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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** January 12, 2022, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 112 436 0891

The Commission conducted this public meeting remotely utilizing collaboration technology. Use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Gayle Cameron  
Commissioner Brad Hill  
Commissioner Eileen O'Brien

### 1. [Call to Order](#) (0:07)

Chair Judd-Stein called to order the 367<sup>th</sup> public meeting of the Massachusetts Gaming Commission. Roll call attendance was conducted, and all four commissioners were present for the meeting.

### 2. [Administrative Update](#) (0:45)

Executive Director Karen Wells updated the Commission on the national MLK day of service initiative and Chief Administrative Officer to the Chair/Special Projects Manager Crystal Howard provided details on a virtual day of service for Commission staff.

#### a [On-Site Casino Updates](#) (5:20)

Assistant Director of Investigations & Enforcement Bureau/Gaming Agents Division Chief Bruce Band reported that \$3,740,916.57 was intercepted for the Department of Revenue during 2021 for unpaid child support payments and taxes, which was a record year for collection. Assistant Director Band further reported on various events at Encore, MGM Springfield, and PPC. Additionally, he noted that poker will return to Encore on February 21st.

IEB Director Loretta Lillios provided an update on masking, vaccination, and testing policies at the licensee facilities. She noted that the licensees have added new signage for recommendations regarding masking and continue to report positive cases among employees. She further noted that the City of Springfield currently has a citywide indoor mask mandate that will be reevaluated on March 1<sup>st</sup>; Encore and MGM continue to require unvaccinated employees to get negative PCR Covid tests on a weekly basis at the employee's expense; and PPC continues to require proof of vaccination and masking from unvaccinated employees.

3. [Community Affairs Division](#) (15:14)

a. Encore Boston Harbor Development Update

Chief of Community Affairs Joe Delaney provided an update on Encore Boston Harbor's proposed development across the street from the facility. He reported that Encore has paused the permitting process for this development so they can reevaluate whether the development as proposed is the best use for the site. Encore has indicated that they will notify the Commission when their review is complete and they have a final proposal. There were follow-up questions and comments from the Commission.

4. [Racing Division](#) (20:26)

a. Quarterly Local Aid Payments

Financial Analyst Chad Borque presented the quarterly local aid payments for Q4, which is payable to each city and town where racing is conducted. The payments are as follows: Boston \$159,073.69; Plainville 46,894.49; Raynham 22,326.04; Revere 79,535.64; total of 307,829.86.

Commissioner Cameron moved that the Commission approve the amounts and authorize payment of the 2021 4<sup>th</sup> quarter local aid payments outlined in the memorandum in the Commissioners packet and discussed here today to the City of Boston, Town of Plainville, Town of Raynham, and the City of Revere. The motion was seconded by Commissioner Hill.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

5. Covid-19 Policy

a. [Office Reopening Update](#) (23:56)

Executive Director Karen Wells presented an update on the internal MGC office reopening. Executive Director Wells and Chief Information Officer Katrina Jagroop-Gomes sought feedback from the Commission on what type of experience and technology they would like for

the public meeting setup and live stream equipment. There was discussion among the Commission on this question.

Executive Director Wells raised the issue of travel requests from staff members for various professional events. During the pandemic, the Commission had not been authorizing work-related travel. Executive Director Wells sought feedback from the Commission regarding whether they would like to authorize staff to travel for professional development purposes. There was extensive discussion among the Commission on this topic, weighing the need for staff training and the need for safety. The Commission left it within Executive Director Wells' discretion to authorize work-related travel moving forward.

Executive Director Wells provided an update on the Commission's December vote to temporarily close the Boston office and to give the gaming agents team discretion on on-site staffing decisions. Human Resources Business Partner Natasha Martin provided a briefing on the Commission's policies with respect to Covid positive tests and Covid exposure as well as the latest guidance from the CDC. There was discussion as to whether to align with the CDC guidelines in their entirety or to maintain the existing Commission guidelines, which are slightly more conservative. Executive Director Wells noted that today's decision would be a short-term solution and would be revisited in conjunction with the reopening of the Boston office. There was consensus to continue operating under the Commission's current protocols with an updated quarantine requirement for Covid exposure, with a note that the Commission has used CDC and state guidance throughout the pandemic in its review.

Executive Director Wells raised the issue of the Commission's previous vote to close the Boston office. The working group recommends that staff continue to work remotely unless required and that the Commission revisit the issue at its meeting on February 10<sup>th</sup>. There was discussion among the Commission on this recommendation.

Commissioner O'Brien moved that the Commission approve extending the previously imposed rules concerning the Commission's suspension of hybrid work at the offices through February 10<sup>th</sup> subject to the previously approved parameters. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

b. [Gaming Agent Schedule](#) (1:13:30)

IEB Director Lillios and Assistant Director Band provided an update on the gaming agent schedule. Director Lillios noted that gaming agents have been on-site and the exercise of discretion has been applied to weekend shifts when there are the highest number of staff on-site.

6. [Hiring Authority Policy](#) (1:19:19)

Executive Director Wells requested that this item be moved to the next meeting.

7. [Procurement Process Review](#) (1:19:52)

Executive Director Wells provided an update on the agency's procurement process review, which has included a review of best practices, diversity spend, template language, and a proposed training for senior staff and Commissioners.

8. [Legal Division](#) (1:26:11)

a. Table Game Rules – Draft Amendments to Pai Gow Poker

Associate General Counsel Carrie Torrisi presented draft amendments to the table game rules for Pai Gow Poker, specifically the reorganization of sections related to fortune pai gow poker wagers. There was discussion concerning the changes including what precipitated the amendments, what appears on the table layout, and whether any changes needed to be made on-site at the facilities with respect to this game.

Commissioner Hill moved to approve the amendments to the rules of Pai Gow Poker as reflected in the Commissioners' packet and discussed here today and that the updated version be posted on the commission's website. The motion was seconded by Commissioner Cameron.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

9. [Other Business](#) (1:53:32) - none

Commissioner Cameron moved to adjourn the meeting. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

The meeting was adjourned.



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

1. Notice of Meeting and Agenda dated January 7, 2022
2. [Commissioners' Packet](#) from the January 12, 2022, meeting (posted on massgaming.com)

## International Travel Policy

Document Name: International Travel Policy

Effective Date: December 8, 2021

Last Revised Date: December 8, 2021

The Commission shall block Microsoft Office 365 (“O365”) for all users outside the United States.

If a user will be working outside of the United States and requires access to O365, they can request access by contacting the ServiceDesk. All requests will be reviewed by the Commission CIO or a designee for approval or denial.

All Request for access to O365 while traveling must include the following information:

- Contact Name
- Contact Phone Number
- Email Address
- Location traveling to:
  - Country
  - City or Town Name, and Other Principal Subdivision (i.e. Province, State, County, etc.)
- Reason for Travel
- Dates of Travel

Before you go:

- You may be required to take a loaner laptop provided by ITS.
- **DO NOT** store any Confidential or Internal use data on any device you are taking. See *Asset Management Standard* for classification.
- If you need to bring your MGC issued mobile device, you must request an international plan be added to your cellular plan.

### While you're traveling

- Do not place MGC issued assets in checked luggage
- Do not plug your phone into charger kiosks. There may be a malicious computer on the other end of that innocent-looking wire.
- Do not use any public Workstations
- Avoid public Wi-Fi networks if you can.
- Always connect to VPN to access Commission resources.
- Be aware of your surroundings. Watch for those looking over your shoulder or potential thieves.
- Shield passwords from view. Don't use the "remember me" feature on many websites; retype the password every time
- Do not leave your devices unattended.
- Terminate connections when you're not using them.
- Clear your browser after each use: delete history files, caches, cookies, URL, and temporary internet files
- Contact the ITS-Service Desk immediately if your laptop is lost or stolen.

### When you return

- Change any passwords you may have used while traveling.
- Copy any files you need from the loaner laptop before returning. It will be immediately re-imaged upon return.

DOCUMENT CHANGE CONTROL

Version No.	Revised by	Effective date	Description of changes
1	Kevin Gauvreau	12/08/2021	document creation

The owner of this document is the Commission Security Officer (or designee). It is the responsibility of the document owner to maintain, update and communicate the content of this document. Questions or suggestions for improvement must be submitted to the document owner.

*Annual Review*

This *International Travel Policy* should be reviewed and updated by the document owner on an annual basis or when significant policy or procedure changes necessitate an amendment.

## Security Awareness Training and Testing

Document Name: Security Awareness Training and Testing
Effective Date: October 18, 2021 Last Revised Date: October 4, 2021

### Table of contents

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### 1. PURPOSE

- 1.1. The purpose of this **policy** is to specify the Massachusetts Gaming Commission's ("Commission") internal information security awareness and training program and to inform and assess all staff regarding their information security obligations.

### 2. SCOPE

- 2.1. This policy applies throughout the organization as part of the Commission's governance framework. It applies regardless of whether staff use computer systems and networks since all staff are expected to protect all forms of information assets, including computer data, written materials/paperwork, and intangible forms of knowledge and experience. This policy also applies to third-party employees working for the organization, whether they are explicitly bound (e.g., by contractual terms and conditions) or implicitly bound (e.g., by generally held standards of ethics and acceptable behavior) to comply with our information security policies.

### 3. RESPONSIBILITY

- 3.1. **The Chief Information Officer/Information Security Manager** is accountable for running an effective information security awareness and training program that informs and motivates workers to help protect the organization's and the organization's customer's information assets.
- 3.2. **Information Security Management** is responsible for developing and maintaining a comprehensive suite of information security policies (including this one), standards, procedures, and guidelines to be mandated and/or endorsed by management where applicable. Working in conjunction with other corporate functions, it is also responsible for conducting suitable awareness, training, and educational

activities to raise awareness and aid understanding of staff responsibilities identified in applicable policies, laws, regulations, contracts, etc.

- 3.3. **All Managers** are responsible for ensuring that their staff and other workers within their responsibility participate in the information security awareness, training, and educational activities where appropriate and required.
- 3.4. **All staff** is personally accountable for completing the security awareness training activities and complying with applicable policies, laws, and regulations at all times.
- 3.5. Any inquiries or comments regarding this policy shall be submitted to the ITS Security Office by e-mailing [MGC-DL-Security-Office \(mgc-dl-security-office@massgaming.gov\)](mailto:mgc-dl-security-office@massgaming.gov).

#### 4. COMPLIANCE

- 4.1. Compliance with this document is mandatory for all Commission employees, including third-party employees and contractors with access to the Commission's systems, networks, information, nonpublic personal information, personally identifiable information, and/or customer data. Violations are subject to disciplinary action, up to and including the termination of their employment and/or assignment with the Commission.

#### 5. POLICY REQUIREMENTS

- 5.1. All security awareness training conducted by Information Security Management must fulfill the requirements for the security awareness program listed below:
  - 5.1.1. The information security awareness program should ensure that all staff achieve and maintain at least a basic level of understanding of information security matters, such as general obligations under various information security policies, standards, procedures, guidelines, laws, regulations, contractual terms, and generally held standards of ethics and acceptable behavior.
  - 5.1.2. Additional training is appropriate for staff with specific obligations towards information security that are not satisfied by basic security awareness, for example, Information Risk and Security Management, Security Administration, Site Security, and IT/Network Operations personnel. Such training requirements must be identified in departmental/personal training plans. The training requirements will reflect relevant prior experience, training, and/or professional qualifications, as well as anticipated job requirements.
  - 5.1.3. Security awareness and training activities should commence as soon as practicable after staff joins the Commission as part of the onboarding process. The awareness activities should continue on a continuous/rolling basis thereafter to maintain a reasonably consistent level of awareness.
  - 5.1.4. Security awareness and training materials and exercises should suit their intended audiences in terms of styles, formats, complexity, technical content, etc. Everyone needs to know why information security is so important, but the motivators may be different for workers focused on their own personal situations or managers with broader responsibilities to the organization and their staff.

- 5.1.5. Information Security Management will provide staff with information on the location of the security awareness training materials, along with security policies, standards, and guidance on a wide variety of information security matters.

## 5.2. Information Security Awareness Training

- 5.2.1. The Commission requires that each employee upon hire and at least annually thereafter successfully complete Information Security Awareness training. Certain staff may be required to complete additional training modules depending on their specific job requirements. Staff will be given a reasonable amount of time to complete each course so as not to disrupt business operations.

## 5.3. Simulated Social Engineering Exercises

- 5.3.1. The Commission's ITS department will conduct periodic simulated social engineering exercises, including but not limited to: phishing (e-mail), vishing (voice), smishing (SMS), USB testing, and physical assessments. The ITS department will conduct these tests at random throughout the year with no set schedule or frequency. The ITS department may conduct targeted exercises aimed at specific departments or individuals based on a risk determination.

## 5.4. Remedial Training Exercises

- 5.4.1. From time to time, Commission staff, including third-party staff, contractors, and Commissioners, may be required to complete remedial training courses or may be required to participate in remedial training exercises with members of the Commission ITS department as part of a risk-based assessment.

# 6. COMPLIANCE & NON-COMPLIANCE WITH POLICY

Compliance with this policy is mandatory for all staff, including third-party staff, contractors, and Commissioners. The Commission ITS department will monitor compliance and non-compliance with this policy and report to the executive team the results of training and social engineering exercises.

The penalties for non-compliance are described in Appendix A of this policy.

## 6.1. Non-Compliance Actions

Certain actions or non-actions by Commission personnel may result in a non-compliance event (Failure).

- 6.1.1. A Failure includes but is not limited to:

- 6.1.1.1. Failure to complete required training within the time allotted
- 6.1.1.2. Failure of a social engineering exercise

- 6.1.2. Failure of a social engineering exercise includes but is not limited to:

- 6.1.2.1. Clicking on a URL within a phishing test
- 6.1.2.2. Replying with any information to a phishing test

- 6.1.2.3. Opening an attachment that is part of a phishing test
- 6.1.2.4. Enabling macros that are within an attachment as part of a phishing test
- 6.1.2.5. Allowing exploit code to run as part of a phishing test
- 6.1.2.6. Entering any data within a landing page as part of a phishing test
- 6.1.2.7. Transmitting any information as part of a vishing test
- 6.1.2.8. Replying with any information to a smishing test
- 6.1.2.9. Plugging in a USB stick or removable drive as part of a social engineering exercise
- 6.1.2.10. Failing to follow Commission policies in the course of a physical social engineering exercise

Certain social engineering exercises can result in multiple Failures being counted in a single test. The maximum number of Failure events per social engineering exercise is two.

The Commission ITS department may also determine, on a case-by-case basis, that specific Failures are a false positive and should be removed from that staff member's total Failure count.

## 6.2. Compliance Actions

Certain actions or non-actions by Commission personnel may result in a compliance event (Pass).

6.2.1. A pass includes but is not limited to:

- 6.2.1.1. Successfully identifying simulated social engineering exercises
- 6.2.1.2. Not having a Failure during a social engineering exercise (non-action)
- 6.2.1.3. Reporting real social engineering attacks to the ITS department

## 6.3. Removing Failure Events through Passes

6.3.1. Each Failure will result in a Remedial training or coaching event as described in Appendix A of this document. Subsequent Failures will result in escalation of training or coaching. De-escalation will occur when three consecutive Passes have taken place.

## 7. RELATED DOCUMENTS

Document	Effective date
Information Security Policies	
Acceptable Use Policy	



**8. DOCUMENT CHANGE CONTROL**

Version No.	Revised by	Effective date	Description of changes
1.0	Kevin Gauvreau	10/04/2021	Initial draft
1.1	Katrina Jagroop-Gomes	10/08/2021	Minor edits to abbreviations

The owner of this document is the Commission Security Officer (or designee). It is the responsibility of the document owner to maintain, update and communicate the content of this document. Questions or suggestions for improvement shall be submitted to the document owner.

8.1. Annual Review

This *Security Awareness Training and Testing policy* shall be reviewed and updated by the document owner on an annual basis or when significant policy or procedure changes necessitate an amendment.

### Appendix A – Schedule of Failure Penalties

The following table outlines the penalty of non-compliance with this policy. Steps not listed here may be taken by the Commission's ITS team to reduce the risk that an individual may pose to the Commission.

<b>Failure Count</b>	<b>Resulting Level of Remediation Action</b>
First Failure	Mandatory completion of <selected course here>.
Second Failure	Mandatory completion of <selected course here>.
Third Failure	Mandatory completion of <selected course here>.
Fourth Failure	Face to face meeting with their manager
Fifth Failure	Face to face meeting with their manager and Head of Human Resources
Sixth Failure	Face to face meeting with the CIO and the Head of Human Resources <ul style="list-style-type: none"> <li>- Possibility that additional administrative and technical controls will be implemented to prevent further Failure events</li> </ul>
Seventh Failure	Meeting with CIO, Executive Director, and Head of Human Resources <ul style="list-style-type: none"> <li>- Possibility that additional administrative and technical controls will be implemented to prevent further Failure events</li> </ul>
Eighth Failure	Formal review of employment with Head of Human Resources <ul style="list-style-type: none"> <li>- Possibility that additional administrative and technical controls will be implemented to prevent further Failure events</li> </ul>
Ninth and Subsequent Failures	Potential for Termination of Employment or Employment Contract <sup>1</sup>

<sup>1</sup> Commissioners' employment is guided by statute and their respective appointing authorities.

## **Appendix B – Methods for Determining Staff Risk Ratings**

The following is a list of situations that may increase a risk rating of a Commission staff member. Higher risk ratings may result in increased sophistication of social engineering tests and an increase in frequency and/or type of training and testing.

- Staff member e-mail resides within a recent E-mail Exposure Check report
- Staff member is an executive or director (High-value target)
- Staff member possesses access to significant Commission confidential information
- Staff member uses their mobile phone for conducting work-related business
- Staff member possesses access to significant Commission systems
- Staff member personal information can be found publicly on the internet
- Staff member maintains a weak password
- Staff member has repeated Commission policy violations



1/20/2022

Chair and Commissioners,

Below please find a Memorandum reflecting the IEB's review of BetMGM, LLC. Our review was conducted following the request of Suffolk Downs for approval of BetMGM as a 2022 ADW vendor. This review was conducted using public source information.

Loretta Lillios  
IEB Director

## MEMO

### **MGC Investigations & Enforcement Bureau**

**TO:** LORETTA LILLIOS

**FROM:** KEVIN M. CONDON

**SUBJECT:** REVIEW OF BETMGM, LLC

**DATE:** JANUARY 14, 2022

**CC:** CPT. MICHAEL BANKS

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Director Lillios,

I have completed an initial background review of BetMGM, who is seeking to operate as an Account Wagering Provider for Sterling Suffolk Racecourse, LLC ("Suffolk Downs").

BetMGM is a sports betting and digital gaming entertainment company created out of a partnership between MGM Resorts International (NYSE: MGM) and Entain plc (LSE: ENT).

Entain plc, formerly known as GVC Holdings plc is a multinational sports betting and gaming group operating through online and retail channels. It was incorporated in the Isle of Man and its shares are traded on the Main Market of the London Stock Exchange.

BetMGM has exclusive access to all of MGM's U.S. land-based and online sports betting, major tournament poker, and online gaming businesses. Utilizing Entain's US-licensed technology, BetMGM offers sports betting and online gaming via brands including BetMGM, Borgata Casino, Party Casino and PartyPoker. BetMGM offers sports betting in fourteen (14) states (AZ, CO, IN, IA, MI, MS, NJ, NV, NY, PA, TN, VA, WV & WY) and the District of Columbia.

BetMGM, LLC is owned by MGM Sports & Interactive Gaming LLC (50%) and GVC Holdings (USA), Inc. (50%).

On May 28, 2021, BetMGM announced a partnership with NYRA Bets, LLC, the official online wagering platform of the New York Racing Association, Inc. (NYRA) and a leading provider of horse racing content in the United States. NYRA Bets.com launched in 2016 as the online betting extension of the New York Racing Association, which operates as a non-profit organization that runs thoroughbred racing at New York's three major racetracks: Aqueduct Racetrack, Belmont Park, and Saratoga Race Course. NYRA Bets became BetMGM's first horse racing partner, allowing customers to watch and wager on premier Thoroughbred, Harness, and Quarter Horse races at more than 200 tracks around the world including Santa Anita Park, Gulfstream Park and Aqueduct Racetrack.

NYRA Bets has been approved by the Massachusetts Gaming Commission as an account wagering provider and is already operating in Massachusetts through Suffolk Downs. Since its partnering with NYRA Bets, the BetMGM Horse Racing App has become available in Ohio, Florida and Louisiana.

BetMGM utilizes the NYRA Bets wagering platform in its Horse Racing app for Apple and Android devices as well as on desktop. Customers have access to daily horse racing content, live streaming video and race replays and can also wager on marquee events in the United States like the Preakness, Belmont Stakes and the Breeders' Cup, as well as international events.

Suffolk Downs, Chief Operating Officer, Chip Tuttle explained in a letter to Dr. Lightbown dated December 6, 2021 that *"We are seeking approval of BetMGM as an ADW service provider in anticipation that it will launch a BetMGM horse racing interface in the near future. NYRA Bets has informed us that wagering on horse racing through the BetMGM interface will operate on a parimutuel basis on the existing NYRA Bets infrastructure, utilizing NYRA Bets' tote, streaming, data, settlement and related operations."*

### **BetMGM**

BetMGM, LLC was formed in Delaware on 07/25/2018 as a Domestic Limited Liability Company and is registered with the Delaware Secretary of State (6989177). BetMGM, LLC is also registered with the Nevada SOS (NV20101844335) as a Foreign (DE) Limited Liability Company and is listed Active. Nevada lists MGM Sports & Interactive Gaming, LLC and GVC Holdings (USA) Inc. as Managing Members.

