



MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #285

January 9, 2020
10:00 a.m.

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA
January 9, 2020**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Thursday, January 9, 2020
10:00 a.m.
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA**

PUBLIC MEETING - #285

1. Call to order
2. Approval of Minutes
 - a. December 19, 2019 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
 - a. General Update
 - b. Draft Region C RFI and Draft Request for Public Comment - **VOTE**
4. Legal Division – Todd Grossman, Interim General Counsel
 - a. Clarification of Regulation 205 CMR 134.09 – Sealed Records, Karen Wells, Director of IEB; Loretta Lillios, Chief Enforcement Counsel, Deputy Director
 - i. Initial Draft Version of **205 CMR 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors**, to clarify provisions regarding handling information and records relating to sealed and expunged records; and Small Business Impact Statement – **VOTE** to begin the promulgation process
 - b. Racing Regulations – Justin Stempeck, Associate General Counsel
 - i. Final Draft Version of several amendments to **205 CMR 3.00: Harness Horse Racing (Refs & Annos)**, to include provisions for addressing conflicts of interest of racing officials, the finality of decisions of racing judges for events occurring during races, and optional quarantine procedures in TCO2 positive cases; and Amended Small Business Impact Statements – **VOTE** to finalize the promulgation process
 - ii. Final Draft Version of several amendments to **205 CMR 4.00: Rules of Horse Racing (Refs & Annos)**, to include provisions for addressing conflicts of interest of stewards; and Amended Small Business Impact Statements – **VOTE** to finalize the promulgation process
 - iii. Final Draft Version of an amendment to **205 CMR 101.02: Review of Orders of Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division**, to include proper timing of racing appeals and a new provision for discovery in racing medication cases; and Amended Small Business Impact Statement – **VOTE** to finalize the promulgation process



Massachusetts Gaming Commission

5. Ombudsman – John Ziemba
 - a. Encore Boston Harbor Quarterly Report Follow-up - Jacqui Krum, V.P. General Counsel Encore
 - b. Encore Boston Harbor 90 Day Commitments - John Ziemba, Ombudsman; Joe Delaney, Construction Oversight Manager
6. Workforce, Supplier & Diversity Development – Jill Griffin, Director
 - a. 2018 Economic Impact Report
7. Commissioner Items and Updates
 - a. Ratification of Interim Executive Director Designation – **VOTE**
 - b. Update on Executive Director Search
 - c. Update on IAGRA Conference – Gayle Cameron, Commissioner
8. Other Business – Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

01.07.20
Date

Cathy Judd-Stein
Cathy Judd-Stein, Chair

Date Posted to Website: January , 2020 at 10:00 a.m..



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 19, 2019 –10:00 a.m.

Place: Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA 02110

Present: Chair Cathy Judd-Stein
Commissioner Gayle Cameron
Commissioner Enrique Zuniga
Commissioner Bruce Stebbins
Commissioner Eileen O'Brien

Time entries are linked to the
corresponding section in the
Commission meeting video.



Call to Order

See transcript page 1

[10:08 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #284 of the Massachusetts Gaming Commission. She noted for the record that closed-captioning is unavailable for the moment; however, the staff is working to restore it.

Approval of Minutes

See transcript page 1

[10:08 a.m.](#) *Commissioner Stebbins moved to approve the minutes from the Commission meeting of December 5, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner Stebbins suggested striking the last sentence of the first paragraph on page three at 10:59 a.m. Commissioner Cameron seconded the motion. The motion passed 4 – 0 with Commissioner Zuniga abstaining.*

Administrative Update

See transcript pages 1 - 3

10:08 a.m. **General Update**

Executive Director Ed Bedrosian stated that the new posting for the open position of General Counsel will be removed from the website for the holidays, and then will be re-posted at the beginning of the new year to engage in a more coordinated process.

Next, Mr. Bedrosian announced that the very first employee at the Commission, Chief of Administration Janice Reilly, is retiring today. He summarized Ms. Reilly's tenure at the Commission and expressed his gratitude to her for being an invaluable partner in helping the staff be successful.

10:18 a.m. Closed-captioning service has been restored.

Investigations and Enforcement Bureau (IEB)

See transcript pages 3 – 13

10:19 a.m. **Clarification of Regulation 205 CMR 134.09 – Sealed Records**

The IEB is seeking input and clarification from the Commission regarding a provision in 205 CMR 134.09(1) relating to sealed adult criminal records.

Director of Workforce Development Jill Griffin reviewed with the Commission three letters containing public comments that were received from community groups on the matter.

10:25 a.m. IEB Chief Enforcement Counsel Loretta Lillios explained to the Commission distinctions between provisions of administrative sealing and court-ordered sealing of criminal records. She also defined the expungement of criminal records for the Commission and explained the expungement process.

10:33 a.m. IEB Director Karen Wells explained that there is no deliberative effort by investigators to seek information from sealed records in a suitability investigation and that the IEB has not given that direction to investigators. She then outlined the series of steps used by investigators in a suitability investigation. Further, she stated that the IEB does not use information from sealed records to deny licenses or revoke registrations.

10:39 a.m. There was discussion around the difference in investigation technique for top-tier candidates (i.e., Key Gaming Executive and Key Gaming Standard licenses) vs. GEL candidates and what information will be considered when vetting for suitability for those positions.

10:43 a.m. The Commission discussed whether to amend the regulation in favor of keeping all material from sealed records out of the IEB's investigatory process.

Commissioner Zuniga noted that as the IEB has access to information that the licensees/employers do not have, that information should be handled judiciously.

Commissioner Stebbins requested that the IEB circle back to the Commission at an intervening time to report if they are running into the theoretical scenarios involving sealed records discussed today.

10:54 a.m. Ms. Wells proposed working with the Legal Division to draft different options that the IEB would then present to the Commission regarding Key Gaming Standard and Key Gaming Executive level vetting. The IEB would then come back to the next meeting with this draft language.

Administrative Update (cont.)

See transcript pages 13 – 21

11:03 a.m. **Draft Region C RFI Questions/Public Comments**

At the last Commission meeting on December 5th, the Commission asked staff to help develop appropriate questions for a potential request for information (“RFI”) concerning Region C. In addition to proposed staff questions; attorneys for Rush Street Entertainment and the Acting Mayor of Brockton have also submitted proposed questions for an RFI.

Commissioner Cameron noted that there will be a new mayor and administration for Brockton starting in January 2020.

11:08 a.m. Commissioner Zuniga summarized a process that he would like to see regarding market studies that the Commission should acknowledge. He will provide Mr. Bedrosian with details at a later date.

Commissioner Stebbins suggested that the Commission thinks about formulating an appropriate response to the letter received from the acting mayor of Brockton. He then encouraged the staff to move ahead, refine questions, and proceed with an RFI process.

The Chair would like to proceed with the RFI process as soon as possible to use it as a tool to help understand the issues and how to craft an independent market study. Commissioner Zuniga asked that staff come back at the next meeting with a draft of the RFI.

CFO Derek Lennon explained how to begin the process of the RFI to the Commission. There was also a discussion of an abbreviated timeline for the RFI process.

[11:37 a.m.](#) It was concluded that Mr. Bedrosian will provide the Commission with a draft RFI and a draft request for public comment at the next Commission meeting on January 9, 2020.

Research and Responsible Gaming

See transcript pages 21 – 31

[11:37 a.m.](#) **Social and Economic Impact Research Procurement Update**

Director of Research and Responsible Gaming Mark Vander Linden, with Dr. Rachel Volberg from UMass Amherst, Dr. Mark Melnik from the UMass Donahue Institute, and Martha Zorn from the SEIGMA team reviewed the proposal for the Commission to extend a contract to UMass SEIGMA.

A procurement team comprised of Commission staff and four additional persons with social and economic research expertise reviewed a proposal for a comprehensive research project on the economic and social impacts of the introduction of casino gambling in Massachusetts. Following four rounds of review and revisions, the procurement team endorsed the proposed scope and budget presented by the SEIGMA team.

Mark Vander Linden, Director of Research and Responsible Gaming, recommends that the Commission extend this contract to UMass SEIGMA based on the procurement team's recommendations.

[11:47 a.m.](#) Mr. Vander Linden clarified the terms of the contract. The Chair then asked for clarification on some of the differences with this new proposal. Mr. Vander Linden explained the differences, also laying out possible outcomes of the program for the Commission.

[11:56 a.m.](#) Dr. Volberg summarized the proposal for ongoing evaluation, which produces a comprehensive report every two to three years as opposed to a simple pre- versus post-study, which was described in the original scope.

[12:03 p.m.](#) Commissioner Zuniga then provided comments regarding the timeline of the SEIGMA study. He also expressed his concerns regarding funding for the research.

[12:10 p.m.](#) The Chair stressed that the research needs to stay as relevant as possible to the policy-making that will be going forward, and there needs to be a precise timeline for the research in order to discuss the relevant data in a timely fashion.

Commissioner Zuniga noted that there is a new position that is posted to help Mr. Vander Linden to improve the process and accelerate feedback and response time.

[12:20 p.m.](#) *Commissioner Stebbins moved that the Commission approve the request to extend a contract to UMass Social and Economic Impacts of Gaming in Massachusetts*

(SEIGMA) based on the procurement team's recommendations as outlined in the Commissioner's Packet and as discussed here today. Commissioner Zuniga seconded the motion.

The motion passed unanimously.

Commissioner Zuniga moved to have Director of Research and Responsible Gaming Mark Vander Linden execute the contract to UMass Social and Economic Impacts of Gaming in Massachusetts (SEIGMA). Commissioner Cameron seconded the motion.

The motion passed unanimously.

Racing Division

See transcript pages 31 – 35

12:22 p.m. **Chief Steward Susan Walsh – Racing Officials Association Program Pete Pedersen Award Winner**

Director of Racing and Chief Veterinarian Dr. Alexandra Lightbown presented Suffolk Downs' Chief Steward Susan Walsh with the national Pete Peterson Outstanding Steward award. The award is presented by the Racing Officials Accreditation Program every year to an outstanding steward. Dr. Lightbown provided background on the award for the Commission and summarized Ms. Walsh's history in the racing industry.

12:30 p.m. Mr. Bedrosian commented on Ms. Walsh's impressive, extensive knowledge that of the history of the track and everyone involved. Commissioner Cameron noted that Ms. Walsh is one of the few female chief stewards in our country, and that she only the second woman ever to receive this award.

Commission Matter

See transcript pages 35 – 42

12:38 p.m. **Congratulations to Chief of Administration Janice Reilly**

Former Commissioners James McHugh, Steve Crosby, and Lloyd MacDonald were present to congratulate Ms. Reilly on her retirement. Each former Commissioner, as well as current Commissioners, made congratulatory statements and recounted their professional experiences with Ms. Reilly, notably remarks regarding the initial establishment of the Massachusetts Gaming Commission.

1:06 p.m. The Chair and Commission presented Ms. Reilly with a Distinguished Service Award in appreciation of her distinguished service to the Massachusetts Gaming Commission and the Commonwealth of Massachusetts. Ms. Reilly gave closing remarks surrounding her time at the Commission.

Research and Responsible Gaming (cont.)

See transcript pages 42 – 60

[1:54 p.m.](#)

GameSense Update

Next, Mr. Vander Linden presented an update to the Commission on the status of the current GameSense Program. Presenting with him was Marlene Warner, Executive Director of the Mass Council on Compulsive Gambling; Ray Fluette, Senior GameSense adviser at Encore Boston Harbor; Josh Molyneaux, GameSense Advisor at Encore Boston Harbor, and David Tang, GameSense adviser at Encore Boston Harbor.

[1:59 p.m.](#)

Ms. Warner explained how the team was developed. She provided the Commission with an overview of the onboarding process and training program.

[2:05 p.m.](#)

Mr. Fluette detailed his account of how the orientation process for GameSense representatives is conducted. He also described how employees are educated regarding what GameSense program offers, as well as how to implement that knowledge of the program.

[2:13 p.m.](#)

Mr. Molyneaux and Mr. Tang each described their own personal experiences in working with the GameSense program at Encore Boston Harbor.

