



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #279**

October 10, 2019  
10:00 a.m.

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



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
October 10, 2019**

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, October 10, 2019  
10:00 a.m.  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA**

**PUBLIC MEETING - #279**

1. Call to order
2. Approval of Minutes
  - a. September 26, 2019 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
  - a. General Update
  - b. 2020 Racing Applications
4. Commissioner's Updates
  - a. Plainridge Park Casino License Renewal Process Discussion – Commission O'Brien, Commissioner Zuniga and Todd Grossman Deputy General Counsel – **VOTE**
5. Ombudsman – John Ziemba
  - a. 2020 Community Mitigation Fund Policy Questions Review
  - b. Local Community Mitigation Fund Advisory Committee and Sub-Committee Appointments – **VOTE**
  - c. Encore Boston Harbor 90 Day Commitments – J. Delaney, Construction Project Oversight Manager
6. Research and Responsible Gaming – Mark Vander Linden, Director
  - a. Category 1 Licensees Play Management Update – K. Jagroop-Gomes, Chief Information Officer and S. Helwig, Gaming Technical Compliance Manager



**Massachusetts Gaming Commission**

7. Workforce, Supplier and Diversity Development – Jill Griffin, Director
  - a. Construction Diversity Best Practices Report
  - b. Holyoke Community College Workforce Grant Request – J. Ziembra, Ombudsman - **VOTE**
  
8. Finance Division – Derek Lennon, Chief Financial and Accounting Officer
  - a. Massachusetts Gaming Commission FY19 Budget Closeout – A. Beaulieu, Finance and Budget Office Manager
  
9. Legal Division – Catherine Blue, General Counsel
  - a. Initial Draft Version of an amendment to 205 CMR 133.05: Voluntary Self-Exclusion; and Small Business Impact Statement – **VOTE** to begin the promulgation process
  - b. Initial Draft Version of several amendments to 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; and Small Business Impact Statement – **VOTE** to begin the promulgation process
  
10. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

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

10.07.19  
Date

Cathy Judd-Stein  
Cathy Judd-Stein, Chair

**Date Posted to Website:** October 7, 2019 at 4:00 p.m.



Massachusetts Gaming Commission



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** September 26, 2019 – 10:00 a.m.

**Place:** MassMutual Center  
1277 Main Street, Rooms 1 & 2  
Springfield, MA 01103

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

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



### **Call to Order**

See transcript pages 1 – 2

[10:00 a.m.](#) Chair Cathy Judd-Stein called to order public meeting #278 of the Massachusetts Gaming Commission.

### **Approval of Minutes**

See transcript pages

*Commissioner Stebbins moved to approve the minutes from the Commission meeting of September 12, 2019, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien requested an edit to her language on page four, as well as adding a request that she had made in the IEB segment. Commissioner Zuniga asked for a typographical correction. Commissioner Zuniga seconded the motion. The motion passed 4 – 0, pending the requested edits, with Commissioner Cameron abstaining.*

## **Administrative Update**

See transcript pages 2 – 3

### 10:09 a.m.      **General Update**

Executive Director Ed Bedrosian updated the Commission regarding the open job positions that he mentioned in the last Commission meeting. He informed the Commission that staff is working to fill those positions and that hiring is progressing at the appropriate pace.

### **MGM Springfield (“MGM”) Request for Amendment to Gaming Beverage License**

Mr. Bedrosian summarized MGM’s request to amend their Gaming Beverage License. The change would indicate the allowance of alcoholic beverages to be served in an alcoholic beverage and food dispensing area for use by VIP guests, by a VIP Lounge Server via the Smart Bar located in the back of the house. He noted that the Commission would register this employee as a Service Employee, and the alcoholic beverages would be stored in a designated area in the back of the house. If approved, this amendment to the Gaming Beverage License will bring MGM Springfield’s alcoholic beverage areas licensed to a total of 24.

Anthony Caratozzollo, Vice President of Hospitality at MGM Springfield, confirmed to the Commission that the door to this area would be locked at all times, and restricted to only MGM’s high-end guests. These select guests would be issued a separate RFID card into the space.

10:13 a.m.      *Commissioner Stebbins moved that the Commission approve the amendment to the Gaming Beverage License issued to Blue Tarp reDevelopment LLC, d/b/a MGM Springfield as described in the Memorandum from Bill Curtis, Licensing Manager dated September 23, 2019, and the Amended Gaming Beverage License Application, both included in the September 26, 2019 Commission packet. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

## **Ombudsman**

See transcript pages 3 – 39

### 10:14 a.m.      **MGM Springfield Quarterly Report**

Ombudsman John Ziemba stated that staff asked MGM to update the Commission on the status of its commitment to provide 54 units of market-rate housing within one-half mile of the casino. He conveyed that the staff has continued to monitor the progress of the 31 Elm Street project. He added that MGM Springfield has not reported any material event that would significantly impact its commitment to moving forward.

Mike Mathis, CEO and President of MGM Springfield played a video for the Commissioners that was shown at MGM's first anniversary, displaying images of some of the events that took place over the past year.

Mr. Mathis then reviewed slides with the Commissioners that highlighted headliners and entertainment programs. He noted that MGM has joined with the Murphy Boxing Promotional Group. Next, he described their efforts to activate the outdoor space, as well as accommodate customers via feedback surveys.

Mr. Mathis stated that MGM now has stadium gaming, also called dealer-assisted electronic gaming. He described that it is the first of its kind in the region and has been very successful, and added that this new technology meets all the strict standards of the regulations.

He reported that one of the extraordinary results from that weekend was the MassMutual Center earning over \$1M of ticketed revenue from the Aerosmith show. This set a record for the venue.

Next, Mr. Mathis covered gaming revenue for the quarter. The slide showed that the casino is close to the \$20M mark on monthly gaming revenue. He later made note that the gaming revenue numbers can be misleading because they do not account for the volume of customers spending money throughout the entire facility. He then reviewed the Q2 2019 gaming revenue and taxes, lottery sales, and noted that jackpot winners originated from out-of-town as well as locally.

Daniel Miller, Director of Compliance at MGM Springfield, reviewed slides regarding minors intercepted on the gaming area, intercepted while gaming, and intercepted consuming alcohol. He noted that the percentages are low and that the casino is getting close to 0% minors on the floor.

[10:46 a.m.](#)

The Chair asked if MGM's numbers would be continuing to trend in the right direction when they submit the next quarterly report to the Commission. Mr. Miller replied that although he is unsure of the exact numbers for this quarter, MGM is trending in the right direction.

MGM has revised its podium entrances recently to include a new [Veridocs](#) system that identifies any fraudulent identification cards. The system has proven to be exceptional, eliminating the risk of any human error.

Ryan Geary, Director of Finance Operations at MGM Springfield, provided the Commission with an overview of the casino's Q2 2019 Diversity Spend. He analyzed diverse and non-diverse spending and advised that there could be another full percentage point if the other businesses that are classified as diverse were registered according to the commission's new regulations. He then added that MGM is committed to a comprehensive supplier diversity program.

Tiffany Cutting, Vice President of Business Development with C&D Electronics, described the role of C&D Electronics as a vendor with MGM Springfield during the construction phase, as well as transitioning to the operational stage. She stated that her company has grown because of this opportunity and through the connections she has made.

Mr. Geary continued the slide presentation, reporting on Q2 2019 Operating Spend. He then addressed the Chair's request for more detail regarding non-local spend, stating that there are many non-biddable expenses, such as health insurance, gaming equipment, marketing expenses, and entertainment, that they try to prioritize for local and diverse businesses.

