



For Immediate Release
July 24, 2013

Media Contact
Elaine Driscoll (MGC) 617-571-2964
Press release: 13-058

Meeting Notification:

**MassGaming to Hold Open Meeting to include Adjudicatory Hearing
regarding ‘Suitability’ for Slot Parlor Applicant**

WHO: Members of the *Massachusetts Gaming Commission* including **Chairman Steve Crosby; Commissioner Gayle Cameron; Commissioner James McHugh, Commissioner Bruce Stebbins and Commissioner Enrique Zuniga**

WHAT: The Massachusetts Gaming Commission will host its bi-weekly open meeting on Thursday, July 25, 2013. Executive Director, Rick Day, and Racing Director, Jennifer Durenberger, will provide administrative updates to the Commission.

In addition and as part of an adjudicatory hearing, the Director of Investigations and Enforcement, Karen Wells, will brief the commissioners regarding the completion of the Phase 1 background investigation for slots applicant, **Ourway Realty, LLC** also known as **Plainridge Racecourse**. It is anticipated that the Commission will issue a written decision on suitability soon after it completes the deliberations it plans to conduct next week.

For a complete list of agenda items, please visit the **Meeting Notifications & Agenda** page at MassGaming.com. A **LIVE STREAM** will be available on the MassGaming homepage. In addition, community members are invited to follow along with live meeting updates by connecting with us on Twitter, **@MassGamingComm**.

WHERE: Boston Convention and Exhibition Center
415 Summer Street, Room 102-B, Boston, MA

WHEN: **THURSDAY, July 25, 2013 at 9:30am**

EDITOR’S NOTE: As one of the prerequisites to submitting a Phase 2 (and final) application to the Commission outlining the specifics of its proposal for a gaming establishment, all applicants must first be issued a positive determination of suitability by the Commission. The burden is on each applicant to



Massachusetts Gaming Commission

establish its suitability to hold a gaming license by clear and convincing evidence. To that end, all applicants that submitted a Phase 1 application have subjected themselves to a thorough background investigation of all its qualifiers, both individuals and entities. The investigations are being conducted by the Investigations and Enforcement Bureau of the Commission.

As part of the investigations, the Bureau reviews such things as the integrity, honesty, good character and reputation of the applicant; the financial stability, integrity and background of the applicant; the business practices and the business ability of the applicant to establish and maintain a successful gaming establishment; and whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions. Based on its investigation, the Bureau will make a recommendation to the Commission relative to the suitability of each applicant. Once the recommendation is made to the Commission, the Commission must take affirmative action to essentially either adopt the recommendation and find the applicant suitable, reject the recommendation, or accept parts of it and reject others.

Additionally, the Commission may impose conditions upon the applicant in order for it to be issued a positive determination. In order to make this determination the Commission has scheduled proceedings in accordance with section 115 of its regulations. The proceedings may take one of two forms; they may either be a public hearing or an adjudicatory proceeding. Regardless of which type of proceeding is used by the Commission, no inferences should be drawn relative to the suitability of the applicant until a final decision is issued by the Commission. Typically, the Commission will utilize an adjudicatory hearing, which is a more formal proceeding than a public hearing, when it seeks to gain clear insight into a particular issue or issues that were identified in the course of the investigation. Oftentimes, those issues are of a complexity that do not lend themselves well to the more informal public hearing format. Both types of proceedings are open to the public and at the Commission's election will be streamed live on the Commission's website; the main distinction primarily involves the rules that apply. At the conclusion of an adjudicatory proceeding, unlike a public hearing which is subject to the Open Meeting Law, the Commission will deliberate in private and issue a written decision. **Accordingly, the decision will not be issued the same day as the hearing.** As long as an applicant is issued a positive determination of suitability by the Commission, it is inconsequential whether it was achieved as the result of a public hearing or an adjudicatory proceeding.



Massachusetts Gaming Commission