blind and play wagers made by the player in accordance with the payout odds set forth in Section 11; provided, however, that the blind wager shall not be paid unless the player's winning hand has a rank of straight or higher.
3. If the player's five-card hand and the dealer's five-card hand are of equal rank, the player's hand shall be a push. In such case, the dealer shall not collect or pay the player's ante, blind or play wagers.
4. After settling a player's ante, blind and play wagers, the dealer shall settle any trips wager made by the player by determining whether the player's five-card hand qualifies for a payout in accordance with Section 11(d). A winning trips wager shall be paid without regard to the outcome of any other wager made by the player.

(i) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

## **11. Payout odds**

(a) The payout odds for winning wagers at ultimate texas hold 'em printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word "to" or "win," and no odds shall be stated through the use of the word "for."

(b) A gaming licensee shall pay each winning ante and play wager at odds of 1 to 1.

(c) If a player's five-card hand ranks higher than the dealer's five card hand, a gaming licensee shall pay the player's blind wager in accordance with the following odds:

<u>Player's Five-Card Hand</u>	<u>Payout Odds</u>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Straight	1 to 1
Less than a straight	Push

(d) A gaming licensee shall pay each winning trips wager at the game of ultimate texas hold 'em at no less than the odds set forth in the alternative pay table set forth below that was pre-selected by the gaming licensee:

<u>Hand</u>	<u>Pay table A</u>	<u>Pay table B</u>	<u>Pay table C</u>	<u>Pay table D</u>
Royal flush	50 to 1	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1	30 to 1	20 to 1
Full house	9 to 1	8 to 1	8 to 1	7 to 1
Flush	7 to 1	6 to 1	7 to 1	6 to 1
Straight	4 to 1	5 to 1	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1	3 to 1	3 to 1

(e) Notwithstanding the payout odds set forth in (b) through (d) above, the aggregate payout limit on all winning ante, play, blind and trips wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

**12. Prohibition against a player wagering on more than one player position**

A player shall not be permitted to wager on more than one player position at an ultimate texas hold 'em table.

**13. Irregularities**

(a) If any card dealt to the dealer in ultimate texas hold 'em is exposed prior to each player having either folded or placed a play wager pursuant to Section 10, all hands shall be void. Notwithstanding the foregoing, if a player has placed a trips wager, the community cards shall be dealt and each trips wager shall be settled in accordance with the payout odds set forth in Section 11(d).

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled. Notwithstanding the foregoing, if the card(s) are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any trips wager shall be settled in accordance with the payout odds set forth in Section 11(d).

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player's hand shall be void. If the dealer is dealt an incorrect number of cards, all players' hands shall be void unless the dealer can deal himself or herself the correct number of cards in sequence, provided that such cards have not already been turned face up and the deck contains the correct number of cards.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## **32: WINNER'S POT POKER**

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Winner's Pot Poker, shall have the following meanings unless the context clearly indicates otherwise:

*Ante--* or "ante wager" means the initial wager in a fixed dollar amount established by the gaming licensee that a player and the dealer are required to make prior to any cards being dealt in order to participate in a round of play.

*Bet--* or "bet wager" means the second wager, equal in amount to the ante wager, that the dealer shall make and that a player may make in order to remain in the round of play. A bet wager by a player shall be placed after each player and the dealer has been dealt three cards.

*Burn--* means to remove the top or next card from the deck and place it face down in the discard rack without revealing it to anyone.

*Double--* or "double wager" means the third wager, equal in amount to double the ante wager, that the dealer shall make and that a player may make in order to remain in the round of play. A double wager by a player shall be placed after each remaining player and the dealer has been dealt a fourth card.

*Fold--* means the decision of a player to discontinue his or her participation in a round of play and to forfeit his or her ante wager and, if placed, bet wager and double wager.

*Jacks plus bonus wager--* means the optional supplemental wager that a player may place prior to any cards being dealt that the hand of the player will qualify for a posted payout.

*Hand--* means the highest ranking poker hand that can be formed from the cards of a player or the dealer.

*Rank--* or "ranking" means the relative position of a card or hand as set forth in Section 5

*Round of play--* or "round" means one complete cycle of play during which all players playing at the table have placed their wagers, been dealt a hand, and have had their wagers paid or collected in accordance with the Rules of the Game of Winner's Pot Poker.

*Stub--* means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit--* means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*Tie hand--* means a hand that is of equal rank with the hand of another player or the dealer during a round of play.

*Winner's pot*-- or "pot" means the aggregate ante, bet and double wagers of all players and the dealer, except for the ante wager of any player who declines to make a bet wager and folds his or her hand after the first three cards are dealt.

## **2. Cards; number of decks**

(a) Except as provided in (b) below, the game of winner's pot poker shall be played with one deck of cards that meets the requirements of 205 CMR 146-48 and one additional solid yellow or green cover card.

(b) If an automated card shuffling device is used, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of 205 CMR 146-48;
2. The backs of the cards in the two decks are of different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continually alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from only one deck shall be placed in the discard rack at any given time.

## **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

## **4. Shuffle and cut the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.



- (b) After the cards have been shuffled and stacked, the dealer shall:
  - 1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9, or
  - 2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) below.
- (c) If a cut of the cards is required, the dealer shall:
  - 1. Cut the deck, using one hand, by:
    - i. Placing the cover card on the table in front of the deck of cards;
    - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
    - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
    - iv. Removing the cover card and placing it in the discard rack; and
  - 2. Deal the cards in accordance with the procedures set forth in Sections 7-9 (Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.
- (d) Whenever there is no gaming activity at a winner's pot poker table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) and, if applicable, (d) shall be completed.

## **5. Winner's pot poker hand rankings**

(a) The rank of the cards used in winner's pot poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or a "straight" formed with a 2, 3, 4 and 5. An ace may not be used, however, with any other sequence of cards to form a "straight" (for example, queen, king, ace, 2 and 3).

(b) The permissible poker hands at the game of winner's pot poker, in order of highest to lowest rank, shall be:

- 1. "Royal flush" is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
- 2. "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush;
- 3. "Four-of-a-kind" is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four twos being the lowest ranking four-of-a-kind;
- 4. "Full house" is a hand consisting of a "three-of-a-kind" and a "pair," with three aces and two kings being the highest ranking full house and three twos and two threes being the lowest ranking full house;

5. "Flush" is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 10 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush;
6. "Straight" is a hand consisting of five unsuited cards of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight;
7. "Three-of-a-kind" is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three twos being the lowest ranking three-of-a-kind;
8. "Two pairs" is a hand consisting of two "pairs," with two aces and two kings being the highest ranking two pairs and two threes and two twos being the lowest ranking two pairs; and
9. "Pair" is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two twos being the lowest ranking pair.

(c) When comparing two hands which are of identical poker rank pursuant to the provisions of this section, or which contain none of the hands authorized in this section, the hand which contains the highest ranking card as provided in (a) above which is not contained in the other hand shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

## **6. Wagers**

- (a) All wagers at winner's pot poker shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.
- (b) Except as provided in Section 10, all wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in Sections 7-9, and no wager shall be made, increased, or withdrawn after the dealer has announced "No more bets."
- (c) At the beginning of each round of play, each player shall be required to place an ante wager. At the beginning of each round of play, the dealer shall be required to place an ante, bet and double wager.
- (d) The outcome of the jacks plus bonus wager made by a player shall have no bearing on any other wager of that player.
- (e) Only players who are seated at a winner's pot poker table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of 205 CMR 146-51 and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automatic card shuffling device.

- (b) The dealer shall announce "No more bets" prior to dealing any cards.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) In the first round of play, the dealer shall place a button in front of the dealer's position indicating that the dealing shall commence with the player farthest to his or her left and continue around the table in a clockwise manner. For each ensuing round of play, the button shall rotate clockwise to the next player or, if the button has rotated to the player farthest to the dealer's right, the dealer. Dealing shall commence with the player or dealer, as applicable, positioned immediately after the button in clockwise rotation.

(e) The dealer shall burn the top card of the deck and shall then deal the cards as follows:

1. One card face down to each player and the dealer in a manner as to not disclose the value of the cards;
2. A second card face down to each player and the dealer in a manner as to not disclose the value of the cards; and
3. A third card face up to each player and the dealer.

(f) After all cards have been dealt to each player and the dealer as provided in (e) above and Section 10, the dealer shall remove the stub from the manual dealing shoe and place the stub face down in the discard rack without exposing the cards.

(g) The dealer shall be required to count the cards in the deck at least once every five rounds of play in order to determine that the correct number of cards are still in the deck.