[2:42 p.m.](#)

Program Manager Teresa Fiore updated the Commission on the events of the 2019 Responsible Gaming Education Week. With her was Charlie Ordille, Senior GameSense Advisor at PPC; Daniel Miller, Director of Compliance at MGM Springfield; Lisa McKinney, Compliance Manager at PPC, as well as Mr. Tang.

Ms. Fiore reported on the GameSense social media campaign, as well as digital advertising efforts. She noted engagement with casino staff and guests, as well as metrics and data collected as a result of these efforts.

[2:46 p.m.](#)

Mr. Tang presented a basic overview of a slot simulator game created by Senior GameSense Advisor Amy Gabriela of MGM Springfield. He stated that the basic premise of the game is to simulate a simple slot machine so that players can get a better understanding of chance, the probabilities, and payback percentage.

[2:54 p.m.](#)

Next, Mr. Ordille discussed the success of the Responsible Gaming Education Week program that took place at PPC. He described the advertising campaign and the successful turnout, as well as the cooperation among the staff at PPC.

[2:57 p.m.](#)

Mr. Miller noted to the Commission that MGM has partnered with GameSense across all of their domestic properties and that they were hosting similar events. He then stated that he will be setting up more frequent participation and responsible gaming events with their on-site GameSense program in the back-of-house.

[3:00 p.m.](#) Ms. McKinney described her role in facilitating the Responsible Gaming Education Week program at PPC. She also described the events that took place for the program.

Ombudsman

See transcript pages 60 – 62

[3:04 p.m.](#) **Community Mitigation Amendment Requests**
Ombudsman John Ziembra presented the Commission with two amendments to Community Mitigation Fund awards that were made earlier this year for consideration. With him was Construction Project Oversight Manager Joe Delaney, and Director of Workforce, Supplier, and Diversity Jill Griffin.

[3:05 p.m.](#) **2019 Revere Non-Transportation Planning Grant**
The City of Revere is asking to modify this grant to allocate the funds to the designated budgets in appropriate amounts for most efficient use. Specifically, Mr. Delaney provided the Commission with a brief description of the minor amendment to reflect a surplus of \$5,000 in the video production budget to be re-directed for use in the promotion budget. The review team recommends that the Commission approve this request.

[3:07 p.m.](#) *Commissioner Stebbins moved that the Commission approve the request to modify the 2019 City of Revere Non-Transportation Planning Grant and reduce the production cost to \$35,000 with a commensurate increase in the marketing and distribution budget to \$15,000 as discussed today. Commissioner Cameron seconded the motion.
The motion passed unanimously.*

[3:07 p.m.](#) **Holyoke Community College for MA Casino Training Institute**
Next, Ms. Griffin provided the Commission with a description of the requested amendment to an award to the Holyoke Community College for the Massachusetts Casino Career Training Institute (“MCCTI”). The budget amendment proposes to redistribute \$15,000 of initially approved scholarships, to instead be utilized as payment for recruitment and tuition offset to run two potentially low enrolled courses at the gaming school.

[3:09 p.m.](#) *Commissioner Cameron moved that the Commission authorize staff to approve the request to reallocate \$15,000 from the Massachusetts Casino Career Training Institute (MCCTI) scholarship budget to cover the cost of gaming instructors and recruitment coordinators for two courses in January 2020, allowing for more flexible enrollment. Commissioner O’Brien seconded the motion.
The motion passed unanimously.*

[3:10 p.m.](#) Commissioner Zuniga commented that he appreciates these updates, as it is essential to keep tabs on the status of the programs; however, he suggests perhaps establishing a de minimis threshold under which some of these requests might not

need to be brought to the Commission for approval and could be approved at the staff level. He noted that it could facilitate a more efficient and timely process, and staff could return and report to the Commission when necessary.

Ombudsman/Research and Responsible Gaming

See transcript pages 62 – 64

3:11 p.m. **Local Community Mitigation Advisory Sub Committee on Addiction Services**

Earlier this year, the Commission voted to appoint Mr. Vander Linden to the Sub-Committee of Addiction Services under the Gaming Policy Advisory Committee. As Commissioner Zuniga and Mr. Vander Linden have been very involved in the subject matter of this subcommittee, the Ombudsman and Mr. Vander Linden recommend that the Commission appoint Commissioner Zuniga as this appointee replacing Mr. Vander Linden. Both the Ombudsman and Mr. Vander Linden would continue to staff this subcommittee.

3:17 p.m. *Commissioner O'Brien moved that the Commission appoint Commissioner Enrique Zuniga to the Sub-Committee on Addiction Services of the Gaming Policy Advisory Committee (GPAC), transferring the appointment from Mark Vander Linden. Commissioner Stebbins seconded the motion. The motion passed 4 – 1 with Commissioner Zuniga abstaining.*

Commissioner's Items

See transcript pages 64 – 66

3:18 p.m. **Massachusetts Gaming Commission 2019 Annual Report**

Commissioner Zuniga updated the Commission on the status of the 2019 annual Report. He reported that he and the staff are working on finalizing it for distribution early in the new year.

3:19 p.m. **Gaming Enforcement Unit (GEU) Overtime Budget Update**

Commissioner Cameron reported that she met with IEB leadership regarding this issue, and explained how the overtime pay system works. She summarized that there is no impact to the GEU's budget, and she believes that it is appropriately staffed with appropriate procedures in place and being utilized.

Budget Issues

See transcript pages 66 – 69

3:28 p.m. **Pay Approval for Interim Chair**

At the request of the Chair, CFO Derek Lennon, Acting General Counsel Todd Grossman, and Commissioner O'Brien reviewed a request that was made regarding Commissioner Cameron's pay. The Chair recused herself from the review process. Commissioner Cameron also recused herself and left the room.

[3:29 p.m.](#) There was a discussion around the circumstances surrounding Commissioner Cameron's request for retroactive compensation for the time that she served as Interim Chair of the Commission, beginning in September of 2018.

[3:30 p.m.](#) At the request of the Commission, Mr. Grossman addressed the question of whether there was any legal impediment or process necessary to fulfill Commissioner Cameron's request. He stated that there is legal authority that supports the proposition that an interim appointment by an authorized individual or entity is legally valid even if the process that was used to obtain that appointment would not necessarily pass muster had the appointment been intended as a permanent one. He then cited case law supporting his statement.

There was further discussion regarding all other Commission staff in the past who received due compensation for their time serving in an interim position.

[3:29 p.m.](#) *Commissioner Stebbins moved that the Commission approves retroactive pay in the amount of \$15,531.15 for Commissioner Gayle Cameron as compensation for her performance as Interim Chair, for pay periods from September 30, 2018, through January 19, 2019. Commissioner O'Brien seconded the motion. The motion passed 3 – 0, with the Chair and Commissioner Cameron abstaining.*

Commissioner Cameron re-joined the meeting.

Other Business

See transcript pages 69 – 71

[3:39 p.m.](#) The Chair stated that there was an inadvertent oversight around the publishing of several approved regulations in the Massachusetts register that were appropriately submitted by the Commission for formal promulgation. This oversight rendered the approved regulations legally invalid. Mr. Grossman recommends that the Commission adopt these approved regulations by emergency to allow them to be effective immediately. The regulations will then move through the promulgation process once again, which will include a public hearing.

[3:47 p.m.](#) *Commissioner Stebbins moved to adopt the following regulations on an emergency basis: 205 CMR 133.05, 134.01, 134.06, 134.07, 134.09, 134.10, 134.11, 134.13, 134.14, and 134.20, with the official regulation promulgation process to be commenced on an emergency basis. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

[3:48 p.m.](#) *With no further business, Commissioner Zuniga moved to adjourn the meeting. Commissioner Cameron seconded the motion. The motion passed unanimously.*

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated December 19, 2019
2. Draft Commission Meeting Minutes dated December 5, 2019
3. Memo re: Clarification of 205 CMR 134.09 dated October 15, 2019
4. M.G.L. c. 276 § 100A (Seal vs. Expunge provisions)
5. Public Comment from UniteHere dated November 27, 2019
6. Public Comment from Greater Boston Legal Services dated December 16, 2019
7. Public Comment from Jobs Action Network dated December 16, 2019
8. Memo re: Potential Region C Questions for either an RFI and/or Public Comment dated December 16, 2019
9. Public Comment from Brockton City Hall
10. Memo re: Potential Questions for a Request for Information Concerning a Region C Procurement dated December 2, 2019
11. Public Comment from Goodwin Proctor dated November 29, 2019
12. Memo re: MGC Research Services Award dated December 19, 2019
13. GameSense Program Update
14. Memo re: Revere Non-Transportation Planning Grant 2019 dated December 11, 2019
15. Memo re: 2019 Workforce Development Grant: Amendment Request for Massachusetts Casino Career Training Institute dated December 13, 2019
16. Memo re: Sub-Committee on Addiction Services of the Gaming Policy Advisory Committee dated December 19, 2019

/s/ Bruce Stebbins
Secretary

Request for Public Comment: A Potential New Region C category 1 RFA process

The Massachusetts Gaming Commission is seeking public comment regarding next steps for Region C (Southeastern Massachusetts) and the Category 1 gaming license.

- Should the Commission consider re-opening Region C?
- Should the Commission consider the current performance of the existing casinos in deciding whether to re-open Region C?
- Is the Commission's authority to re-open Region C in any way restricted by Section 91 of the Act or by the language of the Compact between the Tribe and the Commonwealth?
- What, if any role, should the potential for Tribal Gaming in Region C have in the Commission's consideration to re-open Region C?
- Does the uncertainty of the Tribe's land-in-trust status have a material impact on ability of commercial developers from obtaining financing for a prospective project?
- Should a public hearing be conducted in Region C to allow members of the public to comment on these matters directly to the Commission?

Please email comments to mgccomments@state.ma.us with 'Region C' in the subject line, or by mail to:

Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, MA, 02110

The deadline for comment submission is **TIME** on **DAY, MONTH, 2020**.

REQUEST FOR INFORMATION
(RFI)

Region C

COMMBUYS #

THE Massachusetts Gaming Commission

Responses are due by:

Date

Contact Information: Jay Lee
Fiscal Specialist

jay.lee@state.ma.us

THE COMMONWEALTH OF MASSACHUSETTS
Massachusetts Gaming Commission

Request for Information

Region C

Date

I. INTRODUCTION

The Massachusetts Gaming Commission is responsible for the creation of a fair, transparent, and participatory process for implementing the Expanded Gaming Act passed by the Legislature and signed by the Governor in November, 2011 (Massachusetts General Laws, chapter 23K or “Gaming Act”). The legislation includes a number of key principles to ensure the successful implementation of expanded gaming. The principles include: a transparent and competitive bidding process, maximum long-term value to the Commonwealth, protection for host and surrounding communities, mitigation for social impacts and costs and ensuring rigorous public safety, regulatory and enforcement mechanisms.

The Commission strives to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and include the key principles of the Expanded Gaming Act to provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible, the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

The Gaming Act authorizes the Commission to award no more than three Category 1 licenses (“Destination Resorts” with a minimum capital investment amount of \$500,000,000) in three geographically diverse regions across the state and no more than one Category 2 license (“Slots Only Facility” license with a minimum capital investment of \$125,000,000 awarded for one location statewide.

The legislation divides the state into three regions to include:

- Region A--Suffolk, Middlesex, Essex, Norfolk and Worcester counties
- Region B--Hampshire, Hampden, Franklin and Berkshire counties
- Region C-- Bristol, Plymouth, Nantucket, Dukes and Barnstable counties



The Commission began a two-phase solicitation in the fall of 2012, and has awarded the Region A and Region B Category 1 Licenses and the one Category 2 License. The Commission has not awarded the final Category 1 License in Region C.

II. OVERVIEW OF REGION C

The Region C application process opened April 18, 2015. On September 30, 2015 the Commission accepted Mass Gaming and Entertainment’s (MG&E) application for a resort casino in Brockton, MA. After months of review and multiple days of public meetings to analyze the application, on April 28th, 2016 the Massachusetts Gaming Commission denied MG&E’s application for the Region C License by a vote of 4 to 1. MG&E requested that the Commission reconsider its vote and on September 12, 2019 the commission denied reconsideration. Over the course of several public meetings since that time the Commission has decided to both seek public comment on whether or not to re-open the public bidding process for the Region C License and to pursue an RFI to assist in a potential RFP on an updated Region C gaming market analysis.