The next slide described vendor outreach efforts. Commissioner Stebbins urged Mr. Geary to share any feedback from individuals that he worked with that would be helpful to Ms. Griffin and the licensing team. Commissioner Stebbins recognized that MGM is reaching out, trying to find connections, and commended Mr. Geary and his team on their efforts. Mr. Geary stated that so far, he has not received much feedback. There is only one local woman-owned business, and MGM is working with her to obtain her certification. Commissioner Stebbins then offered that Ms. Griffin and her team can assist MGM in its effort to gain WBE, MBE, and VSE numbers.

Marikate Murren, Vice President of Human Resources for MGM Springfield, first presented a video. She named Amanda Gagnon and Louis Rivera as successful employees who have been promoted at the casino and emphasized MGM's commitment to keeping talented employees in western Massachusetts.

Next, Ms. Murren provided the Commission with an update and slide presentation illustrating employment numbers for Q2. She reviewed slides that described MGM's hiring goals, showing that most have been met and exceeded.

[11:16 a.m.](#) Commissioner Cameron advised Ms. Murren to provide the Commission with statistics regarding employee residency in Springfield, indicating any fluctuation of those numbers over time. The Commissioner expressed her concern that what happened in Atlantic City - many people left the city after securing employment at casinos - could happen in Springfield. Ms. Murren responded that they had not seen that scenario so far. MGM continues to work cross-collaboratively with the Mayor and Kevin Kennedy to ensure that economic development does happen in Springfield to provide market-rate housing. Ms. Murren will investigate and try to gather those numbers for the Commission.

The Chair addressed a request from MGM employees for more part-time opportunities and pondered if reducing some employee's full-time statuses to part-time might create room for more full-time opportunities. She asked for additional statistics. Ms. Murren replied that next quarter, she will provide



attrition by shift and break it down by division. The Chair noted a 1% drop in full-time employees for MGM currently.

Ms. Murren then reported that the employee turnover rate is at 40%. She stated that candidates have been dropping out while waiting for the background check procedure to complete. MGM is working on fine-tuning this process.

11:26 a.m.

Regarding the employee turnover, Commissioner Cameron asked for feedback from employee exit interviews. Ms. Murren and Mr. Mathis noted some challenges that MGM continues to face with employees and stated that MGM is launching a new mentoring program to combat attrition.

Mr. Mathis reported that many employees are forced to drop to part-time status because maintaining full-time work status will cause them to lose their state public assistance benefits. He stated that there needs to be a resolution to this problem. Ms. Murren then stated that MGM could work with the Commission, to volunteer Springfield and perhaps western Massachusetts for any pilot program regarding a potential tiered benefits system.

Next, Ms. Murren highlighted continued employee recruitment efforts, partnering with universities and colleges in the area. She stated that she is going to create a hiring event focusing on food and beverage job positions with Jason Randall, Director of Human Resources for MGM Springfield.

Mr. Mathis then introduced Drew Killen as MGM Springfield's new Vice President of Marketing. He stated that Mr. Killen is in charge of activating the casino floor with promotions and attracting new customers. Mr. Killen then reported on marketing calendar highlights, describing promotions that have been launched that have made a positive impact.

Talia Spera, Director of Entertainment at MGM Springfield, reported on plaza and armory activations, highlighting MGM Live, Yoga in the Park, The Ice Rink, and Roar Comedy Club. She also described entertainment and nightlife and reviewed the upcoming entertainment calendar for October and November 2019 with the Commission.

11:53 a.m.

Commissioner Stebbins asked what efforts are being made to encourage people to go out and explore the area within these marketing events. Mr. Mathis stated that MGM is creating seasonal, New England-themed programs that would justify a flight to come to MGM Springfield for an extended stay.

Concerning the 31 Elm Street project, Commissioner Stebbins stated that there is much anticipation for its completion by the City's mayor and residents. He noted that it was one of the critical caveats when the Commission conducted MGM's application review. He stated that the Commission not only wants to see MGM complete that commitment, but saving the building is a timely piece of the



equation as well. Mr. Mathis responded that MGM is committed to the project and that they are working on this as well as the activation of Court Square. He stated that the project is complex and involves many parties, but is on the right trajectory.

Mr. Mathis concluded the presentation by reporting on economic development for Springfield. He noted the opening of Wahlburgers (anticipated in early summer), a flagship CVS store opening, and the growing demand for market-rate housing in the area.

Finally, Mr. Mathis conveyed MGM's continued need for the legislature to allow sports betting in the Commonwealth. He reported that one-third of MGM's customers want sports betting as a product via survey results.

[12:10 p.m.](#)

#### **City of Springfield Update**

Timothy Sheenan, Chief Development Officer for the City of Springfield, updated the Commission on the economic status of downtown Springfield, and growth opportunities in connection to the casino. He stated that the casino elevates and contributes to the whole redevelopment of downtown Springfield. The City's entertainment events also enhance the entertainment and experiential activities found in the casino. The number of people coming to downtown Springfield has grown exponentially. Revenues have gone up over 22% totaling an increase of more than \$700,000.

The City's responsibility going forward is to leverage the investment into MGM to bring more people downtown and positively address the persistent perceptions of Springfield being unsafe. Mr. Sheehan acknowledged the need to work on bringing new development forward that is not necessarily related to MGM. The area around the casino must be equally engaging as the casino itself, which should be addressed in cooperation with the development community. He commented that the investor pool is local and very committed.

The updated market analysis regarding downtown multifamily housing and the report states that there is a strengthening of the market. To sustain the activity downtown, the City will need market-rate housing. The mayor is aggressively working on bringing this need to fruition.

#### **Research and Responsible Gaming**

See transcript pages 39 – 69

[1:13 p.m.](#)

#### **Springfield Real Estate Research Report**

Mark Vander Linden, Director of Research and Responsible Gaming, introduced Dr. Mark Melnik, Director of Economic and Public Policy Research at the UMass Donahue Institute. Dr. Melnik gave a PowerPoint presentation that identified the goals of economic research in the Social and Economic Impacts of Gambling in Massachusetts ([SEIGMA](#)) study. He highlighted the analytical framework of

fiscal analysis, as well as the attributes of the community and how they are changing over time. He also discussed the characteristics of the casino industry impacts in connection to the workforce, the operating and construction spending, patron engagement, government and fiscal effects, and lottery sales.

[1:24 p.m.](#)

Next, Dr. Henry Renski, Associate Professor of Regional Planning at the UMass Department of Landscape Architecture & Regional Planning, provided the Commission with a summary of the real estate impact of the MGM Springfield casino during its construction stage between 2014 – 2018. He stated that the study's purpose is to objectively and academically study the actual impacts as observed in casino gaming in the state. He discussed the metrics regarding residential implications, explicitly noting a recent increase in single-family home sales as well as multi-family home sales.

Rents rose following the announcement of MGM Springfield opening, but the rise was also consistent with area trends that are independent of the casino. Dr. Renski then addressed evictions and displacement in connection to rising rents. He stated that there is anecdotal evidence that evictions are now rising, and public officials have expressed concern regarding this issue.

Dr. Renski then reported that there was slight growth in the number and size of commercial and industrial buildings. Retail vacancy rates have fallen, but are also in line with trends unrelated to the casino. He stated that there are no new businesses that have formed as a result of the casino's existence in Springfield yet.

Commissioner Cameron noted that in Eastern Massachusetts, housing prices have risen considerably. Western Massachusetts prices are also rising but at a much slower rate.

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

Commissioner Stebbins suggested that stakeholder interviews could be conducted to broaden the mix of voices. Dr. Melnik offered that as part of their proposed research agenda, there could be a robust stakeholder engagement exercise coupled with the real estate segment.

Dr. Renski concluded stating that that so far, MGM has had a limited direct impact on the residential real estate market in Springfield and surrounding communities, but has a significant footprint in downtown.