## **8. Procedure for dealing the cards from the hand**

(a) Notwithstanding any other provisions of 205 CMR 146 or this chapter, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play winner's pot poker from his or her hand.

(b) If a casino chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed:

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.
2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall announce "No more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) In the first round of play, the dealer shall place a button in front of the dealer's position indicating that the dealing shall commence with the player farthest to his or her left and continue around the table in a clockwise manner. For each ensuing round of play, the button shall rotate clockwise to the next player or, if the button has rotated to the player farthest to the dealer's right, the dealer. Dealing shall commence with the player or dealer, as applicable, positioned immediately after the button in clockwise rotation.

- (d) The dealer shall burn the top card of the deck and shall then deal the cards as follows:
1. One card face down to each player and the dealer in a manner as to not disclose the value of the cards;
  2. A second card face down to each player and the dealer in a manner as to not disclose the value of the cards; and
  3. A third card face up to each player and the dealer.

(e) After all cards have been dealt to each player and the dealer as provided in (d) above and 147 -32.10, the dealer shall place the stub face down in the discard rack without exposing the cards.

(f) The dealer shall be required to count the cards in the deck at least once every five rounds of play in order to determine that the correct number of cards are still in the deck.

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play winner's pot poker dealt from an automated dealing shoe which dispenses cards in stacks of three cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed:

1. Once the procedures required by Section 4 have been completed and the dealer has burned the top card of the deck, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce "No more bets" prior to the shoe dispensing any stacks of cards.

(c) In the first round of play, the dealer shall place a button in front of the dealer indicating that the dealing shall commence with the player farthest to his or her left and continue around the table in a clockwise manner. For each ensuing round of play, the button shall rotate clockwise to the next player or, if the button has rotated to the player farthest to the dealer's right, the dealer. Dealing shall commence with the player or dealer, as applicable, positioned immediately after the button in clockwise rotation.

(d) The dealer shall deliver the first stack of three cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed an ante wager in accordance with Section 6. Once the stack is delivered to the player position, the dealer shall turn face up the top card of the stack. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each player who has placed a wager in accordance with Section 6 and the dealer in a manner as to not disclose the value of the cards, turning face up the top card on the stack of each player and the dealer.

(e) After each stack of three cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the remaining cards from the automated dealing shoe and, following the applicable procedures set forth in Section 8(b)(2)(3), deal from his or hand any cards required to be dealt in accordance with the provisions of Section 10. After all required cards have been dealt, the dealer shall place the stub face down in the discard rack without exposing the cards.

(f) The dealer shall be required to count the cards in the deck at least once every five rounds of play in order to determine that the correct number of cards are still in the deck.

(g) Notwithstanding the provisions of (f) above, the counting of the cards once every five rounds of play shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

#### **10. Procedure for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed, each player shall examine his or her two down cards without exposing them to any person and either place a bet wager or elect to fold. The dealer shall neither examine nor expose his or her down cards until each remaining player and the dealer is dealt a fifth and final card.

1. If a player chooses to place a bet wager, the wager shall be placed in the designated bet wager betting area.
2. If a player elects to fold after receiving the initial three cards, the player's ante shall be collected by the dealer and placed in the table inventory container. The three cards of the player shall be collected and placed face down in the discard rack unless the player has placed a jacks plus bonus wager, in which case the three cards shall be placed face down underneath the jacks plus bonus wager of the player.
3. The dealer shall, moving in a clockwise rotation starting with the player next to the button, ascertain the decision of each player to either place a bet wager or fold.

(b) Once each player has either placed a bet wager or elected to fold, the dealer shall burn a card and then deal a fourth card face up to each remaining player who has placed a bet wager and the dealer in clockwise rotation, beginning with the first player after the button.

(c) After each remaining player who has placed a bet wager and the dealer have been dealt a fourth card, each player shall either place a double wager or elect to fold.

1. If a player chooses to place a double wager, the wager shall be placed in the designated double wager betting area.
2. If a player elects to fold after receiving a fourth card, the ante and bet wagers of the player shall be collected by the dealer and placed in the area of the table designated for the winner's pot. The four cards of the player shall be collected and placed face down in the discard rack unless the player has placed a jacks plus bonus wager, in which case the four cards shall be placed face down underneath the jacks plus bonus wager of the player.
3. The dealer shall, moving in a clockwise rotation starting with the first remaining player after the button, ascertain the decision of each player to either place a double wager or fold.

(d) Once each remaining player has either placed a double wager or elected to fold, the dealer shall burn a card and then deal a fifth and final card face up to each remaining player who has placed a double wager and the dealer in clockwise rotation, beginning with the first player after the button.

(e) After each remaining player and the dealer have been dealt a fifth and final card, the dealer shall collect all ante, bet and double wagers remaining on the table and place them in the area designated for the winner's pot.

(f) The dealer shall expose his or her two down cards and announce the best possible poker hand that can be formed from the cards of the dealer. The dealer shall then, starting with the remaining player farthest to his or her right and proceeding in a counterclockwise rotation around the table, expose the two down cards of each player and announce the best possible poker hand that can be formed from the cards of each player.

(g) The dealer shall settle the jacks plus bonus wagers of all players and, for each player who has folded, place the cards of such players face down in the discard rack. Losing jacks plus bonus wagers shall be placed in, and winning jacks plus bonus wagers shall be paid from, the table inventory container.

(h) The dealer shall then announce the highest ranking poker hand. All hands shall remain face up on the layout until such time as the winner's pot is awarded.

1. If the dealer has the highest ranking poker hand, he or she shall collect all ante, bet and double wagers from the area designated for the winner's pot and place them in the table inventory container.
2. If a player has the highest ranking poker hand or the highest ranking poker hand is a tie hand, the dealer shall award the winner's pot to the player with the highest ranking poker hand, subject to the following:
  - i. If a player has the highest ranking poker hand, a percentage commission of no more than ten percent or a fixed dollar amount, pre-established by the gaming licensee, whichever is less, shall be deducted from the pot and placed in the table inventory container; or
  - ii. If the highest ranking poker hand is a tie hand, each player and/or the dealer holding a tie hand shall share the winner's pot equally, except that a percentage commission of no more than ten percent or a fixed dollar amount, pre-established by the gaming licensee, whichever is less, shall be deducted from that portion of the pot not awarded to the dealer and placed in the table inventory container.

(i) After the winner's pot has been awarded in accordance with (h) above, the dealer shall immediately collect the cards of all remaining players and the dealer and place them in the discard rack. All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

## **11. Payout odds**

(a) The payout odds for winning jacks plus bonus wagers at winner's pot poker printed on any sign or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word "to" or "win," and no odds shall be stated through the use of the word "for."

(b) Each winning jacks plus bonus wager shall be paid once for the highest ranking qualifying hand at no less than the odds set forth below:

<u>Hand</u>	<u>Payout Odds</u>
Royal flush	400 to 1
Straight flush	80 to 1
Four-of-a-kind	50 to 1
Full house	30 to 1



Flush	15 to 1
Straight	10 to 1
Three-of-a-kind	7 to 1
Two pair	3 to 1
Pair of jacks, queens, kings or aces	1 to 1

(c) Notwithstanding the payout odds in (b) above, the payout limit for a player for a winning jacks plus bonus wager shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater; provided, however, that if two or more players who have placed a jacks plus wager receive a royal flush, the established maximum payout shall be paid to those players in the same proportion as the amounts of their respective jacks plus bonus wagers.

## **12. Irregularities**

(a) If the first or second hole card of a player or the dealer is inadvertently turned face up in the dealing process, the third card dealt to that hand shall be dealt face down. If both cards of a player or the dealer are inadvertently turned face up in the dealing process, the dealer shall call the affected hand “dead,” void any wagers associated with the dead hand and collect the two cards for placement in the discard rack. Notwithstanding the foregoing, if a player has placed a jacks plus bonus wager, any winning wager shall be settled in accordance with the payout odds set forth in Section 11(b).

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled. Notwithstanding the foregoing, if the card(s) are found face up after all cards have been dealt, the wagers of all players shall be settled in accordance with the provisions of Sections 10-11.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If a player is dealt an incorrect number of cards, that player’s hand shall be void.

(e) If the dealer fails to burn a card in accordance with these rules, the dealer shall continue dealing a card to each player and, after the betting round, the dealer shall burn two successive cards prior to dealing the next card.

(f) If the dealer fails to deal any player or the dealer a card in accordance with these rules, the round of play shall be considered a misdeal, all wagers shall be void, and the cards shall be collected by the dealer for a reshuffle.