Additional Resources

For additional information pertaining to the Region C process, please reference the links below:

- <https://massgaming.com/news-events/article/mgc-open-meeting-evaluation-presentations-and-license-determination-for-region-c-southeastern-mass-resort-casino-license-april-26-to-april-28-2016-april-29-2016-if-necessary/>
- <https://massgaming.com/news-events/article/mgc-open-meeting-september-12-2019-2/>
- <https://massgaming.com/wp-content/uploads/Meeting-Notification-and-Agenda-12.5.19.pdf>
- <https://massgaming.com/news-events/article/mgc-open-meeting-december-19-2019-2/>

III. QUESTIONS

MGC is seeking feedback on the following Region C gaming market analysis issues. Respondents are not required to respond to all questions.

1. Should the Commission engage in a new gaming market study before making a determination whether or not to re-opening Region C? If so, what types of issues should be the focus (e.g.- competition, saturation, etc.)?
2. What is the best way to structure a request for a gaming market study in region C to ensure that the impacts of a casino on both Region C and the Commonwealth as a whole are measured?
3. What factors should a gaming market study in region C consider? Is it possible to measure the impact that the absence of any casino in Region C has on the region and the Commonwealth?
4. Given the context of the Massachusetts' gaming market, when would be the best time for a Region C gaming market study
5. What if any impact should the potential introduction of sports betting have on any market study?

IV. RFI SCHEDULE

Date	Event
	RFI published in COMMBUYS
	RFI Submission Deadline

V. HOW TO SUBMIT A RESPONSE AND SUBMISSION FORMAT.

A. COMMBUYS

Responses to this RFI must be submitted by the date and time specified in Section IV. Respondents must submit their response through [COMMBUYS](#). If Bidder has any issues with responding through [COMMBUYS](#), it should contact the COMMBUYS Help Desk at COMMBUYS@state.ma.us or call during normal business hours (8AM – 5PM Monday – Friday) at 1-888-627-8283 or 617-720-3197.

Useful Links:

- Job aid on how to submit a quote: www.mass.gov/anf/docs/osd/commbuys/create-quote-in-commbuys.pdf
- Webcast: [How to Locate and Respond to a Bid in CommBuys](#), will familiarize bidders with COMMBUYS terminology, basic navigation, and provide guidance for locating bid opportunities in COMMBUYS and submitting an online quote.

B. Response Instructions and Format.

Respondents are invited to respond to any or all of the requests for Information set forth in Section III of this RFI; please respond to as many as you feel appropriate.

GENERAL INFORMATION

A. COMMBUYS

Please note that this RFI is issued solely for the purpose of obtaining information. Nothing in this RFI shall be interpreted as a commitment on the part of MGC to procure or enter a contract with any respondent.

This RFI will be distributed electronically by posting it on COMMBUYS. COMMBUYS offers an optional, value-added automated COMMBUYS Subscription Service on an annual-fee basis. All vendors are responsible for checking COMMBUYS for any addenda or modifications made to the RFI subsequent to the initial posting on COMMBUYS. The Commonwealth and MGC will accept no liability for and will provide no accommodation to vendors who fail to check for amended RFIs or any other procurement opportunities and subsequently submit inadequate or incorrect responses. Individuals are advised to check the Last Changed Date field on the Summary page or the Amendment History within the Other Information tab of the RFI for which they intend to submit a response in order to ensure they have the most recent files.

Individuals may not alter (manually or electronically) the RFI language or any of its component files.

B. INFORMATIONAL SESSIONS.

There will be no informational sessions associated with this RFI.

C. COSTS

By submitting a response, respondents agree that any cost incurred in responding to this RFI, or in support of activities associated with this RFI, shall be the sole responsibility of the respondent. MGC shall not be held responsible for any costs incurred by respondents in preparing their respective responses to this RFI.

D. REVIEW RIGHTS

Responses to this RFI may be reviewed and evaluated by any person(s) at the discretion of MGC, including independent consultants retained by Department now or in the future. MGC reserves the right to accept or reject, in part or in full, any information contained in or submitted in response to this RFI. The RFI is not binding on MGC and shall not obligate MGC to issue a procurement that incorporates any RFI provisions or responses. Responding to this RFI is

entirely voluntary, will in no way affect MGC's consideration of any proposal submitted in response to any subsequent procurement, and will not serve as an advantage or disadvantage to the respondent in the course of any procurement that may be issued. Responses to this RFI become the property of the Commonwealth of Massachusetts and are public records under the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and c. 4, § 7, cl. 26, regarding public access to such documents.

E. PUBLIC RECORD

All responses to this RFI will be public record under the Commonwealth's Public Records Law, Mass. Gen. L. c. 66, §10, regardless of confidentiality notices set forth on such writings to the contrary.

F. RFI AMENDMENTS

MGC reserves the right to amend this RFI at any time. Interested parties are solely responsible for checking COMMBUYS for any addenda or modifications that are subsequently made to this RFI. The Commonwealth and its subdivisions accept no liability and will provide no accommodation to interested parties who fail to check for amended RFIs.

G. SUBSEQUENT PERFORMANCE

It is the intent of the Commission that any party responding to this RFI would not be prohibited from applying for any subsequent request for proposal (RFP) or request for quote (RFQ).

Additional Questions RFI – Region C

- 1) Market Studies – Size of the MA and NE Market. What should be considered to total gaming market for Massachusetts and New England in general, and region C specifically? Earlier market studies (2010, 2012) about the Massachusetts Gaming Market estimated that Massachusetts casinos could capture approximately \$1.0 - \$1.2 billion in annual Gross Gaming Revenues of the approximately \$2.5 billion New England Market. What assumptions if any, might need to be revisited to ascertain whether those total market potential figures need to be re-estimated, including:
 - a. Changes in consumer preferences and disposable income
 - b. Any effects of casino expansion in New York State (either previously accounted or unaccounted for).
 - c. The amount of time it takes a new operator to establish itself into the marketplace
 - d. The threat/prospect of additional entrants or additional expansion in the region
 - e. Additional gaming offerings including in neighboring states (i.e., On-line lottery, on-line gaming – with or without gambling, sports betting, etc.)
 - f. Any other assumptions including inflation
- 2) Slots Revenues. Historical slots revenues of the New England Casinos (CT & RI) peaked at \$2.1 billion in 2008 before the great recession. From 2008 to 2015, total New England slots revenues decreased (down to ~\$1.6 billion for fiscal year end of June 2015 – CT & RI). Since then and with the entries of two MA casinos (PPC in 2015, and MGM in 2018) total slots revenues for New England have increased (to \$1.8 billion for fiscal year end of June 2019). This \$1.8 billion aggregate annual slot revenue for New England is still below the 2008 figure, even with additional offerings (but not yet accounting for the effect of Encore Boston Harbor).
 - a. What factors may explain these trends in slots play? (include a discussion of any of the market factors in question 1 above – a through f).
 - b. Are there other regional gaming markets (outside of New England) that could provide a good comparison for the slots sector of the NE gaming market?
- 3) Several market studies contemplate that additional gaming offerings result in an overall increase in total market participation (revenues). This dynamic has not yet been observed in the New England Gaming Market (with the entry of new MA casinos, and responses from CT and RI casinos).
 - a. Is it too early to tell whether this assumption should be reconsidered?
 - b. Are there market dynamics specific to the New England market that might confirm or disprove this assumption?
- 4) Gaming market studies usually focus on gaming revenues for an analysis of financial feasibility. To what extent are existing regional operators (in New England and/or other regional US gaming markets) relying on non-gaming revenues?

For additional background.

The MA Gaming Act established a minimum capital investment of \$500 million, a tax rate of 25% and a limit of three Category 1 licenses. It also established a minimum capital investment of \$125 million for one Category 2 license taxed at 49%. The Act also contemplated the prospect of a tribal casino in Region C, and there is no stipulation of a minimum capital investment for that potential tribal operation. The MGC has awarded three licenses (two Category 1 in Regions A and B and one Category 2) and the total capital investment of those three licenses resulted in a total of ~\$3.7 billion or approximately \$2.1 billion in excess capital investment of what the Gaming Act originally contemplated as the minimum or \$1.625 billion.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Karen Wells		
Loretta Lillios		
Overview		
CMR Number	205 CMR 134.09	
Regulation Title	Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors	
<input checked="" type="checkbox"/> Draft Regulation		<input type="checkbox"/> Final Regulation
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 08/10/2018		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposed amendment clarifies provisions in the existing regulations regarding the handling of information and records pertaining to sealed and expunged records by the IEB as part of suitability investigations.
Nature of and Reason for the Proposed Action
This amendment clarifies a policy objective of the Commission related to the scope of background investigations performed pursuant to G.L. c. 23K, and 205 CMR 134.00.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input checked="" type="checkbox"/> Small Business Impact Statement (SBIS)	<input type="checkbox"/> Amended SBIS

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 1434.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors

(1) ***

In determining the weight to be afforded any information bearing on suitability in accordance with 205 CMR 134.10 and 134.11, the Division of Licensing, Bureau, or commission, as applicable, shall consider: the relevance of the information to employment in a gaming establishment or doing business with a gaming establishment in general, whether there is a pattern evident in the information, and whether the applicant is likely to be involved in gaming related activity. Further, the information will be considered in the light most favorable to the applicant unless the information cannot be so viewed pursuant to M.G.L. c. 23K or the information obtained does not otherwise support such view. For purposes of 205 CMR 134.00 and M.G.L. c. 23K, § 16 an adjudication of delinquency shall not be considered a conviction. Such a finding may, however, be considered for purposes of determining the suitability of an applicant. Records of criminal **or delinquency** appearances, ~~criminal~~ dispositions, and/or any information concerning **such** acts of delinquency that have been sealed **or expunged** shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134.00 and M.G.L. c. 23K.



Legal Division

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendment to [205 CMR 134.09: Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors](#). This amendment clarifies provisions regarding the handling of information and records pertaining to sealed and expunged records.

The amendment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth and is primarily governed by G.L. c.23K, §§16 and 30.

The proposed amendment applies directly to individuals applying for a gaming employee license or registration. Under G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:
As this amendment pertains solely to individuals applying for a gaming employee license or registration, no small businesses are subject to its directive.
2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:
There are no projected reporting, recordkeeping or administrative costs created by this amendment that would affect small businesses.
3. State the appropriateness of performance standards versus design standards:
These amendments do not implicate small businesses.
4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:



Massachusetts Gaming Commission

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth. This regulation is consistent with G.L. c.276.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

The proposed amendments to this regulation are not expected to encourage or deter the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

Shara N. Bedard
Paralegal

Dated: _____



Massachusetts Gaming Commission

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.01	
Regulation Title	Foreword	
<input type="checkbox"/> Draft Regulation		<input checked="" type="checkbox"/> Final Regulation
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal strikes duplicative language concerning racing appeals and directs readers to 205 CMR 101.02 which specifies all the details concerning appeals.
Nature of and Reason for the Proposed Action
(explain below)
This amendment refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out such duplicative language from this foreword.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 3.00: Harness Horse Racing (Refs & Annos)

205 CMR 3.01

3.01: Foreword

The Massachusetts Gaming Commission, hereinafter referred to as the Commission, was created by an act of the Legislature of the Commonwealth of Massachusetts in the year 2011. M.G.L. c. 23K as inserted by St. 2011, c. 194, § 16 and amendments, states that the Commission shall have full power to prescribe rules, regulations and conditions under which all harness horse races or harness horse racing meetings shall be conducted in the Commonwealth.

205 CMR 3.00 applies to all persons or individuals, associations or corporations, which shall hold or conduct any harness horse racing meeting within the Commonwealth of Massachusetts licensed by the Commission where harness horse racing shall be permitted for any stake, purse or reward and the definitions here given are to be considered in connection with the rules of harness horse racing and as a part of them.

All licensees and participants are charged with knowledge of 205 CMR 3.00. No licensee or other person shall engage in his or her occupation or trade at any Massachusetts harness horse race track without first reading the 205 CMR 3.00.