BetMGM, LLC was approved by the Pennsylvania Gaming Control Board as a Sports Wagering Operator on 10/28/2020, expiring 10/27/2025. BetMGM, LLC was approved by the Washington State Gambling Commission as a Major Sports Wagering Vendor and Mid-Level Sports Wagering Vendor, expiring on 09/30/2022.

No negative media was found regarding BetMGM, other than a minor infraction in January 2021, in New Jersey and an incident reviewed by the NGCB in 2020.

Online betting line typo leads to fine for BetMGM in New Jersey (April 23, 2021): BetMGM was fined \$500 by the New Jersey Division of Gaming Enforcement (“NJUDGE”) for a betting line “typo” in last years NFL playoffs resulting in a \$10,500 win. BetMGM paid the bettors. The NJUDGE found the company failed in properly displaying the betting market odds. <https://news.worldcasinodirectory.com/online-betting-line-typo-leads-to-fine-for-betmgm-in-new-jersey-93740>

**Nevada Gaming Control to allow BetMGM to void more than \$200K in “past-posted” bets (July 21, 2020):** Nevada Gaming Control has ruled in favor of the BetMGM sportsbook in a controversy stemming from dozens of parlay wagers from June that were centered on baseball games that had already started, multiple sources told ESPN.

The decision will allow BetMGM to void more than \$200,000 in outstanding parlay bets that were placed by a group of bettors in the early-morning hours between 1:30-3:30 a.m. PT on June 28 on the self-serve kiosks at Bellagio in Las Vegas and on the sportsbook's mobile betting app. The parlays included KBO League and Chinese Professional Baseball League games that had already started, but were left available for betting because of a bookmaker's error, according to ROAR Digital, the company that operates BetMGM sports betting.

Approximately 50 parlays were placed after the games started, sources told ESPN, including a 10-leg parlay that would've paid \$137,107.38 and was promoted on social media by BetMGM, before eventually being deleted. Some bettors were able to cash tickets before the sportsbook realized the error and could stop payments. All the outstanding bets will be rescinded.

[https://www.espn.com/chalk/story/\\_/id/29512749/sources-nevada-gaming-control-allow-betmgm-void-more-200k-posted-bets](https://www.espn.com/chalk/story/_/id/29512749/sources-nevada-gaming-control-allow-betmgm-void-more-200k-posted-bets)

Two civil cases surfaced naming BetMGM, LLC as a defendant:

1. BETEIRO, LLC v. BETMGM, LLC et al, filed on 11/22/2021 in New Jersey: MGM Resorts, Entain plc and the companies' joint venture BetMGM LLC were hit with a patent infringement lawsuit Monday in New Jersey District Court. The lawsuit, which asserts four patents related to the use of geo-location technology in mobile gaming, was brought by Kluger Healey LLC and Garteiser Honea PLLC on behalf of Beteiro LLC. Counsel have not yet appeared for the defendants. The case is 2:21-cv-20156, Beteiro, LLC v. Betmgm, LLC et al.

2. Jacqueline Davis v. BetMGM, LLC, filed on 06/09/2021 in Michigan: BetMGM’s refusal to pay Jacqueline Davis \$3.18 million in online gambling winnings. While BetMGM originally paid \$100k, they refused to pay out any additional winnings claiming that all of Davis’ winnings are due to a glitch that happened on Luck o’ the Roulette. This case remains unresolved.

<b>BETMGM, LLC ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
<b>Chief Executive Officer</b>	<b>Adam Greenblatt</b>	<b>0</b>
<b>Chief Financial Officer</b>	<b>Gary Deutsch</b>	<b>0</b>
<b>Chief Operating Officer</b>	<b>Ryan Spoon</b>	<b>0</b>
<b>Chief Revenue Officer</b>	<b>Matt Provost</b>	<b>0</b>
<b>Director (MGM Designee)</b>	<b>Tilak Mandadi</b>	<b>0</b>
<b>Director (MGM Designee)</b>	<b>Keith Meister</b>	<b>0</b>
<b>Director (MGM Designee)</b>	<b>Gary Fritz</b>	<b>0</b>
<b>Director (Entain Designee)</b>	<b>Rob Wood</b>	<b>0</b>
<b>Director (Entain Designee)</b>	<b>Robert Hoskin</b>	<b>0</b>
<b>Director (Entain Designee)</b>	<b>Jette Nygaard-Andersen</b>	<b>0</b>
<b>*Shareholder</b>	<b>MGM Sports &amp; Interactive Gaming, LLC</b>	<b>50%</b>
<b>*Shareholder</b>	<b>GVC Holdings (USA), Inc.</b>	<b>50%</b>

**\*BetMGM Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above Key Employees, Directors and Ownership of BetMGM were searched with NO negative findings.

**MGM Sports & Interactive Gaming, LLC**

<b>MGM SPORTS &amp; INTERACTIVE GAMING, LLC ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
Chief Operating Officer/ Manager	Corey Sanders	0
President	William Hornbuckle	0
Chief Financial Officer/ Treasurer	Jonathan Halkyard	0
Secretary	John M. McManus	0
Shareholder	MGM Resorts International	100%

**\*MGM Sports & Interactive Gaming, LLC Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above Key Employees, Directors and Ownership of MGM Sports & Interactive Gaming, LLC were searched with NO negative findings (See William Hornbuckle referenced below).

It is noted that Mr. Corey Sanders, Mr. William Hornbuckle, Mr. Jonathan Halkyard, and Mr. John McManus are individual qualifiers for the MGM Springfield category 1 license and have been deemed suitable by the Massachusetts Gaming Commission.

**MGM Resorts International**

**MGM agrees to \$275,000 fine (May 12, 2000):** The MGM Grand agreed to pay a \$275,000 fine for violating state gaming regulations by collecting more than \$1.2 million in markers from South Korea gamblers and then trying to cover up the activities.

The state Gaming Control Board filed a 21-count complaint against the Las Vegas Strip resort, alleging it violated South Korean laws in the collection of the money, filtered the funds through various sources including a church and did not properly account for the receipt of the money.



The settlement, signed by MGM Grand President **William Hornbuckle** and Senior Vice President Thomas Peterman, admits to all of the violations.

<https://lasvegassun.com/news/2000/may/12/mgm-agrees-to-275000-fine/>

William Hornbuckle also holds the positions of President of MGM Sports & Interactive Gaming, LLC and CEO and President of MGM Resorts International

No other negative media found.

It is noted that MGM Resorts International is an entity qualifier for the MGM Springfield category 1 license and has been deemed suitable by the Massachusetts Gaming Commission.

<b>MGM RESORTS INTERNATIONAL ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
CEO, President, Director	William J. Hornbuckle, IV	0
Executive VP, General Counsel & Secretary	John M. McManus	0
Chief Operating Officer	Corey Sanders	0
Chief Financial Officer	Jonathan Halkyard	0
Shareholder	BlackRock, Inc.	5.79%
Shareholder	The Vanguard Group	8.85%
Shareholder	IAC/InterActiveCorp	11.93%
Various Shareholders	Owning < 5% of total shares	73.58%

**\*MGM Resorts International Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above Key Employees, Directors and Ownership of MGM Resorts International were searched with NO negative findings.

**GVC Holdings (USA), Inc.**

No negative media found.

<b>GVC HOLDINGS (USA), INC.                      ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
President, CEO, Secretary & Director	Robert Hoskin	0
*Shareholder	Entain Holdings (UK), Limited	100%

**\*GVC Holdings (USA), Inc. Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above Key Employee, Director and Ownership of GVC Holdings (USA), Inc. were searched with NO negative findings.

**Entain Holdings (UK), Limited**

No negative media found.

<b>ENTAIN HOLDINGS (UK) LIMITED                      ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
Director	Robert Wood	0
Director	Robert Hoskin	0
Shareholder	Entain, plc	100%

**\*Entain Holdings (UK), Limited Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above Key Employees, Directors and Ownership of Entain Holdings (UK) Limited were searched with NO negative findings.

## **Entain plc**

**Nevada grants Entain a second temporary license (May 20, 2021):** The Nevada Gaming Commission granted a temporary three-year license Thursday to British sports betting company Entain, some two years after regulators limited its permit to 2021 over ongoing concerns about its business practices. Control Board members questioned Entain officials intensely at its May 5th meeting before recommending a three-year license instead of two years as it did in 2019. Entain’s Las Vegas-based attorney Mark Clayton told the Commission that the company has expanded its board of directors’ portfolio, added new non-executive directors, and strengthened its governance and compliance processes and regulatory strategy to focus on regulated markets, responsible gaming, and sustainability. <https://www.cdcgamingreports.com/nevada-grants-british-sports-betting-company-entain-a-second-temporary-license/>

**Entain’s 2020 Annual Report identified an HMRC investigation into one of their subsidiaries:** On 28 November 2019, one of our UK subsidiaries, GVC Holdings (UK) Limited, received a production order from HM Revenue & Customs (“HMRC”) requiring it to provide information relating to the Group’s former Turkish facing online betting and gaming business, sold in 2017. At that time, the Group understood that HMRC’s investigation was directed at a number of former third party suppliers, relating to the processing of payments for online betting and gaming in Turkey. On 21 July 2020, GVC Holdings plc announced that HMRC was widening the scope of its investigation and was examining potential corporate offending by the GVC group. It had previously been understood that no Group company was a subject of HMRC’s investigation. Through ongoing engagement with HMRC we understand that the Group remains a corporate suspect and that the offences under investigation include, but are not limited to, offences under sections 1 and 7 of the Bribery Act 2010. The Group continues to co-operate fully with HMRC’s enquiries. <https://entaingroup.com/wp-content/uploads/2021/05/Entain-2020-Annual-Report.pdf>

**Nevada Gaming Control Board Licensing Hearing on GVC Holdings plc (May 8, 2019):** According to an article in the Las Vegas Review Journal, GVC Holdings plc came under scrutiny by the Nevada Gaming Control Board during a licensing hearing on May 8<sup>th</sup>, 2019 for regulatory breaches in several countries, particularly Turkey, where casino and online gambling is illegal. The article references, “An investigation by outside counsel indicated that company training manuals explicitly stated that when a customer mad a deposit with a credit card in the Turkish, Brazilian or Mexican markets that the company brand would not appear on the credit card statement.” During the hearing, “board members expressed concern that top officers were unaware of payment processing procedures between the operation and gamblers and tried to conceal the operation from regulators.” The article states, “The board recommended approval of a provisional license for GVC through which the company must return to regulators in two years to re-assess operations to stay licensed. The company must also provide the board with \$100,000 to spend on future investigations into company compliance.” [Sports wagering giant GVC gets OK from Nevada gaming board | Las Vegas Review-Journal \(reviewjournal.com\)](https://www.reviewjournal.com/sports-wagering-giant-gvc-gets-ok-from-nevada-gaming-board-las-vegas-review-journal/)

**\*GVC Holdings PLC - Regulatory Settlement re historic compliance failings within Ladbrokes Coral prior to the acquisition by GVC (31 July 2019)**

GVC confirms that it has agreed a regulatory settlement with the Gambling Commission in relation to historic compliance failings that took place within the Ladbrokes Coral business prior to its acquisition by GVC in March 2018. As part of this process the Group will pay a total of £5.9m, £4.8m of which will be paid towards causes helping to deliver the National Strategy to Reduce Gambling Harms, with the balance of £1.1m being paid to affected parties.

GVC acknowledges and regrets that certain legacy systems and processes in place in the Ladbrokes and Coral operations during the period 2014-2017 did not adequately meet the regulatory requirements in respect to social responsibility and anti-money laundering (“AML”) safeguards. Since that period the Group has transformed its AML and safer gambling processes to ensure that the business is fully compliant with its licensing obligations, in order prevent a repetition of the historic failings that led to today’s public statement. These measures include both a significant financial investment as well as a near five-fold increase in the staffing numbers of our compliance and responsible gambling teams since 2016. The Group has also materially increased player source of funds checks and responsible gambling customer interactions.

<https://entaingroup.com/newsrelease/regulatory-settlement-re-historic-compliance-failings-within-ladbrokes-coral-prior-to-the-acquisition-by-gvc/>

**\*GVC Holdings plc changed its name to Entain plc on December 9, 2020**

No other negative media found.

<b>ENTAIN, PLC ORGANIZATIONAL/OWNERSHIP STRUCTURE</b>		
<b>Position</b>	<b>Name</b>	<b>% Ownership</b>
CEO, Director	Jette Nygaard-Andersen	0
Deputy CEO, CFO & Director	Robert Wood	0
Director	Robert Hoskin	0
*Institutional Investor	BlackRock	5.84%
*Institutional Investor	Standard Life Investments Ltd	5.95%
*Institutional Investor	Capital Group Companies, Inc.	5.13%
*Institutional Investor	Sands Capital Management, LLC	5.13%
*Various Shareholders	Owning < 5% total shares	75.04%

**\*Entain plc Ownership details were obtained from a Washington State Gambling Commission Packet dated November 16, 2021**

The above key Employees, Directors and Ownership of Entain, plc were searched with NO negative findings.



*Division of Racing*

TO: Cathy Judd-Stein, Chair  
Gayle Cameron, Commissioner  
Bradford Hill, Commissioner  
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Suffolk Downs Request for Approval of Account Deposit Wagering Provider  
BetMGM

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Dear Commissioners:

Suffolk Downs' Chief Operating Official Chip Tuttle submitted a request for approval of BetMGM as an Account Deposit Wagering provider in partnership with NYRA Bets. At the December 16, 2021 Commission meeting, a decision on this provider was not made, in order that the Division of Racing could have more time to review this request. Two new documents have been provided. One is from NYRA Bets regarding their association with BetMGM and BetMGM Horse Racing. The other document is the Massachusetts Gaming Commission Investigations & Enforcement Bureau's review of BetMGM, LLC. The review was conducted using public source information.

**Recommendation: That the Commission approves the Suffolk Downs request for approval of BetMGM as an Account Deposit Wagering provider through BetMGM Horse Racing.**



Massachusetts Gaming Commission



December 6, 2021

Via email

Dr. Alex Lightbown  
Director of Racing and Chief Veterinarian  
Massachusetts Gaming Commission  
alexandra.lightbown@massgaming.com

Re: Suffolk Downs's Request for Approval of 2022 ADW Vendors

Dear Dr. Lightbown:

I write in accordance with 205 CMR 6.20 to request that the Commission approve account wagering vendors for Sterling Suffolk Racecourse, LLC ("Suffolk Downs") for 2022.

Suffolk Downs seeks approval of 1/ST Bet (formerly known as XpressBet), TVG, Twin Spires, FanDuel Racing, NYRA Bets, and BetMGM as its 2022 account wagering providers. With the exception of BetMGM, the Commission has previously approved these vendors and they are already successfully operating in Massachusetts through Suffolk Downs.

Earlier this year, NYRA Bets entered into a licensing agreement with BetMGM, the sports wagering platform affiliated with MGM Resorts International, to provide horseracing content to BetMGM's users. We are seeking approval of BetMGM as an ADW service provider in anticipation that it will launch a BetMGM horse racing interface in the near future. NYRA Bets has informed us that wagering on horse racing through the BetMGM interface will operate on a parimutuel basis on the existing NYRA Bets infrastructure, utilizing NYRA Bets' tote, streaming, data, settlement and related operations

I am happy to provide any additional information or answer any questions you or the Commission may have in order to be able to act on this request. Thank you for your time and consideration,

Sincerely,

A handwritten signature in dark ink that reads "Chip Tuttle". The signature is written in a cursive, flowing style.

Chip Tuttle  
Chief Operating Officer



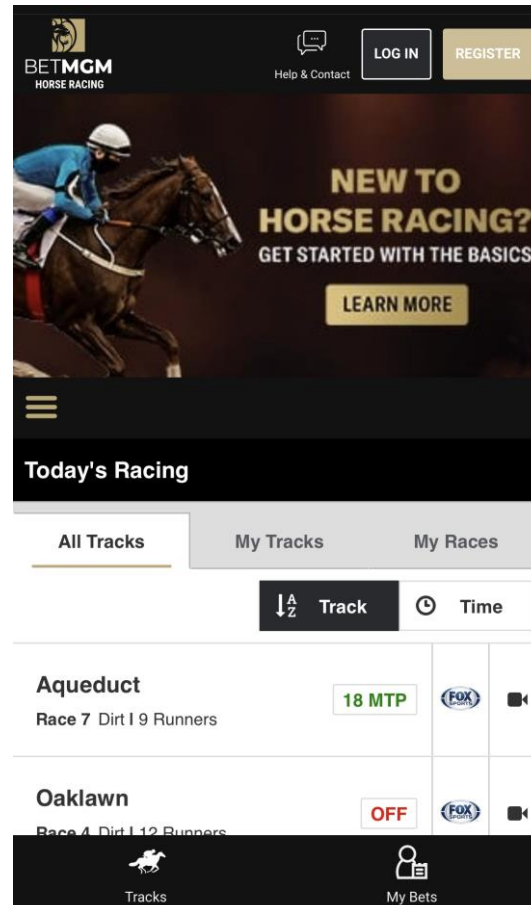
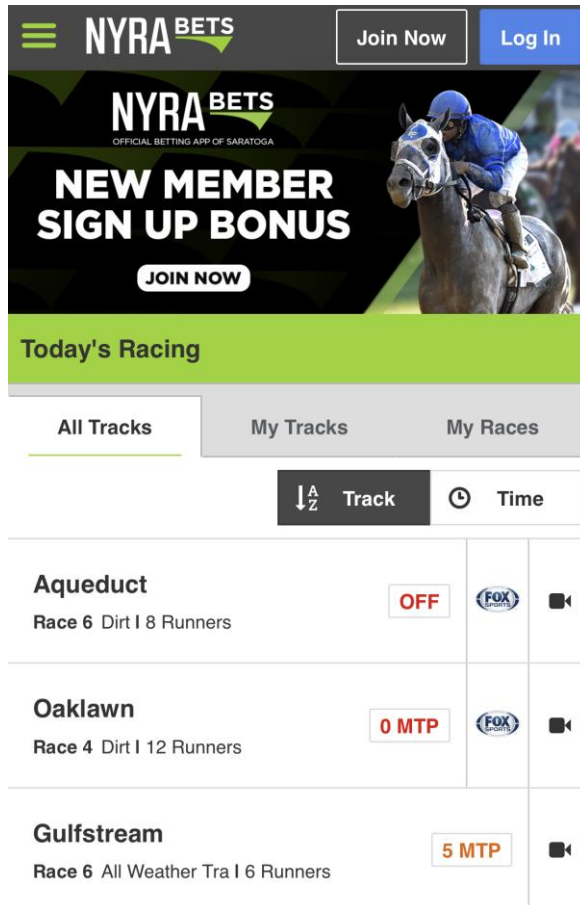
# NYRA **BETS**



**BETMGM**



## NYRA Bets' Marketing Affiliate, BetMGM Horse Racing



- Having launched in October 2021, BetMGM Horse Racing is built on the infrastructure of NYRAbets, LLC (“NYRA Bets”)
- NYRA Bets is a national Advance Deposit Wagering (“ADW”) platform owned by The New York Racing Association, Inc. (“NYRA”)
- NYRA is recognized as an industry leader amongst its peers and is at the forefront amongst horse racing content, innovation and wagering
- NYRA Bets has been licensed in Massachusetts through Sterling Suffolk since August of 2016

## NYRA Bets' Marketing Affiliate, BetMGM Horse Racing

- By using NYRA Bets technology, BetMGM Horse Racing is able to grant its customers access to tracks across the globe for wagering
- NYRA Bets technology delivers HD quality streaming on American and International premium racing content 365 days a year
- NYRA Bets administers all aspects of the racing function provided to BetMGM Horse Racing customers
- Through this partnership with BetMGM, NYRA Bets and horse racing in general are granted access to a new target audience



## Accessing BetMGM Horse Racing

- In order to access BetMGM Horse Racing, customers simply visit BetMGM’s website and select the state which they currently reside in
- BetMGM Horse Racing is currently available to Florida, Louisiana, and Ohio residents
- After creating an account customers have access to a wagering menu which is curated by the NYRA Bets team every day

**BETMGM HORSE RACING**

### SATURDAY STAKES

JANUARY 15

FEATURING:  
 Sunshine Millions Classic | Gulfstream Park  
 Sunshine Millions Sprint | Gulfstream Park  
 California Cup Derby | Santa Anita Park  
 California Cup Oaks | Santa Anita Park