(g) If the dealer fails to move the button in accordance with the rules of the game, the round of play shall continue as if the dealer moved the button. Upon commencement of the next round of play, the dealer shall rotate the button clockwise to the next player or, if the button has rotated to the player farthest to the dealer’s right, the dealer.

(h) If a player inadvertently exposes any of his or her down cards prior to such time authorized by these rules for the dealer to expose them, the player’s hand shall remain active and the round of play shall continue.

(i) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(j) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(k) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

**13. Prohibition against a player wagering on more than one player position**

A player shall not be permitted to wager on more than one player position at a winner's pot poker table.

### **33: SUPREME PAI GOW**

#### **1. Definitions**

The following words and terms, when used in the Rules of the Game for Supreme Pai Gow, shall have the following meanings unless the context clearly indicates otherwise:

*Bank--* shall mean the player who elects to have the other players and dealer play against him or her and accepts the responsibility to pay all winning wagers.

*Bonus wager--* shall mean the optional, supplemental wager on whether the four cards dealt to a player form a hand that qualifies for a payout in accordance with a posted pay table.

*Co-banking--* is defined in. Section 13(e).

*High hand--* shall mean the two-card hand which is formed from the four cards dealt at the game of supreme pai gow so as to rank equal to or higher than the two-card low hand.

*Low hand--* shall mean the two-card hand which is formed from the four cards dealt at the game of supreme pai gow so as to rank lower than the two-card high hand.

*Push--* is a tie as defined in Section 12(h).

*Rank or ranking--* shall mean the relative position of a card or group of cards as set forth in Section 3.

*Set or setting the hands--* shall mean the process of forming a high hand and low hand from the four cards dealt.

*Suit--* shall mean one of the four categories of cards, that is, diamond, spade, club or heart.

*Supreme pai gow wager--* shall mean the wager required to be made prior to any cards being dealt in order to participate in the round of play.

#### **2. Cards; number of cards**

(a) Except as provided in (b) below, supreme pai gow shall be played with one deck of cards that meets the requirements of 147.48, including two jokers, one additional cutting card and one additional cover card. The cutting card and cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.

(b) If an automated card shuffling device is used for supreme pai gow, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of a different color;

3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from one deck only shall be placed in the discard rack at any given time.

### **3. Supreme pai gow rankings; cards; bonus wager poker hands**

(a) The rank of a two-card high hand or low hand, in order from highest to lowest rank, shall be:

1. A matching pair, subject to the following:
  - i. The rank of matching pairs, from highest to lowest rank, shall be jokers, aces, kings, queens, jacks, 10s, nines, eights, sevens, sixes, fives, fours, threes, and twos; and
  - ii. A joker cannot form a pair with any card except the second joker;
2. Non-matching face cards, with a king and a queen being the highest ranking non-matching face cards, a king and a jack being the next highest ranking non-matching face cards, and a queen and a jack being the lowest ranking non-matching face cards; and
3. The highest point total of the two cards in the hand, as determined in accordance with the following requirements:
  - i. An ace shall have a point value of 1;
  - ii. A face card or 10 shall have a point value of 0;
  - iii. A two through nine shall have a point value equal to the numerical face value of the card;
  - iv. A joker shall have a point value of either 3 or 6, the value being determined by whichever value yields the greater point total when added to the point value of the other card; and
  - v. Notwithstanding b3i through iv above, any point total of ten or greater shall be decreased by ten. For example, a two and five would have a point total of 7; a five and nine would have a point total of 4 (5 plus 9 minus 10); and a six and a joker would have a point total of 9 (with the joker being valued as 3).

(b) If, after application of the ranking rules in (a) above, the low hand or high hand of a player and the corresponding hand of the dealer or banker are equal in rank, the higher ranking low hand or high hand shall be the hand containing the highest ranking card. The rank of the cards used in supreme pai gow, in order of highest to lowest rank, shall be king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, 2 and ace, with the joker accorded the same value assigned pursuant to (a)3iv above. If, after the application of this subsection, two hands have an equal rank, the dealer or banker shall be deemed to hold the higher ranking hand.

(c) For purposes of the bonus wager, a joker shall only be used as a joker or as a 3 or a 6 (the same value assigned pursuant to (a)3iv above) to form a “straight” or a “straight flush.” The permissible four-card hands that qualify for a posted payout shall be:

1. “Four aces” is a hand consisting of four aces;

2. "Royal flush" is a hand consisting of an ace, king, queen and jack of the same suit;
3. "Two jokers and two aces" is a hand consisting of two jokers and two aces;
4. "Four-of-a-kind" is a hand consisting of four cards of the same rank other than four aces;
5. "Straight flush" is a hand consisting of four cards of the same suit in consecutive ranking other than a royal flush;
6. "Three-of-a-kind" is a hand containing three cards of the same rank;
7. "Flush" is a hand consisting of four cards of the same suit, regardless of rank;
8. "Two pair" is a hand consisting of "two jokers" and "any other pair" or two "any other pairs;"
9. "Straight" is a hand consisting of four cards of consecutive rank, regardless of suit;
10. "Two jokers" is a hand that contains both jokers; and
11. "Any other pair" is a hand that contains two cards of the same rank other than two jokers.

(d) Notwithstanding any other provision of this section, the dealer or banker shall be deemed to hold the higher ranking low hand whenever the point value of the player's low hand is zero.

#### **4. Pai gow shaker and dice; computerized random number generator; button**

(a) The starting position for the deal or delivery of cards in supreme pai gow shall be determined by using one of the following methods:

1. Three dice and a pai gow shaker, which shall meet the requirements of 205 CMR 146-45 and 205 CMR 146-42(4), respectively, and be used in accordance with 205 CMR 146-46 and Section 11(b);
  - i. The three dice shall be maintained at all times within the pai gow shaker;
  - ii. The pai gow shaker and the dice contained therein shall be the responsibility of the dealer and shall never be left unattended while at the table; and
  - iii. No dice that have been placed in a pai gow shaker for use in gaming shall remain on a table for more than 24 hours;
2. A computerized random number generator that, in accordance with 205 CMR 146-42(5) and Section 11(c), shall automatically select and display a number from 1 through 7 inclusive; or
3. If an automated card shuffling device and dealing shoe is used pursuant to Section 10 and 11(d), a button that is moved by the dealer clockwise around the table as each round of play is completed.

#### **5. Opening of the table for gaming**

(a) After receiving a deck of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by

the first player to arrive at the table. The cards shall be spread out according to suit and in sequence and shall include two jokers.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with 147 -33.6.

(d) If a gaming licensee uses an automated card shuffling device to play the game of supreme pai gow and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above immediately prior to the commencement of play.

## **6. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards either manually or by use of an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack; provided, however, that nothing in this section shall be deemed to prohibit an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the cards directly into an automated or manual dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 8-10; or
2. If the cards were shuffled manually or were pre-shuffled pursuant to 205 CMR 146-50, cut the cards in accordance with the procedures set forth in (c) through (e) below.

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of the cover card. Thereafter, the dealer shall offer the stack of cards to be cut, with the backs facing up and faces facing the layout, to the player determined pursuant to (d) below. If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

1. The first player to the table, if the game is just beginning;
2. The player who accepts the bank pursuant to Section 13; provided, however, if the bank refuses the cut, the cards shall be offered to each player moving counterclockwise around the table from the bank until a player accepts the cut; or
3. The player at the farthest position to the right of the dealer, if there is no bank during a round of play; provided, however, if there are two or more consecutive rounds of play where there is no bank, the offer to cut the cards shall rotate in a counterclockwise manner after the player to the far right of the dealer has been offered the cut.



(e) The player or dealer making the cut shall place the cutting card in the stack at least 10 cards from either end. Once the cutting card has been inserted, the dealer shall take the cutting card and all the cards on top of the cutting card and place them on the bottom of the stack. The dealer shall then remove the cover card and place it on the bottom of the stack. Thereafter, the dealer shall remove the cutting card and, at the discretion of the gaming licensee, either place it in the discard rack or use it as an additional cutting card to be inserted four cards from the bottom of the deck. The dealer shall then deal or deliver the cards in accordance with the procedures set forth in Sections 8-10.

(f) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the gaming licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by (c) and (d) above.

(g) Whenever there is no gaming activity at a supreme pai gow table which is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 5(c) shall be completed.

## **7. Wagers**

(a) All wagers at supreme pai gow shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate betting area of the supreme pai gow layout. A verbal wager accompanied by cash shall not be accepted at the game of supreme pai gow.