Should any question arise as to the meaning of any rule or regulation, the Commission or its representatives will be available to provide an explanation.

205 CMR 3.00 shall also apply to any participant in or patron of any such licensed meeting. In reading 205 CMR 3.00, unless the text otherwise requires, it shall be understood, without

constant reference thereto, that they apply only in the Commonwealth of Massachusetts.

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 3.00. Furthermore, it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 3.00. Any and all of 205 CMR 3.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions to any rule or rules in individual instances as in their judgement they may deem proper.

The Commission may rescind or modify any penalty or decision or infraction of the rules imposed or made by the racing officials.

M.G.L. c. 128A and 205 CMR 3.00 supersede the conditions of a race, or the regulations of a race meeting.

205 CMR 3.00 as promulgated by the Commission are supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A, any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission **in accordance with the provisions of 205 CMR 101.02.** ~~upon written notice to the Commission within ten days. At such hearing each party shall be given an opportunity to be represented by an attorney, to call and examine witnesses, to introduce exhibits, to cross examine witnesses who testify and to submit rebuttal evidence. The Commission shall make available upon request an official record of the hearing and a party may request and receive a transcript of such record upon payment to the Commission of the cost of such transcript. The Commission shall provide, in writing, its~~

~~decision along with findings of fact and conclusions of law.~~

-

~~Any person who does not agree with a final decision of the Commission shall be entitled to judicial review of such decision by filing a petition for review in Superior Court within 30 days after receipt of notice of the final decision of the Commission. The review shall be conducted by the court without a jury and in most instances, shall be confined to the record.~~

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

The Massachusetts Gaming Commission adopts the United States Trotting Association (USTA) Rules and Regulations as amended; and supplements those rules and regulations with 205 CMR 3.00.

In any situation where a conflict exists between the United States Trotting Association Rules and 205 CMR 3.00, 205 CMR 3.00 will govern. In any instance where a situation is not covered by the USTA Rules, 205 CMR 3.00 will govern and vice versa. The assessment of fines and suspensions shall be in the discretion of the Judges and the Gaming Commission.

The Massachusetts Administrative Code titles are current through Register No. 1392, dated May 31, 2019

Mass. Regs. Code tit. 205, § 3.01, 205 MA ADC 3.01

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.03	
Regulation Title	Appeal to the Commission	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal strikes duplicative language concerning racing appeals and directs readers to 205 CMR 101.02 which specifies all the details concerning appeals.
Nature of and Reason for the Proposed Action
(explain below)
This amendment refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out such duplicative language from this section.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations ^{Currentness}

Title 205: Massachusetts Gaming Commission

Chapter 3.00: Harness Horse Racing (Refs & Annos)

205 CMR 3.03

3.03: Appeal to the Commission

(1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission may be taken to the Commission- **consistent with the provisions of 205 CMR 101.02.**

-

~~(2) Such an appeal must be filed in writing at the office of the Commission within ten days of date of said penalty or imposition of said discipline.~~

-

~~(3) The request shall be signed by the person making it and must set forth his or her reason for believing he or she is entitled to a hearing.~~

-

~~(4) An applicant for a hearing will be heard in person and may be represented by counsel.~~

-

~~(5) All complaints and requests to the Commission must be in writing, and all papers filed with the Commission shall be the property of the Commission.~~

-

~~(6) An appeal from a decision of a racing official to the Commission shall not affect such decision until the Commission has acted upon the appeal unless otherwise ordered by a court of competent jurisdiction.~~

-

~~The Commission may vacate, modify or increase any penalty imposed by the Judges and said decision of the Commission shall be final.~~

~~The Massachusetts Administrative Code titles are current through Register No. 1392, dated May 31, 2019~~

~~Mass. Regs. Code tit. 205, § 3.03, 205 MA ADC 3.03~~

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.12	
Regulation Title	Judges	
<input type="checkbox"/> Draft Regulation		<input checked="" type="checkbox"/> Final Regulation
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal adds additional language concerning the objections to incidents that occur during races and the authority of Standardbred Racing Judges.
Nature of and Reason for the Proposed Action
(explain below)
This amendment provides details on the procedure for objections that arise out of incidents occurring during races. It further explains that the decisions by the racing judges concerning actions that occur during a race are not appealable.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 3.00: Harness Horse Racing (Refs & Annos)

205 CMR 3.12

3.12: Judges

(1) The Judges shall have the power to interpret 205 CMR 3.00 and to decide all questions not specifically covered by them, such decisions to be reported to the Commission within 24 hours.

(2) In matters pertaining to racing, the orders of the Judges supersede the orders of the officers and directors of the Association.

(3) The Judges shall have general supervision over owners, trainers, drivers, grooms and other persons attendant on horses, and also over all the other officials of the meeting.

(4) **Judges' Authority Concerning Race Objections.**

a. An objection to an incident alleged to have occurred during a race shall be received only when lodged with the Judges, by the owner, the authorized agent of the owner, the trainer or the driver of a horse engaged in the same race.

b. An objection following the completion of any race must be filed before the race results are declared official.

c. The Judges shall make all findings of fact as to all matters occurring during and incident to the completion of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final and shall not be appealable.

d. In the case of disqualification the Judges shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.

(45) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.

(56) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non-wagering races.

(67) The Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.

(78) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.

(89) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.

(910) The Judges shall occupy the Judges Stand, from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.

(1011) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.

~~(412)~~ When the Judges differ in their placing the majority shall prevail.

~~(4213)~~ The Judges shall make public their decision as promptly as possible.

~~(4314)~~ If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.

~~(4415)~~ The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.

~~(4516)~~ In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the respective noses of such horses.

~~(4617)~~ After the finish of the race all drivers shall report to the Judges' Stand. The Judges shall not declare the race official until each driver has had an opportunity to file a protest as to what occurred in the race.

~~(4718)~~ There shall be no alteration of placement after the sign "Official" has been purposely displayed, except as in provided in 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

~~(4819)~~ The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(1920) The Judges may suspend for no greater period than 180 days anyone whom they have authority to supervise, or they may impose a forfeiture, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. If the punishment to be imposed is not in the opinion of the Judges sufficient, they shall so report to the Commission.

The Massachusetts Administrative Code titles are current through Register No. 1392, dated May 31, 2019

Mass. Regs. Code tit. 205, § 3.12, 205 MA ADC 3.12

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.18	
Regulation Title	Racing Officials	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal adds a procedure concerning the recusal of racing judges for events over which they are officiating that involve a potential conflict of interest.
Nature of and Reason for the Proposed Action
(explain below)
This amendment provides details concerning when a racing judge should recuse themselves from overseeing a race and the potential conflicts of interest that may exist. It further provides for a procedure to move forward in the event that a racing judge recuses themselves.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 3.00: Harness Horse Racing (Refs & Annos)

205 CMR 3.18

3.18: Racing Officials

(1) Officials of a race meeting are as follows: Three Judges; Judge at the Start; Starter; Patrol Judges; Timer; Paddock Judge; Clerk of Course; Racing Secretary; Assistant Racing Secretary; Veterinarian; Mutuel Manager; Program Director; Placing Judges; Identifier; Marshall; and such other persons as the Commission may designate from time to time because of their importance in the actual conduct of racing.

(2) The Commission shall appoint two of the Judges.

(3) All other officials designated in 205 CMR 3.18(1) shall be appointed by the Association holding the meeting and licensed by the Commission, all appointments being subject to the approval of the Commission, which reserves the right to demand a change of personnel for what it deems good and sufficient reasons, the successor to official so replaced to be subject to the approval of the Commission.

(4) No one interested in the result of a race, either because of ownership of any horse entered or of his or her sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race. **This prohibition includes but is not limited to, a restriction on racing officials officiating over races in which any of the following individuals sharing a relationship with the racing official competes:**

(a) a spouse, domestic partner, or life partner;

(b) a member of the racing official's immediate family; or

(c) anyone for whom the racing official's objectivity in the performance of their duties could reasonably be questioned, unless that official has publically disclosed, in writing, the appearance of a conflict of interest to the Director of Racing in advance of the subject race and the Director of Racing has approved the disclosure of an appearance of a conflict of interest.

(5) In the event that one of the three racing judges seeks to recuse themselves from judging a race because of the involvement of an individual identified in section 4(a)-(c), it shall be that judge's obligation to secure an alternate racing judge for the judging of the race, or in the alternative, to confirm that the two remaining racing judges agree to proceed without the conflicted official. The selection of any alternate racing judge under these circumstances shall be subject to approval of the Director of Racing.

(6) No racing official or his or her assistants shall wager money or any other chattel of value on the result of any race at the meeting.

(7) No racing official or his or her assistants shall accept directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting.

(8) Racing officials, as designated in 205 CMR 3.18(1) and their Assistants, shall not directly or indirectly, for a commission or gratuity or otherwise, sell or buy at private sale for himself or another any standard bred horse, for the duration of the meeting; nor shall he or she solicit or have any interest in any business or endeavor which is peculiarly incidental to harness racing at the meeting at which he or she officiates; nor shall he or she write or solicit horse insurance for the duration of the meeting.

(9) Each racing official and his or her assistants shall report to the Judges all observed violations of 205 CMR 3.00.

(10) The Commission, may, at its discretion, require an eye test of any Judge or Patrol Judge, said test to be given by an agreed licensed optometrist. The test shall include particularly distance and color.

The Massachusetts Administrative Code titles are current through Register No. 1392, dated May 31, 2019

Mass. Regs. Code tit. 205, § 3.18, 205 MA ADC 3.18

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.29	
Regulation Title	Medications and Prohibited Substances	
<input type="checkbox"/> Draft Regulation		<input checked="" type="checkbox"/> Final Regulation
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 1/12/2018		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal formally adds a procedure that has been the practice concerning optional quarantine for horses that test positive for a TCO2 overage
Nature of and Reason for the Proposed Action
(explain below)
This amendment provides a written procedure for the quarantine option offered to trainers whose horses return a TCO2 overage. Quarantine has always been offered in these contexts and this regulation seeks to formally set out the parameters to reflect existing practice.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 3.00: Harness Horse Racing (Refs & Annos)

205 CMR 3.29

3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race; and
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

- (a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the ARCI

Uniform Classification Guidelines for Foreign Substances, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

(c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the *ARCI Uniform Classification Guidelines for Foreign Substances* in effect at the time of the violation shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2A) Multiple Medication Violations (MMV). A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the *ARCI Uniform Classification Guidelines for Foreign Substances*, or similar state regulatory guidelines, shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-controlled Substance
Class A	N/A	6
Class B	2	4

Class C	1/2 for first violation with an additional 1/2 point for each additional violation within 365 days [FN1]	one for first violation with an additional 1/2 point for each additional violation within 365 days
Class D	0	0

1. Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(a) The points assigned to a medication violation by the Stewards' or Commission's Ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in [205 CMR 6.29\(3\)\(d\)](#), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(b) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 3.00.

(c) Multiple positive tests for the same medication incurred by a trainer prior to delivery of

official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(d) The official ARCI record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(e) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 3.00 shall be imposed.

(f) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

(g) MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

1. Has had more than one medication violation for the relevant time period, and
2. Exceeds the permissible number of points.

(h) The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

1. The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.

2. The Stewards' or Commission's Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Steward or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

3. Points shall expire as follows:

Penalty Classification	Time to Expire
-------------------------------	-----------------------

A	three years
---	-------------

B

two years

C

one year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(3) Medication Restrictions.

(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;
2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;
3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling. Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

1. The name of the product;

2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;

3. The name of each patient (horse) for whom the product is intended/prescribed;

4. The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-steroidal Anti-inflammatory Drugs (NSAIDs). The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

1. Phenylbutazone. two micrograms per milliliter;

2. Flunixin. 20 nanograms per milliliter;

3. Ketoprofen. two nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs in the post-race serum or plasma sample is not permitted.

1. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5).

2. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 3.29(5). d

(d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(e) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide.

(a) In order for a horse to be placed on the Furosemide List the following process must be followed.

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the official veterinarian or his or her designee shall be notified, using the prescribed form, that the horse is to be put on the Furosemide List.