[2:15 p.m.](#)

### **The Construction of MGM Springfield: Spending, Employment, and Economic Impacts Report**

Rod Motamedi, Senior Research Manager for the UMass Donahue Institute, reported on the data gathered regarding spending, employment, and economic impacts to Springfield during the construction phase of MGM via PowerPoint presentation.

Mr. Motamedi reviewed the property's background and the data collected during that period. He reported on the construction spending by quarter, spending by component, spending by county, race/ethnicity, as well as gender and veteran status of workers. He then provided a summary of employment impacts and new economic activity in Massachusetts.

He stated that MGM awarded approximately one-third of contracts by value to companies that met one of the diversity criteria. He then said that there were around 4,250 workers who worked 2.6M hours over 16 quarters that were compensated \$173M. He found that the racial and ethnic mix of the construction workers essentially reflected the population that they were drawn from. He noted a small share of female workers in Springfield was in the construction trade. He then reported on veteran status, noting that the percentage of workers who identified as veterans were small.

[2:43 p.m.](#) Mr. Motamedi then reported on the key concepts for economic impacts calculated in the study, explaining how the financial models work, and their structure and methods. He then provided a summary of the employment impacts of the casino. Finally, he reviewed the new economic activity and the effects of that.

He then provided the Commission with a timeline of upcoming reports, namely the MGM Lottery Report and the PPC Operating report slated for December 2019, and then the MGM New Employee Survey Report slated for the Spring of 2020.

### **Workforce, Supplier and Diversity Development**

See transcript pages 69 – 76

[3:01 p.m.](#) **MGM Springfield Construction Vendor Spotlight**

Jill Griffin, Director of Workforce, Supplier and Diversity Development, introduced Lamont Clemens, representing Escelo Painting Company. Escelo Painting is a MBE union painting company that had a great deal of work on the MGM Springfield project. Mr. Clemens thanked the Commission and stated that due to the MGM Springfield project, the company expanded its business model. As a result, the company has secured more work/projects.

[3:27 p.m.](#) **Summit on Diversity in Construction Update**

Ms. Griffin stated that practical applications and proven strategies would be the focus of a "Summit on Diversity in Construction" presented by the Massachusetts Gaming Commission and partners on Tuesday, Oct. 8, beginning at 12:30 p.m. at Smith College in Northampton. The Conference is intended to focus on the construction industry in Central and Western MA which is under accessed by women and people of color.

Next, Ms. Griffin introduced Lisa Clauson, Strategic Partnerships, Carpenters Labor Management Program / New England Regional Council of Carpenters who

provided an update on the Summit on Diversity in Construction. She first stated that she appreciated how quickly the Gaming Commission embraced the idea of doing something to highlight what was done with the casinos, noting that it is advantageous to be modeling it for what other institutions could do to create more opportunities for MBE's VBE's, and WBE's. She added that several organizations are going to start looking to apply diversity goals to their construction projects.

### **Commissioners' Updates**

See transcript pages 76 - 77

3:30 p.m. Commissioner Cameron reported that several Commission staff members went to New Jersey earlier this week to immerse themselves in the sports betting operation. She stated that attendees acquired a useful base of information.

3:31 p.m. *With no further business, Commissioner Cameron moved to adjourn the meeting. Commissioner Zuniga seconded the motion. The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated September 26, 2019
2. Draft Commission Meeting Minutes dated September 12, 2019
3. Memo re: Gaming Beverage License Amendment – MGM Springfield VIP Lounge dated September 23, 2019
4. Amended Gaming Beverage License Application Form for Blue Tarp redevelopment, LLC
5. MGM Springfield Q2 2019 Report dated September 26, 2019
6. PowerPoint Presentation: SEIGMA Economic and Fiscal Research Agenda: Major Activities and Recent Springfield Research
7. Report re: SEIGMA Real Estate Impacts of MGM Springfield in Springfield and Surrounding Communities
8. PowerPoint Presentation: SEIGMA MGM Construction Overview: Spending, Employment, and Economic Impacts
9. MGM Construction Executive Summary
10. Memo re: Update on Upcoming Summit on Diversity in Construction dated September 16, 2019
11. Draft Review of Policy Questions for Local Community Mitigation Advisory Committees and Subcommittee on Community Mitigation re 2020 Community Mitigation Fund Guidelines dated September 19, 2019
12. Memo re: Renewal of a Gaming License dated September 12, 2019

/s/ Catherine Blue  
Assistant Secretary

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## MEMORANDUM

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TO: Massachusetts Gaming Commission  
FROM: Todd Grossman, Deputy General Counsel  
RE: Renewal of a gaming license  
DATE: September 12, 2019

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### I. Introduction

The two Category 1 gaming licenses awarded by the Commission are issued for a term of 15 years. See G.L. c.23K, §19(b). The single Category 2 gaming license awarded by the Commission is valid for a term of 5 years. See G.L. c.23K, §20(f). Per the documents awarding the respective licenses, the term of the licenses began upon the Commission’s approval to commence operations of the gaming establishments. Chapter 23K includes some provisions relative to the renewal of these licenses at the expiration of the initial terms, but the Commission will have to develop and implement new regulations to effectively govern the renewal process. Prior to doing so, however, a number of broad policy questions should be discussed in order to lend guidance to the process. Some of those questions are outlined below. Prior to contemplating those questions though, it will be useful to review the relevant statutory provisions, as well as the approaches employed by other gaming jurisdictions.

### II. Statutory Renewal Provisions

The governing provisions included in G.L. c.23K grant broad discretion to the Commission to develop a renewal process for the gaming licenses it issues. Aside from directing that the Commission develop such a process that includes some sort of renewal fee, the statutes do not themselves establish many requirements.

The law requires the Commission to “establish procedures” for the renewal of the Category 1 and Category 2 licenses. G.L. c.23K, §§19(b)<sup>1</sup> and 20(f).<sup>2</sup> There is no other indication in the law as to what form the process must take. The renewal processes for each category of license must, however, include the assessment of a renewal fee. See id. The renewal fees must be

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<sup>1</sup> G.L. c.23K, §19(b) provides: “The commission shall establish procedures for the renewal of a category 1 license, including a renewal fee, and submit to the clerks of the senate and house of representatives any legislative recommendations that may be necessary to implement those procedures, not less than 180 days before the expiration of the first license granted pursuant to this chapter.”

<sup>2</sup> G.L. c.23K, §20(f) provides: “The commission shall establish procedures for renewal and set the renewal fee no. Any renewal fees shall be deposited into the Gaming Revenue Fund.”



“based on the cost of fees associated with the evaluation of” each licensee . See G.L. c.23K, §§10(d)<sup>3</sup> and 20(f). As for the Category 2 license, the law provides that the fee “shall not be less than \$100,000.” G.L. c.23K, §20(f). There are otherwise no statutorily prescribed minimum or maximum renewal fees associated with the Category 1 licenses. All renewal fees “shall be deposited into the Gaming Revenue Fund.” G.L. c.23K, §§10(d) and 20(f).

The only other reference in Chapter 23K to the renewal process is included in section 17(b) which mandates that “[a] gaming licensee's compliance with [ILEV] agreements shall be considered upon a gaming licensee's application for renewal of the gaming license.”

### III. Other jurisdictions

Though each is unique, it may be helpful to consider the manner in which some of the other jurisdictions that allow expanded gaming address renewal or review of gaming licenses. This is a high level overview:

New Jersey- Casino licenses are issued for 5 year terms. After an initial grant, there is a resubmission, rather than renewal, process. This means that a full investigation into the entities and individuals as to their suitability as well as a full financial review of the operations is conducted, but if there are no issues of concern a hearing before the Casino Control Commission is not required. It is essentially a call-forward process, i.e. - the license continues unless the Division of Gaming Enforcement seeks to bring forth an issue for hearing.