(b) Only players who are seated at the supreme pai gow table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

(c) All wagers at supreme pai gow shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedures set forth in Sections 8-10. No wager at supreme pai gow shall be made, increased or withdrawn after the dealer has announced "No more bets."

(d) Upon placing a supreme pai gow wager, a player may also place a bonus wager by placing a wager of at least \$1.00 on the designated betting area of the layout. The outcome of the bonus wager shall have no bearing on any other wager made by the player at the game of supreme pai gow.

## **8. Procedures for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51**. Once the procedures required by Section 6 have been completed, the cards shall be placed in the manual dealing shoe and the dealer shall announce "No more bets."

(b) The dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for dealing the cards.

(c) After the starting position for dealing the cards has been determined, each card shall be removed from the dealing shoe with the left hand of the dealer and placed face down on the appropriate area of the layout with the right hand of the dealer. The dealer shall deal the first card to the starting position as determined in (b) above and, moving clockwise around the table,

deal a card to all other positions, including the dealer, regardless of whether there is a wager at the position. The dealer shall then return to the starting position and deal a second card in a clockwise rotation and shall continue dealing until each position, including the dealer, has four cards.

(d) The dealer shall be required to count the stub at least once every five rounds of play in order to determine whether the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 54 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player or the dealer has more or less than four cards), all hands shall be void pursuant to Section 16(h). If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

(e) Notwithstanding the provisions of (d) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards, plus two jokers, are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

(f) After four cards have been dealt to each position, including the dealer, the dealer shall collect any cards dealt to a player position where there is no wager and place them in the discard rack without exposing the cards.

## **9. Procedures for dealing the cards from the hand**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play supreme pai gow from his or her hand.

(b) If a gaming licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.

1. Once the procedures required by Section 6 have been completed, the dealer shall place the deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
2. The dealer shall then announce "No more bets" prior to dealing seven stacks of four cards each to the area in front of the table inventory container. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall deal the first seven cards moving from left to right and the second seven cards moving from right to left and shall continue alternating in this manner until there are seven stacks of four cards.

(d) The dealer shall be required to count the stub as set forth in Section 8(d)-(e).

(e) Once the dealer has completed dealing the seven stacks and placed the 26 remaining cards in the discard rack, the dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for delivering the stacks of cards.

(f) After the starting position for delivering the stacks of cards has been determined, the dealer shall deliver the first stack to the starting position and moving counterclockwise around the table, deliver the remaining stacks in order to all positions, including the dealer, regardless of whether there is a wager at the position. In delivering the stacks, the stack farthest to the right of the dealer shall be considered the first stack, and the stack farthest to the left of the dealer shall be considered the seventh stack. The dealer shall deliver each stack face down.

(g) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a player position where there is no wager and place them in the discard rack without exposing the cards.

#### **10. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play supreme pai gow dealt from an automated dealing shoe which dispenses cards in stacks of four cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by Section 6 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce "No more bets" prior to the shoe dispensing any stacks of cards.

(c) The dealer shall then, using one of the procedures authorized by Section 11, determine the starting position for delivering the stacks of cards.

(d) Once the starting position has been determined in accordance with (c) above, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall deliver a stack in turn to each of the other positions, including the dealer, moving clockwise around the table, whether or not there is a wager at the position. The dealer shall deliver each stack face down.

(e) The dealer shall be required to count the stub as set forth in Section 8(d)-(e).

(f) After the seven stacks have been delivered to each position, including the dealer, the dealer shall collect any stacks dealt to a player position where there is no wager and place them in the discard rack without exposing the cards.

#### **11. Procedure for determining the starting position for dealing cards or delivering stacks of cards**

(a) In order to determine the starting position for the dealing of cards or the delivery of stacks of cards for the game of supreme pai gow, a gaming licensee may, in its discretion, use the procedure authorized in (b), (c) or (d) below.

(b) The dealer shall shake the pai gow shaker and dice described in Section 4 at least three times so as to cause a random mixture of the dice.

1. The dealer shall then remove the lid covering the pai gow shaker, total the dice and announce the total.

2. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the total of the three dice.

3. Examples are as follows:

- i. If the dice total 8, the dealer would receive the first card or stack of cards; or
- ii. If the dice total 14, the sixth betting position would receive the first card or stack of cards.

4. After the dealing or delivery of the cards has been completed in accordance with the procedures set forth in Sections 8-10, the dealer shall place the cover on the pai gow shaker and shake the shaker once. The pai gow poker shaker shall then be placed to the right of the dealer.

(c) The dealer may use a computerized random number generator approved by the Commission to select and display a number from 1 through 7 inclusive, and verbally announce the number. To determine the starting position, the dealer shall count counterclockwise around the table, with the position of the dealer considered number one, and continuing around the table with each betting position counted in order, including the dealer, regardless of whether there is a wager at the position, until the count matches the number displayed by the random number generator.

(d) If an automated card shuffling device and dealing shoe is used pursuant to Section 10, the dealer may use a flat disc button approved by the Commission to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(e) After the starting position for a round of play has been determined, a gaming licensee may, in its discretion, mark that position by the use of an additional cut card or similar object.

## **12. Procedures for completion of each round of play; setting of hands; payment and collection of wagers**

(a) After the dealing of the cards has been completed, each player shall set his or her hands by arranging the cards into a high hand and low hand. When setting the two hands, the two-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the low hand contains a pair of sevens, the high hand must contain at least a pair of sevens.

(b) Each player at the table shall be responsible for setting his or her own hands and no other person except the dealer may touch the cards of that player. Notwithstanding the foregoing, if a player requests assistance in the setting of his or her hands, the dealer may inform the requesting player of the manner in which the gaming licensee requires the hands of the dealer to be set in its Rules of the Games Submission. Each player shall be required to keep the four cards in full view of the dealer at all times. Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player shall not touch the cards again.

(c) After all players have set their hands and placed the cards on the table, the four cards of the dealer shall be turned over and the dealer shall set his or her hands by arranging the cards into a high and low hand. The dealer shall then place the two hands face up on the appropriate area of the layout.

(d) Each gaming licensee shall submit to the Commission in its Rules of the Games Submission the manner in which it will require the hands of the dealer to be set.

(e) A player may announce that he or she wishes to surrender his or her supreme pai gow wager prior to the dealer exposing either of the two hands of that player pursuant to (f) below. Once the player has announced his or her intention to surrender, the dealer shall:

1. Immediately collect the supreme pai gow wager from that player;
2. If the player has also placed a bonus wager, the player's four cards shall be collected and placed face down on the table underneath the bonus wager pending resolution of the bonus wager at the conclusion of the round of play; and
3. If no bonus wager has been made by the player, immediately collect the four cards dealt to that player without exposing the cards to anyone at the table and verify that four cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(f) Once the dealer has set a high hand and a low hand, the dealer shall expose both hands of each player, starting from the right and proceeding counterclockwise around the table. The dealer shall compare the high and low hand of each player to the corresponding hands of the dealer and shall announce if the supreme pai gow wager of that player shall win, lose or be considered a tie ("push").

(g) A supreme pai gow wager made by a player shall lose if:

1. Both player's hands (high and low) are lower in rank than the corresponding hands of the dealer;
2. The high hand of the player was not set so as to rank higher than his or her low hand; or
3. The two hands of the player were not otherwise set correctly in accordance with the rules of the game (for example, a player forms a three-card high hand and a one-card low hand).

(h) All hands that result in a winning supreme pai gow wager or a winning bonus wager shall be immediately paid by the dealer from the table inventory container. A supreme pai gow wager shall win if both player's hands (high and low) are higher in rank than both corresponding hands of the dealer. If the player and the dealer each win one hand, the player's supreme pai gow wager shall be deemed a push and it shall not be paid or collected. A bonus wager shall win if the four cards dealt to a player qualify for a posted payout in accordance with Section 14. All losing supreme pai gow wagers and bonus wagers shall be immediately collected by the dealer and put in the table inventory container. The dealer shall pay all winning wagers and collect all losing wagers, in order, beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. Once the wager(s) of a player are settled, the dealer shall collect the player's cards and place them in the discard rack.

(i) A winning supreme pai gow wager shall be paid by a gaming licensee at odds of 1 to 1, except that the gaming licensee shall extract a commission known as “vigorish” from the winning player in an amount equal to five percent of the amount won; provided, however, that when collecting the vigorish, the gaming licensee may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A gaming licensee shall collect the vigorish from a player at the time the winning payout is made. After a winning supreme pai gow wager has been paid and the vigorish collected, the dealer shall then, if applicable, settle the player’s bonus wager. Before paying a winning bonus wager, the dealer shall, if necessary, reset the player’s high hand and low hand to form the four-card hand type yielding the highest qualifying payout to which the player is entitled.