2. The form must be received by the official veterinarian or his or her designee by the time of entry.

3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

5. Furosemide shall only be administered on association grounds.

6. Furosemide shall be the only authorized bleeder medication.

7. The use of furosemide shall not be permitted in two year olds.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.

2. The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.

3. After treatment, the horse shall be required by the Commission to remain in the

proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

2. Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to 205 CMR 3.00 shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

(7) Bleeder List.

(a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:

1. First incident - 14 days;
2. Second incident - 30 days;
3. Third incident - 180 days;
4. Fourth incident - barred for racing lifetime.

(c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by 205 CMR 3.29(7).

(e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 3.29(7) shall be placed on a Bleeder List in this jurisdiction.

(8) Androgenic-anabolic Steroids (AAS).

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (i.e., not conjugated) substance or urine threshold concentrations (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):

1. Boldenone: 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;

2. Nandrolone: 1 ng/ml of total nandrolone in urine for fillies, mares, and geldings, or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine, in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.

3. Testosterone:

a. In Geldings. 20 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum;

b. In Fillies and Mares. 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(9) Alkalinizing Substances. The use of agents that elevate the horses TCO₂ or Base excess

level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited.

(a) The following levels also apply to blood gas analysis:

(a1) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum or a Base excess level of 10.0 millimoles, and;

(b2) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample or a Base excess level of 10.4 millimoles per liter of plasma/serum.

(b)

(1) If the level of TCO₂ is determined to exceed 37.0 millimoles per liter of plasma/serum plus the laboratory's measurement of uncertainty and the owner or trainer of the horse certifies in writing to the judges within 24 hours after the notification of the test results that the level is normal for that horse, the owner or trainer may request in writing that the horse be held in quarantine. If quarantine is requested, the licensed association shall make guarded quarantine available for that horse for a period of time to be determined by the steward or judges, but in no event for more than 72 hours.

(2) the expense to maintain the quarantine shall be borne by the owner or trainer.

(3) During quarantine, the horse shall be retested periodically by the commission veterinarian.

(4) The horse shall not be permitted to race during a quarantine period, but it may be exercised and trained at times prescribed by the licensed association and in a manner that allows monitoring of the horse by a commission representative.

(5) During quarantine, the horse shall be fed only hay, oats, and water.

(6) If the commission veterinarian is satisfied that the horse's level of TCO₂, as registered in the original test, is physiologically normal for that horse, the judges:

i. Shall permit the horse to race; and

ii. May require repetition of the quarantine procedure established in paragraphs

b(1)-(6) of this subsection to reestablish that the horse's TCO2 level is physiologically normal.

The Massachusetts Administrative Code titles are current through Register No. 1399, dated September 6, 2019.

Mass. Regs. Code tit. 205, § 3.29, 205 MA ADC 3.29

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 3.35	
Regulation Title	Adoption of United States Trotting Association Rules and Regulations	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input checked="" type="checkbox"/> New regulation (Please provide statutory cite requiring regulation): 205 CMR 3.35		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised):		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal moves existing language from the foreword of section 3 (205 CMR 3.01) to its own section.
Nature of and Reason for the Proposed Action
(explain below)
This regulation provides for a separate section clearly demonstrating the integration of the rules and regulations of the United States Trotting Association. This language was previously part of the foreword of this regulatory section and this new regulation serves to highlight this fact and make it easier to locate within the regulations.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input checked="" type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

205 CMR 3.35

3.35: Adoption of United States Trotting Association Rules and Regulations

The Massachusetts Gaming Commission adopts the United States Trotting Association (USTA) Rules and Regulations as amended; and supplements those rules and regulations with 205 CMR 3.00.

In any situation where a conflict exists between the United States Trotting Association Rules and 205 CMR 3.00, 205 CMR 3.00 will govern. In any instance where a situation is not covered by the USTA Rules, 205 CMR 3.00 will govern and vice versa. The assessment of fines and suspensions shall be in the discretion of the Judges and the Gaming Commission.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in [205 CMR 3.00: Harness Horse Racing \(Refs & Annos\)](#). Specifically, **205 CMR 3.01: Foreword** refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out such duplicative language; **205 CMR 3.03: Appeal to the Commission** refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out duplicative language; **205 CMR 3.12: Judges** provides details on the procedure for objections that arise out of incidents occurring during races and clarifies grounds for appeal; **205 CMR 3.18: Racing Officials** provides provisions concerning a judge’s recusal from overseeing a race and potential conflicts of interest that may exist; **205 CMR 3.29: Medications and Prohibited Substances** provides formal parameters for the quarantine option offered to trainers whose horses return a TCO2 overage; and **205 CMR 3.35: Adoption of United States Trotting Association Rules and Regulations** provides for a separate section clearly demonstrating the integration of the rules and regulations of the United States Trotting Association.

These amendments apply directly to Standardbred racing licensees and employees, as well as racing officials. Racing licensees consist of horse owners and trainers that can be small businesses, however these amendments are unlikely to impact small businesses of this nature.

Per G.L. c.30A §5, the Commission offers the following responses as to whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder the achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these amendments as they apply directly to Standardbred racing licensees and employees, and racing officials. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:



Massachusetts Gaming Commission

There are no schedules or deadlines for compliance or reporting requirements for small businesses created by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

These amendments do not impose any reporting requirements for small businesses.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

The amendments described are prescriptive in nature. They are appropriate because every participant should have access to a uniform regulatory process. The best way to ensure this uniformity is via prescriptive rule of procedure.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments apply solely to racing licensees and employees; therefore, they are not expected to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The proposed amendments are not likely to create any adverse impact on small businesses.

Massachusetts Gaming Commission
By:

Shara N. Bedard
Paralegal

Dated:



Massachusetts Gaming Commission

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 4.01	
Regulation Title	Foreword	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal strikes duplicative language concerning racing appeals and directs readers to 205 CMR 101.02 which specifies all the details concerning appeals.
Nature of and Reason for the Proposed Action
(explain below)
This amendment refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out such duplicative language from this foreword.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input checked="" type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 4.00: Rules of Horse Racing (Refs & Annos)

205 CMR 4.01

4.01: Foreword

The Massachusetts Gaming Commission, hereinafter called the Commission, was created by an act of the Legislature of the Commonwealth of Massachusetts in the year 2011. M.G.L. c. 23K as inserted by St. 2011, c. 194, § 16 and amendments states that the Commission shall have full power to prescribe rules, regulations and conditions under which all horse races or horse racing meetings shall be conducted in the Commonwealth.

205 CMR 4.00, applies to all persons or individuals, associations or corporations, which shall hold or conduct any running horse racing meeting within the Commonwealth of Massachusetts licensed by the Commission, where horse racing shall be permitted for any stake, purse or reward and the definitions here given are to be considered in connection with 205 CMR 4.00 and as a part of it.

All licensees and participants are charged with knowledge of 205 CMR 4.00. No licensee or other persons shall engage in his or her occupation at any Massachusetts running horseracing track without first reading 205 CMR 4.00.

Should any question arise as to the meaning of any rule or regulation, the Commission or its representatives will be available to provide an explanation.

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 4.00. Furthermore; it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 4.00.

Any and all of 205 CMR 4.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions or waive any rule or rules in individual instances as in its judgment it may deem proper.

The Commission may rescind, modify or increase any penalty or decision on infraction of the rules imposed or made by the racing officials.

The laws of the Commonwealth of Massachusetts and 205 CMR 4.00 supersede the conditions of a race, or the regulations of race meeting.

205 CMR 4.00 is supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission **in accordance with the provisions of 205 CMR 101.02.** ~~upon written notice to the Commission within ten days. At such hearing each party shall be given an opportunity to be represented by an attorney, to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify and to submit rebuttal evidence. The Commission shall make available upon request an official record of the hearing and a party may request and receive a transcript of such record upon payment to the Commission of the cost of such transcript. The Commission shall provide, in writing, its decision along with findings of fact and conclusions of law.~~

~~Any person who does not agree with a final decision of the Commission shall be entitled to~~

~~judicial review of such decision by filing a petition for review in Superior Court within 30 days after receipt of notice of the final decision of the Commission. The review shall be conducted by the court without a jury and, in most instances, shall be confined to the record.~~

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled *205 CMR 6.00 Pari-mutuel Rules for Horse Racing Harness Horse Racing and Greyhound Racing*.

The Massachusetts Administrative Code titles are current through Register No. 1395, dated July 12, 2019

Mass. Regs. Code tit. 205, § 4.01, 205 MA ADC 4.01

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 4.03	
Regulation Title	Appeal to the Commision	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal strikes duplicative language concerning racing appeals and directs readers to 205 CMR 101.02 which specifies all the details concerning appeals.
Nature of and Reason for the Proposed Action
(explain below)
This amendment refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out such duplicative language from this section.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations ^{Currentness}

Title 205: Massachusetts Gaming Commission

Chapter 4.00: Rules of Horse Racing (Refs & Annos)

205 CMR 4.03

4.03: Appeal to the Commission

(1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, may be taken to the Commission-**consistent with the provisions of 205 CMR 101.02.**

~~(2) Such an appeal must be filed in writing at the office of the Commission within ten days of date of said penalty or imposition of said discipline.~~

-

~~(3) The request shall be signed by the person making it and must set forth his reason for believing he or she is entitled to a hearing.~~

-

~~(4) An applicant for a hearing will be heard in person and may be represented by counsel.~~

-

~~(5) All complaints and requests to the Commission must be in writing, and all papers filed with the Commission shall be the property of the Commission.~~

-

~~(6) An appeal from a decision of a racing official to the Commission shall not affect such decision until the Commission has acted upon the appeal, unless otherwise ordered by a court of~~

~~competent jurisdiction. The Commission may vacate, modify or increase any penalty imposed by the Stewards and said decision of the Commission shall be final.~~

-

~~The Massachusetts Administrative Code titles are current through Register No. 1395, dated July 12, 2019~~

~~Mass. Regs. Code tit. 205, § 4.03, 205 MA ADC 4.03~~

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 4.30	
Regulation Title	Racing Officials	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/19/2013		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal adds a procedure concerning the recusal of stewards for events over which they are officiating that involve a potential conflict of interest.
Nature of and Reason for the Proposed Action
(explain below)
This amendment provides details concerning when a steward should recuse themselves from overseeing a race and the potential conflicts of interest that may exist. It further provides for a procedure to move forward in the event that a steward recuses themselves.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations Currentness

Title 205: Massachusetts Gaming Commission

Chapter 4.00: Rules of Horse Racing (Refs & Annos)

205 CMR 4.30

4.30: Racing Officials

(1) Officials at a race meeting include the following:

(a) stewards;

(b) racing secretary;

(c) horsemen's bookkeeper;

(d) paddock judge;

(e) horse identifier;

(f) clerk of scales;

(g) outrider;

(h) starter;

(i) timer/clocker;

(j) patrol judge, absent video replay equipment;

(k) placing judge;

(l) official veterinarian;

(m) racing veterinarian;

(n) any other person so designated by the Commission.

(2) The Commission shall appoint two of the Stewards. All other officials designated in 205 CMR 4.30(1) shall be appointed by the Association holding the meeting, all appointments being subject to the approval of the Commission, which reserves the right to demand a change of personnel for what it deems good and sufficient reasons. The successor to official so replaced to be subject to the approval of the Commission.

(3) No one interested in the result of a race, either because of ownership of any horse entered, or of his or her sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race. **This prohibition includes but is not limited to, a restriction on racing officials**

officiating over races in which any of the following individuals sharing a relationship with the racing official competes:

- (a) a spouse, domestic partner, or life partner;
- (b) a member of the racing official's immediate family; or

(c) anyone for whom the racing official's objectivity in the performance of their duties could reasonably be questioned, unless that official has publically disclosed, in writing, the appearance of a conflict of interest to the Director of Racing in advance of the subject race and the Director of Racing has approved the disclosure of an appearance of a conflict of interest.

(4) In the event that one of the stewards seeks to recuse themselves from judging a race because of the involvement of an individual identified in section 4(a)-(c), it shall be that steward's obligation to secure an alternate steward for the judging of the race, or in the alternative, to confirm that the two remaining stewards agree to proceed without the conflicted official. The selection of any alternate steward under these circumstances shall be subject to approval of the Director of Racing.