Nevada- Casino licenses in Nevada are not issued for any set period of time. Accordingly there is no formal renewal process; nor is there any formal periodic review process. However, gaming licensees and executives are required to appear before the Commission regularly for a variety of different approvals (e.g.- financial audits, changes in employment, amendments to “Order of Registration”). This affords the Commission an opportunity to effectively maintain oversight of its licensees.

Mississippi- Casino licenses are issued for a 3 year term. A shorter license term can be imposed if there are concerns about the company, but generally all licenses are for 3 years. The commission may simply “continue” the license at its expiration if there has not been any “substantial changes” in the applicant’s information since initial licensure. However, at the end of a 3 year license period the commission does not typically “continue” the license but

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<sup>3</sup> G.L. c.23K, §10(d) provides: “The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a category 1 licensee under this chapter which shall be deposited into the Gaming Revenue Fund. Such renewal fee shall be exclusive of any subsequent licensing fees under this section.”



rather reissues the license for another 3 years if the applicant is found to be in good standing. There is frequently substantial change in a company over the course of three years. So when it comes time for re-licensure, a casino submits an application again on the same “Mississippi Addendum” form for an initial applicant and just updates its information. The review/investigation for a renewal is not quite as arduous as an initial application as the Commission already has a history of the company. However, updated financial information, changes in ownership, changes in officers, etc. are reviewed (officers and owners of a company get a suitability approval for 9 years, so if they are still with the company they do not have to be renewed every time the company does and only new officers or owners have to submit new fingerprint forms and be investigated). The information required to be submitted by the applicant is the same at the time of initial licensure and at renewal (including things like terms and conditions of outstanding loans or indebtedness, balance sheets for the preceding 3 years, and profit loss statements for at least 3 years).

Supplementary information is also reviewed depending on the applicant. The Commission’s primary concerns involve things like whether the company still has sufficient capital to continue adequate operations in the state, and whether there are any active investigations or significant litigation involving the company. The licensees are generally required to keep the Commission updated on significant information during the course of their license period, so there are not usually many surprises.

Pennsylvania- Initially, casino operators were identified as Slot Machine Licensees and the initial term of their license was 1-year. Following that initial 1-year renewal term, all subsequent renewals were on a 3-year term. More recently, however, Pennsylvania’s General Assembly passed a gambling expansion bill signed into law in October 2017. One provision of that bill was to extend the license renewal term for all categories of licenses to 5 years. A few other characteristics of the Slot Machine License renewal process are the following:

1. A renewal application must be submitted by the casino 180 days prior to the expiration of the license.
2. Renewal application fees are to be included with the renewal application.
3. Once the renewal application is deemed complete, a public input renewal hearing is scheduled in the municipality where the casino is located. This hearing includes testimony from casino management as well as any government officials, community groups and members of the public who register in advance to speak. There are time limits on all persons who wish to speak.
4. Two or three months later, a license renewal hearing is held for one of the Board’s regularly scheduled public meetings. At this time, the casino makes a presentation and answers any questions from the Board members. During this regularly scheduled public meeting, the Board will make a motion and take a vote on the renewal application.

Michigan- Casino licenses are subject to annual renewal. An abbreviated form of a business entity disclosure form and personal disclosure (including a net worth statement) for each individual qualifier are required. There is a \$25,000 annual renewal fee.

#### IV. Policy questions

In order to effectively craft regulations governing the renewal process for gaming licenses, the Commission should first address some threshold policy questions. The answers to the following non-exhaustive list of questions will help shape the resulting regulations.

1. *What should the license renewal fee be?* The initial license fees for the Category 1 and Category 2 licenses were \$85 million and \$25 million respectively. See G.L. c.23K, §§10(d) and 11(b). In setting the initial licensing fee, the Commission took a long view, and elected to set the fees at the statutory minimums (as opposed to setting up a bidding process or increasing the fee to a higher amount) in order to enable the licensee to put as many funds as feasible into the construction and operation of the respective gaming establishments.
2. *What will the term of the renewal be?* The law clearly sets the initial terms of the Category 1 and Category 2 gaming licenses as 15 years and 5 years, respectively. See G.L. c.23K, §§19(b) and 20(f) (“A category 1 license issued by the commission in any region shall be valid for an initial period of 15 years . . . .” G.L. c.23K, §19(b); “A category 2 license issued pursuant to this chapter shall be for a period of 5 years.” G.L. c.23K, §20(f)). By its reference to the term as an “initial period of 15 years,” section 19(b) left open the question as to whether a term of renewal of a Category 1 gaming license would similarly be required to be 15 years. By contrast, the language applicable to the term of a Category 2 license provides no such opening in that it makes clear that the license “shall be for a period of 5 years.” G.L. c.23K, §20(f).
3. *What issues should the renewal process focus on?* As part of the initial RFA-2 process, the Commission comprehensively reviewed and considered nearly every component of the construction and operation of each gaming establishment. While the Commission may elect not to engage in such a comprehensive review as part of the renewal process, it will have to determine which elements will be part of the renewal review. For example, it may include any or all of the following:
  - Review of compliance with existing conditions of gaming license;
  - Review of status and compliance with host community agreements;
  - Review of status and compliance with surrounding community agreements;
  - Review of status and compliance with ILEV agreements;

- Review of capital expenditure plan;
- Review of suitability of individual qualifiers (filing of Multi-jurisdictional Personal History Disclosure Form and Massachusetts Supplement);
- Review of suitability of entity qualifiers (filing of Business Entity Disclosure Form);
- Review of existing conditions of gaming license and associated commitments and requirements including onsite and offsite mitigation;
- Review of financial suitability (overall health, debt/equity ratio, debt obligations); and
- Review of business ability to operate a successful gaming establishment.

4. *Are any amendments to G.L. c.23K needed in order to implement the renewal process?* Pursuant to G.L. c.23K, §19(b), the Commission shall “submit to the clerks of the senate and house of representatives any legislative recommendations that may be necessary to implement those procedures, not less than 180 days before the expiration of the first license granted pursuant to this chapter.” This language appears in the section pertaining to the Category 1 gaming licenses, so does not seem to apply to the renewal of the Category 2 license. However, it provides an opening to make such recommendations in the near term if deemed helpful.



## ***DRAFT FOR DISCUSSION PURPOSES ONLY***

### ***Review of Policy Questions to be discussed by the Local Community Mitigation Advisory Committees and the Subcommittee on Community Mitigation Relative to The 2020 Community Mitigation Fund (“CMF”) Guidelines***

1. Should the Commission place an overall limit on grants for the 2020 CMF?

**Background:** Because MGM Springfield opened on August 24, 2018 and Encore Boston Harbor opened on June 23, 2019, the CMF will have significant additional funding in the near term. In the 2019 Community Mitigation Fund Guidelines, the Commission determined that revenues generated by the facility in each Category 1 region would be allocated for awards in that gaming region, provided that slots related impacts are funded from all regions and provided that unused allocations revert back to statewide use after three years.

**2019 Results:** The Commission anticipated authorizing no more than \$6.7 million out of the 2019 CMF. The Commission awarded a total of \$3,682,946.50 of new grant funding. It also authorized \$75,000 from a previously awarded reserve and \$200,000 carryover from a prior year approved use (Tribal casino technical assistance) for an expended total of \$15,874,524.85 of the original \$17.5 million (placed into the CMF from a portion of the license fees). In addition to the approximate \$1.6 million in authorization available from the original \$17.5 million CMF, MGM Springfield revenues resulted in the placement of approximately \$1.65 million into the CMF by December 31, 2018. Furthermore, approximately \$2.3 million in additional funding was placed into the CMF in 2019 from fines issued by the Commission.

2. Should the Commission place a per grant limit for 2020 CMF awards?

**Background:** As noted above, with both casinos now open and generating tax revenue there will be more available dollars for these awards. Region A will have approximately 6 months of revenue from Encore Boston Harbor and Region B will have a year of revenue.