(j) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in case of a question or dispute.

### **13. Player bank; co-banking; selection of bank; procedures for dealing**

(a) A gaming licensee may, in its discretion, offer to all players at a supreme pai gow table the opportunity to bank the game. If the gaming licensee elects this option, all the other provisions of the Rules of the Game of Supreme Pai Gao shall apply except to the extent that they conflict with the provisions of this section, in which case the provisions of this section shall control for any round of play in which a player is the bank.

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game shall mean the first round of play after the dealer is required to shuffle the cards in accordance with the procedures set forth in Section 5(c).

(c) After the first round of play pursuant to (b) above, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall, starting with the player farthest to the right of the dealer, offer the bank to each player in a counterclockwise rotation around the table until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of that player shall first be offered the bank on the next round of play. The initial offer to be the bank shall rotate counterclockwise around the table until it returns to the dealer. In no event may any player bank two consecutive rounds of play. If no player wishes to be the bank, the round of play shall proceed in accordance with the rules of play provided in the Rules of the Game of Supreme Pai Gow.

- (d) Before a player may be permitted to bank a round of play, the dealer shall determine that:
1. The player placed a wager against the dealer during the last round of play in which there was no player banking the game; and
  2. The player has sufficient gaming chips on the table to cover all of the wagers placed by other players at the table for that round of play.

(e) A gaming licensee may, in its discretion, offer the bank the option of having the casino cover 50 percent of the wagers made during a round of play. If the gaming licensee offers this option, it shall make it available to all players at the table. If the bank wishes to use this option, the bank must specifically request the dealer to accept responsibility for the payment of one-half of all winning wagers. When the bank covers 50 percent and the casino covers 50 percent of the winning wagers, it shall be known as "co-banking" and the dealer shall place a marker designating the co-bank in front of that player. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner submitted to the Commission



pursuant to Section 12(d). When co-banking is in effect, the dealer may not place a wager against the bank.

(f) If a player is the bank, the player may only wager on one betting area.

(g) Once the dealer has determined that a player may be the bank pursuant to (d) above and after the cards have been shuffled, the dealer shall remove gaming chips from the table inventory container in an amount equal to the last wager made by that player against the dealer or in an amount, the calculation of which has been approved by the Commission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer places no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container.

(h) If the cards are to be dealt from a manual dealing shoe, the procedures set forth in 147 - 33.8 and 33.11 shall apply, except as follows:

1. If a pai gow shaker and dice are being used to determine the starting position for the dealing of the cards, the bank shall shake the pai gow shaker three times pursuant to Section 11(b) instead of the dealer. It shall be the responsibility of the dealer to ensure that the bank shakes the pai gow shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the pai gow shaker, the dealer shall remove the lid covering the pai gow shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow shaker to be covered and reshaken by the bank.
2. If a computerized random number generator is used to determine the starting position for the dealing of the cards, the device shall be operated in accordance with procedures approved by the Commission.
3. When counting the betting positions, including the dealer, to determine the starting position for dealing the cards, the position of the banker, instead of the dealer, shall be considered number one.

(i) If the cards are to be dealt from the hand, the procedures set forth in Sections 8 and 11 shall apply, except as follows:

1. Once the dealer has completed dealing the seven stacks and placed the remaining cards in the discard rack pursuant to Section 9, the bank shall select the first stack to be delivered by the dealer. This stack shall be designated as the first stack by the dealer moving it toward the players.
2. If a pai gow shaker and dice are being used to determine the starting position for the delivery of the first stack, the bank shall shake the pai gow shaker three times pursuant to Section 11(b) instead of the dealer. It shall be the responsibility of the dealer to ensure that the bank shakes the pai gow shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the pai gow shaker, the dealer shall remove the lid covering the pai gow shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow shaker to be covered and reshaken by the bank.
3. If a computerized random number generator is used to determine the starting position for the delivery of the first stack, the device shall be operated in accordance with procedures approved by the Commission.

4. When counting the betting positions, including the dealer, to determine the starting position for delivering the seven stacks of cards, the position of the bank, instead of the dealer, shall be considered number one.
5. The dealer shall deliver the first stack as determined in (i)1 above to the starting position as determined in Section 11 and (i)2 through 4 above. Thereafter, the dealer shall deliver the remaining stacks in a clockwise rotation beginning with the stack closest to the right of the first stack and proceeding until all stacks to the right of the first stack have been dealt and then moving to the stack farthest to the left of the dealer and proceeding left to right. If there are no stacks to the right of the first stack, the dealer will begin with the stack farthest to the left and proceed to the right. The dealer shall deliver each stack face down to each position, including the dealer, regardless of whether there is a wager at the position.

(j) If the cards are to be dealt from an automated dealing shoe, the procedures set forth in Sections 10 and 11 shall apply, except as follows:

1. If a pai gow shaker and dice are being used to determine the starting position for the delivery of the first stack of cards dispensed by the automated dealing shoe, the bank shall shake the pai gow shaker three times pursuant to Section 11(b) instead of the dealer. It shall be the responsibility of the dealer to ensure that the bank shakes the pai gow shaker at least three times so as to cause a random mixture of the dice. Once the bank has completed shaking the pai gow shaker, the dealer shall remove the lid covering the pai gow shaker, total the dice and announce the total. The dealer shall always remove the lid from the pai gow shaker and if the bank inadvertently removes the lid, the dealer shall require the pai gow shaker to be covered and reshaken by the bank.
2. If a computerized random number generator is used to determine the starting position, the device shall be operated in accordance with procedures approved by the Commission.
3. When counting the betting positions, including the dealer, to determine the starting position for delivering the stacks of cards as they are dispensed by the shoe, the position of the bank, instead of the dealer shall be considered number one.

(k) If the cards dealt to the dealer have not been previously collected, after each player has set his or her two hands and placed them on the appropriate area of the layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the dealer wins, the cards of the dealer shall be stacked face up to the right of the table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer pushes, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(l) If banking is in effect, once the dealer has determined the outcome of the wager of the dealer against the bank, if any, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counterclockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be considered a push against the bank. All losing

wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, all winning wagers, including the dealer's wager, shall be paid by the dealer with the gaming chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the bank, an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount shall be charged a five percent vigorish in accordance with Section 9. Once the vigorish has been paid, the remaining amount shall be given to the bank.

(m) If co-banking is in effect, once the dealer has set the co-bank hand pursuant to paragraph (e) above, the dealer shall expose the hands of each player starting with the player farthest to the right of the dealer and proceeding counterclockwise around the table. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and shall announce if the wager shall win, lose or be considered a push against the bank. All losing wagers shall be immediately collected and placed in the center of the table. After all hands have been exposed, all winning wagers shall be paid by the dealer with the gaming chips located in the center of the table. If this amount becomes exhausted before all winning wagers have been paid, the dealer shall collect from the co-bank, an amount equal to one-half of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to one-half of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place half of this amount into the table inventory container. The dealer shall collect a five percent vigorish in accordance with Section 12 on the remaining amount and place the vigorish amount in the table inventory container. The remaining amount shall then be given to the co-bank.

(n) Immediately after a winning wager of the dealer is paid, this amount and the original wager shall be returned to the table inventory container.

(o) Each player who has a winning wager against the bank shall pay a five percent vigorish on the amount won to the dealer, in accordance with Section 12.

(p) The bonus wager and resolution of such wager shall be governed by the rules applicable to such wagers throughout the Rules of the Game of Supreme Pai Gow.

**14. Bonus wager payouts; payout limitation**

(a) Each winning bonus wager shall be paid once for the highest ranking qualifying four-card hand that can be formed and at no less than the odds set forth below:

<u>Hand Type</u>	<u>Payout</u>
Four aces	1000 to 1
Royal flush	500 to 1
Two jokers and two aces	200 to 1
Four-of-a-kind	100 to 1
Straight flush	25 to 1
Three-of-a-kind	10 to 1
Flush	8 to 1
Two pair	7 to 1

Straight	6 to 1
Two jokers	4 to 1
Any other pair	1 to 1

(b) Notwithstanding the payout odds in (a) above, the payout limit for a player for a winning bonus wager shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater; provided, however, that if two or more players who have placed a bonus wager receive a royal flush, the established maximum payout shall be paid to those players in the same proportion as the amounts of their respective bonus wagers.

**15. A player wagering on more than one betting area**

(a) A gaming licensee may, in its discretion, permit a player to wager on no more than two betting areas at a supreme pai gow table, which areas must be adjacent to each other.

