

# The Commonwealth of Massachusetts

## Massachusetts Gaming Commission

### CERTIFICATION

I certify that I am the \_\_\_\_\_ of \_\_\_\_\_ (the "Company"), a \_\_\_\_\_ organized under the laws of \_\_\_\_\_, that I am familiar with the matters herein certified, and I am duly authorized on behalf of the Company to certify the same, and that I do hereby certify on behalf of the Company that:

1. Pursuant to M.G.L. c. 23K, the Company intends to apply to the Massachusetts Gaming Commission ("Commission") for (check the appropriate box or boxes):

- a.  A Category 1 gaming license in Region \_\_\_\_;
- b.  A Category 1 gaming license in an unspecified Region; or
- c.  A Category 2 gaming license.

2. The Company understands that the Commission is in the process of promulgating regulations which, when issued, will govern applications for and issuance of gaming licenses in the Commonwealth of Massachusetts (the "Regulations"). The Commission will promulgate the regulations, and accept applications, in phases. Phase 1 will focus on the qualifications of the applicant to hold a gaming license authorized by M.G.L. c. 23K. Phase 2 will focus on the applicant's proposed gaming establishment.

3. Prior to the promulgation of the Regulations, the Company desires to, and by enclosed certified check payable to the Massachusetts Gaming Commission or by wire transfer to the an account specified by the Commission<sup>1</sup> hereby does, voluntarily pay to the Commission pursuant to M.G.L. c. 23K, § 15(11) an application fee of \$400,000. The Company acknowledges and agrees that the fee, and any additional amounts the Company pays pursuant to ¶ 4(b)(ii) hereof, are nonrefundable except to the extent set forth in ¶ 5 hereof.

4. The Company acknowledges and agrees that:

- a. It will be bound in all respects by the Regulations when and as the Regulations are issued.
- b. Pursuant to M.G.L. c. 23K and subject to the Regulations, when issued, (i) the Commission may use the nonrefundable application fee to defray the costs associated with processing the application and investigation of the Company, its qualifiers, affiliates and close associates, and any other person subject to the jurisdiction of the Commission, relating to the application in question and (ii) if the costs of processing the application and the investigation under ¶ 4(b)(i) exceed \$350,000 or if the costs incurred to reimburse municipalities under ¶ 4(c) exceed \$50,000, the Company will pay to the Commission an amount or amounts sufficient to defray the additional costs

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<sup>1</sup> Instructions for wire transfers may be obtained from Eileen Glovsky, Director of Administration, Massachusetts Gaming Commission, 84 State Street, Boston, MA 02108, [Eileen.glovsky@state.ma.us](mailto:Eileen.glovsky@state.ma.us), 617-979-8413.

within 30 days after notification of insufficient fees or the Company's application will be rejected.

- c. Pursuant to M.G.L. c. 23K, § 15(11) and the Regulations, not less than \$50,000 of the nonrefundable application fee shall be used to reimburse the host and surrounding municipalities for the cost of determining the impact of the Company's proposed gaming establishment and for negotiating community mitigation impact agreements.
- d. Pursuant to M.G.L. c. 23K, § 19, the Commission may issue not more than three category 1 licenses throughout the Commonwealth and not more than one such license shall be awarded per region.
- e. Pursuant to M.G.L. c. 23K, § 20(a), the Commission may issue not more than one category 2 license throughout the Commonwealth.
- f. Subject to section 91 of chapter 194 of the Acts of 2011, and within its discretion under M.G.L. c. 23K, the Commission may determine not to issue a request for applications for or any particular category of gaming license in any particular region in the Commonwealth.

**IN WITNESS WHEREOF**, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Commonwealth/State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_ photographic identification with signature issued by a federal or state governmental agency, \_\_ oath or affirmation of a credible witness, \_\_ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that being duly authorized on behalf of the Company s/he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_