**2019 Results:** The Guidelines set specific limits for grant requests \$500,000 for Specific Impact Grants; \$200,000 for Transportation Planning Grants; \$300,000 for each Region A and B for Workforce Development; \$50,000 Non-Transportation Planning and \$200,000 for Tribal Technical Assistance and \$500,000 for Transit Project(s) of Regional Significance for each region. However, the Commission reserved its ability to authorize funding beyond the amounts. Communities have expressed an interest in more funding for some



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**grants. In 2018, certain applications involving multiple communities were allowed to request additional funding beyond the base funding limits.**

3. Should the Commission continue to place a limit on grants in each gaming region based on the projected tax revenues generated for the CMF by the gaming facility in that region?

**Background:** Both MGM Springfield and Encore Boston Harbor are now operational and will generate new funds into the CMF by the February 1, 2020 deadline. If a limit on grants is established now based on revenue generated, only approximately 6 months' worth of contributions into the fund would be available for Region A by the February 1, 2020 application deadline. Large scale projects may require more funding than one region may have available and require funding from federal and other state agencies. In 2019 Region A used \$2,750,489 from its portion (\$2,600,000) of the 2019 CMF allocation. Region B used \$1,132,458 from its \$4,100,000. Funding for the Region C SRPEDD grant of \$200,000 would be split by region A and B as the Category 2 casino does not pay into the Community Mitigation Fund.

**2019 Results:** The 2019 CMF Guidelines stated that: “[t]he Commission intends to allocate 2019 CMF funding based on need in the regions that reflects the proportion of funds paid into the Community Mitigation Fund from the taxes generated by the MGM Springfield or Encore Boston Harbor facilities. This allocation takes into account mitigation needs outside Region A and Region B, and includes a method to utilize unspent allocations.

For the 2019 year, the Commission plans to allocate the \$5.2 million remaining CMF funds equally between the two regions, Region A and Region B, after accounting for grants that will be made for Category 2 impacts. Thus, by way of example, if the Commission awards \$200,000 for Category 2 impacts in 2019, \$5 million would be available to be split equally between Region A and Region B (i.e. \$2.5million for each region). Please note that these Guidelines establish a maximum target of \$500K for Category 2 impacts. Therefore, for another example, at the Category 2 maximum, approximately \$4.7 million would be available to be split between Region A and B (\$5.2 million - \$500K Category 2 impacts = \$4.7 million (\$2.35 million for Region A and \$2.35 million for Region B)).

In addition to the funds remaining in the account, as noted, it is expected that MGM Springfield will generate an additional \$1.5 million by December 31, 2018. It is the Commission’s intention to allocate these MGM Springfield generated funds to Region B. It is the Commission’s further intention that any unused funds allocated to each Category 1 Region will be set aside for that Region for a period of three years. After the three-year period, the funds shall be allocated back into a combined general fund for all regions and for Category 2 impacts.”

4. Should the 2020 CMF continue to be used to support and leverage resources to help residents of the Springfield or Everett areas obtain their high school or work readiness credentials to be eligible for employment? If so, at what level

**Background:** The Expanded Gaming Act places a priority on the hiring of the unemployed, underemployed, minority individuals, women and veterans at the gaming facilities. It had

been estimated that 21,000 individuals were on wait lists in MA seeking admission into Adult Basic Education Classes and English Learning language programs, with significant needs for resources in MA Gateway Cities like Springfield and Everett. Both the union construction and the casino operational jobs require a high school diploma or equivalency. The 2019 CMF Guidelines did include a specific allocation for funding work readiness programs related to the gaming facilities. Workforce training, economic development, and other job promotion activities are eligible activities under the state appropriated Gaming Economic Development Fund, which is funded through gaming taxes from Category 1 facilities when they are operational.

**2019 Results: The Guidelines allowed these applications. Two workforce programs in Region A (totaling \$513,400) and one in Region B (totaling \$300,000) are being initiated. The Commission approved more funding than specified in the Guidelines, given the pressing need for such funding.**

5. Should the Commission allow funding to pay for a portion of the construction costs of transportation projects? Should the Guidelines require collaboration with MassDOT in transportation planning grants or any construction?

Background: To date, the Commission has only authorized funding for the planning or design of transportation projects.

6. Should the Commission authorize the use of funds for large transportation projects or economic development projects? If so, what would be the limit per application and per region? Should such grants require a dollar for dollar match (waivable by the Commission)? There are several funding streams for gaming related needs of communities including, but not limited to, the Community Mitigation Fund and the Gaming Economic Development Fund.

Background: See the language for these two funds attached.

7. How should the Commission approach issues that may arise in late 2019 resulting from the operations of the Category 1 casinos (public safety, hiring, education, business issues)?

Background: The Commission has not witnessed large scale potential impacts resulting from the Plainridge facility. However, planning is necessary now to be able to evaluate mitigation applications involving any operational impacts at the full casino facilities. It is unclear if some impacts from the Encore Boston Harbor and MGM Springfield facility will be fully understood by the February 1, 2020 application deadline.

M.G.L. c. 23K §68 states that “funds may be expended from the Community Mitigation Fund, ...including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and ways to address that impact.” In regard to impacts on businesses, should the

Commission now or in future years consider funding requests from communities to assist (e.g. through promotion activities) all businesses / large groups of businesses in close proximity to the gaming facility? Will operational impacts from the two Category 1 casinos become readily apparent and quantifiable by the application deadline?

8. Should the Commission authorize partial reimbursement or reimbursement for police patrols as part of the 2020 Guidelines?

**Background:** In 2019 the Commission received one request for a grant for “late night/early morning peak days of week patrol mitigation ...to prevent driving under the influence during the previously unanticipated hours (between 2:00 AM – 4:00 AM ...) during which customers may leave the casino after consuming alcohol.” Because only grants for construction related impacts were authorized in Region A in 2019, this funding request was deemed ineligible for funding under the Guidelines. However, since now casinos in both regions A and B are open, operational related impacts will be evaluated under the 2020 Community Mitigation Fund Guidelines. The Commission would need to determine how requests for specific patrols (e.g. patrols between 2:00 a.m. and 4:00 a.m.) and for general public safety requests will be evaluated.

9. How should the Commission use the information received from the annual look back studies, traffic studies, housing studies and research studies that have not been conducted by the Commission in any determination of mitigation requests?

**Background:** Many studies and reports relative to Plainridge Park, MGM Springfield, and Encore Boston Harbor will be completed by the Commission’s research team in the near term. More information on the status of the Commission’s research can be found at <https://massgaming.com/about/research-agenda/>. In addition to the Commission’s research, other research mandated under surrounding community agreements will also soon be completed. Further research mandated under applicable MEPA reviews will also be completed in the near term. Individual communities and entities have also commissioned their own gaming related research.

10. How should the status of Region C and current litigation involving the potential tribal casino impact the 2020 CMF Guidelines?

**Background:** It may be unlikely that communities in Region C will experience significant construction or operational impacts by February 1, 2020, the statutory CMF deadline. Communities have expressed the need for technical assistance funding to help evaluate potential impacts.

**2019 Results: \$200,000 of funding was set aside for use in Fiscal Year 2019 if there is a more clear determination on Region C / Tribal Casino status.**

11. Should the Commission require a dollar for dollar match for its CMF grants?

**Background:** The 2019 CMF Guidelines only required an in-kind match for Workforce Development applicants.



**2019 Results: In-kind services or funds were required of the Workforce Development Projects and require the applicant to provide detail on in-kind services or workforce funds.**

12. Should the Commission extend the previously authorized reserves for the 2020 Community Mitigation Fund program and allow communities to continue to access whatever portion of the original \$100,000 that remains unexpended.