(b) If a gaming licensee permits a player to wager on two adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall be required to rank and set the hands at the betting position with the larger wager before ranking and setting the other hands. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the hands at the first betting position being ranked and set before the player proceeds to rank and set the hands at the second betting position. Once hands have been ranked and set and placed face down on the appropriate area of the layout, the hands may not be changed.

**16. Irregularities; invalid roll of the dice**

(a) If the dealer uncovers the pai gow poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a “No roll” and reshake the dice.

(b) If the dealer uncovers the pai gow poker shaker and a die or dice fall out of the shaker, the dealer shall call a “No roll” and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card or delivers the first stack to the wrong position, all hands shall be called dead and the dealer shall reshuffle the cards.

(d) If the dealer exposes any of the cards dealt to a player, the player has the option of voiding the hand. Without looking at the unexposed cards, the player shall make the decision either to play out the hand or to void the hand.

(e) If a card or cards in the hand of the dealer or bank is exposed, all hands shall be void and the cards shall be reshuffled, except that if a player has placed a bonus wager, it shall be settled in accordance with the payout odds set forth in Section 14.

(f) A card found turned face up in the shoe shall not be used in the game and shall be placed in the discard rack. If more than one card is found turned face up in the shoe, all hands shall be void and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void and the cards reshuffled.

(i) If the dealer does not set his or her hands in the manner submitted to the Commission pursuant to Section 12(d), the hands must be reset in accordance with this submission and the round of play completed.

(j) If the bank does not set his or her own hands correctly, the wager shall not be lost pursuant to Section 12(g)(3)-(4) and the dealer shall be required to reset the bank's hands in the manner submitted to the Commission pursuant to Section 12(d) so that the round of play may be completed.

(k) If a card is exposed while the dealer is dealing the seven stacks in accordance with Section 8, the cards shall be reshuffled.

(l) If cards are being dealt from the hand and the dealer fails to deal the seven stacks in accordance with Section 9(c), the cards shall be reshuffled.

(m) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(n) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void, and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(o) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## 34: MISSISSIPPI STUD

### 1. Definitions

The following words and terms, when used in the Rules of the Game of Mississippi Stud, shall have the following meanings unless the context clearly indicates otherwise:

*Ante wager*-- means the initial wager placed prior to any cards being dealt in order to participate in the round of play.

*Bet wager*-- means either a 3<sup>rd</sup> street wager, a 4<sup>th</sup> street wager or a 5<sup>th</sup> street wager.”

*Community card*-- means any of the three cards that are initially dealt face down in the designated area in front of the dealer and, once revealed, shall be used by each player with his or her two cards to form a five card hand.

*5<sup>th</sup> street wager*-- means an additional wager made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the second community card is revealed by the dealer.

*Fold*-- means the withdrawal of a player from a round of play by discarding his or her two cards prior to placing a bet wager.

*4<sup>th</sup> street wager*-- means an additional wager made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the first community card has been revealed by the dealer.

*Push*-- means a player’s hand, as defined in Section 10, resulting in neither payment on nor collection of the player’s wagers.

*Rank*-- or "ranking" means the relative position of a card or group of cards as set forth in Section 5.

*Round of play*-- or "round" means one complete cycle of play during which all players then playing at the table have been dealt a hand, have folded or wagered upon it, and have had their wagers paid or collected in accordance with the Rules of the Game of Mississippi Stud.

*Stub*-- means the remaining portion of the deck after all cards in the round of play have been dealt.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade, with no suit being higher in rank than another.

*3<sup>rd</sup> street wager*-- means an additional wager made by a player, in an amount equal to one, two or three times the amount of the player’s ante wager, after the player has been dealt his or her initial two cards.



## **2. Cards; number of decks**

(a) Except as provided in (b) below, mississippi stud shall be played with one deck of cards that meets the requirements of 205 CMR 146-48 and one additional cover card. The cover card shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.

(b) If an automated card shuffling device is used for mississippi stud, a gaming licensee shall be permitted to use a second deck of cards to play the game, provided that:

1. Each deck of cards complies with the requirements of (a) above;
2. The backs of the cards in the two decks are of a different color;
3. One deck is being shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game;
4. Both decks are continuously alternated in and out of play, with each deck being used for every other round of play; and
5. The cards from one deck only shall be placed in the discard rack at any given time.

## **3. Opening of the table for gaming**

(a) After receiving the cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 4.

(d) If a gaming licensee uses an automated card shuffling device to play the game and two decks of cards are received at the table pursuant to 205 CMR 146-49 and Section 2, each deck of cards shall be separately sorted, inspected, verified, spread, inspected, mixed, stacked and shuffled in accordance with the provisions of (a) through (c) above.

## **4. Shuffle and cut of the cards**

(a) Immediately prior to the commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each round of play has been completed, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that they are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack, provided, however, that nothing in this section shall be deemed to prohibit the use of an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

1. If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with the procedures set forth in Sections 7-9; or

2. If the cards were shuffled manually or were pre-shuffled pursuant to **205 CMR 146-50**, cut the cards in accordance with the procedures set forth in (c) below.

(c) If a cut of the cards is required, the dealer shall:

1. Cut the deck, using one hand, by:
  - i. Placing the cover card on the table in front of the deck of cards;
  - ii. Taking a stack of at least 10 cards from the top of the deck and placing them on top of the cover card;
  - iii. Placing the cards remaining in the deck on top of the stack of cards that were cut and placed on the cover card pursuant to (c)1ii above; and
  - iv. Removing the cover card and placing it in the discard rack; and
2. Deal the cards in accordance with the procedures set forth in Sections 7-9.

(d) Notwithstanding (c) above, after the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(e) Whenever there is no gaming activity at a mississippi stud table that is open for gaming, the cards shall be spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures outlined in Section 3(c) and, if applicable, (d) shall be completed.

### **5. Mississippi stud hand rankings**

(a) The rank of the cards used in mississippi stud for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a “straight flush” or a “straight” formed with a 2, 3, 4 and 5. An ace may not be used, however, with any other sequence of cards to form a “straight” (for example, queen, king, ace, 2 and 3).

(b) The permissible poker hands at the game of mississippi stud, in order of highest to lowest rank, shall be:

1. “Royal flush” is a hand consisting of an ace, king, queen, jack and 10 of the same suit;
2. “Straight flush” is a hand consisting of five cards of the same suit in consecutive ranking, except for a royal flush as defined in (b)1 above;
3. “Four-of-a-kind” is a hand consisting of four cards of the same rank;
4. “Full house” is a hand consisting of a “three-of-a-kind” and a “pair;”
5. “Flush” is a hand consisting of five cards of the same suit, not in consecutive order;
6. “Straight” is a hand consisting of five unsuited cards of consecutive rank;
7. “Three-of-a-kind” is a hand consisting of three cards of the same rank;
8. “Two pairs” is a hand consisting of two “pairs;” and
9. “Pair” is a hand consisting of two cards of the same rank.

### **6. Wagers**

(a) All wagers at mississippi stud shall be made by placing gaming chips or plaques, and, if applicable, a match play coupon, on the appropriate betting areas of the table layout. A verbal wager accompanied by cash shall not be accepted.

(b) All ante wagers and bet wagers shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedure in Sections 7-9.

(c) A "bet" wager shall be made in accordance with Section 10.

(d) A player shall not be permitted to play at more than one betting position.

(e) Only players who are seated at the mississippi stud table may place a wager at the game. Once a player has placed a wager and received cards, that player must remain seated until the completion of the round of play.

## **7. Procedure for dealing the cards from a manual dealing shoe**

(a) If a gaming licensee chooses to have the cards dealt from a manual dealing shoe, the dealing shoe shall meet the requirements of **205 CMR 146-51** and shall be located on the table in a location as approved by the Commission. Once the procedures required by Section 4 have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated shuffling device.

(b) Prior to dealing any cards and prior to revealing each community cards, the dealer shall announce "No more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Two cards face down to each player; and
2. Three community cards face down in the designated area.
3. All cards will be dealt in a manner as to not disclose the value of the cards

(e) After two cards have been dealt to each player and the three community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (f) below, place the stub in the discard rack without exposing the cards.

(f) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

1. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.
2. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards have been misdealt (a player has more or less than two cards or the area designed for the community cards has more or less than three cards) but 52 cards remain in the deck, all hands shall be void pursuant to Section 12. If the cards have not been misdealt, all hands shall be considered void and the entire deck of cards shall be removed from the table pursuant to **205 CMR 146-49**.