Getting Started > How Odds Work > Learn the Bet Types >

Sam Houston

Race 1 Race 2 Race 3 **Race 4** Race 5 Race 6 Race 7 Race 8 Race 9

CLAIMING  
 \$15,500 | 5 1/2F | Dirt - Fast 16 MTP

Bet Pad Pools Probables Will Pays

WIN \$2 Submit

W

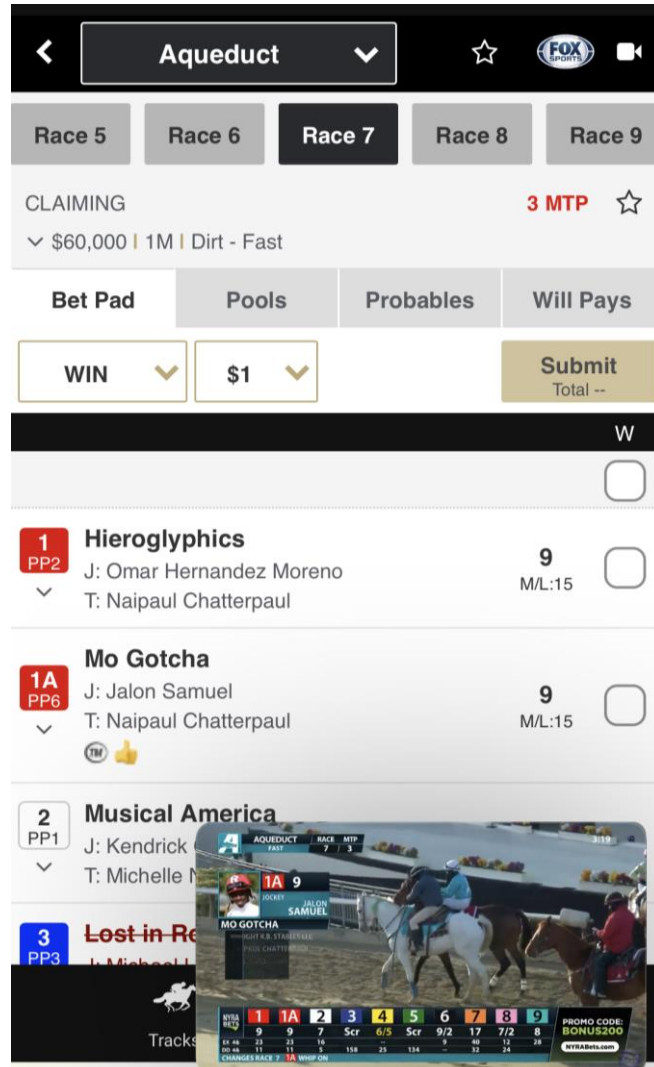
1 **Racy Jaycee** Jockey: Ernesto Valdez-Jiminez Trainer: Cesar Govea 6 M/L 5/2

Date	Track	Horse	Jockey	Trainer
12/30/21	Delta Downs	R1	1	5
11/18/21	Delta Downs	R7	6	1
10/27/21	Delta Downs	R6	3	4

2 **G's Ailcrazy** Jockey: Stewart Elliott Trainer: Mindy Willis 5/2 ML 3

3 **Kitty's Queen** Jockey: Danny Sorenson Trainer: Jaylan Clary 5 M/L 7/2

## Leverage Existing Operational Infrastructure



- NYRA Bets trained BetMGM Horse Racing’s CSR teams on all aspects of the product, from technology to the type of wagers offered
- The NYRA Bets Fraud Mitigation and Player Integrity teams monitor and supply BetMGM Horse Racing with any suspicious wagering reports
- The Operations team works in concert with the BetMGM Compliance teams to ensure seamless integration of any AML, KYC and Problem Gaming requirements
- The NYRA Bets Finance team facilitates all settlements with other racetrack content providers



*Division of Racing*

TO: Cathy Judd-Stein, Chair  
Gayle Cameron, Commissioner  
Bradford Hill, Commissioner  
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Recovery of 2020 Unclaimed Winnings from  
Plainridge Racecourse

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Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2020 at Plainridge Racecourse and determined that \$93,620.08 is payable to the Commonwealth of Massachusetts.

**Recommendation: That the Commission approve the payment of \$93,620.08 from Plainridge Racecourse to the Commonwealth of Massachusetts for 2020 unclaimed winnings ("Outs").**



Massachusetts Gaming Commission



*Division of Racing*

TO: Cathy Judd-Stein, Chair  
Gayle Cameron, Commissioner  
Bradford Hill, Commissioner  
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Recovery of 2020 Unclaimed Winnings from  
Sterling Suffolk Racecourse

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Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2020 at Sterling Suffolk Racecourse and determined that \$90,864.66 is payable to the Commonwealth of Massachusetts.

**Recommendation: That the Commission approve the payment of \$90,864.66 from Sterling Suffolk Racecourse to the Commonwealth of Massachusetts for 2020 unclaimed winnings ("Outs").**



Massachusetts Gaming Commission



*Division of Racing*

TO: Cathy Judd-Stein, Chair  
Gayle Cameron, Commissioner  
Bradford Hill, Commissioner  
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Recovery of 2020 Unclaimed Winnings from  
Wonderland Greyhound Park

---

Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2020 for Wonderland Greyhound Park and determined that \$1,740.02 is payable to the Commonwealth of Massachusetts.

**Recommendation: That the Commission approve the payment of \$1,740.02 from Wonderland Greyhound Park to the Commonwealth of Massachusetts for 2020 unclaimed winnings ("Outs").**



Massachusetts Gaming Commission





*Division of Racing*

TO: Cathy Judd-Stein, Chair  
Gayle Cameron, Commissioner  
Bradford Hill, Commissioner  
Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Recovery of 2020 Unclaimed Winnings from  
Raynham/Taunton/Massasoit Greyhound  
Associations

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Dear Commissioners:

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2020 at Raynham/Taunton/Massasoit Greyhound Associations and determined that \$117,920.92 is payable to the Commonwealth of Massachusetts.

**Recommendation: That the Commission approve the payment of \$117,920.92 from Raynham/Taunton/Massasoit Greyhound Associations to the Commonwealth of Massachusetts for 2020 unclaimed winnings ("Outs").**



Massachusetts Gaming Commission





*Division of Racing*

TO: Cathy Judd-Stein, Chair  
 Gayle Cameron, Commissioner  
 Bradford Hill, Commissioner  
 Eileen O'Brien, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
 Todd Grossman, General Counsel

DATE: January 27, 2022

RE: Distribution of 2020 Unclaimed Winnings from  
 Plainridge Racecourse, Sterling Suffolk Racecourse,  
 Raynham/Taunton/Massasoit Greyhound  
 Association and Wonderland Greyhound Park

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Dear Commissioners:

In Accordance with M.G.L. 128A (live racing) Section 5A and M.G.L. 128C (simulcasting) Section 3A, amounts from unclaimed tickets by a racing meeting licensee shall be distributed to the purse account of the licensee that generated those unclaimed tickets.

Plainridge Racecourse	\$93,620.08
Sterling Suffolk Racecourse	\$90,864.66

In accordance with Chapter 86 of the Acts of 2010, Section 14, subsection 18, amounts from unclaimed tickets by a greyhound meeting licensee shall be distributed to the Racing Stabilization Fund.

Raynham/Taunton/Massasoit Greyhound Association	\$117,920.92
Wonderland Greyhound Park	\$1,740.02

Procedurally, we are requesting that once these funds have been submitted by the licensees and cleared MGC bank accounts, with your authorization, the Massachusetts Gaming Commission finance office will distribute these funds back to the licensees so that the appropriate accounts may be credited the funds.



Massachusetts Gaming Commission

# MGC Research Snapshot

## Assessment of the Casinos' Impacts on Operating Under the Influence (OUI) and OUI-Involved Traffic Collisions - January 2022

### What you need to know

Among some tens of thousands of impaired driving “trips” to and from the Massachusetts casinos, there have been several dozen additional Operating Under the Influence (OUI)-involved crashes, mostly on roads patrolled by the State Police, within the three host communities. These outcomes are mathematically inescapable for locations serving alcohol to millions of patrons per year, although these numbers may be reduced by focusing on factors known to both encourage and suppress impaired driving.

### What is this research about?

This report assembles available evidence on the impact of Plainridge Park, MGM Springfield, and Encore Boston Harbor on OUI in the region, OUI complaints, OUI-involved crashes, and reports of “last drink” locations from guilty drunk drivers.

Findings in this report are not meant to cast “blame” at any of the casinos, casino operators, or their employees, as a certain amount of impaired driving is inevitable in a society that allows liquor to be purchased and consumed away from home. The report simply seeks to quantify the contributions of the casinos to this specific type of social harm.

### What did the researchers do?

This report looks at the relationship between Massachusetts’s three casinos and impaired driving. For this, various datasets were used:

- To look at the **number of OUI complaints** (arrests, summonses, and other methods of charging drunk drivers) reported by each participating agency, data

from the records management systems of the participating police agencies was used.

- To analyze **last drink data**, the author looked at the “last drink” reports from the Alcohol Beverage Control Commission from guilty drunk drivers.
- To analyze the **crashes with OUI charges**, the author used records management systems (RMS) and computer-aided dispatch (CAD) systems of each participating agency.

### What did the researchers find?

- As destination locations that serve alcohol, the **casinos produce a number of impaired driving trips every year.**
- The specific number of impaired driving trips depends on the **number of patrons**, the **average number of drinks consumed**, the **percentage of patrons leaving by car**, the **average distance traveled**, the **availability of transportation alternatives**, and **efforts by the casino and the police to control**



**intoxication**, to discourage impaired driving and to stop impaired drivers before they leave the casino.

- Many of the statistics associated with these variables are unknown, but both guesswork and evidence from past research suggest that **among the three casinos, the number of impaired driving trips is in the tens of thousands per year**. This is supported with available “last drink” reports from drunk drivers.
- These drunk driving “trips” likely translate into at least **a few dozen additional crashes**. Analysis of crashes with associated OUI charges shows increases on state roads within the three host communities as well as increases on some local roads in Plainville and Everett.
- Further research should be conducted after MGM and Encore have been open for longer periods, after COVID-19 is no longer creating havoc with drinking and driving patterns, and statewide datasets are available for alcohol-involved crashes.

## About the researchers

Christopher W. Bruce is a professor of criminal justice at Husson University in Bangor, Maine. He is also a career crime analyst with previous service at the Cambridge Police Department and the Danvers Police Department.

For more information about this study, please contact Christopher at [cwbruce@gmail.com](mailto:cwbruce@gmail.com).

## Citation

Bruce, C.W. (2022). Assessment of the Casinos’ Impacts on Operating Under the Influence (OUI) and OUI-Involved Traffic Collisions. Boston, MA: Massachusetts Gaming Commission.

## Key Words

Public Safety; Casinos’ Impact; Operating Under the Influence; Traffic Collisions

## Acknowledgements

Financial support for this report comes from the Massachusetts Gaming Commission through the Public Health Trust Fund.

## About this Snapshot

MGC Snapshots are intended to translate lengthy and sometimes technical reports into an easily understandable overview of the research. The findings and recommendations in the Snapshot are those of the researchers and do not necessarily reflect the position of the MGC.



# Assessing the Impact of Gambling on Public Safety in Massachusetts

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ANALYSIS OF DRUNK DRIVING DATA

**Christopher W. Bruce**

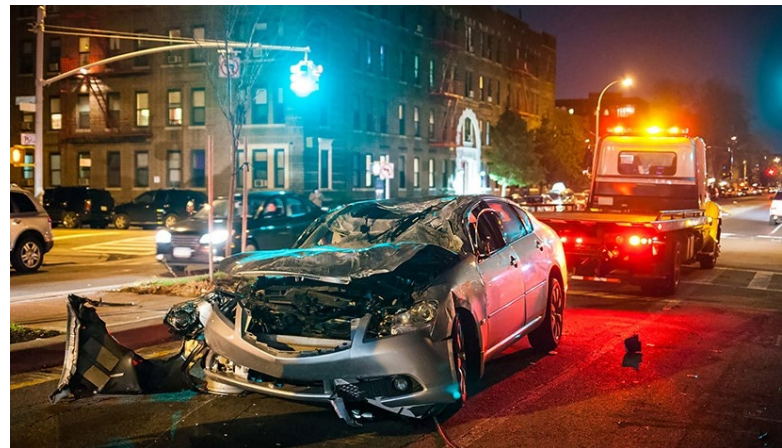
*Crime analysis consultant*



# Analyses in this report

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- Agency complaints for operating-under the influence (OUI)
  - Arrests and summonses
- “Last Drink” locations as reported at adjudication
- Crashes involving impaired driving



# Previous research

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- Prevalence of drunk driving and drunk driving crashes is associated with the number of outlets serving alcohol in an area.
- Across the United States, casinos have specifically shown to generate more drunk driving “trips,” thus increasing OUI and crashes.
  - The difference is more apparent at rural casinos.
- The specific contribution of casinos to drunk driving is heavily influenced by geography, including position, travel routes, and distances traveled.
- About 1 in 625 OUI “trips” result in a crash.
- About 1 in 500 OUI “trips” result in an arrest.

# Variables related to OUI

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- Total number of visitors to an alcohol outlet
- Percentage who drive
- Percentage who drink to point of intoxication
- Efforts by outlets to curb intoxication and/or deter drunk driving after intoxication
- Efforts to raise awareness and conscience

## PLAN FOR A SOBER RIDE

### OPTIONS :

- Ridesharing Service
- Taxi
- Public Transportation
- Designate a Sober Driver



BUZZED DRIVING IS DRUNK DRIVING

# A matter of math

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- If the following things are true:
  - 35,000 visitors per day
  - 75% arrive by car
  - 60% of them drink
  - 10% of those who drink become intoxicated
  - 90% of those are deterred from driving
- And these variables are independent
- It would translate to:
  - **59,130** drunk driving “trips” per year
  - **95** more OUI-involved crashes per year
  - **118** more OUI-involved arrests per year



# What does arrest data show?

Period	PPC	MGM	Encore
Year 1	+11%	-5%	+24%
Year 2	+2%	+45%	
Year 3	-9%		
Year 4	-19%		

Variances may be related to road patterns and the period of time in which patrons must remain on local roads before exiting the region.

# Last drink reports

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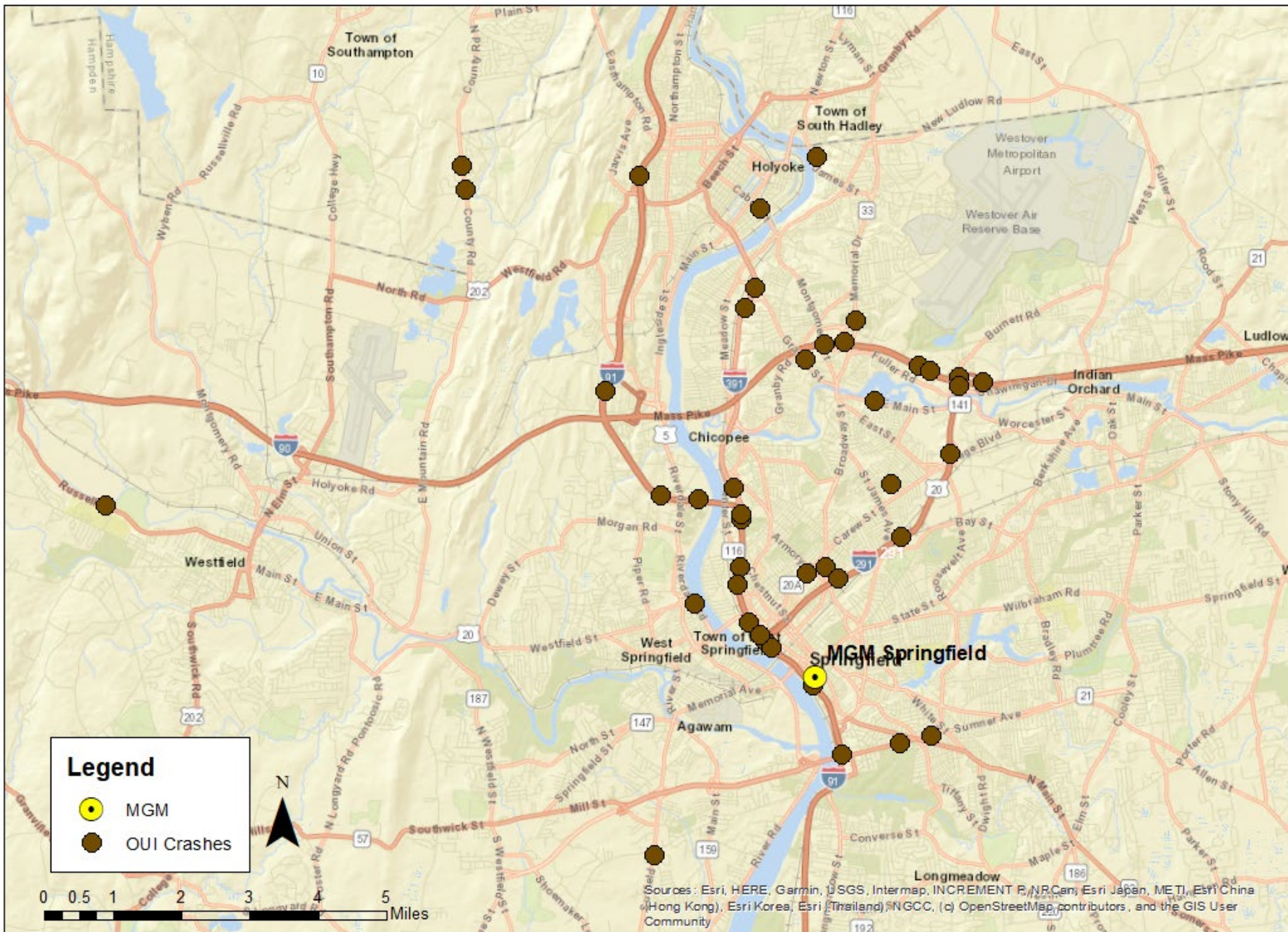
- Collected by courts during OUI guilty adjudications
  - Only 15%-17% of arrests/charges
- Collated by the Alcoholic Beverage Control Commission (ABCC)
- Biased towards:
  - Large locations
  - Locations where officers have chosen to do enforcement

Rank	2015–2020 (PPC Years)	2018–2020 (MGM years)	2019–2020 (EBH Years)
1	TD Garden, Boston (30)	TD Garden, Boston (22)	TD Garden, Boston (13)
2	Gillette Stadium, Foxborough (28)	MGM Springfield, Springfield (18)	MGM Springfield, Springfield (11)
3	Barrett's Ale House, Bridgewater (23)	Encore Boston Harbor, Everett (11)	Encore Boston Harbor, Everett (11)
4	Plainridge Park Casino, Plainville (19)	The Ritz, Oak Bluffs (9) Scorpion Bar, Foxborough (9)	The Still, Agawam (8)
5	MGM Springfield, Springfield (18)	Buffalo Wild Wings, Shrewsbury (9)	Scorpion Bar, Foxborough (5)
6	Duck Inn Pub, Hyannis (18)		Buffalo Wild Wings, Shrewsbury (5)
7	The Ritz, Oak Bluffs (17)	Gillette Stadium, Foxborough (8)	Funky Murphy's, Marlborough (5)
8	Bar Louie, Foxborough (17)	The Still, Agawam (8)	Yard House, Lynnfield (5)
9	Wamesit Lanes, Tewksbury (16) Fenway Park, Boston (16)	British Beer Company, Hyannis (8)	The Ritz, Oak Bluffs (4) Duck Inn Pub, Hyannis (4)
10	Taylor's Tavern, Greenfield (16)	Duck Inn Pub, Hyannis (7) Bar Louie, Foxborough (7) Fenway Park, Boston (7) Taylor's Tavern, Greenfield (7) Smitty's Pub, Greenfield (7)	Bar Louie, Foxborough (4) Smitty's Pub, Greenfield (4) Wamesit Lanes, Tewksbury (4) Whiskey on Water, Worcester (4)
16		Plainridge Park Casino, Plainville (6)	
25			Plainridge Park Casino, Plainville (2)

# OUI-involved crashes

Period	PPC	MGM	Encore
Year 1	-2%	+2%	+24%
Year 2	+20%	+14%	
Year 3	-42%		
Year 4	-5%		