Background: Some communities have expended some or all of their reserves. In Region A, 9 communities have allocated their entire reserve and 2 have not requested funding. In Region B, currently 6 have allocated their entire reserve, 1 has used a portion and 4 have not requested funding. For Category 2 communities, 3 have allocated their reserve, 2 have used a portion of their reserve and 1 has not requested any funding.

13. Should the Commission continue to authorize more funding for non-transportation related planning for those communities that have expended their reserves?

Background: In 2017, communities could apply for transportation planning. However, no general planning application (except for uses of reserve funds for planning) was authorized under the Guidelines. In 2018 and 2019, the Commission authorized funding for non-transportation planning. Some communities have fully utilized their reserves and thus cannot use reserve for additional planning.

14. The Commission determined that communities are not eligible for reimbursement of administrative costs related to the preparation of Community Mitigation Fund applications. Workforce Program applications, due to the nature of the programs, are eligible for such costs.

Background: Payment of such costs was not allowed under the 2016 CMF Guidelines, which instead required an in-kind match by communities.

**2019 Results: In the 2019 Guidelines, administrative costs were allowed for Workforce Pilot Program applications only.**

15. Should the Commission revisit its guideline regarding grants involving private parties?

Background: The 2016 Community Mitigation Fund (“CMF”) Guidelines specified that “[p]rivate non-governmental parties may not directly apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a ‘public purpose’ and not for the direct benefit or maintenance of the private party.” The 2016 CMF Guidelines also specified that the Commission did not anticipate awarding any grants involving private non-governmental parties unless the applicant governmental entity, licensee, or both provided significant funds. Questions about this guideline involve the difficulty of ensuring that funding requests are for a public purpose and that any awards would be consistent with the Commonwealth’s Constitution. Further, the funding matching requirement also is potentially difficult.

**2019 Results:** The 2019 Guidelines stated that “[t]he Commission will not fund any applications for assistance to non-governmental entities.”

16. Should the Commission continue to expressly authorize joint applications by communities?

Background: In 2019 the Commission authorized Joint Transportation, Non-Transportation Planning and Transit Project(s) of Regional Significance applications.

**2019 Results:** During the CMF Review of applications by the Commission, it was requested that a similar incentive program be evaluated for joint Workforce Development Applications. The Commission mentioned the benefit of one integrated whole workforce development program for each region and creating joint applications may ensure that there is no duplicity in the use of resources.

17. Should communities be limited to only one (1) Specific Impact Grant?

Background: The 2019 Guidelines specified that Specific Impact Grants were limited to \$500,000 and specified that only one application was allowed, subject to a waiver. There was no prohibition against requesting funding for multiple areas within the \$500,000 limit.

18. Are the same general analysis factors used in 2019 going to be used for 2020 evaluation? Understanding that there can be delays in implementation of some of the grants projects, and some communities anticipate yearly grant applications for completion of certain projects, should the Commission authorize unspent, unallocated funds which remain in one region to be moved to a general fund after a certain number of years?

Background: The Commission will evaluate any funding requests in the context of any host or surrounding community agreements. Factors used by the Commission to evaluate grant applications may include but not be limited to:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The feasibility and reasonableness of the proposed mitigation measure;
- A demonstration that any program to assist non-governmental entities is for a demonstrated public purpose and not for the benefit or maintenance of a private party;
- The significance of any matching funds for workforce development pilot program activities or planning efforts, including but not limited to the ability to compete for state or federal workforce, transportation or other funds;
- Any demonstration of regional benefits from a mitigation award;
- A demonstration that other funds from host or surrounding community agreements are not available to fund the proposed mitigation measure;
- A demonstration that such mitigation measure is not already required to be completed by the licensee pursuant to any regulatory requirements or pursuant to any agreements between such licensee and applicant; and

- The inclusion of a detailed scope, budget, and timetable for each mitigation request.

### Supplemental Guidelines Used To Evaluate Workforce Development Applications

- ❖ Does the application develop a pilot program that seeks to address any claimed impacts?
- ❖ Does the proposal include a program in Region A or Region B that structures intentional connections among adult basic education, occupational training, and post-secondary education programs?
- ❖ Does the proposal seek to assist low-skilled adults in obtaining education and career training to enable them to join the regional labor market?
- ❖ Does the proposal seek to address the anticipated goals of the program (see pages 12 and 13 of these Guidelines)?
- ❖ Will the participants receive industry-recognized or academic credentials needed to work in the most in-demand casino –related occupations within the region?
- ❖ A governmental entity applying for workforce development funds will also need to provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds
- ❖ Is the Applicant collaborating with others to provide a regional approach?
- ❖ Does the Applicant address issues related to a gaming facility?

**Background: The factors used in 2020 may need further refinement.**

## **Section 59: Gaming Economic Development Fund**

Section 2DDDD. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Gaming Economic Development Fund. The fund shall be credited with revenues transferred to it from the Gaming Revenue Fund established in section 59 of chapter 23K. Amounts credited to the fund shall be expended, subject to appropriation, to support economic development and job growth including, but not limited to: (1) workforce training, including transfers to the Workforce Competitiveness Trust Fund established in section 2WWW of chapter 29; (2) tourism promotion, including regional tourism promotion agencies and cultural and recreational attraction promotion; (3) summer jobs; (4) the Massachusetts marketing partnership established in section 13A of chapter 23A; (5) higher education scholarships; (6) regional economic development initiatives; (7) support for small businesses, including small business lending; (8) green jobs promotion; (9) science, technology, engineering and mathematics career pipeline initiatives; and (10) agricultural development programs, including youth agricultural education.

## **Section 61: Community Mitigation Fund**

Section 61. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Community Mitigation Fund. The fund shall consist of monies transferred under section 59 and all other monies credited or transferred to the fund from any other fund or source.

(b) The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services. The commission may, at its discretion, distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than 1 municipality; provided, however, that such entity or district shall submit a written request for funding in the same manner as a municipality would be required to submit such a request under subsection (c).

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission before February 1 of each year. The commission may hold a public hearing in the region of a gaming establishment to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need.



TO: MGC Commissioners

FROM: John Ziemba, Ombudsman  
Mary Thurlow, Program Manager

CC: Ed Bedrosian, Executive Director  
Catherine Blue, General Counsel

DATE: October 3, 2019

RE: Reappointment Recommendations for Subcommittee Members under the  
Gaming Policy Advisory Committee

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Pursuant to M.G.L. c. 23K, Section 68, the Commission is required to make appointments to several committees under the Gaming Policy Advisory Committee (“GPAC”). Last year the Commission made several one year appointments to the Local Community Mitigation Advisory Committee which will expire on October 25, 2019. We are recommending that the Commission consider reappointing such members for an additional one year term. We also recommend that these appointees continue to serve at the pleasure of the Commission.

#### **Local Community Mitigation Advisory Committees (“LCMAC”)**

The purpose of these subcommittees are to provide information and develop recommendations for the Community Mitigation Advisory Subcommittee on issues related to the gaming facilities in each region and present information to the Commission on any issues related to the gaming establishment located in each region. Below are the biographies of the members that were presented to the Commission last year.

#### **Region A LCMAC**

##### **Vincent Panzini - Chamber of Commerce Representative**

Mr. Panzini was born and raised in Everett and graduated Everett High school. He began working right out of high school in the banking and related technical areas and did so for 21 years. He was educated at Bentley University with a Bachelor's degree in Management.

In 1987 Mr. Panzini opened up a Financial Advisor practice in Everett and began a 31 year career in that field while becoming very active in community organizations. He later moved his office to Danvers MA as his client base was moving north of Boston. He has been particularly active in the Everett Chamber of Commerce and this year he is the President.

Mr. Panzini has a keen interest in the Everett area and the effects of gaming and is interested in participating in activities that will make this a successful venture for the community.