## **8. Procedures for dealing the cards from the hand**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, permit a dealer to deal the cards used to play Mississippi stud from his or her hand.

(b) If a gaming licensee chooses to have the cards dealt from the dealer's hand, the following requirements shall be observed.

1. The gaming licensee shall use an automated shuffling device to shuffle the cards.

2. Once the procedures required by Section 4 have been completed, the dealer shall place the stacked deck of cards in either hand.
  - i. Once the dealer has chosen the hand in which he or she will hold the cards, the dealer shall use that hand whenever holding the cards during that round of play.
  - ii. The cards held by the dealer shall at all times be kept in front of the dealer and over the table inventory container.
3. The dealer shall then announce "No more bets" prior to dealing any cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(c) The dealer shall, starting with the player farthest to his or her left and continuing around the table in a clockwise manner, deal the cards as follows:

1. Two cards face down to each player; and
2. Three community cards face down in the designated area.
3. All cards will be dealt in a manner as to not disclose the value of the cards

(d) After two cards have been dealt to each player and the three community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in (e) below, place the stub in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7.

### **9. Procedures for dealing the cards from an automated dealing shoe**

(a) Notwithstanding any other provision of **205 CMR 146 or this chapter**, a gaming licensee may, in its discretion, choose to have the cards used to play mississippi stud dealt from an automated dealing shoe which dispenses cards in stacks of two cards, provided that the shoe, its location and the procedures for its use are approved by the Commission.

(b) If a gaming licensee chooses to have the cards dealt from an automated dealing shoe, the following requirements shall be observed.

1. Once the procedures required by Section 4 have been completed, the cards shall be placed in the automated dealing shoe.
2. The dealer shall then announce "No more bets" prior to the shoe dispensing any stacks of cards.

(c) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to his or her left who has placed a wager in accordance with Section 6. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in a manner as to not disclose the value of the cards in accordance with Section 6.

(d) After each stack of two cards has been dispensed and delivered in accordance with this subsection, the dealer shall remove the remaining cards from the automated dealing shoe and following the procedures set forth in Section 8(b)(2)(3), deal from his or her hand the three community cards face down in a manner as to not disclose the value of the cards in accordance with the provisions of Section 10. After all three community cards have been dealt, the dealer

shall, except as provided in (e) below, place the cards in the discard rack without exposing the cards.

(e) The dealer shall be required to count the stub at least once every five rounds of play in order to determine that the correct number of cards are still present in the deck. The dealer shall count the stub in accordance with the provisions of Section 7.

(f) Notwithstanding the provisions of (e) above, the counting of the stub shall not be required if an automated card shuffling device is used that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are still present. If the automated card shuffling device reveals that an incorrect number of cards are present, the deck shall be removed from the table in accordance with the provisions of **205 CMR 146-49**.

#### **10. Completion of a round of play; collection and payment of wagers**

(a) After the dealing procedures required by Sections 7-9 have been completed but before the dealer exposes the community cards, each player shall, after examining his or her cards, either place a bet wager in an amount equal to one, two or three times the amount of his or her ante wager in the designated 3<sup>rd</sup> street betting area or fold and forfeit the ante wager. If a player folds, the player's ante wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.

(b) Each player shall be responsible for his or her own hand and no other person other than the dealer may touch the cards of that player. Each player shall be required to keep the two cards in full view of the dealer at all times.

(c) No player may exchange or communicate information regarding his or her hand prior to the dealer revealing all of the community cards. Any violation shall result in a forfeiture of all wagers on that round by such player.

(d) After all players have either placed a 3<sup>rd</sup> street wager or folded, the dealer shall then turn over and reveal the first community card.

(e) Each player shall then either place a bet wager in an amount equal to one, two or three times the amount of the player's ante wager in the designated 4<sup>th</sup> street betting area or fold and forfeit the ante wager and 3<sup>rd</sup> street wager. If a player folds, the ante wager and 3<sup>rd</sup> street wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.

(f) After all remaining players have either placed a 4<sup>th</sup> street wager or folded, the dealer shall then turn over and reveal the second community card.

(g) Each player shall then either place a bet wager in an amount equal to one, two or three times the amount of the player's ante wager in the designated 5<sup>th</sup> street betting area or fold and forfeit the ante wager, 3<sup>rd</sup> street wager and 4<sup>th</sup> street wager. If a player folds, the ante wager, 3<sup>rd</sup> street wager and 4<sup>th</sup> street wager shall be collected by the dealer and placed in the table inventory container. A folded hand shall then be immediately collected by the dealer and placed in the discard rack.

(h) After all remaining players have either placed a 5<sup>th</sup> street wager or folded, the dealer shall then reveal the third community card.

(i) Starting with the player farthest to the dealer's right and proceeding in a counterclockwise manner around the table, the dealer shall evaluate and announce the best possible five-card poker hand that can be formed using the two player cards and the three community cards. The wagers

of each remaining player shall be resolved one player at a time regardless of outcome. The hand of the player shall then be immediately collected by the dealer and placed in the discard rack.

1. All losing wagers shall immediately be collected by the dealer and placed in the table inventory container. All losing hands shall then be immediately collected by the dealer and placed in the discard rack.
2. If the hand of the player is a push (a pair of 6s, 7s, 8s, 9s or 10s), the dealer shall not collect or pay the wagers, but shall immediately collect the cards of that player.
3. All winning wagers shall be paid in accordance with the payout odds listed in Section 11. A player's winning hand shall remain face up on the layout until the ante wager and bet wagers are paid. After paying winning ante and bet wagers, the dealer shall immediately collect the cards of all winning players and place them in the discard rack.

(j) All cards collected by the dealer shall be picked up in order and placed in the discard rack in such a way that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

### **11. Payout odds**

(a) The payout odds for winning wagers at mississippi stud printed on any layout or in any brochure or other publication distributed by a gaming licensee shall be stated through the use of the word "to" or "win," and no odds shall be stated through the use of the word "for."

(b) For a winning hand, the ante, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> street wagers are paid the same payout odds ranging from 1 to 1 for a pair of jacks, queens, kings or aces to 500 to 1 for a royal flush.

<u>Hand</u>	<u>Payout Odds</u>
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	10 to 1
Flush	6 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
Pair of jacks or better pair	1 to 1
Pair of 6s to pair of 10s	Push

(c) Notwithstanding the payout odds set forth in (c) above, the aggregate payout limit for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

### **12. Irregularities**

(a) If a community card is exposed prior to the dealer announcing "No more bets" pursuant to Section 7, all hands shall be void.

(b) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face



up in the shoe or the deck during the dealing of the cards, all hands shall be void and the cards shall be reshuffled.

(c) A card drawn in error without its face being exposed shall be used as though it was the next card from the shoe or the deck.

(d) If any player is dealt an incorrect number of cards, that player's hand shall be void.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with procedures approved by the Commission.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a round of play, the round of play shall be void and the cards shall be removed from the device and reshuffled with any cards already dealt, in accordance with procedures approved by the Commission.

(g) Any automated card shuffling device or automated dealing shoe shall be removed from a gaming table before any other method of shuffling or dealing may be utilized at that table.

## 35: CASINO WAR

### **1. Definitions**

The following words and terms, when used in the Rules of the Game of Casino War, shall have the following meanings unless the context clearly indicates otherwise:

*Burn card*-- means a card that the dealer removes from the shoe and places face down in the discard rack without revealing its rank to anyone.

*Initial wager*-- means the wager that must be made by a player prior to any cards being dealt in order to participate in the round of play.

*Original deal*-- means the first card that is dealt to each player and the dealer to determine the initial wager in a round of play.

*Round of play*-- or “round” means one complete cycle of play during which each player then playing at the table has placed an initial wager, has been dealt a card, has surrendered or gone to war, if appropriate, and has had his or her wagers paid or collected in accordance with this subchapter.

*Suit*-- means one of the four categories of cards: club, diamond, heart or spade.

*Tie hand*-- means the rank of a player’s card and the rank of the dealer’s card are equal.

*Tie wager*-- means an optional wager, made at the same time as an initial wager or war wager, that the deal on which the tie wager is made will result in a tie hand.

*War*-- or “go to war” means the decision of a player, in accordance with the option offered by Section 8(e), to place a war wager when there is a tie hand on the original deal.

*War deal*-- means the deal of the cards that follows the placement of a war wager.

*War wager*-- means a wager, equal in amount to the player’s initial wager, that is required to be made if the player elects to go to war.