(45) No such racing official or his or her assistants shall wager money or any other chattel of value on the result of any race at the meeting.

(56) No such racing official or his or her assistants shall accept, directly or indirectly, any gratuity reward or favor in connection with racing at the meeting.

(67) No such racing official or his or her assistants shall, at the meeting, directly or indirectly, buy or sell any contract upon any jockey or apprentice jockey for himself or another.

(78) No such racing official or his or her assistants shall write or solicit horse insurance at the meeting.

(89) Each racing official and his or her assistants shall report to the Stewards all observed violations of 205 CMR 4.00.

(910) The Commission may, at its discretion, require an eye test of any Steward, Placing Judge or Patrol Judge, said test to be given by a licensed optometrist. The test to include particularly distance and color.

The Massachusetts Administrative Code titles are current through Register No. 1395, dated July 12, 2019

Mass. Regs. Code tit. 205, § 4.30, 205 MA ADC 4.30

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in [205 CMR 4.00: Rules of Horse Racing \(Refs & Annos\)](#). Specifically, **205 CMR 4.01: Foreword** refers readers to the specific regulatory section providing all the procedural and substantive details on appeals of decisions and strikes out duplicative language; **205 CMR 4.03: Appeal to the Commission** refers readers to the specific regulatory section providing procedural and substantive details on appeals of decisions and strikes out duplicative language; and **205 CMR 4.30: Racing Officials** provides provisions concerning a steward’s recusal from overseeing a race and potential conflicts of interest that may exist.

These amendments apply directly to Thoroughbred racing licensees and employees, and racing officials. As racing licensees consist of horse owners and trainers that can be small businesses, these amendments will impact small businesses of this nature.

Per G.L. c.30A §5, the Commission offers the following responses as to whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder the achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these amendments as they apply directly to Thoroughbred racing licensees and employees, and racing officials. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements for small businesses created by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:



Massachusetts Gaming Commission

These amendments do not impose any reporting requirements for small businesses.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

The amendments described are prescriptive in nature. They are appropriate because every participant should have access to a uniform regulatory process. The best way to ensure this uniformity is via prescriptive rule of procedure.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments apply solely to racing licensees and employees; therefore, they are not expected to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The proposed amendments are not likely to create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

Shara N. Bedard
Paralegal

Dated:



Massachusetts Gaming Commission

Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Justin Stempeck		
Alexandra Lightbown		
Overview		
CMR Number	205 CMR 101.02	
Regulation Title	Appeal to the Commision	
<input type="checkbox"/> Draft Regulation	<input checked="" type="checkbox"/> Final Regulation	
Type of Proposed Action		
✓ Please check all that apply		
<input type="checkbox"/> Retain the regulation in current form.		
<input type="checkbox"/> New regulation (Please provide statutory cite requiring regulation):		
<input type="checkbox"/> Emergency regulation (Please indicate the date regulation must be adopted):		
<input checked="" type="checkbox"/> Amended regulation (Please indicate the date regulation was last revised): 7/13/2018		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal updates timeline information concerning racing appeals and clarifies the nature of discovery in appeals involving racing medication violations
Nature of and Reason for the Proposed Action
(explain below)
This amendment adds language concerning the timeframes involved in filing racing appeals. It also simplifies the procedures concerning discovery in racing medication appeals by making the process more standardized.

Regulation Review Checklist

Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of proposed amendment to regulation, including repeals	<input type="checkbox"/> Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
<input type="checkbox"/> Text of statute or other legal basis for regulation	
<input type="checkbox"/> Small Business Impact Statement (SBIS)	<input checked="" type="checkbox"/> Amended SBIS

Code of Massachusetts Regulations ^{Currentness}

Title 205: Massachusetts Gaming Commission

Chapter 101.00: M.G.L. C. 23k Adjudicatory Proceedings (Refs & Annos)

205 CMR 101.02

101.02: Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division

(1) An aggrieved party may file a request for review of an order, decision, or civil administrative penalty issued by the Bureau, where applicable, relative to the interpretation or application of a statute, regulation, or other applicable authority, or order, decision, or forfeiture issued by the racing judges or stewards, other than those enumerated in [205 CMR 101.01\(2\)](#), with the clerk of the commission on a form provided by the clerk. A request for review shall not operate as a stay of the order, decision, or civil administrative penalty/forfeiture unless specifically allowed by the hearing officer upon motion of the aggrieved party. A request for a stay may be allowed at the hearing officer's discretion if one or both of the following two circumstances are present:

(a) 1. there is a likelihood that the party seeking the stay will prevail on the merits of the case; and

2. there is a likelihood that the moving party will be harmed irreparably absent a stay.

(b) 1. the consequences of the decision(s) to be made in the case are far-reaching;

2. the immediate impact upon the parties in a novel and complex case is substantial; or

3. a significant legal issue(s) is involved.

(2) All requests for review, aside from those for civil administrative penalties or an appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, must be filed no later than 30 days from the date of the order or decision. The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c. 23K, § 36 shall be filed within 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K § 36(e). The request for an appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission must be filed within ten days of the date of said penalty or imposition of said discipline.

In the case of the temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, § 35(e), a licensee shall be entitled to a hearing before a hearing officer within seven days after the suspension was issued.

(3) The request for review shall include:

(a). contact information of the party requesting review;

(b) contact information of counsel representing the party requesting review, if any;

(c) a specific description of the basis for the request for review. In the event that a temporary suspension has been issued in accordance with M.G.L. c. 23K, § 35(e), at its election, the licensee may include a request that the hearing be scheduled within seven days of the date of the issuance of the suspension. If the matter involves a civil administrative penalty, the request shall include a written statement denying the occurrence of any of the acts or omissions alleged by the Bureau in the notice, or assert that the amount of the proposed civil administrative penalty is excessive; and

(d) a copy of the order or fine that is the subject of the request for review.

(4) The failure of a party to provide a specific description of the basis for the request for review in accordance with [205 CMR 101.03\(3\)\(c\)](#) shall be grounds for dismissal of the request per the discretion of the hearing officer.

(5) Upon receipt, the clerk shall assign the request for review to a hearing officer and schedule the hearing. Mailing of notice to the address on record with the commission, or emailing the notice to the email address provided by the licensee or registrant on their application for licensure or registration shall be deemed satisfactory notice. The notice of hearing shall contain:

(a) The name of the petitioner; and

(b) The date, time and place of the hearing.

(6) Any adjudicatory hearing conducted under 205 CMR 101.02 may be closed to the public at the request of either party in order to protect the privacy interests of either party or other individual, to protect proprietary technical information including, but not limited to, software, algorithms and trade secrets, or for other good cause shown. Any such request may be opposed by the other party. The final determination rests in the sole discretion of the hearing officer.

(7) (a) Upon receipt of the appeal, the hearing officer shall, within ten days, schedule a telephone status conference with all parties. During the status conference the hearing officer shall:

1. Address any argument that the proceeding should proceed under [801 CMR 1.01](#): *Formal Rules*;

2. Establish a briefing schedule including deadlines for the filing of the petitioner's brief and providing for a reasonable amount of time for the respondent to file a reply brief;

3. Establish deadlines for the filing of a witness list and exhibit list at reasonable amount of time before the hearing date;

4. Establish a briefing schedule with respect to any anticipated motions including deadlines for the filing of the movant's brief and providing for a reasonable amount of time for the respondent to file a reply brief;

5. After completion of the status conference, the hearing officer shall issue a written order memorializing all deadlines and provide it to all parties.

(b) After the initial status conference, either party may file a brief explaining how they believe the matter should be decided including the specific relief requested. No late briefs shall be accepted without express permission of the hearing officer. No sur-reply briefs shall be accepted without express permission of the hearing officer. No brief shall be longer than 15 double-spaced pages without express permission of the hearing officer.

A party may request permission to file a brief longer than 15 pages. Such request shall be filed with the clerk who will forward it to the hearing officer for review. The request must be in writing and state the number of additional pages requested. It shall be up to the discretion of the hearing officer as to whether to grant such request. If the hearing officer grants a request for additional pages, the clerk shall forward the order of the hearing officer to all parties and all parties shall have the right to file such additional number of pages.

(8) With or without the submission of a brief, each party shall submit a copy of all written documentary evidence they intend to offer for consideration by the hearing officer as well as a list of all witnesses that the party intends to present at the hearing.

The documentary evidence and witness lists shall be provided on or before the date determined by the Hearing Officer during the initial status conference. Failure to submit a brief shall not preclude a party from submitting written evidence or calling witnesses to be considered by the hearing officer. Upon request, the petitioner shall be provided an opportunity in advance of the hearing to examine and copy the entire content of their case file and all other documents to be used by the commission, bureau, or racing division. All materials submitted to the clerk/hearing officer including, but not limited to, briefs, evidence and witnesses lists, shall be contemporaneously provided to the all other parties and their counsel via first-class mail or e-mail. Evidence or witnesses that are filed without providing reasonable notice to the opposing party may be precluded at the hearing officer's discretion.

(9) All requests for extensions of time to file a brief or to reschedule a hearing date shall be made in writing and filed with the clerk. No request for extension of time to file a brief or to reschedule a hearing shall be considered unless it is made at least seven days prior to the hearing date or briefing deadline. The clerk of the commission may issue orders on procedural and scheduling matters consistent with M.G.L. c. 23K and 205 CMR in order to further the efficient administration of the commission's hearings process. The clerk may provide an extension of time to file a brief or reschedule a hearing date in the clerk's discretion and for good cause shown. The clerk shall send the order granting an extension of time to file a brief or the rescheduling of a hearing date to all parties. Any order shall include the number of days granted for the extension of time or the new date for the rescheduled hearing. Absent extenuating circumstances, no hearing shall be rescheduled more than once.

In the event of the appeal of a decision by the Racing judges or stewards, if the petitioner fails to appear at the hearing, the Hearing Officer, after determining that the petitioner received proper notice of the hearing, shall dismiss the matter. In the event of a matter before the hearing officer concerning an action taken by the bureau, the bureau may proceed with a hearing before the Hearing Officer, even in the absence of the petitioner, after determining that the petitioner received proper notice of the hearing.

(10) Hearings held before the hearing officer pursuant to 205 CMR 101.02 shall be adjudicatory proceedings conducted in accordance with [M.G.L. c. 30A, §§ 10 and 11](#). All hearings shall be further held under 205 CMR 101.00, as applicable, and [801 CMR 1.02: Informal/Fair Hearing Rules](#) unless the applicant/petitioner makes a written request for a hearing under [801 CMR 1.01: Formal Rules](#). In that event the

hearing officer shall determine, based on the facts and circumstances of the matter, whether 801 CMR 1.01 or 1.02 will apply in order to ensure a fair outcome. Such determination shall be based on such factors as the complexity of the issues presented, whether all parties are represented by counsel, and similar considerations. Conflicts between 801 CMR 1.01 or 1.02 and 205 CMR 101.00 shall be resolved in favor of 205 CMR 101.00. If the hearing officer grants a request that a hearing be held pursuant to 801 CMR 1.01 Formal Rules, the provisions of 801 CMR 1.01 (1), (2), (3), (5), (6), (11) and (14) shall not apply.

(11) (a) There shall be no motions or formal discovery allowed in hearings under 205 CMR 101.02 ~~205 CMR 101.03 and 101.04~~ unless, upon the request of a party and for good cause shown, the hearing officer allows such motions or formal discovery request to be served. In the event that motions or formal discovery are allowed by the hearing officer, the hearing officer shall also set forth a reasonable schedule for responding to such motions or discovery requests.

(b) In the event that the hearing concerns an appeal from a decision of the Racing Judges involving a violation of 205 CMR 3.29, 205 CMR 101.02(11)(a) shall not apply and the formal discovery (beyond those documents submitted by the Racing Division in support of its decision) shall be limited to the production of the Laboratory Documentation package of the Commission approved laboratory. The Laboratory Documentation Package shall comply with industry best practices as established by the Racing Medication and Testing Consortium's Laboratory Accreditation Requirements and Operating Standards, Appendix C.