# OUI Crash Reports Taken by State Police, September 2018 to February 2020

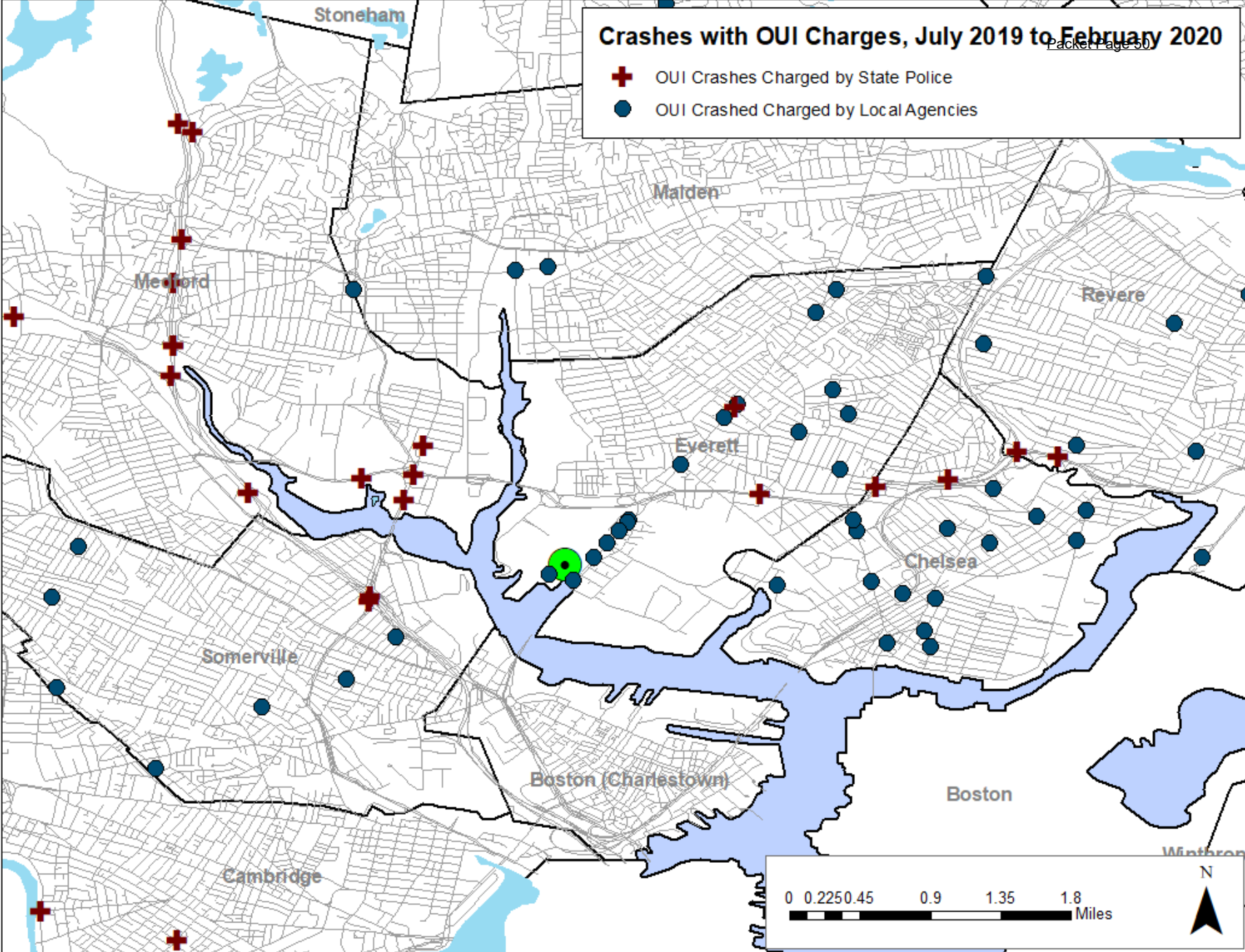




# Crashes with OUI Charges, July 2019 to February 2020

Packet Page 50

- + OUI Crashes Charged by State Police
- OUI Crashed Charged by Local Agencies



# Conclusions

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- Available data suggests increases in OUI “trips,” OUI crashes, and OUI arrests consistent with casino attendance.
- Further research needed:
  - Total casino visitors
  - Percentage of casino visitors who drink
  - Transportation options of casino visitors
  - “Last drink” locations collected at arrest rather than adjudication
  - Statewide OUI-involved crash statistics
- Potential interventions:
  - Targeted enforcement on key travel routes based on local analysis of days and times
  - Campaigns to raise conscience and awareness
  - Monitoring of casinos for compliance with responsible gaming guidelines (compliance seems to have been high so far)

# Thank You!

---

**Christopher W. Bruce**

Crime analysis consultant

Bucksport, ME

978-853-3502

[cwbruce@gmail.com](mailto:cwbruce@gmail.com)



# **Assessment of the Casinos' Impacts on Operating Under the Influence (OUI) and OUI- Involved Traffic Collisions**

**Christopher W. Bruce**

Crime Analysis Consultant to the Massachusetts Gaming Commission

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# Executive summary

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This report assembles available evidence for the impact of Plainridge Park, MGM Springfield, and Encore Boston Harbor on impaired driving in the region, to include complaints (arrests and summonses) for operating under the influence (OUI), OUI-involved crashes, and reports of “last drink” locations from guilty drunk drivers. Key findings are:

- As destination locations that serve alcohol, the casinos produce a number of impaired driving trips every year.
- The specific number of trips depends on the number of patrons, the average number of drinks consumed, the percentage of patrons leaving by car, the average distance traveled, the availability of transportation alternatives, and efforts by the casino and the police to control intoxication, to discourage impaired driving and to stop impaired drivers before they leave the casino.
- Many of the statistics associated with these variables are unknown, but both guesswork and evidence from past research suggest that among the three casinos, the number of impaired driving trips is in the tens of thousands per year. This is supported with available “last drink” reports from drunk drivers.
- These drunk driving “trips” likely translate into at least a few dozen additional crashes. Analysis of crashes with associated OUI charges shows increases on state roads within the three host communities as well as increases on some local roads in Plainville and Everett.
- Further research should be conducted after MGM and Encore have been open for longer periods, after COVID-19 is no longer creating havoc with drinking and driving patterns, and statewide datasets are available for alcohol-involved crashes.

None of the findings in this report are meant to cast “blame” at any of the casinos. From locations serving alcohol to millions of patrons per year, a certain amount of impaired driving is a mathematical inevitability, no matter how sincere the efforts the locations put into discouraging it. However, these findings do support the utility of targeted traffic enforcement at key times along local roads and highways leading to and from the casino as well as expanded public awareness efforts . They also demonstrate the utility of continued data collection of “last drink” reports during adjudication.

# Background

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This analysis is part of an ongoing effort by the Massachusetts Gaming Commission (MGC) to assess the social and economic influences of new gaming facilities across the state. The purpose of this report is to compile any and all evidence, within available datasets, of a casino influence on operating under the influence (OUI) and OUI-related crashes. Previous reports on individual casinos have considered limited evidence but have not been comprehensive.

The purpose of this report is *not* to assign or even suggest that blame should fall on individual casinos, casino operators, or their employees. Indeed, this report recognizes that a certain amount of impaired driving is inevitable in a society that allows liquor to be purchased and consumed away from home. The report simply seeks to quantify the contributions of the casinos to this specific type of social harm.

## Background and summary of previous research

Each of Massachusetts's three casinos offers restaurants and bars that serve alcohol, plus drinks served to patrons engaged in gambling on the casino floor. Drinking and gambling have long been paired in popular images of casinos, including in promotions from the casinos themselves. Although service at restaurants and bars stops at 02:00, both Encore Boston Harbor and MGM Springfield can serve drinks to patrons engaged in gaming until 04:00.



*Figure 1: A photograph of a cocktail entices visitors on the MGM Springfield website. "Enjoy a handcrafted cocktail while taking your luck to the highest limit," the caption offers. Alcohol and gambling are often linked in casino advertisements and public imagination.*

The relationship between impaired driving and the presence of licensed establishments has been studied by researchers for decades. Although a positive correlation between the two variables has been long-understood,<sup>1</sup> the specific contribution of a licensed establishment to drunk driving is tangled in a complex web of variables, including density and distance.<sup>2</sup> A single bar in the middle of five dry counties may produce more drunk drivers than a very large cluster of hotel bars, for instance. This problem has been particularly acute in Connecticut, where the long distance between each of its casinos and major population centers has resulted in high risk of crashes for drunk drivers.<sup>3</sup> Although their contributions to drunk driving have not been studied by social scientists, both casinos have come under fire in the media for numerous known fatalities caused by impaired drivers leaving the casinos.

Even when located closer to populated areas, casinos offer additional risks of drunk driving, as studies have shown that problem gambling and problem drinking often go hand-in-hand.<sup>4</sup> Research has shown a strong link between the expansion of casino gambling in the United States and increases in alcohol-related traffic fatalities.<sup>5</sup>

Available literature does not produce a specific formula to determine the contribution of casinos or other licensed establishments on drunk driving in surrounding communities, but it does support an understanding of the variables that such a formula would include.

Factors Increasing Drunk Driving Risk	Factors Decreasing Drunk Driving Risk
<ul style="list-style-type: none"> <li>• Number of patrons</li> <li>• Average drinks consumed per patron</li> <li>• Percentage of patrons arriving and leaving by car</li> <li>• Average distance traveled after leaving</li> </ul>	<ul style="list-style-type: none"> <li>• Availability of transportation alternatives</li> <li>• Establishment efforts to control intoxication</li> <li>• Establishment efforts to identify and discourage intoxicated drivers from leaving in their cars</li> <li>• Perception of risk of getting stopped and arrested for OUI</li> <li>• Establishment and societal efforts to alert conscience of potential offenders and strengthen social controls</li> </ul>

Understanding the specific risk posed by Massachusetts casinos means analyzing how these risk factors work in this state and among the specific facilities.

<sup>1</sup> Early evidence linking the variables is found in O’Donnell, M. A. (1985). Research on drinking locations of alcohol-impaired drivers: Implications for prevention policies. *Journal of Public Health Policy*, 6(4), 510–525. For a study that correlates drunk driving crashes with the proximity and volume of licensed establishments, see Cotti, C., Dunn, R.A., & Tefft, N. (2014). Alcohol-impaired motor vehicle crash risk and the location of alcohol purchase. *Social Science & Medicine*, 108, 201–209.

<sup>2</sup> The research into specific spatial variables on impaired driving patterns is still in its infancy. For a discussion, see: Wang, S., Chen, Y., Jianling, H., Liu, Z., & Ma, J. (2020). Spatial relationships between alcohol outlet densities and drunk driving crashes: An empirical study of Tianjin in China. *Journal of Safety Research*, 74, 17–25.

<sup>3</sup> I am not aware of academic studies on Connecticut’s casinos specifically but the issue is often discussed by the news media. See, for example, Scworm, P. (2011, December 12). Mohegan Sun casino a mixed blessing for town. *The Boston Globe*. <https://www.bostonglobe.com/metro/2011/12/12/mohegan-sun-casino-mixed-blessing-for-montville-conn-area/a9JI8WyaFqkp2kIs65QDPK/story.html>. The Cotti and Walker article cited below cites a no-longer-available 2009 article from WFSB Hartford in which Mohegan Sun admitted that drunk drivers leaving its facility were a problem.

<sup>4</sup> McGowan, R. (2013). Casino gambling and drunk driving: How are communities impacted? *Gaming Law Review & Economics*, 17(10), 747–759.

<sup>5</sup> Cotti, C., & Walker, D. M. (2010). The impact of casinos on fatal alcohol-related traffic accidents in the United States. *Journal of Health Economics*, 29(6), 788–796.

### *Number of Patrons*

The number of patrons visiting the casinos is perhaps the most important variable. Sheer numbers can overwhelm the other statistics: Strategies to reduce the number of intoxicated drivers leaving the facilities could be nearly 100% effective and still miss a handful of them every night.

Unfortunately, requests to the casinos for daily attendance figures did not produce usable results from all three locations. However, the figures that we did receive, plus those reported to the media, plus those estimated in previous reports issued by SEIGMA, suggest an average daily attendance of about 36,000 across all three casinos during the period of 2019 when all three were operating. This number is subject to significant variation by day, season, and time.

### *Average drinks consumed per patron / Establishment efforts to control intoxication*

As previously mentioned, gambling and drinking are often paired in public imagination and in casino advertisements. To many patrons, the promise of “free drinks” on the casino floor helps them mentally offset the losses they inevitably suffer. To our knowledge, however, no statistics have been compiled that indicate what percentage of casino patrons

In an effort to reduce both impaired driving and other negative consequences of over-imbibing, Massachusetts General Law Chapter 138, Section 69 prohibits establishments from serving alcoholic drinks to intoxicated customers. There is also a long history of case law that holds licensed establishments (as well as private hosts) liable, under certain circumstances, for the behavior of patrons who become intoxicated at those locations.

The Massachusetts Alcoholic Beverage Control Commission (ABCC) encourages but does not require servers at licensed to receive a national training called TIPS to recognize signs of intoxication and thus know when to “cut off” that patron. The Massachusetts Gaming Commission does require this training for “managers and other principal representatives” (205 CMR 136.077.9.c), and the Commission’s Responsible Gaming guidelines direct casinos to implement several other policies, including limited distribution of alcohol during certain hours and disallowing intoxicated persons from gambling.

Although both Plainridge Park and MGM Springfield have been fined by the Gaming Commission for violations of alcohol regulations, none so far have been related to overserving. Indeed, all available evidence (including reports from the casinos and observations of Gaming Commission employees) suggests that the three facilities have complied with relevant laws, regulations, and guidelines by providing training to servers, cutting off intoxicated guests, and assisting intoxicated guests in getting a safe ride home. In addition, Gaming Commission agents routinely visit the facilities to verify compliance. However, it must be noted that casinos are large, loud, crowded places in which it is difficult to keep track of how many drinks a patron has been served and whether a patron has drunk too much to drive, a threshold that for some drinkers falls comfortably below that at which the patron is visibly intoxicated. Any system that relies heavily on a subjective assessment of intoxication inevitably misses some intoxicated drivers.

### *Percentage of patrons arriving and leaving by car / Availability of transportation alternatives*

This percentage of patrons traveling by car simply has not been studied. We can only make guesses. The percentage is almost certainly over 75%, as it is for the percentage of Americans who drive to work. It is likely highest at Plainridge Park, which is in an area with limited public transportation, and lowest at Encore Boston Harbor. For MGM and Encore, these figures will be reduced mildly by the percentage of patrons spending the night in the casinos’ own hotels (MGM’s 240 hotel rooms and Encore’s 671 hotel rooms are a small percentage of the roughly 15,000 daily pre-COVID visitors).

As it is adjacent to Boston, Encore benefits from a robust public transportation network, including the MBTA subway, bus, and commuter rail system; courtesy shuttles to local hotels and Logan Airport; water transportation to Boston; proximity to national and international air, train, and bus options; and widespread availability of taxi and rideshare options. MGM Springfield likely receives the most foot traffic of the three casinos and also has nearby rail service and bus service provided by the Pioneer Valley Transportation Authority. Alternatives to Plainridge Park are mostly limited to taxi and rideshare options and private bus services out of Boston; it is safe to say that the vast majority of patrons to PPC arrive by car.

### *Average distance traveled after leaving*

No hard data exists on this variable, either, but we can make some estimates. In a 2016 survey, only 11% of Plainridge Park patrons came from the host and surrounding communities, while 67% came from other parts of Massachusetts and 19% came from out of state.<sup>6</sup> At MGM Springfield, 41% came from the host and surrounding communities, 18% from other parts of Massachusetts, and 40% from out of state.<sup>7</sup> No statistics are yet available for Encore Boston Harbor, but if they remain within the parameters of the other two, between 58% and 89% of visitors are traveling more than a few miles once they leave the casino.

This variable means that the extent of impaired driving and impaired driving crashes may not be captured by local datasets. Data would have to be collected from throughout Massachusetts and other New England states, particularly Connecticut and Rhode Island, to comprehensively assess the impact of impaired drivers.

### *Establishment efforts to identify and discourage intoxicated drivers from leaving in their cars*

For this variable, casinos have a significant advantage over other licensed establishments. They have a comprehensive surveillance and security network, plus the constant presence of state and local police officers. State law, Massachusetts Gaming Commission regulations, and general public opinion all encourage them to do their best to reduce the number of drivers leaving their parking areas while intoxicated.

Sheer numbers, however, make it difficult to intercede with all of them. Moreover, casinos lose control of this variable when patrons park at locations other than the casino lot or garage. Such a scenario is highly unlikely at Plainridge Park (which has no other convenient area parking) but modestly more likely at Encore and in particular at MGM. In all cases, the casino offers the least expensive, most convenient parking, but is also sometimes full, or inconvenient to other things that the patron wants to do in the area. We otherwise have no statistics on the percentage of patrons who choose to park elsewhere.

### *Perception of risk of getting caught and arrested for impaired driving*

As a popular Problem-Oriented Policing guide notes:

Perhaps the single most significant factor in explaining why people drive while impaired is that they believe that there is little risk that they will be caught by police—and statistically, they are correct. By some estimates, the average drunk driver will drive while impaired between 80 and 2,000 times for every time he is apprehended, depending on the enforcement capacity of the local police. In fact, most drivers believe they are more likely to be involved in a crash than they are to be stopped by police.

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<sup>6</sup> University of Massachusetts School of Public and Health Sciences. (2019). *Social and economic impacts of Plainridge Park Casino: 2018*. Author, p. 35.

<sup>7</sup> University of Massachusetts School of Public and Health Sciences. (2019). *2019 MGM Springfield patron survey: A look at who is visiting: 2018*. Author, p. 1.



Even the most committed police agencies and officers can stop or arrest only a very small percentage of the impaired drivers who are on the road at any one time—probably less than one percent.<sup>8</sup>

This factor affects impaired driving nationally and not just driving from specific locations. The perception of risk can be enhanced at those locations, however, with strategies like posted warnings and police visibility. We have no information about specific casino strategies in this area.

### *Societal efforts to alert conscience*

Perhaps the most effective advertising slogan in history is “Friends don’t let friends drive drunk,” the tagline of a 1990 Ad Council campaign credited with the largest single-year drop in drunk driving fatalities. The slogan works by alerting the conscience not only of potential drunk drivers but the people around them—friends, colleagues, family members, even servers. Research has shown that such campaigns are effective at the local level as well as the national level.<sup>9</sup> We are aware of no specific strategies along these lines at Massachusetts’s three casinos.

### *Tying it all together*

Because of a lack of hard data for key variables, we cannot derive a specific prediction of the number of impaired drivers produced by the casinos. But to use a hypothetical example, assume that the following is true:

- 12,000 visitors arrive at a casino on a particular day
- 75% (9,000) arrive by car
- 60% of them drink
- 10% of those who drink become intoxicated
- 90% of those who become intoxicated are identified and deterred from driving by casino security or are motivated to find alternate transportation means by raised conscience or fear of getting caught.

Such an arrangement of variables would leave  $20,000 * 0.75 * 0.6 * 0.1 * 0.1$ , or 54 impaired patrons leaving the casino by car each day, for a total of 19,710 drunk driving trips per year (59,130 across three casinos), assuming that all factors are independent of each other. The National Institute of Health estimates that the probability that an impaired driving trip will result in a crash is 1 in 625, or 0.16%.<sup>10</sup> We would thus expect this single casino to produce 32 impaired driving crashes per year, 96 for three casinos. Obviously, the number becomes higher or lower as the variables change. If only 80% of impaired drivers are deterred in the last step, the number doubles. If only 5% of those drinking become intoxicated, the number halves. There is essentially no circumstance, however, in which it reaches 0.<sup>11</sup>

The rest of this report seeks to assess whether the number of impaired drivers coming from Massachusetts’s casinos is detectable among the datasets we have available.

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<sup>8</sup> Scott, M. S., Emerson, N. J., Antonacci, L. B., & Plant, J. B. (2006). *Drunk driving* [Problem Oriented Guides for Police, Problem-Specific Guides Series #36]. U.S. Department of Justice, Office of Community-Oriented Policing Services, pp. 6–7.

<sup>9</sup> See, for instance, Niederdeppe, J., Avery, R., & Miller, E.N. (2017). Alcohol-controlled public service announcements (PSAs) and drunk-driving fatal accidents in the United States, 1996–2010. *Preventive Medicine*, 99, 320–325.

<sup>10</sup> Miller, T., & Spicer, R. (1998). How drunk are U.S. drivers? Measuring the extent, risks, and costs of drunk driving. *Annual Proceedings of the Association for the Advancement of Automotive Medicine*, 42, 353–367.

<sup>11</sup> There are two additional variables unaddressed above because the lack of data makes it difficult to even estimate. The first is the number of impaired driving trips to the casino—that is, drivers who decided to visit the casino while already intoxicated. Even if turned away at the door, there is a way in which the presence of the casino “caused” the trip. The second is the percentage of drunk drivers leaving the casino who would have gotten drunk elsewhere if the casino had not existed. Even if this number is significant, the limited types of entertainment available at a casino almost certainly ensures that this population of drunk drivers is traveling farther, even if their number of trips remains constant. While this form of displacement remains a valid objection to the specific formula presented here, it does not diminish the overall point is that the number of drunk drivers “caused” by a casino is quantifiable and thus theoretically detectable.

## Methodology and limitations

This report involves several different datasets. The methodology for the collection and use of each dataset and the limitations of those datasets are thus described in the relevant sections of the report.

## About the author

Christopher W. Bruce is a professor of criminal justice at Husson University in Bangor, Maine. He is also a career crime analyst with previous service at the Cambridge Police Department (1994–2001) and the Danvers Police Department (2001–2010). He was president of the Massachusetts Association of Crime Analysts from 2000 to 2004 and president of the International Association of Crime Analysts from 2007 to 2012. He has served as an instructor in criminal justice and crime analysis topics at Suffolk University (2001–2010), Westfield State University (2009–2010), the University of Massachusetts Lowell (2009–2010), Middlesex Community College (2007–2011), Western Oregon University (2012–2016), and Tiffin University (2006–2018).

Mr. Bruce is an internationally-recognized expert in police data systems and police data analysis. He has trained, consulted, and provided technical assistance for various programs of the U.S. Department of Justice, Bureau of Justice Assistance; the U.S. Department of Transportation, National Highway Traffic Safety Administration; the Texas Department of Transportation; the U.S. Department of Justice, International Criminal Investigative Training Assistance Program; and the International Association of Directors of Law Enforcement Standards and Training. He lives in Maine.

# Analysis of agency complaints for OUI

The first dataset presented in this report simply looks at the number of complaints (arrests, summonses, and other methods of charging drunk drivers) reported by each participating agency for the crime of operating under the influence, which is almost always operating under the influence of liquor.