Massachusetts Gaming Commission

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## **David Bancroft – Regional Economic Development Organization**

David Bancroft is the Senior Vice President of Community Development for MassDevelopment. In this position he works in the Agency's Greater Boston region. He is responsible for the Agency's Brownfields, Predevelopment, Co-Working and Transformative Development initiatives.

He joined MassDevelopment in July 1999. He has worked with a large number of for-profit, non-profit and municipal agencies involved in economic and transformative development issues. This includes the development of affordable housing, environmental assessment and clean-up, redevelopment and expansion of many of cultural and tourism institutions as well as the local community and neighborhood based projects in many of the gateway cities and neighborhoods in the region.

Prior to joining MassDevelopment, he was employed for eight years with the Massachusetts Department of Housing and Community Development where he managed the Housing Innovations Fund and Facilities Consolidation Fund. He was also a Financial Analyst for Bank of Boston.

He graduated from Northeastern University in Boston with a degree in Business Administration & Finance. In 1996, he was chosen for the Commonwealth Fellowship Award from Suffolk University and earned a Master's in Public Administration in 1998.

He has served on the past as the President of the Board of Victory Programs, a non-profit human service provider that provides housing and support services to homeless individuals and families impacted by substance abuse and chronic illnesses like HIV/AIDS. Victory Programs also operates one the largest urban farms in the City of Boston.

## **Mayra I. Negrón-Rivera - Human Service Provider**

Mayra I. Negrón-Rivera has almost 20 years of experience in business, finance, and operations. She is in charge of Real Estate, Asset Management and Property Management of a Community Development Corporation of 521 Unit Portfolio.

She started at IBA in 2000 as an accountant, and steadily took on roles with increasing responsibility – growing from senior accountant, to Chief Financial Officer, Chief Financial and Administration Officer, and into her current role as COO in 2013. In 2009, she spent four months as IBA's Interim CEO, while CEO was on a Barr Fellowship sabbatical. She currently oversees all of IBA's administrative functions, including property management, asset management, and real estate development. Prior to her work with IBA, she served as operations manager at Negrón Ice and Water in Puerto Rico.

Her civic involvement includes membership on boards and committees at organizations ranging from Boston Redevelopment Authority-CAC, Dana Farber, South End Community Health Center, Massachusetts General Hospital, O'Bryant and Blackstone Schools, and Boston Real Estate Investors Association.

She holds a BA in business administration from the University of Puerto Rico.

***In order for the Region A LCMAC to be complete, it needs to fill one position of a Human Service provider position. The Commission staff is investigating potential members.***

## Region B LCMAC

### Ellen Patashnick – Region B LCMAC –Human Service Provider (one opening)

Ellen received her undergraduate degree at Northeastern University and her masters degree in counseling from Suffolk University. Early in her career Ellen worked at the Department of Youth Services in Boston with delinquent and pre-delinquent youth and their families. Before moving out to the western part of the state, she worked as a social worker in Roxbury with the Department of Public Welfare and was then was promoted to a supervisory position in the Division of Child Guardianship (now the Department of Children and Families). She has held several management positions including Director of the Holyoke and Robert Van Wart DCF offices. Now retired, Ellen is a volunteer disaster responder and instructor for the American Red Cross for both local and national events. Her husband is a retired adoption supervisor.

*There is an opening for a Chamber of Commerce Representative, a Regional Economic Development Organization representative and one opening for a Human Service Provider. The Commission staff is investigating potential members.*

### Other GPAC Subcommittees

In addition to the appointment of non-commission members of the LCMACs, the Commission also made internal appointments to GPAC Subcommittees.

#### Community Mitigation Advisory Subcommittee

The Community Mitigation Advisory Subcommittee develops recommendations to address community mitigation issues. The Commission has the authority to choose “one representative” of the Commission to be on the Subcommittee. This “representative” could be a member of the Commission, the Executive Director, or a staff member. Last year, the Commission determined that it would designate Bruce Stebbins for that Subcommittee.

#### Public Safety Subcommittee:

The Public Safety Subcommittee develops recommendations for regulations to be considered by the Commission to address public safety issues. Last year the Commission designated Commissioner Cameron as the member of the Commission to represent the Commission on the Subcommittee.

#### Addiction Services Subcommittee:

The Addiction Services Subcommittee develops recommendations for regulations to be considered by the Commission to address issues related to addiction services.

Last year the Commission appointed Mark Vander Linden, Director of Research and Responsible Gambling, as its representative to this Subcommittee.





TO: Massachusetts Gaming Commission

FROM: John Ziemba and Joseph Delaney

CC: Edward Bedrosian – MGC Executive Director

DATE: October 7, 2019

RE: Encore Boston Harbor Section 61 and Operations Certificate Conditions Status

This memorandum provides an update to the June 26, 2019 memorandum (attached) submitted to the Commission regarding the status of the Encore project with respect to the MGC Section 61 findings and the conditions placed on the final operation certificate. The Commission voted to provide 90 days from the Encore opening to complete these items.

### **Section 61 Update**

1. Service Road Pavement – Final paving for the service road was done on August 14, 2019 and line striping was completed recently.
2. \$1.5 million payment to MassDOT for long-term Wellington Circle study – This payment was made to MassDOT on June 26, 2019. A copy of the check was provided to MGC staff.
3. \$1.6 million payment to the City of Everett for Inflow/Infiltration mitigation – This payment was made to the City of Everett on June 26, 2019. A copy of the check was provided to MGC staff.
4. 10% Green Power Purchase – Encore entered into a contract with Constellation New Energy on July 2, 2019. Encore provided a copy of the contract to MGC staff. This contract ensures compliance with the statutory requirement of 10% or the entire year, despite the fact that this contract was put in place after the operations date.
5. Massport restoration work – Encore provided a revised letter of credit to Massport on July 26, 2019 to ensure that the additional required restoration work is completed. A copy of the letter of credit was provided to MGC staff.



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6. Improvements to the Everett MBTA Shops property – As of September 19, 2019, there is still some work that remains to be done on the MBTA property adjacent to the site. The remaining work includes electrical wiring to the new gates between the Encore and MBTA properties, which the MBTA will perform, and final paving once the electrical work is completed. Depending on how quickly the MBTA performs their portion of the work, this work could be done in the next 30 days.
7. Close out of MassDOT District 4 and District 6 permits – There are just a few punch list items that need to be completed before Encore can submit the closeout paperwork with MassDOT. It is expected that this work can be completed within 30 days.
8. Escrow Agreement with the City of Boston for the SSIP Fund – Encore and the City of Boston have finalized the escrow agreement and Encore has submitted it to the City for their signature. Encore is expecting this document to be signed on October 7, 2019.
9. Compliance with Host, Surrounding and Neighboring Community Agreements – Encore has provided letters or e-mails from all of the affected communities stating that Encore is in substantial compliance with the agreements, with the exception of Melrose. We have reviewed the compliance status with the Melrose agreement and believe that Encore is in substantial compliance with this agreement. There were a couple of items where Encore was not able to provide documentation of their compliance efforts, however, we are confident that these things took place. For instance, one requirement states that “Wynn will coordinate with the City to hold vendor fairs that provide the City’s businesses with information concerning the process of providing goods and services to the project.” While we don’t have any affirmative documentation such as meeting minutes etc. that demonstrates coordination with the City, we know that dozens of vendor fairs and employment events were held throughout the region.

Within all of the surrounding and neighboring community agreements, there were several items that we were tracking as being required by opening, but are really ongoing operational requirements (such as purchasing of gift vouchers from local businesses). We are working with Encore to remove these items from the opening day list and into the ongoing compliance list.