(12) A written transcript or electronic record of each hearing shall be created and all witnesses presenting testimony shall be sworn to testify under oath.

(13) In addition to the duties and powers of the hearing officer under 801 CMR 1.02(10)(f), the hearing officer shall make all factual and legal findings necessary to reach a decision, including evaluating the credibility of all witnesses and evidence presented. The hearing officer may ask questions of a party or a witness at the hearing. The hearing officer can request additional information from any party and may recess or continue the hearing to a later date. Any party to such a hearing shall be entitled to issue subpoenas as approved by the hearing officer in compliance with 205 CMR 101.02(11) and in accordance with M.G.L. c. 30A, § 12(3). The hearing officer may

request a post-hearing brief from the parties and shall determine the page limit for such brief and the time by which it must be submitted. The parties may request leave of the hearing officer to submit a post-hearing brief as long as such a request is made within ten days of the hearing.

(14) The standard of review of an order or fine issued by the bureau or the racing division shall be the substantial evidence standard unless a different standard is required by M.G.L. c. 23K or M.G.L. c. 128A or M.G.L. c.128C. The hearing officer shall conduct a review of the matter, making findings of fact and conclusions of law to render a decision. The hearing officer shall affirm the order issued by the bureau or the racing division if there is substantial evidence to support it.

(15) The hearing officer shall issue a written decision as soon as administratively feasible after the close of the hearing. The written decision shall include findings of fact and conclusions of law and shall clearly state the basis for the hearing officer's decision. The hearing officer shall file its decision with the clerk. The decision of the hearing officer shall be the final decision of the commission unless a request for appeal to the commission is filed by a party to the proceeding within 30 days of the date of the hearing officer's decision. In the event of a timely filed appeal of a civil administrative penalty to the commission, payment of any such penalty shall be stayed through the final decision by the commission.

(16) The clerk shall send a copy of the decision to all parties and shall include with the decision a letter stating that a party may request appeal of the hearing officer's decision by the commission and describing the process for requesting an appeal by the commission.

(17) The hearing officer is authorized to certify any matter directly to the commission. The exercise of such authority will generally be reserved for matters of first impression or those which present extraordinary or unique circumstances. Either party may also request that the hearing officer certify such a matter for commission review. The commission may accept and review the matter or may remand the matter to the hearing officer. In the event that the commission accepts the matter, such hearings will be conducted in accordance with 205 CMR 101.02 in which the commission will

perform the hearing officer's functions. Appeals of such decisions may be taken in accordance with M.G.L. c.30A in lieu of [205 CMR 101.03](#).

The Massachusetts Administrative Code titles are current through Register No. 1392, dated May 31, 2019

Mass. Regs. Code tit. 205, § 101.02, 205 MA ADC 101.02

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.



Legal Division

AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed amendments in [205 CMR 101.00: Adjudicatory Proceedings](#). Specifically, **205 CMR 101.02: Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division** adds language concerning the timeframes involved in filing racing appeals. It also simplifies the procedures concerning discovery in racing medication appeals by making the process more standardized.

These amendments apply directly to racing licensees and employees. As racing licensees consist of horse owners and trainers that can be small businesses, these amendments will impact small businesses of this nature.

Per G.L. c.30A §5, the Commission offers the following responses as to whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder the achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these amendments as they apply solely to racing licensees and employees. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

There are no schedules or deadlines for compliance or reporting requirements for small businesses created by this amendment.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

These amendments do not impose any reporting requirements for small businesses.



Massachusetts Gaming Commission

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed legislation:

These amendments do not implicate a need for small businesses to alter their design or operational standards.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

These amendments apply solely to racing licensees and employees; therefore, they are not expected to deter or encourage the formation of new businesses in the Commonwealth.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

The proposed amendments are not likely to create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

Shara N. Bedard

Paralegal

Dated:

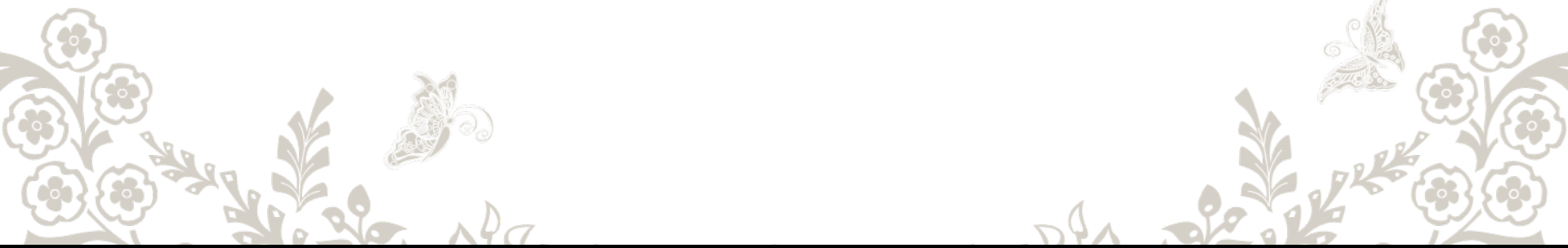


Massachusetts Gaming Commission

QUARTERLY REPORT UPDATE



January 9, 2020
ENCORE BOSTON HARBOR





Compliance



COMPLIANCE: MINORS PREVENTED FROM GAMING



Month	Minors ¹ Intercepted on Gaming Floor and Prevented from Gaming*
June (23-30)	29
July	38
August	36
September	25
Total	128

***During the Third Quarter, more than 2,500 minors were prevented from entering the gaming floor by security personnel.**

¹For purposes of this Quarterly Report Update, “minor” shall mean a person under 21 years of age.

COMPLIANCE: MINORS INTERCEPTED GAMING

Month	Minors Intercepted Gaming at Slot Machines	Minors Intercepted Gaming at Tables	Minors Intercepted Consuming Alcohol	Number of IDs NOT Checked that Resulted in Minor on Gaming Floor	Number of Fake IDs Provided by Minors that Resulted in Minor on Gaming Floor
June (23-30)	10 (100%)	0 (0%)	0	8	0
July	10 (90.9%)	1 (9.1%)	0	8	2
August	6 (42.9%)	8 (57.1%)	0	4	10
September	1 (16.7%)	5 (83.3%)	5	2	4
Totals	27 (65.9%)	14 (34.1%)	5	22	16

- Average length of time spent on casino floor by minors was 1 hour, 12 minutes.
- Longest length of time spent on casino floor by a minor was 3 hours, 29 minutes
- Shortest length of time spent on casino floor by a minor was 2 minutes.



Operating Spend



DIVERSITY SPEND - 3RD QUARTER 2019



Diversity Category	Amount of Spend	Percentage of Total Spend ¹	Annual Goal
Women’s Business Enterprise	\$6,125,158.55	13%	14%
Minority Business Enterprise	\$3,176,458.31	7%	8%
Veteran’s Business Enterprise	\$499,444.91	1%	3%
Total	\$9,801,061.77	21%	N/A

¹The “Total Spend” referenced herein is \$47,295,643.47.

\$23,342,988.35 or **49.4%** of the
\$47,295,643.47 total spend in 3rd
Quarter 2019 was attributable to
businesses in Massachusetts.



Employment



EMPLOYMENT¹: ALL EMPLOYEES



Employee Category	Total of Employees in Category	Actual Percentage of Total Employees	Percentage Goal
Minority	2,494	54%	40%
Veteran	148	3%	3%
Women	2,029	44%	50%
Local²	4,050	87%	75%

¹ Employee figures referenced in this slide were current as of November 12, 2019.

² "Local" as used herein means within 30 miles of Encore Boston Harbor.

EMPLOYMENT¹: SUPERVISOR AND ABOVE

Employee Category	Total of Employees in Category	Actual Percentage of Total Supervisory Employees and Above	Percentage Goal
Minority	348	51%	40%
Veteran	37	5%	3%
Women	271	40%	50%

¹ All employee figures referenced in this slide were current as of December 30, 2019.

QUESTIONS?





TO: Chair Judd-Stein and Commissioners Cameron, O'Brien, Stebbins and Zuniga
FROM: John Ziemba and Joseph Delaney
CC: Edward Bedrosian, Executive Director
Karen Wells, Director, Investigation and Enforcement Bureau
DATE: January 6, 2019
RE: Encore Boston Harbor Section 61 and Operations Certificate Conditions Status

This memorandum provides an update to the June 26, 2019 and October 7, 2019 memoranda submitted to the Commission regarding the status of the Encore Boston Harbor ("Encore") project with respect to the MGC Section 61 Findings and the conditions placed on the final operation certificate for the construction period.

All of the items that were listed in the previous memos as Section 61 Items have been completed. There are still several items in the commitment tracking system that have not been closed out. There are three main areas where some additional work is necessary:

- **Environmental Impact Report Compliance Items** – MGC required that the project comply with specific chapters and tables outlined in the various MEPA documents. For the most part, these mitigation measures were included in the Section 61 Findings issued by the permitting agencies. Due to the voluminous nature of these sections and the fact that the project evolved over the course of design and construction, cross referencing such items has proven to be very time consuming. We feel confident the project requirements have been met by virtue of the level of oversight during the project construction and the documentation provided on the Section 61 Findings. However, we continue to work with Encore to review these sections and, if issues are identified, request backup documentation to justify project changes.
- **Greenhouse Gas Self-Certification** – MEPA, MGC, MassDOT and MassDEP all required the submission of a greenhouse gas self-certification 90 days after the project opening. Encore submitted a certification to MEPA shortly after the project opening. After reviewing the submission, it appears that the required backup documentation may not have been submitted along with the certification, which includes as-built drawings, etc.



Massachusetts Gaming Commission

We are working with Encore to ensure that MEPA receives all the necessary documentation that is required.

- **DCR Connector** – There are several punch list items on the DCR connector that were not completed before winter set in that will need to be done in the spring. These primarily involve some additional loaming and seeding to fully stabilize the site. Once these are done, this project can be closed out with the Everett Conservation Commission and the Chapter 91 License.





TO: Chair Judd-Stein, Commissioners Cameron, O'Brien, Stebbins, and Zuniga, Jill Griffin, Director of Workforce, Supplier and Diversity Development;
FROM: Crystal Howard, Program Manager of Workforce, Supplier and Diversity Development
CC: Ed Bedrosian, Executive Director
DATE: January 8, 2020
RE: Casino Industry Impact Report 2018

Overview

As we leave year 2019 it's important to look back to review the impacts of the previous year. In the Casino Industry Impact Report 2018, Massachusetts Gaming Commission (MGC) staff sought to capture the annual impact of the casino industry on career and business opportunities for residents of the Commonwealth with a particular focus on diverse populations.

As you are aware, in 2018, Plainridge Park Casino had been open for two years while the other two casinos were under construction. MGM opened its doors in August of 2018 while Encore Boston Harbor's massive construction project was still underway. Both the operations and construction phases of the three casinos contributed significantly to the workforce opportunities and economic impacts for Massachusetts residents and business owners, as well as minority, veteran, and woman employees and business owners.

We thank our licensee's Encore Boston Harbor, MGM Springfield and Plainridge Park Casino for providing the data compiled for this report during some very busy times for them. We look forward to collecting the 2019 information in the months ahead.

Highlights of 2018

- 73% of construction and operational jobs went to Massachusetts residents in 2018.
- 12,000 individuals found work in 2018 as a result of casino construction/operations compared with over 7,000 individuals in 2017.
- Almost 9,000 Massachusetts residents were employed in 2018; compared with 473 MA residents in 2017.
- In 2018 casino industry paid more than \$385 million in wages; more than \$299million in wages went to MA residents as a result of the new casino industry



Massachusetts Gaming Commission

- Over \$1.2 Billion spent with Massachusetts businesses in 2018; 72% of the construction and operations spend benefitted MA businesses. That's \$1.1 billion of construction and \$17.8 million of operating spend to Massachusetts businesses.
- MGC spent over \$1 million to support workforce and diversity initiatives to aid in training, connecting unemployed and underemployed individuals to the industry; and providing technical assistance to small business owners to assist them in becoming casino vendors.