This dataset is the least reliable of those used in this report when it comes to understanding the prevalence of impaired driving. It is heavily influenced by agency priorities, directives from executives, and initiative of individual patrol officers and troopers. There is some evidence, for instance, that local agencies anticipated more intoxicated drivers after the casinos opened and responded by conducting more OUI enforcement on key routes. This, in turn, increased the number of OUI arrests irrespective of the number of actual intoxicated drivers.

Nonetheless, the dataset has some value in its corroboration of other data show in this report. If nothing else, it is valuable to know the effects of the casinos on agency operations, including OUI enforcement and arrests, regardless of whether these effects correlate with actual impaired driving.

## Methodology

The data used for this section was extracted directly from the records management systems of the participating police agencies and has been used over the past six years to generate a series of reports analyzing post-casino changes in crimes, collisions, and other police-related activity. The data collection and coding standards set by the FBI's National Incident-Based Reporting System (NIBRS), as promoted locally by the Massachusetts Executive Office of Public Safety and Security (EOPSS), have been instrumental in combining and analyzing data from multiple agencies.

## OUI complaints in the Plainridge Park region

*Raw data, years beginning 1 July and ending 30 June (casino opened on 24 June 2015)*

Agency	Pre-Casino					Post-Casino			
	2011	2012	2013	2014	2015	2016	2017	2018	2019
Plainville	18	20	18	12	20	21	17	15	19
Attleboro	130	128	107	86	105	98	93	56	58
Foxborough	69	74	46	56	70	64	56	66	40
Mansfield	54	44	59	55	45	54	48	39	53
North Attleborough	23	6	12	9	43	63	47	57	32
Wrentham	6	8	9	4	12	5	7	12	11
State Police	35	38	27	29	43	32	42	31	34
<b>Total</b>	<b>335</b>	<b>318</b>	<b>278</b>	<b>251</b>	<b>338</b>	<b>337</b>	<b>310</b>	<b>276</b>	<b>247</b>

*Aggregated data, years beginning 1 July and ending 30 June (casino opened on 24 June 2015)*

Agency	Pre-PPC Avg.	Pre-PPC Range <sup>12</sup>	Post-PPC Avg.	Pct Change
Plainville	17.6	15–21	18	+2%
Attleboro	111.2	95–127	76.3	-31%
Foxborough	63.0	53–73	56.5	-10%
Mansfield	51.4	46–57	48.5	-6%
North Attleborough	18.6	5–32	49.8	+167%
Wrentham	7.8	5–11	8.8	+12%

<sup>12</sup> Calculated as one standard deviation above and below the average.

Agency	Pre-PPC Avg.	Pre-PPC Range <sup>12</sup>	Post-PPC Avg.	Pct Change
State Police	34.4	29-40	34.8	+1%
<b>Total</b>	<b>304.0</b>	<b>270-338</b>	<b>292.5</b>	<b>-4%</b>

The statistics show that the PPC region showed virtually no change in its total OUI complaints, although there are some notable exceptions at the agency level. In particular, North Attleborough showed a near tripling of its average. However, the statistics show that the agency's enforcement of OUI ramped up in the year before PPC opened.

In the four years after PPC opened, there were 19 arrests or summonses for OUI at the casino itself, almost all (17) made by State Police gaming enforcement agents. Although these incidents may not have occurred without PPC, it is important to recognize that most of them supply evidence of the system working right. That is, the impaired drivers were identified by PPC employees or Gaming Enforcement agents, and the State Police were able to stop the drivers before they left the property.

### OUI complaints in the MGM Springfield region

MGM opened on 24 August 2018 and had about 18 months of unrestricted operation before the March 2020 COVID-19 closures. The "post-casino" period in the first data table looks at 12 months of data, but only for 2019.

*Raw data, years beginning 1 September and ending 30 August (casino opened on 24 August 2018)*

Agency	Pre-Casino						Post-Casino
	2013	2014	2015	2016	2017	2018	2019
Springfield	58	67	63	43	49	50	40
Agawam	27	44	40	32	27	21	44
Chicopee	41	36	43	49	49	59	84
East Longmeadow	27	33	26	27	19	31	23
Hampden	14	11	15	6	7	13	10
Holyoke	35	34	21	44	34	54	50
Longmeadow	39	15	21	20	14	21	18
Ludlow	35	38	46	39	54	55	57
Northampton	105	118	140	176	157	84	85
West Springfield	24	28	30	34	21	17	30
Wilbraham	53	94	69	59	66	28	39
State Police	358	359	361	229	325	220	284
<b>Total</b>	<b>816</b>	<b>877</b>	<b>875</b>	<b>758</b>	<b>822</b>	<b>653</b>	<b>764</b>

*Aggregated data, years beginning 1 September and ending 30 August (casino opened on 24 August 2018)*

Agency	Pre-MGM Avg.	Pre-MGM Range	2019	Pct Change
Springfield	55.0	47-63	40	-27%
Agawam	31.8	24-40	44	+38%
Chicopee	46.2	39-54	84	+82%
East Longmeadow	27.2	23-32	23	-15%
Hampden	11.0	8-14	10	-9%
Holyoke	37.0	27-47	50	+35%
Longmeadow	21.7	13-30	18	-17%
Ludlow	44.5	37-52	57	+28%
Northampton	130.0	99-161	85	-35%
West Springfield	25.7	20-31	30	+17%
Wilbraham	61.5	42-81	39	-37%
State Police	308.7	248-369	284	-8%
<b>Total</b>	<b>800.3</b>	<b>723-877</b>	<b>764</b>	<b>-5%</b>

This second set of numbers looks at two years post-casino but uses only the months of September through February for both the baseline and post-casino measures. The analysis stops at February because the casinos closed in response to COVID in March 2020 and did not re-open until July. Traffic volumes and patterns have been so widely affected that results after March 2020 cannot be legitimately compared to a baseline.

*Raw data, years beginning 1 September and ending 29 February (casino opened on 24 August 2018)*

Agency	Pre-Casino						Post-Casino	
	2013	2014	2015	2016	2017	2018	2019	2020
Springfield	33	26	33	19	33	21	15	35
Agawam	16	17	18	13	12	9	19	31
Chicopee	20	20	25	19	24	18	39	49
East Longmeadow	15	19	16	16	11	20	13	6
Hampden	10	3	6	2	2	10	5	4
Holyoke	18	21	9	21	20	25	22	36
Longmeadow	24	8	13	10	7	8	10	6
Ludlow	24	16	22	11	27	22	26	22
Northampton	40	69	72	98	85	46	38	76
West Springfield	29	34	39	24	37	16	20	20
Wilbraham	15	10	13	23	7	4	10	27
State Police	158	173	129	104	148	85	138	235
<b>Total</b>	<b>402</b>	<b>416</b>	<b>395</b>	<b>360</b>	<b>413</b>	<b>284</b>	<b>355</b>	<b>547</b>

*Aggregated data, years beginning 1 September and ending 29 February (casino opened on 24 August 2018)*

Agency	Pre-MGM Avg.	Pre-MGM Range	Post-MGM Avg.	Pct Change
Springfield	27.5	22–33	25.0	-9%
Agawam	14.2	11–17	25.0	+76%
Chicopee	21.0	18–24	44.0	+110%
East Longmeadow	16.2	13–19	9.5	-41%
Hampden	5.5	2–9	4.5	-18%
Holyoke	19.0	14–24	29.0	+53%
Longmeadow	11.7	6–18	8.0	-31%
Ludlow	20.3	15–26	24.0	+18%
Northampton	68.3	48–89	57.0	-17%
West Springfield	29.8	22–38	20.0	-33%
Wilbraham	12.0	6–18	18.5	+54%
State Police	132.8	102–163	186.5	+40%
<b>Total</b>	<b>378.3</b>	<b>332–424</b>	<b>451.0</b>	<b>+19%</b>

While the initial year started off lower than average, most agencies—particularly the State Police—significantly increased their enforcement efforts during the September 2019–February 2020 period. The region was headed for a record annual high before COVID stepped in and changed driving habits.

The agencies that reported increases in drunk driving complaints are those that have more local travel routes to and from the casino. That is, unless a driver specifically lived in those communities, he would be unlikely to pass through Longmeadow, East Longmeadow, Hampden, or Northampton (all of which reported decreases) on local roads. The other communities have non-highway routes to other destinations in the region. With the exception of West Springfield, all of them reported increases in OUI complaints during the six-month period.

In contrast to the other two casinos, no complaints were made from incidents that occurred at the casino itself. Springfield only made a single post-casino arrest on the immediate MGM block.

## OUI complaints in the Encore Boston Harbor region

For Encore, we only have a single eight-month period post-casino and pre-COVID.

*Raw data, years beginning 1 July and ending 29 February (casino opened on 23 June 2019)*

Agency	Pre-Casino						Post-Casino
	2014	2015	2016	2017	2018	2019	2020
Everett	14	14	12	17	24	23	50
Chelsea	21	24	34	27	48	23	31
Lynn	55	91	74	85	78	64	89
Melrose	8	3	8	3	3	5	4
Revere	35	28	48	71	48	41	36
Saugus	17	14	16	22	15	31	23
Somerville	15	26	27	30	19	26	18
State Police	161	131	97	187	124	149	199
<b>Total</b>	<b>326</b>	<b>331</b>	<b>316</b>	<b>442</b>	<b>359</b>	<b>362</b>	<b>450</b>

*Aggregated data, years beginning 1 July and ending 29 February (casino opened on 23 June 2019)*

Agency	Pre-EBH Avg.	Pre-EBH Range	2020	Pct Change
Everett	17.3	13–22	50	+188%
Chelsea	29.5	20–39	31	+5%
Lynn	74.5	62–87	89	+19%
Melrose	5.0	3–7	4	-20%
Revere	45.2	32–59	36	-20%
Saugus	19.2	13–25	23	+20%
Somerville	23.8	19–29	18	-24%
State Police	149.7	121–178	199	+33%
<b>Total</b>	<b>364.2</b>	<b>283–446</b>	<b>450</b>	<b>+24%</b>

The Encore region showed total OUI complaints were significantly above the pre-casino average. It was not universal for all agencies. Everett (the host community) and the State Police reported the largest changes. A subsequent section shows that both agencies saw an increase in OUI-involved crashes, but it also appears that both agencies ramped up OUI enforcement in anticipation of the casino.

Six Everett Police incidents and two State Police incidents occurred at the casino itself, again a possible sign that detection measures are working.

## Conclusions

The results for this dataset—again, the least important of the data in this report—showed results highly variable by agency. Changes were most heavily noted in the Springfield area between September 2019 and February 2020 and the Everett region between July 2019 and February 2020. Only in the Everett region are these increases correlated with observed increases in OUI-involved crashes during the same period.

# Analysis of “last drink” reports at adjudication

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Massachusetts General Law Chapter 90, Section 24J requires courts to collect from individuals adjudicated guilty (whether by trial or plea) of OUI, “whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment.” Court clerks send such “last drink” reports to the Alcohol Beverage Control Commission (ABCC).<sup>13</sup>

These reports have long been used to prioritize certain bars for additional training and enforcement. They provide direct evidence of at least some influence of certain facilities on drunk driving.

## Methodology and limitations

Upon request, the ABCC provided spreadsheets for “last drink” adjudications from January 2016 to May 2021. The data includes 8,438 adjudication records, but only about 7,400 offer an identifiable location, and of those, 847 list private residences, leaving around 6,500 identifiable licensed locations.

As last drink data is collected only from those who plead guilty or are found guilty at trial, the 8,438 records represent only about 15-17% of the 50,000–60,000 people charged with OUI in Massachusetts during the coverage period. These, in turn, represent only a small percentage of the actual number of impaired drivers on the road during this period. Because the numbers represent *all* drunk driving arrests, not just those that stemmed from crashes, they will be heavily influenced by the decisions of specific police agencies and their officers and thus are not necessarily a good representation of where people are drinking.

## Results

All three casinos appear within the “Last Drink” data. Specifically:

- **Plainridge Park** was named as the place of last drink for 19 cases adjudicated between November 2016 and February 2020, with offense dates between October 2016 and August 2019. For the period in which the casino was open, it was fourth-highest in the state for “last drink” reports.
- **MGM Springfield** was named as the place of last drink for 18 cases adjudicated between September 2019 and December 2020, with offense dates between August 2018 and September 2020. For the period in which the casino was open, it was second-highest in the state for “last drink” reports.
- **Encore Boston Harbor** was named as the place of last drink for 11 cases adjudicated between July 2019 and December 2020, with offense dates between June 2019 and November 2020. For the period in which the casino was open, it was tied with MGM for second-highest in the state for “last drink” reports.

For the period between September 2019 and February 2020, when all three casinos were open, the number of drunk drivers arrested who later reported one of the three casinos as their place of last drink was 13. If this number did represent a random distribution of drunk drivers, it would suggest that 76–87 total drivers were arrested in Massachusetts during that period after coming from one of the three casinos, a rate of 152–174 per year. If it is

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<sup>13</sup> The law requires reports of “last drink” locations only in cases of guilty findings or pleas. The perception of the ABCC (via personal correspondence) is that most courts have applied this literal interpretation. There are some anecdotal reports of courts also asking about last drinks when a case is continued without a finding (CWOFF). If some courts are doing so, the practice would result in an overrepresentation of facilities in those regions. The percentage of last drink reports from solely guilty verdicts versus those obtained from CWOFFs could not be assessed at publication time.

further true that there is only a 1 in 500 chance of an individual being arrested for every impaired driving “trip,”<sup>14</sup> this figure suggests between 76,000 and 87,000 impaired driving trips from Massachusetts casinos every year. This figure is not to be relied upon: It is extrapolated from only 6 months of data; data collected from adjudications do not represent a random sample; and estimates of likelihood of arrest from a single New York survey may not be representative of Massachusetts. However, the figure is remarkably similar to the estimated number of drunk driving trips derived by a combination of research and guesswork in an earlier section (76,650). If it is wrong, it is probably still within an order of magnitude. That is, the number of “last drink” reports from casinos almost certainly translates into tens of thousands of drunk driving “trips” per year.

Rank	2015–2020 (PPC Years)	2018–2020 (MGM years)	2019–2020 (EBH Years)
1	TD Garden, Boston (30)	TD Garden, Boston (22)	TD Garden, Boston (13)
2	Gillette Stadium, Foxborough (28)	MGM Springfield, Springfield (18)	MGM Springfield, Springfield (11)
3	Barrett’s Ale House, Bridgewater (23)	Encore Boston Harbor, Everett (11)	Encore Boston Harbor, Everett (11)
4	Plainridge Park Casino, Plainville (19)	The Ritz, Oak Bluffs (9) Scorpion Bar, Foxborough (9)	The Still, Agawam (8)
5	MGM Springfield, Springfield (18)	Buffalo Wild Wings, Shrewsbury (9)	Scorpion Bar, Foxborough (5) Buffalo Wild Wings, Shrewsbury (5)
6	Duck Inn Pub, Hyannis (18)		
7	The Ritz, Oak Bluffs (17)	Gillette Stadium, Foxborough (8)	Funky Murphy’s, Marlborough (5)
8	Bar Louie, Foxborough (17)	The Still, Agawam (8)	Yard House, Lynnfield (5)
9	Wamesit Lanes, Tewksbury (16) Fenway Park, Boston (16)	British Beer Company, Hyannis (8)	The Ritz, Oak Bluffs (4) Duck Inn Pub, Hyannis (4)
10	Taylor’s Tavern, Greenfield (16)	Duck Inn Pub, Hyannis (7) Bar Louie, Foxborough (7) Fenway Park, Boston (7) Taylor’s Tavern, Greenfield (7) Smitty’s Pub, Greenfield (7)	Bar Louie, Foxborough (4) Smitty’s Pub, Greenfield (4) Wamesit Lanes, Tewksbury (4) Whiskey on Water, Worcester (4)
16		Plainridge Park Casino, Plainville (6)	
25			Plainridge Park Casino, Plainville (2)

Figure 2: Top “last drink” locations in three time periods. Source: Massachusetts Alcoholic Beverage Control Commission.

We lack specific figures on patronage at any of the above locations, but it seems likely that the number of “last drink” reports for a location is highly correlated with the number of patrons. It is not surprising to see Gillette Stadium, TD Garden, and Fenway Park within the top locations given the sheer volumes of attendance that the locations receive.

<sup>14</sup> This figure is attested by survey research carried out in New York state: Dowling, A., MacDonald, R., & Carpenter, K. H. (2011). Frequency of alcohol-impaired driving in New York State. *Traffic Injury Prevention*, 12(2), 120–127.



# Analysis of crashes with OUI charges

Although the Massachusetts police crash reporting form has fields for suspected alcohol use and suspected drug use, there are a few problems using those fields for analysis. First, they were not introduced until 2013, making it difficult to establish a baseline statistical level prior to the opening of the first casino in 2015. Second, even after the fields were introduced, reporting was, in the words of a Department of Transportation official in a personal communication, "sporadic." This assessment is confirmed by my own analysis of the field, which shows that among agencies contributing data to this report, it is used less than 10% of the time in which a driver in the same crash is actually charged with Operating Under the Influence.

Thus, the better way to determine if a crash involves the use of alcohol is to determine if anyone was arrested or summonsed for Operating Under the Influence on scene. This method will miss a small number of OUI-involved crashes, principally ones in which the driver was killed, but these are relatively rare.

## Methodology

The data for this section was extracted directly from the records management systems (RMS) and computer-aided dispatch (CAD) systems of each participating agency via open-database connectivity (ODBC) technology. The data was collected at the incident level, with all related dates, times, locations, involved persons, vehicles, and offenses.

An SQL query linked a) police incidents initially reported as vehicle crashes with b) incidents in which a driver was charged with OUI, based either in the NIBRS code of 90D ("drunk driving") or a textual description of the offense that indicates impaired driving. The linkage was made through the common CAD number assigned to all incidents.

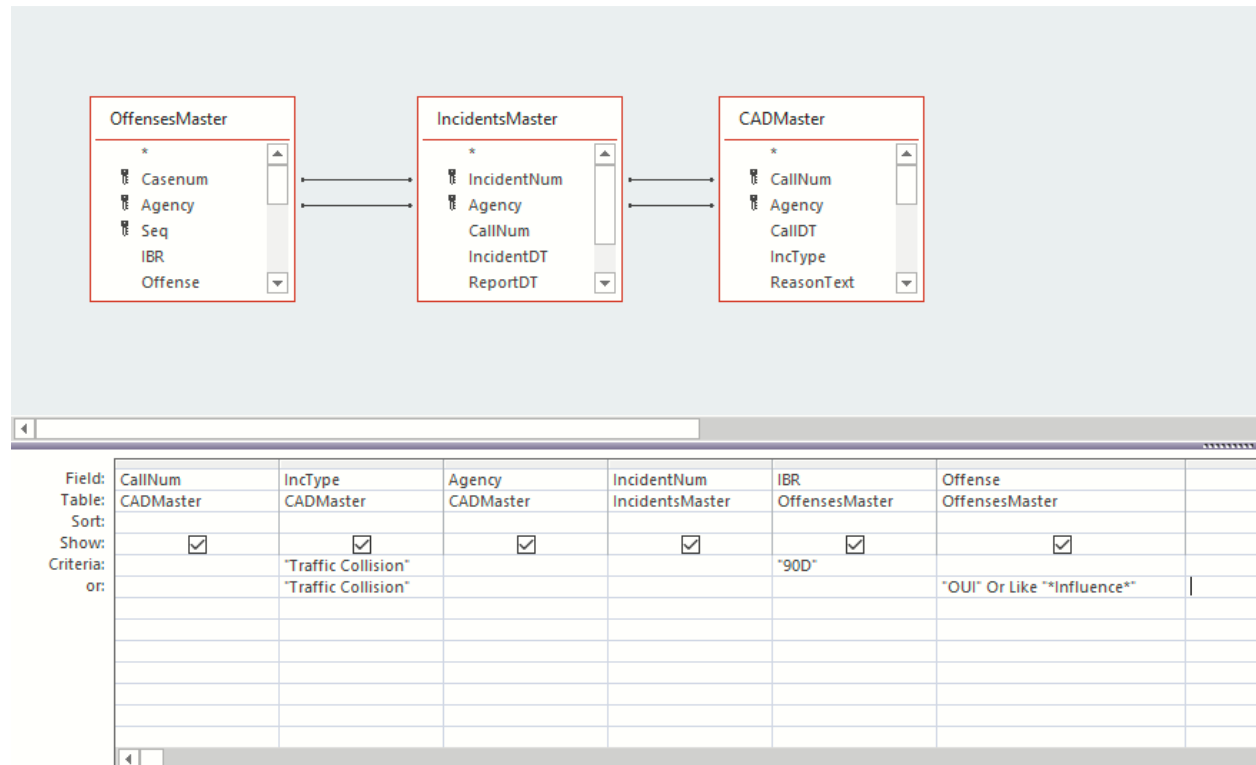


Figure 3: A query finds incidents that started as traffic collisions but were later reported by the agency as operating under the influence.

The accuracy is quite high because traffic accidents are an extremely common call for service and thus rarely miscoded, and the CAD number is a required field in the associated incident record for all RMS systems. However, the following errors could rarely occur. They are so rare that in a manual search of records, I could not find enough relevant reports to estimate their frequency, even with thousands of records in the sample.

- The officer could be dispatched to a crash but then request a new CAD record for the OUI arrest.
- The CAD event or criminal charge could be miscoded.
- Serious injury or death could preclude an OUI charge.