### **2. Cards; number of decks; dealing shoe**

(a) Casino war shall be played with six, seven or eight decks of cards with backs of the same color and design. Each deck of cards shall consist of 52 cards that meet the requirements of **205 CMR 146-48**. The game of casino war shall also require one additional cutting card of a color that is readily distinguishable from the backs of the cards used to play the game. The cutting card shall be used in accordance with the procedures set forth in Section 5.

(b) All cards used in casino war shall be dealt from a manual dealing shoe that meets the requirements of **205 CMR 146-51**. The dealing shoe shall be located on the table to the left of the dealer.

(c) Nothing in this chapter shall preclude a gaming licensee from using an additional cutting card or similar object to conceal the last card of the stack of cards to be placed in the dealing

shoe.

(d) If an automated card shuffling device is utilized, casino war shall be played with at least 12 decks of cards in accordance with the following requirements:

1. Each deck of cards shall meet the requirements of 205 CMR 146-48;
2. The cards shall be separated into two batches, with an equal number of decks included in each batch;
3. The backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;
4. One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game;
5. Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and
6. The cards from only one batch shall be placed in the discard rack at any given time.

### **3. Casino war card rankings**

The rank of the cards used in casino war, for the purpose of determining a winning hand, shall be, in order from the highest to lowest rank: ace, king, queen, jack, 10, nine, eight, seven, six, five, four, three, and two. The suit of a card shall have no effect on its rank.

### **4. Opening of the table for gaming**

(a) After receiving six, seven or eight decks of cards at the table in accordance with 205 CMR 146-49, the dealer shall, as applicable, comply with the requirements of either 205 CMR 146-49 and (b) through (d) below or the requirements of 205 CMR 146-50.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a “washing” or “chemmy shuffle” of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with Section 5.

(d) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player or players is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

### **5. Shuffle and cut of the cards**

(a) Immediately prior to commencement of play, unless the cards were pre-shuffled pursuant to 205 CMR 146-50, and after each shoe of cards is dealt, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to players in the following order:

1. The first player to the table, if the game is just beginning;
2. The player on whose betting area the cutting card appeared during the last round of play;
3. The player at the farthest point to the right of the dealer if the cutting card appeared on the dealer's hand during the last round of play; or
4. The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of the gaming licensee.

(a) If the player designated in (b) above refuses to cut, the dealer shall offer the cut to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(b) The player or dealer making the cut shall place the cutting card in the stack at least a deck in from either end.

(c) Once the cutting card has been inserted, the dealer shall take all cards in front of the cutting card and place them on the back of the stack. Thereafter, the dealer shall insert the cutting card in the stack at a position at least a deck and a 1/2 of the way in from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(d) A reshuffle of the cards in the shoe shall take place after the cutting card is reached in the shoe as provided for in Section 7(d).

(e) If there is no gaming activity at the casino war table, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table.

1. If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing or chemmy shuffle of the cards, stacked, then shuffled and cut in accordance with this section.
2. If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:
  - i. The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner; and
  - ii. The shuffled cards have been secured, released and prepared for play in accordance with the gaming licensee's internal control procedures.

## **6. Wagers**

(a) All wagers at casino war shall be made by placing gaming chips or plaques and, if applicable, match play coupons on the appropriate betting area of the casino war layout. A verbal wager accompanied by cash shall not be accepted at the game of casino war.

(b) Except as provided in Section 8(e), all wagers at casino war shall be placed prior to the dealer announcing "No more bets" in accordance with the dealing procedures set forth in Section 7. Once a wager has been placed, no player shall handle, remove or alter the wager unless and until the dealer indicates that the wager has been decided in the player's favor as provided in this subchapter.

## **7. Procedure for dealing the cards**

(a) Prior to starting the first round of play after the cards have been cut and placed in the dealing shoe pursuant to Section 5, the dealer shall remove the first card from the shoe face down and, without revealing its rank to anyone, place it in the discard rack, which shall be located on the table in front of or to the right of the dealer. Each new dealer who comes to the table shall also discard one burn card before dealing any cards in a round of play.

(b) Prior to dealing any cards, the dealer shall announce "No more bets." Each card shall be removed from the dealing shoe with the left hand of the dealer and placed face up on the appropriate area of the layout with the right hand of the dealer.

(c) The dealer shall, starting with the player farthest to the dealer's left and continuing in a clockwise manner, deal the cards as follows:

1. One card face up to each player who has placed an initial wager in accordance with Section 6; and
2. One card face up to the dealer.

(d) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the cards shall be reshuffled.

(e) No player shall touch any card used in the game of casino war other than the cutting card.

## **8. Procedures for completion of each round of play; collection and payment of wagers**

(a) After the dealing procedures required by Section 7 have been completed, the dealer shall, beginning from the dealer's right and proceeding around the table in a counter-clockwise direction, compare the rank of each player's card with that of the dealer's card and settle all initial and tie wagers.

1. If a player's card is lower in rank than the dealer's card, the player shall lose his or her initial wager and, if applicable, tie wager.
2. If a player's card is higher in rank than the dealer's card, the player shall win his or her initial wager and, if applicable, lose his or her tie wager.
3. If the player's card and the dealer's card are of equal rank (a tie hand), the player shall be afforded the options specified in (c) below as to his or her initial wager and, if applicable, win his or her tie wager.

(b) All losing initial wagers and tie wagers shall be collected by the dealer and placed in the table inventory container. All winning initial wagers and tie wagers shall be paid by the dealer in accordance with the payout odds provided in Section 9.

(c) If a player has a tie hand, the player shall be offered one of the following options:

1. The player may surrender one-half of his or her initial wager and end his or her participation in that round of play. If a player selects this option, the dealer shall collect one-half of the player's initial wager and place it in the table inventory container. The dealer shall return the remaining one-half of the initial wager to the player. The dealer shall then proceed around the table in a counter-clockwise direction, repeating the process for each player with a tie hand who selects this option.
2. The player may surrender his or her entire initial wager and place a war wager pursuant to (e) below.

(d) After settling all initial wagers and tie wagers on the original deal, the dealer shall collect the cards of all players except for the cards of those players with a tie hand who have elected to go to

war. The collected cards shall be placed in the discard rack in a manner that permits the reconstruction of each hand of the original deal in case of a question or dispute.

(e) If any player elects to make a war wager upon the occurrence of a tie hand, the dealer shall confirm the placement of the war wager and collect the full amount of the player's initial wager and place it in the table inventory container. The player's card and the dealer's card from the original deal shall remain exposed during the war deal. The dealer shall offer any player who has elected to go to war the opportunity to place a tie wager on the war deal.

(f) The war deal shall begin with the dealer discarding three burn cards and then dealing the next card face up to the player farthest to the dealer's left who has placed a war wager. The player's war deal card shall be placed on the table adjacent to the player's card from the original deal. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player who has placed a war wager and the dealer.

(g) After the dealing procedures required by (f) above have been completed, the dealer shall, beginning from the dealer's right and proceeding around the table in a counter-clockwise direction, compare the rank of each player's card from the war deal to the dealer's card from the war deal and settle all war and tie wagers.

1. If the player's card in the war deal is lower in rank than the dealer's card in the war deal, the player shall lose his or her war wager and, if applicable, tie wager.
2. If the player's card in the war deal is higher in rank than the dealer's card in the war deal, the player shall win his or her war wager and, if applicable, lose his or her tie wager.
3. If the player's card and the dealer's card in the war deal are of equal rank, the player shall win his or her war wager and, if applicable, tie wager.

(h) All losing war wagers and tie wagers shall be collected by the dealer and placed in the table inventory container. All winning war wagers and tie wagers shall be paid in accordance with the payout odds set forth in Section 9. After the collection of all losing wagers and the payment of all winning wagers from the war deal, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand of the war deal in case of a question or dispute.

## **9. Payout odds**

(a) Winning wagers shall be paid as follows:

1. An initial wager shall be paid at odds of 1 to 1.
2. A tie wager shall be paid at odds of 10 to 1.
3. A war wager shall be paid at odds of 2 to 1, unless the war deal results in a tie hand, in which case a war wager shall be paid at odds of 3 to 1.

## **10. Irregularities**

(a) A card found face up in the shoe while the cards are being dealt shall not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the shoe while the cards are being dealt, all hands shall be void and the cards shall be reshuffled.

(b) A card drawn from the shoe in error without its face being exposed shall be used as though it was next card from the shoe.

(c) If a card is not dealt to a player's initial wager or tie wager in the original deal, the wager shall be void and the player shall be included in the next round of play.



(d) If an automated shuffling device is being used and the device jams, stops shuffling during the shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled in accordance with the gaming licensee's internal control procedures.