Flashback to 2017

- In 2017 over 7,000 individuals found work related to the casino industry including 6,329 in construction and 716 in operations of a casino
- Of those who found permanent employment in the Casino industry 2/3 were Massachusetts residents
- Massachusetts resident's wages amounted to \$18.7 Million. That's 77% of total wages paid by the casinos.
- \$618 Million was spent with Massachusetts businesses in 2017.

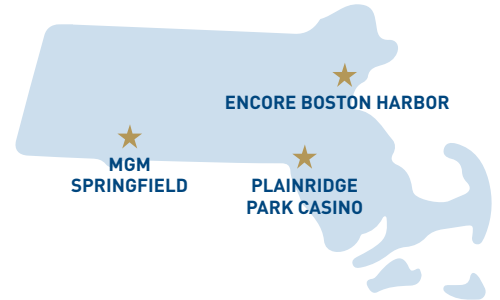


CASINO INDUSTRY IMPACT REPORT 2017

WORKFORCE, BUSINESS, AND DIVERSITY IMPACTS

OVERVIEW

In 2017, Plainridge Park Casino had been operating over a year, having opened June 2015. MGM Springfield and Encore Boston Harbor had both broken ground and were under construction. Both the operations and construction phases of the three casinos contributed significantly to the workforce opportunities and economic impacts for Massachusetts residents and business owners, as well as minority, veteran, and woman employees and business owners.



INDUSTRY JOBS IMPACT

JOB CREATION The impact the casinos had on the workforce during 2017.



2017 Construction*
6,329 JOBS

+



2017 Operations*
716 JOBS

=

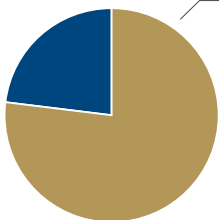
OVER 7,000

people found work within the industry

* 2017 Construction: During 2017, both MGM Springfield and Encore Boston Harbor were under construction. * 2017 Operations: Inclusive of all 3 licensees, although MGM and EBH had not yet opened.

MA RESIDENT WAGES*

OVER \$18.7 MILLION



That's over **77%** of the
\$24,380,083
total wages paid

MA EMPLOYMENT

The total number of permanent employees (not including construction) who were living in MA upon hire.



473
MA residents
employed out of
716
Total jobs

* MA Resident Wages reported for casino operations salaries/benefits only. Not inclusive of wages paid out to construction workforce.

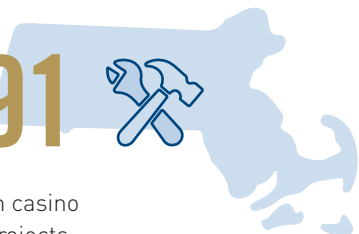
INDUSTRY JOBS IMPACT CONT.

CONSTRUCTION EMPLOYMENT

4,891



MA residents on casino construction projects



OVER 2.6 MILLION
TOTAL PROJECT HOURS LOGGED IN 2017

That's over **51,000** hours per week!

WORKFORCE DIVERSITY With one casino operational and two under construction, 80% of permanent casino employees and 34% of the construction project workforce were composed of minorities, veterans and women.

Operations



576

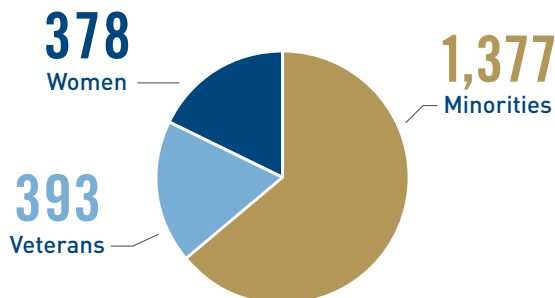
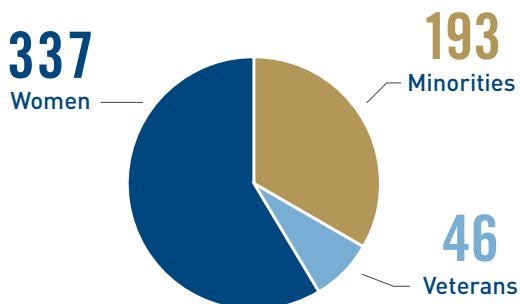
Minorities, Veterans and Women working in casinos

Construction



2,148

Minorities, Veterans and Women on construction projects



INDUSTRY ECONOMIC IMPACT ON BUSINESS

MA VENDOR/SUPPLIER SPEND The impact on local businesses serving the casino industry.

OVER \$617.7 MILLION
SPENT WITH MA BUSINESSES IN 2017

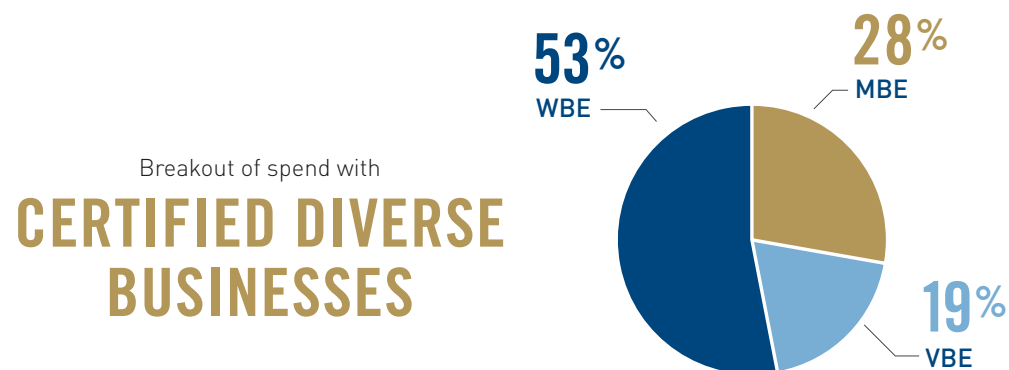


INDUSTRY IMPACT ON DIVERSE-OWNED BUSINESS

DIVERSE VENDOR SPEND Casino spending with minority-owned (MBE), veteran-owned (VBE), and woman-owned (WBE) businesses.



OVER \$174.8 MILLION SPENT WITH DIVERSE [MBE/VBE/WBE] VENDORS/SUPPLIERS IN 2017



PROGRAMMING IMPACTS

SUPPORT FOR WORKFORCE AND DIVERSITY INITIATIVES

MGC provides grants, sponsorships and other funding to organizations in support of diversity and workforce development.



\$347,109 TOTAL FUNDING BY MGC IN 2017

Organizations
Supported

12

Grants

\$207,000

Campaign for
Women in Construction

\$125,000+

Diversity Programs and
Event Sponsorships

\$14,000+

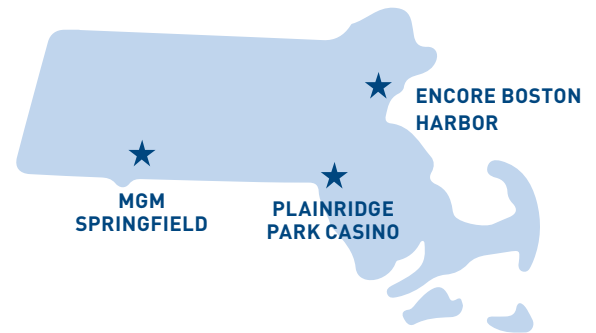


CASINO INDUSTRY IMPACT REPORT 2018

WORKFORCE, BUSINESS, AND DIVERSITY IMPACTS

OVERVIEW

For most of the year, two casinos were still under construction. In August 2018, MGM Springfield (MGM) became the second casino to open its doors. Plainridge Park Casino (PPC) had been open for over two years. Encore Boston Harbor (EBH) remained under construction. Both the operations and construction phases of these three properties contributed significantly to the workforce opportunities and economic impacts for Massachusetts residents and business owners. Additionally, the industry's development had positive outcomes for minority individuals, women and veterans—both workers and business owners.



INDUSTRY JOBS IMPACT

JOB CREATION

Total Employment

2018 Construction*

7,733 JOBS

2018 Operations*

+ 4,247 JOBS



MA Employment

2018 Construction*

6,041 JOBS

2018 Operations*

+ 2,824 JOBS

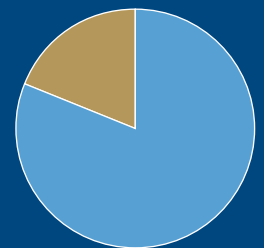
NEARLY
12,000

individuals employed

8,865

MA RESIDENTS

working



73%

of construction and casino
operations employees are
MA residents

*Construction: Both EBH and MGM were under construction (MGM for 8 months)

**Operations: Inclusive of all 3 licensees, although EBH was not yet open

INDUSTRY JOBS IMPACT (continued)

WAGES

2018 Construction* + 2018 Operations* = **\$385M+**
\$308,003,692 + **\$77,090,218**

MA WAGES

2018 Construction* + 2018 Operations* = **\$299M+**
\$244,033,027 + **\$55,420,444**

*Construction: Both EBH and MGM were under construction (MGM for 8 months)

**Operations: Inclusive of all 3 licensees, although EBH was not yet open

CONSTRUCTION PROJECT HOURS

4M+ 

TOTAL HOURS WORKED IN 2018

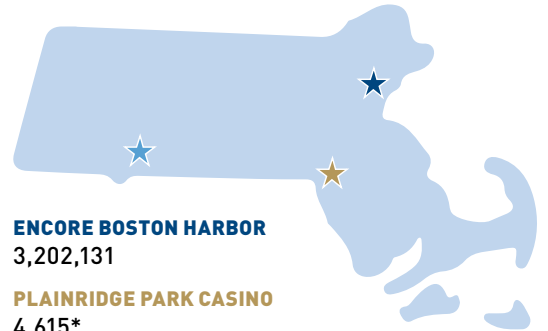


MA residents
3.4M HOURS



minority, veterans and women
1.5M HOURS

TOTAL WORK HOURS PER PROJECT SITE



ENCORE BOSTON HARBOR
 3,202,131



PLAINRIDGE PARK CASINO
 4,615*

MGM SPRINGFIELD
 1,164,269

*Renovation/expansion project

WORKFORCE DIVERSITY

5,891 TOTAL MINORITIES, VETERANS AND WOMEN WORKING

	MINORITY	VETERANS	WOMEN	TOTALS
 CONSTRUCTION	1,866	387	490	2,474
 OPERATIONS	2,223	247	2,015	3,417

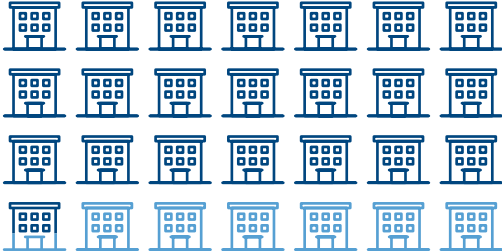
INDUSTRY ECONOMIC IMPACT ON BUSINESS

MA VENDOR/SUPPLIER SPEND

The impact on local businesses serving the casino industry.

OVER \$1.2 BILLION
SPENT WITH MA BUSINESSES IN 2018


72% of the construction and operations (goods/services) spend benefitted Massachusetts businesses




Construction spend locally

72% / \$1.19B

More than 72% of the contract dollars were awarded to MA businesses



Operations spend locally

55% / \$17.8M

Nearly 55% of operating dollars went to MA businesses

INDUSTRY IMPACT ON DIVERSE-OWNED BUSINESS

DIVERSE VENDOR SPEND

Casino spending with certified minority-owned [MBE], veteran-owned [VBE] and woman-owned [WBE] businesses.

\$236.7M SPEND WITH DIVERSE VENDORS

■ DESIGN/CONSTRUCTION ■ OPERATIONS



PROGRAMMING IMPACTS

SUPPORT FOR WORKFORCE AND DIVERSITY INITIATIVES

MGC provides grants and other financial support to organizations that aid in training, educating and connecting unemployed and underemployed individuals to the industry, and providing information and technical assistance to small business owners to assist them in becoming casino vendors. In 2018, that included the Build a Life That Works tradeswomen recruitment campaign, the Community Mitigation Fund workforce grants and other programming.



OVER \$1 MILLION TOTAL FUNDING BY MGC IN 2018

Organizations
Supported

12

Grants

\$961,982

Campaign for
Women in Construction

\$25,000

Diversity Programs and
Event Sponsorships

\$16,000