The following tables and analyses summarize these datasets for the three regions. Note that the time periods differ because the casinos opened at different times. I did not collect the literal charge from most of the agencies, only the charge category. With available data, I cannot separate charges of operating under the influence of drugs and operating under the influence of alcohol in the data collected. However, data from a sample of agencies shows that between the two, OUI alcohol is charged between 90 and 95 percent of the time, depending on time period and agency, making OUI drugs a relatively insignificant contributor to any OUI dataset. It is safe to assume that the vast majority of the numbers below represent alcohol-related OUI charges.

The onset of the COVID-19 pandemic provides a hard endpoint for this analysis. Between March and July 2020, not only were all three casinos shut down, but so were almost all bars and restaurants. The effects of COVID on public safety far exceed this short period of absolute closure, however. Various types of businesses have had various types of restrictions imposed and lifted, more workers and students are telecommuting, and in general many Americans have been wary of social gatherings and crowded places. The pandemic has affected the way that Commonwealth residents both drink and drive, an influence that goes far beyond our ability to isolate the effects of individual facilities.

Unfortunately, this means that for MGM, we have less than two years of post-Casino, pre-COVID data to compare. For Encore Boston Harbor, we have less than a year. The tables below use a variety of time periods based on data available.

### Crashes with OUI charges in the Plainridge Park region

Plainridge Park opened on 24 June 2015, so the data has been aggregated in to years beginning 1 July and ending 30 June, including five pre-PPC years and four post-PPC years. All six designated surrounding agencies contributed data throughout the life of the study.

*Raw data, years beginning 1 July and ending 30 June (casino opened on 24 June 2015)*

Agency	Pre-Casino					Post-Casino			
	2011	2012	2013	2014	2015	2016	2017	2018	2019
Plainville	7	1	7	4	9	11	4.0	7	7
Attleboro	27	33	25	17	20	5	13.0	5	24
Foxborough	27	26	24	28	40	22	43.0	22	14
Mansfield	26	24	40	22	19	30	34.0	11	23
North Attleborough	0	0	0	0	0	1	0.0	0	8
Wrentham	2	3	3	2	4	2	6.0	1	5
State Police	12	13	6	18	11	27	20	12	14
<b>Total</b>	<b>101</b>	<b>100</b>	<b>105</b>	<b>91</b>	<b>103</b>	<b>98</b>	<b>120</b>	<b>58</b>	<b>95</b>

Aggregated data, years beginning 1 July and ending 30 June (casino opened on 24 June 2015)

Agency	Pre-PPC Avg.	Pre-PPC Range	Post-PPC Avg.	Pct Change
Plainville	5.6	3-8	7.3	+29%
Attleboro	24.4	19-30	11.8	-52%
Foxborough	29.0	23-35	25.3	-13%
Mansfield	26.2	19-33	24.5	-6%
North Attleborough	0.0	0-0	2.3	N.C.
Wrentham	2.8	2-4	3.5	+25%
State Police	12.0	8-16	18.25	+52%
<b>Total</b>	<b>100.0</b>	<b>79-96</b>	<b>92.75</b>	<b>-7%</b>

Plainville, the host community, had the largest percentage increase among the local agencies, although this translates to an average of only 2 incidents per year. Other communities reported decreases or stayed the same, although North Attleborough had an odd distribution, reporting only one OUI-related crash in the entire 2011-2018 period, and then suddenly reporting 8 during a four-month period between August and November 2018.

The most notable statistics come from the state police, where we saw a jump of roughly 6 incidents per year post-casino. The immediate post-casino year (2016) was the highest in this period.

### Crashes with OUI charges in the MGM Springfield region

MGM Springfield opened on 24 August 2018. We have 19 months of post-casino, pre-COVID data. All 11 designated surrounding communities participated in the analysis.

The first set of statistics considers the full year post-casino only, meaning that it includes only 2019 (as the full year for 2020 was truncated by COVID).

Raw data, years beginning 1 September and ending 30 August (casino opened on 24 August 2018)

Agency	Pre-Casino						Post-Casino
	2013	2014	2015	2016	2017	2018	2019
Springfield	23	31	40	45	33	38	28
Agawam	10	17	19	12	10	17	13
Chicopee	30	59	55	45	45	44	49
East Longmeadow	15	13	12	12	23	15	13
Hampden	4	4	4	2	4	5	3
Holyoke	29	31	23	46	40	39	43
Longmeadow	13	11	11	9	13	18	7
Ludlow	25	19	18	17	30	22	17
Northampton	23	38	44	39	28	25	28
West Springfield	27	47	40	43	35	29	35
Wilbraham	21	13	13	17	25	12	11
State Police	35	40	39	44	59	47	72
<b>Total</b>	<b>255</b>	<b>323</b>	<b>318</b>	<b>331</b>	<b>345</b>	<b>311</b>	<b>319</b>

Aggregated data, years beginning 1 September and ending 30 August (casino opened on 24 August 2018)

Agency	Pre-MGM Avg.	Pre-MGM Range	2019	Pct Change
Springfield	35.0	28-42	28	-20%
Agawam	14.2	11-18	13	-8%
Chicopee	46.3	37-56	49	+6%
East Longmeadow	15.0	11-19	13	-13%
Hampden	3.8	3-5	3	-21%

Agency	Pre-MGM Avg.	Pre-MGM Range	2019	Pct Change
Holyoke	34.7	27-42	43	+24%
Longmeadow	12.5	10-15	7	-44%
Ludlow	21.8	17-26	17	-22%
Northampton	32.8	25-41	28	-15%
West Springfield	36.8	30-44	35	-5%
Wilbraham	16.8	12-22	11	-35%
State Police	44.0	36-52	72	+64%
<b>Total</b>	<b>313.8</b>	<b>285-342</b>	<b>319</b>	<b>+2%</b>

This second set of numbers looks at two years post-casino but uses only the months of September through February for both the baseline and post-casino measures.

*Raw data, years beginning 1 September and ending 29 February (casino opened on 24 August 2018)*

Agency	Pre-Casino						Post-Casino	
	2013	2014	2015	2016	2017	2018	2019	2020
Springfield	14	12	28	18	21	18	9	26
Agawam	3	12	12	5	4	8	3	6
Chicopee	17	29	33	18	21	19	27	23
East Longmeadow	8	7	8	5	10	8	6	3
Hampden	3	1	3	0	0	4	2	3
Holyoke	13	17	13	23	19	20	19	24
Longmeadow	7	4	4	6	5	7	3	1
Ludlow	15	12	8	9	14	10	9	8
Northampton	14	21	17	17	15	13	10	16
West Springfield	13	20	19	18	19	13	13	20
Wilbraham	12	9	8	7	9	9	6	9
State Police	15	22	21	23	44	28	40	43
<b>Total</b>	<b>134</b>	<b>166</b>	<b>174</b>	<b>149</b>	<b>181</b>	<b>157</b>	<b>147</b>	<b>182</b>

*Aggregated data, years beginning 1 September and ending 29 February (casino opened on 24 August 2018)*

Agency	Pre-MGM Avg.	Pre-MGM Range	Post-MGM Avg.	Pct Change
Springfield	18.5	13-24	17.5	-5%
Agawam	7.3	4-11	4.5	-38%
Chicopee	22.8	17-29	25	+10%
East Longmeadow	7.7	6-9	4.5	-42%
Hampden	1.8	0-3	2.5	+39%
Holyoke	17.5	14-21	21.5	+23%
Longmeadow	5.5	4-7	2	-64%
Ludlow	11.3	9-14	8.5	-25%
Northampton	16.2	14-19	13	-20%
West Springfield	17.0	14-20	16.5	-3%
Wilbraham	9.0	7-11	7.5	-17%
State Police	25.5	16-35	41.5	+63%
<b>Total</b>	<b>160.2</b>	<b>144-176</b>	<b>164.5</b>	<b>+3%</b>

Both datasets tell the same story: if impaired drivers are leaving MGM Springfield, they are not having a statistical impact on local roads. With the sole exception of Holyoke, all agencies reported totals within or below their past normal ranges. There is particularly no apparent correlation between the increase in OUI complaints reported by some communities (see the previous section) and additional OUI-involved crashes in those communities.

On roads policed by the State Police, however, the increase in OUI-involved crashes was significant (between 1.6 and 2.5 standar deviations above the mean for both periods). A map shows particular clustering around the 295/195/Turnpike triangle, all of which might be favored by drivers heading to different destinations from MGM. While there is no direct proof linking these crashes to the casino, the increase immediately following the opening of the casino is strong circumstantial evidence.

**OUI Crash Reports Taken by State Police, September 2018 to February 2020**

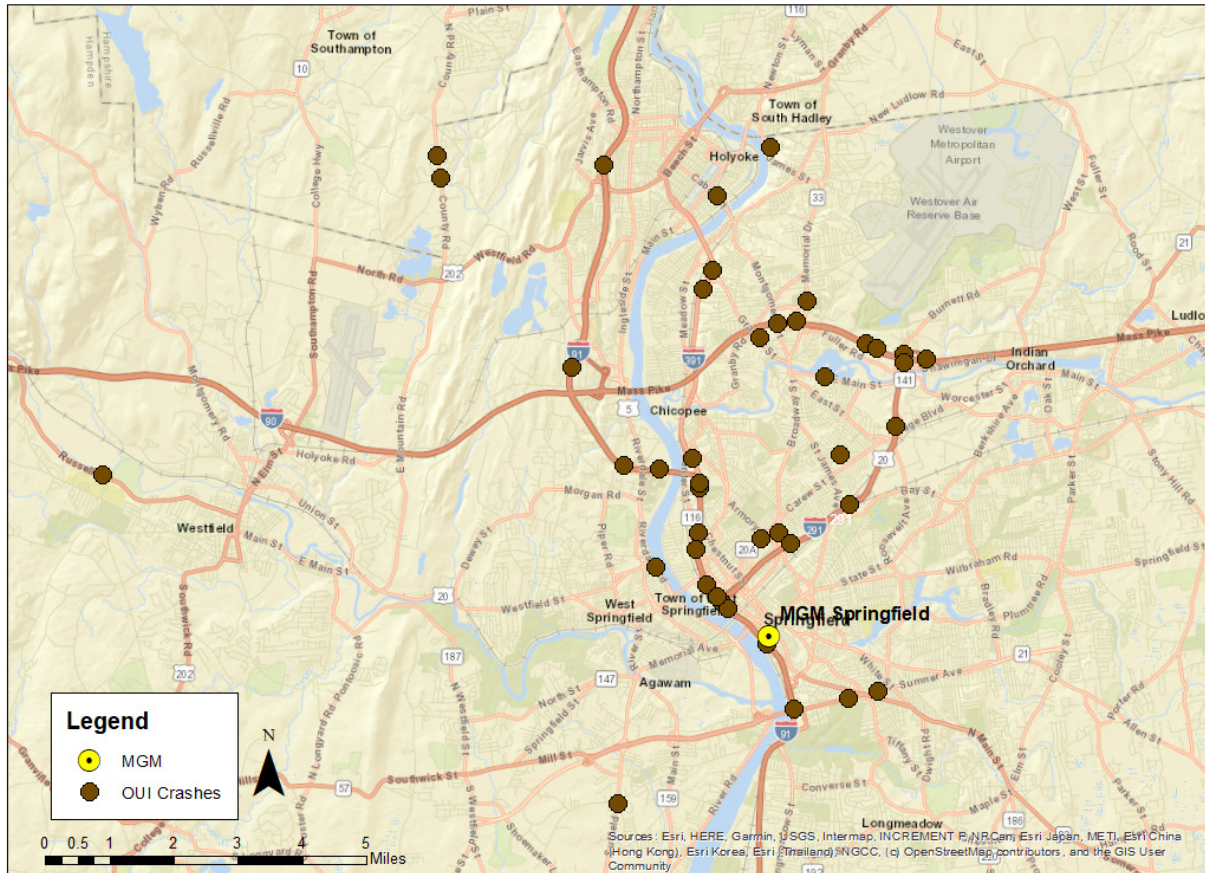


Figure 4: Crash reports with OUI charges taken by State Police in the MGM region.

**Crashes with OUI charges in the Encore Boston Harbor region**

Encore Boston Harbor opened on 23 June 2019. We have 8 months of post-casino, pre-COVID data. Unfortunately, there are some significant holes in the data. Cambridge and Medford declined to participate in the analysis. Malden initially participated but was unable to contribute data for the post-casino period.

Raw data, years beginning 1 July and ending 29 February (casino opened on 23 June 2019)

Agency	2013	2014	2015	2016	2017	2018	2019	2020
Everett	3	5	2	2	2	1	3	17
Chelsea	17	12	15	24	18	21	12	16
Lynn	32	24	54	36	46	46	37	40
Melrose	3	3	1	5	2	3	2	2
Revere	12	18	15	23	32	17	19	18
Saugus	4	10	5	3	6	6	12	8

Agency	2013	2014	2015	2016	2017	2018	2019	2020
Somerville	18	10	17	12	14	9	11	12
State Police	35	43	34	43	56	42	58	67
<b>Total</b>	<b>124</b>	<b>125</b>	<b>143</b>	<b>148</b>	<b>176</b>	<b>145</b>	<b>154</b>	<b>180</b>

*Aggregated data, years beginning 1 July and ending 29 February (casino opened on 23 June 2019)*

Agency	Pre-EBH Avg.	Pre-EBH Range	2020	Pct Change
Everett	2.6	1-4	17	+561%
Chelsea	17.0	13-21	16	-6%
Lynn	39.3	30-49	40	+2%
Melrose	2.7	2-4	2	-26%
Revere	19.4	13-25	18	-7%
Saugus	6.6	4-10	8	+22%
Somerville	13.0	10-16	12	-8%
State Police	47.3	39-56	67	+42%
<b>Total</b>	<b>145.0</b>	<b>129-161</b>	<b>180</b>	<b>+24%</b>

It appears that nothing has significantly changed in the area with the sole exceptions of Everett and the roads patrolled by the State Police. The casino host community reported a near-sixfold increase in crashes related to OUI in the first six eight months post-casino. Moreover, twelve of these additional incidents happened on Broadway Street. The Everett Police Department flagged five incidents as “Encore Related,” indicating there was specific evidence that the driver had been coming from the casino.

The State Police, meanwhile, have seen concentrations on Route 16 between Revere and Medford and on the Fellsway. If Encore did cause an increase in OUI-related crashes in the area, the geography makes sense. Patrons leaving Encore have an immediate choice to turn north or south. Southbound traffic quickly crosses the bridge to Boston, from which we did not receive crash data and thus could not provide statistics to support this analysis. Traffic turning north from Encore can do any of the following:

1. Continue north through Everett (which had a significant increase along this route) and Malden (which did not supply us with post-casino data) before reaching Route 1.
2. Turn east on Route 16 and continue into Chelsea and Revere, which showed a small concentration of OUI-related crashes.
3. Turn west on Route 16 and continue into Medford or Somerville, which showed small concentrations of OUI-related crashes.

Unless going home to those communities, drivers are less likely to take local roads through Chelsea, Revere, Lynn, Melrose, Saugus, and Somerville, accounting for the lack of an increase seen in those areas.

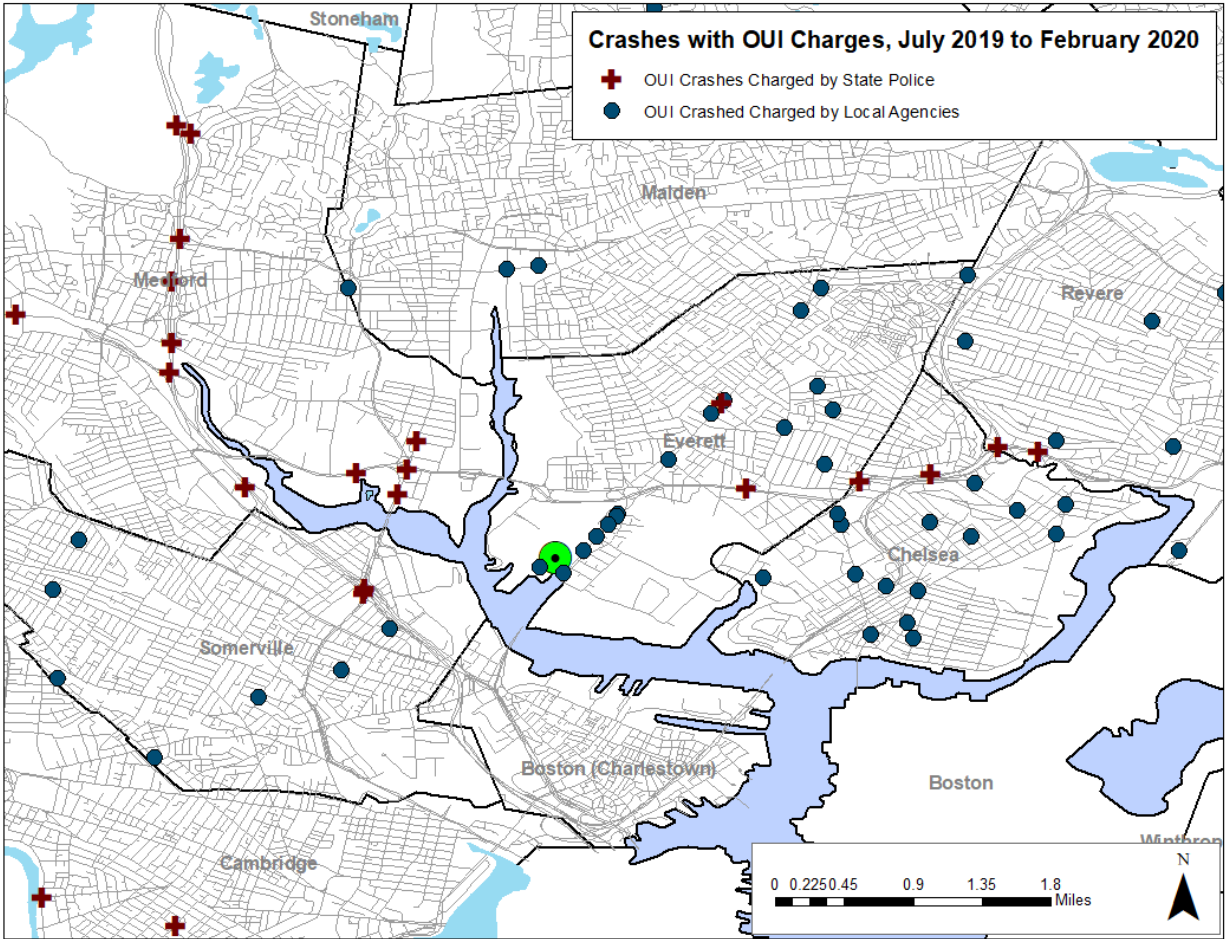


Figure 5: Crashes with resulting OUI charges in the Encore region.

## Conclusions

The statistics show mixed results for the three casino areas. The most consistent set of statistics among them show increases in OUI-involved crashes on highways patrolled by the State Police. This is perhaps to be expected, as all three casinos are within half a mile of a major state route. In Plainville and Everett, the host communities also saw an increase in collisions on local roads. Only in Everett was this number significant, and the evidence for a casino relationship there is bolstered by both the geography and the agency’s own investigations into the incidents.

## Conclusions

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This report is an initial analysis of available data covering the relationship between Massachusetts's three casinos and impaired driving. The three casinos were only jointly open for three months before COVID closures significantly changed both drinking and driving patterns in a way that likely overwhelms our ability to detect casino-specific influences. More data should be available in future periods when the COVID threat lessens and routines return to normal.

This initial data, however, combined with past research and experience, tells a relatively consistent story. Casinos serve alcohol to thousands of patrons per day, most of whom arrive by car. Even the best efforts by the casinos to stop patrons from becoming intoxicated, and the best efforts by both the casinos and the police to stop intoxicated patrons from driving, will fail to corral all of them. The sheer numbers of patrons that the casinos receive likely translates into tens of thousands of impaired driving "trips" per year, which in turn results in both an increased number of arrests and an increased number of collisions. These outcomes are mathematically inescapable, although they may be reduced by focusing on factors known to both encourage and suppress impaired driving.

Estimating exact numbers is very difficult due to the lack of available data in some areas and the lack of comprehensive research in others. But the totality of the datasets supports the conclusion that among some tens of thousands of impaired driving "trips" to and from the casinos—a reality that both past research and "last drink" data support—there have been several dozen additional OUI-involved crashes, mostly on roads patrolled by the State Police, within the three host communities. There are likely more crashes waiting to be found in other communities with statewide datasets, analysis of which should be a priority in future reports.





TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Gayle Cameron and Bradford Hill

FROM: Joseph Delaney and Mary Thurlow

CC: Karen Wells, Executive Director

DATE: January 21, 2022

RE: Cambridge Reserve Application Request

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The City of Cambridge seeks authorization to use their Reserve for expansion of Cambridge's Bluebikes bike share system and equipment.

### **Background**

The City of Cambridge is a designated surrounding community to Encore Boston Harbor and was awarded a \$100,000 Reserve Grant.

### **Purposes Identified in the Grant Request**

The proposed project will fund two Bluebikes docking stations and associated bicycles in East Cambridge, which will be owned by the City of Cambridge. Cambridge is encouraging this as an additional transportation option for workers and visitors travelling between Cambridge and Everett. As noted in their application, "Bluebikes bicycle share stations provide a transit alternative for those who can't drive, can't afford to drive or choose not to drive". As also noted in the application, "...transit solutions will be beneficial for the Project and the greater transportation network". Encore currently has two Bluebike stations at the casino on the edge of the event lawn and on Broadway.

As transportation alternatives are an importation focus for mitigation, Commission staff agrees that the provision of additional Bluebike stations will provide an alternative mode for patrons and employees to access the Encore facility.

### **Staff Recommendation**

MGC Staff recommends that the Commission approve Cambridge's request to use its \$100,000 Reserve for the purposes outlined in its application. Following the Commission's approval, Commission staff will execute the necessary grant agreement with Cambridge.



Massachusetts Gaming Commission



**APPENDIX G – RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION**

***BD-21-1068-1068C-1068L-56499***

***Please complete entire Application***

**1. PROJECT INFORMATION**

**a) NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT**  
 City of Cambridge, Massachusetts

**b) PROJECT NAME (LIMIT 10 WORDS)**  
 Cambridge Blue Bikes Equipment Grant

**c) BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS)**  
 Installation of two Bluebikes bike share system docking stations and associated bicycles, which will be owned by the City of Cambridge. Expanding the reach of the Bluebikes bike share system in East Cambridge will enable and encourage neighborhood residents, workers, and visitors to use this form of public transit to access the casino in Everett without relying on private motor vehicles. **See attachment map A.**

**d) CONTACT PERSON(S)/TITLE (Persons with responsibility for this grant)**  
 Bill Deignan, Transportation Program Manager,  
 Community Development Department, City of Cambridge

**e) PHONE # AND EMAIL ADDRESS OF CONTACT PERSON(S)**  
 wdeignan@cambridgema.gov  
 617-349-4268

**f) MAILING ADDRESS OF CONTACT PERSON(S)**  
 Bill Deignan  
 Community Development Dept.  
 344 Broadway – 4<sup>th</sup> Floor  
 Cambridge, MA 02139

**2. IMPACT DESCRIPTION/CONNECTION TO GAMING FACILITY**

**a) Please describe in detail the impact that is attributed to the operation of a gaming facility.**

The gaming facility generates significant additional motor vehicle traffic trips as a result of operations. While the intersection of Land Boulevard/O'Brien Highway was identified during the gaming facility planning process as likely to be impacted by the increase in motor vehicle trips, there has been an increase in surface street congestion in East Cambridge. Consistent with City policy, enabling and encouraging additional bicycle trips can provide healthy, active, sustainable transportation options, as well as the additional benefit of having fewer motor vehicles on the road is a reduction in greenhouse gas emissions.

**b) Please provide documentation, specificity or evidence that gives support for the determination that the operation of the gaming facility caused or is causing the impact (i.e. surveys, data, reports).**

1) From the Cambridge-Wynn Surrounding Community Agreement, "4.4 The parties acknowledge and agree that the implementation of transit solutions will be beneficial for the Project and the greater transportation network. The Parties will work together in good faith to develop and implement transit alternatives for the project."

Bluebikes bicycle share stations provide a transit alternative for those who can't drive, can't afford to drive, or choose not to drive. Additionally, adding bikes and docking stations to the system within bikeable distance to the gaming facility complements the existing Bluebikes stations located on the South Lawn of the gaming facility and at Broadway and Lynde Street.

**c) How do you anticipate your proposed remedy will address the identified impact.**

This project will help remedy congestion and other motor vehicle-related traffic and safety concerns by enabling additional bicycle trips between East Cambridge and the gaming facility. Enabling and encouraging bicycle trips by providing two new stations and bicycles will reduce the number of single occupant vehicle trips in Cambridge. Bike share stations enable and encourage residents, workers, and visitors to use this form of transit to access the gaming facility in Everett and other area destinations without relying on private motor vehicles.

**3. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested**

\$100,000.



**b) Please identify below the manner in which the funds are proposed to be used. Please provide a detailed scope, budget and timetable for the use of funds.**

- Two (2) bike share stations. Each with 19 docks. At a cost of \$40,362 each. TOTAL: \$80,724.
- Fifteen (16) additional Bluebikes bikes at \$1,214 each. TOTAL: \$19,424.
- TOTAL COMBINED COST: \$100,148. Reimbursement requested will be \$100,000.
- We anticipate that the stations and bikes will be installed a few weeks after they are shipped to the warehouse in early to mid-2022.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the operation of a proposed gaming establishment.**

The below invoice from August 2021 indicates the unit price of docking stations and bicycles but the quantities sought through this grant application differ for two stations and fifteen bicycles.



### CUSTOMER PURCHASE ORDER

185 Berry St, Suite 5000  
 San Francisco, CA 94107

Customer approval: \_\_\_\_\_

<b>FOR:</b> Jennifer Lawrence City of Cambridge Community Development Dept. 344 Broadway Cambridge MA 02139	<b>SHIP TO:</b> Bluebikes c/o Motivate LLC 18 Dorrance St Boston MA 02129
-------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

DATE	PREPARED BY	SHIPPED VIA	F.O.B. POINT	PAYMENT TERMS
8/4/2021	Dominick Tribone		Montreal	Net 30 days

CODE	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
	Complete 19-dock station	2	\$40,362.30	\$80,724.60
	Bicycle-MOV V3	22	\$1,213.92	\$26,706.24
	<b>TOTAL</b>			<b>\$107,430.84</b>

**NOTES:**

- (1) An approved purchase order (PO) is required to confirm acceptance of this price quotation in order to proceed with any service or delivery.
- (2) No installation or training fees included.
- (3) Quote valid for 45 days.

**d) Please describe how the mitigation request will address the impact indicated.**

If approved, this mitigation request will fund an additional transportation option for workers and visitors wishing to travel between Cambridge and Everett. Traveling via the Bluebikes bikshare system is an extremely popular form of transportation for many people, as shown by the ridership records set by Bluebikes during the last two years. Since riding takes up very little roadway space, and does not contribute to congestion issues, this form of travel will help mitigate the impacts identified during the casino review process. Note that the Bluebikes system is a municipally owned system by participating municipalities, therefore all equipment purchased will be City of Cambridge property.

**4. INTERNAL CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**a) Please provide detail regarding the internal controls that will be used to ensure that funds will only be used in planning to address the impact.**

All funds received from this grant will be placed in a Bluebikes Donor fund with the City of Cambridge and then appropriated by City Council for the purpose of purchasing bike share equipment, which will be owned by the City, for the Bluebikes system. When the grant is awarded and appropriated, the City of Cambridge will immediately purchase the two docking stations and sixteen bicycles. A copy of the paid invoice(s) will be provided as part of the regular monitoring of this grant.

**b) If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

No non-governmental entity will receive any of these funds. Equipment will be owned by the City of Cambridge, a part-owner of the Bluebikes system.

**5. CONSULTATION WITH REGIONAL PLANNING AGENCY (RPA) / NEARBY COMMUNITIES**

**Please provide details about the Applicant's consultation with the Regional Planning Agency serving the community and nearby communities to determine the potential for cooperative regional efforts regarding planning activities.**

A great deal of planning work has been done regionally to make the Bluebikes system an effective, and reasonably priced transit alternative for the region. The communities that own the Bluebikes system, including Cambridge, have worked with the Metropolitan Area Planning Council (MAPC) over the last ten years to develop the Bluebikes system so that it now operates in eleven communities, including Cambridge, Somerville, Everett, Chelsea and Boston/Charlestown neighborhood. This allows for a continuous and connected way for workers, residents and visitors to travel between Cambridge and the Encore Casino gaming facility.



**6. MATCHING FUNDS FROM GOVERNMENTAL OR OTHER ENTITY**

**a) Please demonstrate that the governmental or other entity will provide significant funding to match or partially match the assistance required from the Community Mitigation Fund.**

The City of Cambridge has invested over \$1,000,000 into the Bluebikes system since its inception and continues to invest in the system by purchasing new equipment and funding staff positions, which all work on the system as part of their responsibilities.

**b) Please provide detail on what your community will contribute to the planning projects such as in-kind services or planning funds.**

In addition to the funding described in 6a, the City of Cambridge will contribute engineering in-kind services as it relates to the design of each station at their respective locations in East Cambridge. Engineering services include station location, pad design, and design of the location and direction that the solar panels face.

**7. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS AND MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) DECISION**

**a) Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any Host or Surrounding Community Agreement.**

From the Cambridge-Wynn Surrounding Community Agreement: "4.4 The parties acknowledge and agree that the implementation of transit solutions will be beneficial for the Project and the greater transportation network. The Parties will work together in good faith to develop and implement transit alternatives for the project."

**b) Where applicable, please also briefly summarize and/or provide page references to the most relevant language included in the most relevant MEPA certificate(s) or comment(s) submitted by the community to MEPA.**

Not applicable.

**c) Please explain how this impact was either anticipated or not anticipated in that Agreement or such MEPA decision.**

The MEPA certificate for the Everett Wynn gaming facility did not specifically include the area for which we are seeking grant funds to develop transit alternatives with bike share. However, the "35,754 Saturday" vehicle trips certainly impact the local surface street transportation network within each of the surrounding communities which our proposal for bike share will help alleviate by enhancing this system.

d) If transportation planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation. For example, a community could provide information on the significance of potential impacts if trip generation totals exceed projected estimates.

Transportation Planning funds were provided "to enable Cambridge to study and/or make certain improvements to [the intersection of Land Boulevard and O'Brien Highway] to address adverse impacts resulting from the development or operation of the Project." While the documented filings studied mitigating passenger motor vehicle trips, the request made in this Reserve Application specifically focuses on improving the level of service impacts for bicyclists in this part of the City.

**8. CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.



Date: 12/13/21

Signature of Responsible Municipal  
Official/Governmental Entity

Louis A. DePasquale

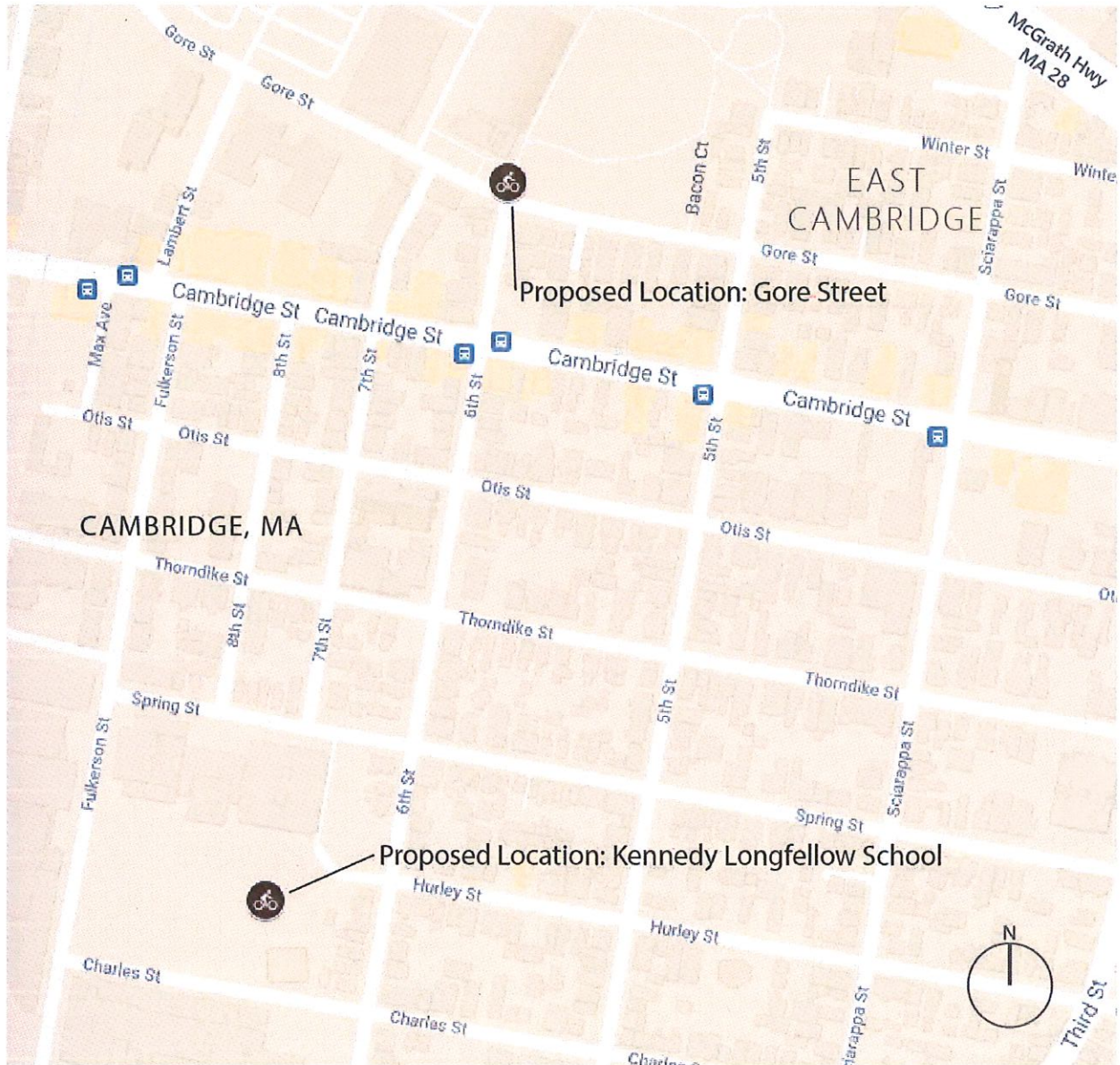
(print name)

City Manager

Title:



**ATTACHMENT A:** The two Bluebikes docking stations will be located along Gore Street and at the Kennedy-Longfellow School in East Cambridge. See map below.







TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Gayle Cameron and Bradford Hill

FROM: Joseph Delaney and Mary Thurlow

CC: Karen Wells, Executive Director

DATE: January 21, 2022

RE: East Longmeadow Reserve Application Request

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The Town of East Longmeadow seeks to use \$100,000 of their Reserve balance to develop an online resource portal for business permitting and licensing to help promote business and economic development.

### **Background**

The Town of East Longmeadow is a designated surrounding community to MGM Springfield. East Longmeadow has not previously applied for any funding.

### **Purposes Identified in the Grant Request**

East Longmeadow proposes to develop an online portal as part of its website for its local businesses. This portal will assist the local businesses by making it easier for them to access community information and take advantage of additional business opportunities that may be available that had been previously unknown. East Longmeadow seeks to entice casino visitors to dining, shopping and entertainment at local businesses while also providing employment for those workers. The proposed project will assist local business to compete with MGM Springfield.

Commission staff determined that the proposed project has a sufficient nexus to the casino. East Longmeadow hopes that through outreach and engagement with local small businesses, collecting local business information in one location on the portal, improved processes and resources this economic development would improve the ability of East Longmeadow to compete.

### **Staff Recommendation**

MGC Staff recommends that the Commission approve East Longmeadow's request to use \$100,000 of its Reserve for the purposes outlined in its application. Following the Commission's approval, Commission staff will execute the necessary grant agreement with Longmeadow.



Massachusetts Gaming Commission



**APPENDIX G – RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION**

***BD-21-1068-1068C-1068L-56499***

***Please complete entire Application***

**1. PROJECT INFORMATION**

**a) NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT**

Town of East Longmeadow

**b) PROJECT NAME (LIMIT 10 WORDS)**

East Longmeadow Business Resource Portal

**c) BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS)**

This project will allow the Town of East Longmeadow to work with a consultant to develop an online resource portal on its website specifically for businesses and develop an electronic process for permitting and licensing, in order to bolster the administrative capacity of businesses and promote the community's economic development.

**d) CONTACT PERSON(S)/TITLE (Persons with responsibility for this grant)**

Director of Planning and Community Development - TBD

**e) PHONE # AND EMAIL ADDRESS OF CONTACT PERSON(S)**

(413) 525-5400 x 1701 Email TBD  
 The Director of Planning and Community Development position is currently in transition. In the meantime, the Town Manager will act as the contact person for this project: Mary E. McNally, (413) 525-5400 x 1100, townmanager@eastlongmeadowma.gov

**f) MAILING ADDRESS OF CONTACT PERSON(S)**

Town of East Longmeadow, 60 Center Square, East Longmeadow, MA 01028

**2021 RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION**

**BD-21-1068-1068C-1068L-56499**

**Page 2**

**2. IMPACT DESCRIPTION/CONNECTION TO GAMING FACILITY**

**a) Please describe in detail the impact that is attributed to the operation of a gaming facility.**

Please see attached.

**b) Please provide documentation, specificity or evidence that gives support for the determination that the operation of the gaming facility caused or is causing the impact (i.e. surveys, data, reports).**

Please see attached.

**c) How do you anticipate your proposed remedy will address the identified impact.**

Please see attached.

**3. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested**

\$70,000

**b) Please identify below the manner in which the funds are proposed to be used. Please provide a detailed scope, budget and timetable for the use of funds.**

Please see attached.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the operation of a proposed gaming establishment.**

All businesses have been impacted considerably by the global pandemic, and any added pressure such as that from a large entertainment complex such as MGM will pull critical spending from surrounding communities such as East Longmeadow. This project will allow the Town to help strengthen the administrative capacity of local businesses to compete in this challenging economic environment.

**2021 RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION  
BD-21-1068-1068C-1068L-56499**

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**d) Please describe how the mitigation request will address the impact indicated.**

Please see attached.

**4. INTERNAL CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**a) Please provide detail regarding the internal controls that will be used to ensure that funds will only be used in planning to address the impact.**

The Town of East Longmeadow Department of Planning and Community Development will administer this grant under the supervision of the Town Manager's office and with support from the Accounting Department, following applicable local and state procurement and fund management requirements.

**b) If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

The Town's accounting control processes ensure that only authorized individuals can authorize grant expenditures and that only legitimate grant activity is charged to the grant. The individual managing the grant will be responsible for any reporting requests related to grant spending.

**5. CONSULTATION WITH REGIONAL PLANNING AGENCY (RPA) / NEARBY COMMUNITIES**

**Please provide details about the Applicant's consultation with the Regional Planning Agency serving the community and nearby communities to determine the potential for cooperative regional efforts regarding planning activities.**

This project was developed in conjunction with the Pioneer Valley Planning Commission (PVPC) as part of the Rapid Recovery Plan Program to develop actionable, project-based recovery plans. The framework looks at four areas of analysis: Physical Environment, Business Environment, Market Information, and Administrative Capacity to identify projects aligned with the interests and priorities of the community.

**6. MATCHING FUNDS FROM GOVERNMENTAL OR OTHER ENTITY**

**a) Please demonstrate that the governmental or other entity will provide significant funding to match or partially match the assistance required from the Community Mitigation Fund.**

n/a

**2021 RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION**

**BD-21-1068-1068C-1068L-56499**

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**b) Please provide detail on what your community will contribute to the planning projects such as in-kind services or planning funds.**

The Town of East Longmeadow will contribute significant in-kind staff time to this project through grant administration by the Planning Department and participation by IT, Health Department, Clerk's Office, Planning Board, Zoning Board of Appeals, and other key departments.

**7. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS AND MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) DECISION**

**a) Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any Host or Surrounding Community Agreement.**

See part c)

**b) Where applicable, please also briefly summarize and/or provide page references to the most relevant language included in the most relevant MEPA certificate(s) or comment(s) submitted by the community to MEPA.**

**c) Please explain how this impact was either anticipated or not anticipated in that Agreement or such MEPA decision.**

East Longmeadow's Surrounding Community Agreement considered potential areas of adverse impact (including net substitution of existing commercial/retail activity) as well as potential areas of positive impact and mitigation (including increase in commercial/retail activity, tourism and community business development, and local vendor/supplier spending in the community), both discussed in the rationale behind this project.

**d) If transportation planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation. For example, a community could provide information on the significance of potential impacts if trip generation totals exceed projected estimates.**



2021 RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION

BD-21-1068-1068C-1068L-56499

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**8. CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.



Date: 12/28/21

Signature of Responsible Municipal  
Official/Governmental Entity

Mary E. McNally

(print name)

Town Manager

Title:

**Town of East Longmeadow  
Appendix G: Reserve Planning Grant Community Mitigation Fund Application**

**2. IMPACT DESCRIPTION/CONNECTION TO GAMING FACILITY**

- a) Please describe in detail the impact that is attributed to the operation of a gaming facility.

The opening of MGM Springfield casino has attracted millions of local and regional visitors to Hampden County, which has both diverted local spending away from dining, shopping, and entertainment options in East Longmeadow as well as brought visitors en route to the casino through local routes in East Longmeadow, providing pass through traffic that offers potential opportunities for dining and shopping at local East Longmeadow businesses.

The Town of East Longmeadow borders the host city of Springfield. The center of East Longmeadow is approximately 5 miles from MGM Springfield via Route 83, which was identified as a route likely to carry travelers to MGM from within 20 miles. Traffic from MGM visitors may add to the congestion along this route, causing stress for local residents and businesses. MGM Springfield also offers residents an enticing alternative to seeking dining, shopping, and entertainment at businesses in Town, and offers an enticing employment option for local workers. These negative impacts are difficult to quantify but can be deduced from examining MGM's total revenues in the context of the interdependence of communities in the Pioneer Valley, particularly Springfield and East Longmeadow.

On the other hand, the regional draw of MGM customers and employees offers an opportunity to East Longmeadow businesses to put their best foot forward in drawing in pass-through traffic, employees who live locally, and regional visitors to attract their patronage. Strengthening the capacity of local businesses to operate efficiently and effectively will allow them to compete for this regional spending.

- b) Please provide documentation, specificity or evidence that gives support for the determination that the operation of the gaming facility caused or is causing the impact (i.e. surveys, data, reports)

The following information collectively demonstrates both adverse and positive impacts related to the operation of MGM facility in close proximity to the Town of East Longmeadow.

\* [MGM revenues](#) (*Potential net substitution of existing commercial/retail activity as well as increase in commercial/retail activity*)

**\$716.9M in Total Slot and Table GGR since August 2018**

\* Interdependence of Springfield and East Longmeadow (*Potential net substitution of existing commercial/retail activity as well as increase in commercial/retail activity*)

**26.9% of East Longmeadow residents live in Springfield**

**24.4% of East Longmeadow workers live in Springfield**

(Economic Development baseline data from Census, East Longmeadow’s [2021 Resilient Master Plan](#), page 52)

\* Share of onsite reallocated spending during Year 1 of operations - **33.1%** (*Portion of non-gambling spending at MGM that may have been directed away from other local dining, shopping, and entertainment options*)

(MGM Springfield First Year of Operation: Economic Impacts Report: [https://massgaming.com/wp-content/uploads/MGM-Springfield-First-Year-of-Operation-Economic-Impacts-Report-9.20\\_Report.pdf](https://massgaming.com/wp-content/uploads/MGM-Springfield-First-Year-of-Operation-Economic-Impacts-Report-9.20_Report.pdf), pg 25-26)

\* Travel Routes likely to be affected by MGM Springfield (*Potential net substitution of existing commercial/retail activity as well as increase in commercial/retail activity*)

- **Route 83 identified as a route likely to carry travelers from within 20 miles**
- **Allen St identified as a route likely to carry travelers from within the 11 communities**

(Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns: Analysis of changes in police data following one year of activity at MGM Springfield, pg.79)

\* Geographic Origin of MGM Patrons: License plate study - MA and CT patrons (*Some unidentified but significant portion of patrons from surrounding communities and CT are traveling from or through East Longmeadow via Rte 83/Allen St./other local roads*)

	Geographic Origin of Patrons	
	Host/Surrounding Communities	CT
<b>Patron survey</b>	59.4%	28.8%
<b>License plate survey</b>	63.6%	24.4%

Patron and License Plate Survey Report

[https://massgaming.com/wp-content/uploads/Patron-and-License-Plate-Survey-Report-MGM-Springfield\\_10.15.2020.pdf](https://massgaming.com/wp-content/uploads/Patron-and-License-Plate-Survey-Report-MGM-Springfield_10.15.2020.pdf) (p.37)

\* Health of local businesses during the pandemic

- PVPC staff and Town officials went door-to-door and made phone calls to gather information from businesses in the North Main St project area. Most businesses contacted said they had lost significant business during the shutdown period of the pandemic but had been recovering to about 75% of pre-pandemic levels. Some businesses have not fared as well, particularly restaurants, which have had trouble finding staffing.

East Longmeadow’s Rapid Recovery Plan Business Survey,

<https://www.mass.gov/doc/east-longmeadow-rrp-final/download>, pg 19)

c) How do you anticipate your proposed remedy will address the identified impact?

The North Main Street district is a small commercial area along Route 83 that has many unique offerings but is often overlooked by anxious drivers on their way through town. The small businesses in the North Main Street district and elsewhere in East Longmeadow are doing fairly



well, but have suffered, particularly through the pandemic, from supply chain disruptions and staff shortages. None of these businesses belong to the regional chamber of commerce, the East of the River Five Town Chamber, and there is no local business association. Ultimately it is hoped that a successful business environment along this busy stretch will become more appealing for customers and workers, drawing more residents and regional visitors to support the local economy. Forty businesses in the North Main Street district provide a wide range of goods and services, including a variety of restaurants, service providers, and retail stores.

The proposed project is part of the Town of East Longmeadow's broader Rapid Recovery Plan focusing on the North Main Street business district, which was the result of a program intended to provide municipalities with actionable, project-based recovery plans tailored to the unique economic challenges of the pandemic to downtowns, town centers, and commercial areas across the commonwealth. While the North Main Street district was the focus of this planning process, this project would benefit all East Longmeadow businesses and strengthen the town's ability to support local economic development.

Providing a resource portal for local businesses on the website for the Town of East Longmeadow will encourage business growth and development by making it easier for local businesses to access information, apply for permits and licenses, and react to changes in regulations or processes related to Town business. It will also demonstrate the Town's wish and willingness to be more supportive of small business through direct outreach, technical assistance, and improved processes and resources. The benefits provided by this business portal will help to offset the negative impacts of casino operations and also assist local businesses in taking advantage of additional opportunities provided by an influx of MGM patrons and employees who may travel through East Longmeadow.

### 3. PROPOSED MITIGATION

b) Please identify below the manner in which the funds are proposed to be used. Please provide a detailed scope, budget and timetable for the use of funds.

The Town plans to take the following steps to successfully complete this project:

- Release RFP for services for a consultant to develop an online portal on East Longmeadow's website specifically for businesses
- Work with the consultant to:
  - Conduct outreach and engagement with local small businesses to identify business resources that would be beneficial to include on the portal
  - Collect all pertinent business information that should be available on the portal
  - Develop electronic process and forms for permitting and licensing
  - Plan for a roll-out of the portal, including outreach to local businesses that demonstrates its contents and functionality

**Budget and Timetable:**

Consultant	\$25,000	Early 2022 - June 2022
E-permitting software	\$45,000	July 2022
Staff time	in-kind	ongoing

d) Please describe how the mitigation request will address the impact indicated.

Providing a resource portal and electronic process and forms for permitting and licensing for local businesses on the Town of East Longmeadow's website will encourage business growth and development by making it easier for local businesses to access information, apply for permits, and react to changes in regulations or processes related to Town business. It will also demonstrate the Town's wish and willingness to be more supportive of small business through direct outreach, technical assistance, and improved processes and resources. The benefits provided by this portal will help to offset the negative impacts of casino operations and also assist local businesses in taking advantage of additional opportunities provided by MGM patrons and employees who travel through East Longmeadow.



TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Gayle Cameron and Bradford Hill

FROM: Joseph Delaney and Mary Thurlow

CC: Karen Wells, Executive Director

DATE: January 21, 2022

RE: Longmeadow Reserve Application Request

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The Town of Longmeadow seeks to use their Reserve balances for Route 5 (Longmeadow Street) Corridor improvements

### **Background**

The Town of Longmeadow is a designated surrounding community to MGM Springfield. In 2017 Longmeadow used a portion of its reserve to retain a consultant to analyze, organize and consolidate traffic studies in the amount of \$3,720.34. This leaves a balance of \$96,279.66 unexpended.

### **Purposes Identified in the Grant Request**

The proposed project will be to cover a portion of a design/engineering analysis for Route 5, a major commuter corridor and connection to I-91 for the communities east of Longmeadow and to the south for Connecticut. In its application Longmeadow states that according to the MGM Traffic Lookback Study from 2021 "VHB reports a longer queue at Longmeadow Street and Williams Street and a longer queue on Longmeadow Street between Barrington Road and the MA/CT state line." These funds will go toward the final design and engineering of Route 5 Corridor Improvements.

Commission staff determined that the proposed project has a sufficient nexus to the casino. By this redesign Longmeadow seeks to ensure that vehicular traffic moves more smoothly, reduce queuing, traffic back up, reducing travel time and increase in overall transportation safety.

### **Staff Recommendation**

MGC Staff recommends that the Commission approve Longmeadow's request to use the balance if its Reserve for the purposes outlined in its application. Following the Commission's approval, Commission staff will execute the necessary grant agreement with Longmeadow.



Massachusetts Gaming Commission



**APPENDIX G – RESERVE PLANNING/TRIBAL GAMING TECHNICAL ASSISTANCE PROGRAM APPLICATION**

***BD-21-1068-1068C-1068L-56499***

***Please complete entire Application***

**1. PROJECT INFORMATION**

**a) NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT**

Town of Longmeadow, MA

**b) PROJECT NAME (LIMIT 10 WORDS)**

U.S. Route 5 (Longmeadow Street) Corridor Improvements

**c) BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS)**

Design/engineering analysis for US Route 5 / Longmeadow Street (MassDOT project #612257), a major commuting corridor connecting I-91 to MA communities east of Longmeadow and CT communities to the south. The design and analysis encompasses roadway milling and resurfacing, drainage improvements, Complete Streets upgrades, ADA compliance, and upgraded signals.

**d) CONTACT PERSON(S)/TITLE (Persons with responsibility for this grant)**

Corrin Meise-Munns, Assistant Town Manager  
 Timothy Keane, Town Engineer

**e) PHONE # AND EMAIL ADDRESS OF CONTACT PERSON(S)**

Corrin Meise-Munns: 413-545-4110, [cmeisemunns@longmeadow.org](mailto:cmeisemunns@longmeadow.org)  
 Timothy Keane: 413-567-3400, [tkeane@longmeadow.org](mailto:tkeane@longmeadow.org)

**f) MAILING ADDRESS OF CONTACT PERSON(S)**

Corrin Meise-Munns: 20 Williams Street, Longmeadow, MA 01106  
 Timothy Keane: 170 Dwight Rd, Longmeadow, MA 01106

**2. IMPACT DESCRIPTION/CONNECTION TO GAMING FACILITY**

**a) Please describe in detail the impact that is attributed to the operation of a gaming facility.**

The Regional Traffic Impact Peer Review (2013, Green-Pedersen, Inc.) reports a 3% traffic increase on Longmeadow Street between the on- and off-ramps to I-91 (Exit 1) and Laurel Park. In their MGM Traffic Lookback Study (2021), VHB reports a longer queue at Longmeadow Street and Williams St and a ±25 minute longer queue on Longmeadow Street between Barrington Road and the MA/CT state line.

In addition to the reported increase in traffic and queue time, the Town anticipates a very real likelihood that Longmeadow Street/Route 5 will be used as an alternative route to I-91 if and when the Casino is evacuated and/or I-91 shuts down due to a natural or manmade disaster. An increase of traffic volume of the proportions that traverse I-91 would overwhelm Longmeadow Street in its existing conditions. Vehicles would be routed through various residential and neighborhood connector streets, creating safety concerns for pedestrians, cyclists, and families accustomed to little traffic volume. Visitors leaving the MGM Casino, in addition to other area travelers, will need a seamless and well-managed corridor with well-timed intersections to ensure safe travel southward.

**b) Please provide documentation, specificity or evidence that gives support for the determination that the operation of the gaming facility caused or is causing the impact (i.e. surveys, data, reports).**

The Regional Traffic Impact Peer Review by Green-Pedersen, Inc. ("GPI") is dated December 20, 2013. GPI reviewed the Traffic, Impact, Access & Parking Study (TIAPS) provided by The Engineering Corp. ("TEC") on behalf of MGM. As part of the Surrounding Community Agreement between the MGM Springfield and the Town of Longmeadow, VHB was retained by MGM Springfield (MGM) in February 2020 to review traffic operations and safety conditions after the opening of the MGM Casino. Their report establishes existing conditions and intersection efficiencies for comparison against the baseline conditions established in the 2015 study for the same study area intersections. The baseline study was prepared by CDM Smith in 2015.

**c) How do you anticipate your proposed remedy will address the identified impact.**

As part of the Longmeadow Street/Route 5 Improvements Project Phase 1 (MassDOT project #612257), Longmeadow Street between just south of Converse Street to just south of the Town Green, and intersections between them, are being re-designed to include improvements that should have a positive impact on queue time, reduction of collisions, improved ADA facilities, and improved amenities for pedestrians and cyclists.

The project will also help alleviate concerns regarding the I-91/Casino evacuation scenario. The improved timing of signals, roadway and drainage conditions, and multi-modal timing will ensure a more seamless and safe traffic flow through Longmeadow Street and Longmeadow's downtown.

**3. PROPOSED MITIGATION (Please attach additional sheets/supplemental materials if necessary.)**

**a) Please identify the amount of funding requested**

\$96,000.00 (the remainder of our community reserve funds)

**b) Please identify below the manner in which the funds are proposed to be used. Please provide a detailed scope, budget and timetable for the use of funds.**

These funds will go toward final design and engineering of the U.S. Route 5 (Longmeadow Street) Corridor Improvements (MassDOT project #612257), as detailed in Phase I of the attached Fee Proposal. The design and engineering is ongoing and anticipated to be completed by 2024; the improvements for this project do not have an anticipated construction year. However, construction could be anticipated in 2027 or 2028.

**c) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of mitigating the impact from the operation of a proposed gaming establishment.**

Please see Phase I of the attached Fee Proposal.

**d) Please describe how the mitigation request will address the impact indicated.**

The mitigation request is to cover a portion of the design and engineering cost of the U.S. Route 5 (Longmeadow Street) Corridor Improvements Project (MassDOT project #612257). The design and analysis encompasses roadway milling and resurfacing, drainage improvements, Complete Streets upgrades, ADA compliance, and upgraded signals. Once implemented, these improvements will ensure vehicular traffic moves more seamlessly between signaled intersections with reduced queuing and traffic back-ups and reduced travel time. This improvements will help improve daily travel, and will also be of utmost value in the event that Longmeadow Street becomes an evacuation route for I-91, should the interstate be closed down, or an alternative evacuation route for travelers evacuating Springfield or the Casino.

**4. INTERNAL CONTROLS/ADMINISTRATION OF IMPACT FUNDS**

**a) Please provide detail regarding the internal controls that will be used to ensure that funds will only be used in planning to address the impact.**

Upon receipt of the award, Longmeadow will segregate the \$96,000 in our financial reporting system to ensure they are available only for this project.

**b) If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.**

Not applicable.

**5. CONSULTATION WITH REGIONAL PLANNING AGENCY (RPA) / NEARBY COMMUNITIES**

**Please provide details about the Applicant's consultation with the Regional Planning Agency serving the community and nearby communities to determine the potential for cooperative regional efforts regarding planning activities.**

The Town of Longmeadow is working with the Pioneer Valley Metropolitan Planning Organization (MPO) through Pioneer Valley Planning Commission (PVPC) and MassDOT to get the Route 5 Corridor Improvement project as part of the 2027 or 2028 TIP (Transportation Improvement Program). Longmeadow is an active participant in the MPO through membership and routine meetings of the Joint Transportation Committee (JTC). Transportation planners at PVPC are fully informed regarding this project.

**6. MATCHING FUNDS FROM GOVERNMENTAL OR OTHER ENTITY**

**a) Please demonstrate that the governmental or other entity will provide significant funding to match or partially match the assistance required from the Community Mitigation Fund.**

Longmeadow has more than matched the requested \$96,000. The preliminary/25% design work was estimated to cost about \$300,000 divided into three phases. The Town of Longmeadow funded the three phases in \$100,000 increments each via appropriations from the General Fund at Annual Town Meeting (ATM) 2019, ATM 2021, and Special Town Meeting in Fall 2021, for a total of \$300,000. This request is to fund the first phase of final design and engineering analysis. The total cost of final design and engineering is estimated at \$744,890.

**b) Please provide detail on what your community will contribute to the planning projects such as in-kind services or planning funds.**

Project development through PS&E Design Submission and Construction Inspection Services is estimated to cost \$744,890. The total funds contributed by the Town so far amounts to \$300,000, as described in the response to question 6a. The \$96,000 in Reserve Funds from the Community Mitigation Fund will contribute to the cost of final design and engineering. The Town will contribute the remaining \$348,890 via a combination of raising and appropriating from the Town's General Fund via Town Meeting and Chapter 90 funds, as appropriate.



**7. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS AND MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) DECISION**

**a) Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any Host or Surrounding Community Agreement.**

This mitigation was unanticipated and therefore was not covered in the Surrounding Community Agreement. However, the Agreement does identify that key locations in our proposed project area are included in the "Traffic and Traffic Improvement Needs Related to Travel to and from the Project Site", which are "including but not limited to the following roadways:  
 i. 1-91 (including traffic diversion from 1-91 to Route 5 and congestion/backup on the Community's roadways as a result of the "Longmeadow Curve"); ...  
 iv. Longmeadow Street at Bliss Road; ...  
 ix. Longmeadow Street to South (seven (7) signals)..."

**b) Where applicable, please also briefly summarize and/or provide page references to the most relevant language included in the most relevant MEPA certificate(s) or comment(s) submitted by the community to MEPA.**

The Community did not submit MEPA comments and this project is not relevant to MEPA certificates relative to the Casino.

**c) Please explain how this impact was either anticipated or not anticipated in that Agreement or such MEPA decision.**

N/A

**d) If transportation planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation. For example, a community could provide information on the significance of potential impacts if trip generation totals exceed projected estimates.**

As described previously, traffic has increased at key intersections and sections of Longmeadow Street, even with the downturn in economic activity, work-related commuting, and recreational travel associated with the COVID-19 pandemic. Longmeadow Street experiences queuing delays at key signalized intersections on days with normal traffic flow, and experiences significant delays on days when the I-91 "Longmeadow Curve" at Exits 1 NB and SB are backed-up. The Longmeadow Street Improvements project will ensure normal traffic volumes flows more smoothly throughout Longmeadow Street. On days where Longmeadow Street experiences delays due to back-ups on I-91, or in the event of an evacuation of I-91, the City of Springfield, and/or the Casino, improved roadway conditions and drainage improvements, Complete Streets upgrades, ADA compliance, and upgraded signals will ensure that travel remains safe for all modes and as un-congested as possible.

**8. CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY**

**On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.**



**Date:** 12/10/21

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**Signature of Responsible Municipal  
Official/Governmental Entity**

Lyn N. Simmons

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(print name)

Town Manager

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Title:



### 1.03.01 Hiring authority

#### Introduction

This policy relative to hiring authority is intended to be read in conjunction with section 1.03: *Hiring* of the Commission's Human Resources Policy Manual and intended to clarify the authority of the Executive Director to make certain hiring decisions. This policy shall also be read in harmony with the statutory hiring provisions contained in G.L. c. 23K, and not interpreted so as to create a conflict therewith. To the extent any conflict does arise, the relevant statutory provision shall govern.

#### Statutory authority

The hiring authority granted the Commission, and the executive director is described in G.L. c. 23K, § 3 and § 4. The following provisions relate to hiring authority:

- “The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including but not limited to, the power to appoint officers and hire employees.” G.L. c. 23K, § 4(1)
- “The commission shall appoint an executive director. The executive director shall serve at the pleasure of the commission ... .” G.L. c. 23K, § 3(i).
- “The executive director shall appoint and employ a chief financial and accounting officer and may, *subject to the approval of the commission*, employ other employees, consultants, agents and advisors, including legal counsel, ... .” G.L. c. 23K, § 3(i) (emphasis added).
- “The executive director may, from time to time and *subject to the approval of the commission*, establish within the commission such administrative units as may be necessary for the efficient and economical administration of the commission and, when necessary for such purpose, may abolish any such administrative unit or may merge any 2 or more units.” G.L. c. 23K, § 3(j) (emphasis added).
- “The executive director may appoint such persons as the executive director shall consider necessary to perform the functions of the commission; ... .” G.L. c. 23K, § 3(k).

#### Policy Statement

The Commission recognizes its authority to appoint officers and hire employees under Section 4 of Chapter 23K to carry out and effectuate its purposes. However, the Commission seeks to achieve efficiencies and grant the executive director proper authority to best advance the interests and operations of the Massachusetts Gaming Commission (the “MGC”).



**Process**

According to Section 3, the Commission has exclusive authority to appoint the executive director. Similarly, according to Section 3, the executive director has the exclusive authority to appoint the chief financial and accounting officer (“CFAO”). The employment of every other employee, consultant, agent, and advisor of the Commission is subject to the approval of the Commission. To create operational efficiencies, the Commission grants the executive director, subject to the conditions herein, the authority to appoint all MGC employees without such Commission approval, except those employees designated as holding a *“major policymaking position.”*

The term ‘major policymaking position’ is defined in G.L. c. 268B, § 1 as:

the executive or administrative head of a governmental body, all members of the judiciary, any person whose salary equals or exceeds that of a state employee classified in step 1 of job group XXV of the general salary schedule contained in section 46 of chapter 30 and who reports directly to said executive or administrative head, the head of each division, bureau or other major administrative unit within such governmental body and persons exercising similar authority.

If there is a vacancy in a position that has been designated as a major policymaking position, or other reason why a need arises to fill such a position, the Commission shall determine its level of involvement in the hiring process. Such involvement may include, but not be limited to, the Chair’s designation of one or two commissioners to participate in the hiring process, notification and/or review of the job posting, implementation of notification requirements at key points of the hiring process, and/or delegation of the hiring process to the executive director under any conditions set by the Commission.

All employees, consultants, agents, and advisors of the Commission, other than the executive director and CFAO, who are not designated as holding a major policymaking position may be appointed at the sole discretion of the executive director that is consistent with MGC policies and regulations and all applicable law and the approved number of available positions determined by the Commission through the annual budget process or a supplemental public meeting.

Nothing in this policy waives the Commission’s authority to be involved in any particular hiring process, should it so choose.