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## **Final Operation Certificate Conditions**

1. Provide the Commission further documentation to confirm compliance with the project commitments – There are approximately 40 items in the commitment tracking system that have either not been completed or are awaiting final documentation. For example: areas adjacent to the DCR connector need to be reseeded and stabilized before that portion of the project can be accepted by the Everett Conservation Commission; and final paperwork need to be submitted to MassDOT on the mitigation work that was conducted in Sullivan Square.

For the Section 61 Items and the Operation Certificate Conditions that have not been completed, we recommend that Encore be given an additional 90 days to complete these items. While we expect most of these items will be completed well in advance of that time frame, 90 days seemed to be a reasonable amount of time to allow for completion. Due to the fact that outside agencies are involved in several of these, providing this extra time allows for some delays that might be outside of Encore's control.



Massachusetts Gaming Commission



TO: Massachusetts Gaming Commission  
FROM: John Ziemba and Joseph Delaney  
CC: Edward Bedrosian – MGC Executive Director  
DATE: June 26, 2019  
RE: **Encore Boston Harbor Section 61 Status**

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A number of Section 61 findings were not completed upon the issuance of the Conditional Operations Certificate on June 21, 2019. Since that time, several items have been completed or are nearing completion, while others will require up to 90 days for completion. This is the status of each of these Section 61 Findings as of June 26, 2019:

1. The gaming licensee shall complete the paving and striping of the service road that follows the periphery of the Everett MBTA Shops property and connects with Route 99 across from Beacham Street in Everett, as described in Section III, (A) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. The final course of pavement is scheduled to be installed on June 27, 2019. Line striping and final cleanup will follow shortly thereafter.
2. The gaming licensee shall complete the payment of \$1.5 million to MassDOT toward a transportation study to develop alternatives for a long-term fix of Wellington Circle, as required in Section VIII, (F)(2) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. Encore reported that this payment is being made to MassDOT today, June 26, 2019.
3. The gaming licensee shall ensure that the outstanding payment (of \$1.6 million) for Inflow/Infiltration is made to the City of Everett, as required in Section VIII, (F)(12) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. This payment either has been made to Everett by the hour of this memorandum or will shortly be made to the City of Everett. Encore is available to provide and update at the Commission meeting.
4. The gaming licensee shall complete a purchase of electricity from local service providers of green power such that the total of the electricity produced from the



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licensee's on-site photo-voltaic system and the electricity purchased from such local service providers shall equal 10% or more of the Project's annual electric consumption, as required in Section VIII, (F)(13) of the of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. Encore is in active negotiations with green power providers and expects that their required power purchase will be complete within 90 days of the project's opening.

5. The gaming licensee shall complete the additional restoration work contemplated in the June 11, 2019 letter from Massport (included in the Commission's June 12, 2019 Commission packet), and provide Massport with a letter of credit to serve as security for completion of said work pursuant to the terms of the Massport Right of Entry. Encore has reported that it will provide a letter of credit within a week.
6. The gaming licensee shall complete the improvements described in the June 10, 2019 letter from the MBTA (included in the Commission's June 12, 2019 Commission packet), including but not limited to, improvements that remain to be completed at the Everett MBTA Shops property, as anticipated in Section VIII, (C) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. Encore is working with the MBTA to complete the items in the June 10, 2019 letter. As of June 26, 2019, these items have not been completed. It is expected that these items can be expected within 90 days of the project opening.
7. The gaming licensee shall complete the items outline in the MassDOT District 4, District 6, and MBTA full beneficial use letters (included in the Commission's June 12, 2019 Commission Packet), and close out the permits issued by MassDOT in conjunction with the project, as anticipated in Section VIII, (C) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. Encore has completed most of the items outlined in the full beneficial use letters. It is expected that the remaining items and closeout of the permits can be completed within 90 days of the project opening.
8. The gaming licensee shall establish an escrow agreement with the City of Boston pertaining to the SSIP Fund toward the Sullivan Square Infrastructure Fund. The gaming licensee shall report to the Commission on or within 30 days after the effective date of the final Operation Certificate if no escrow agreement has then been established, as required in Section VIII, (F)(4) of the Commission's Second Amended Section 61 Findings for the Encore Boston Harbor Project. Encore is in active conversation with the City of Boston on establishing the SSIP Fund. We expect to receive this within 30 days of the issuance of the final Operation



Massachusetts Gaming Commission

Certificate. Encore will report back to the Commission as required in the Section 61 Findings should the escrow agreement not been completed by the deadline.

9. The gaming licensee shall provide letters from surrounding and nearby communities describing the gaming licensee's material compliance with agreements made between such communities and the gaming licensee or, in the alternative, provide an itemized description as to how the gaming licensee is in compliance with such agreements. Letters have been received from Cambridge, Chelsea, Malden and Somerville. Itemized descriptions have been provided for Lynn, Melrose, Boston and Medford. There are a few minor items in the Melrose, Lynn and Medford agreements that are still listed as open in the commitment tracking system. These are expected to be resolved within 90 days of the project opening.

We will report back to the Commission within 90 days on the status of the open Section 61 Findings.



Massachusetts Gaming Commission



TO: Chair Judd-Stein, Commissioners Cameron, O'Brien, Stebbins, Zuniga  
FROM: Mark Vander Linden, Director of Research, Responsible Gaming  
Katrina Jagroop-Gomes, Chief Information Officer  
Scott Helwig, Gaming Technology Compliance Manager  
Teresa Fiore, Program Manager, Research, Responsible Gaming

DATE: October 10, 2019

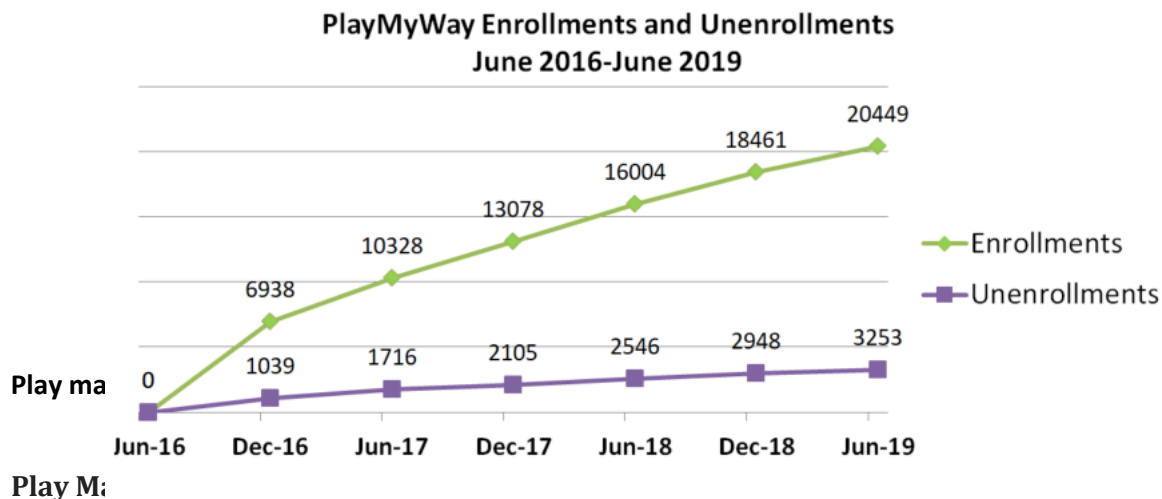
RE: Play Management at Category 1 Casinos

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**Background**

A key initiative of the Massachusetts Gaming Commission's (Commission) responsible gaming program is the PlayMyWay (PMW) budget setting tool. This tool supports a core objective of the Responsible Gaming Framework, which is to provide accurate and balanced information to empower patrons to make informed choices about gaming activities.

On June 9, 2016, PlayMyWay (PMW) was launched at Plainridge Park Casino (PPC) as a benefit to player cardholders. Patrons have the opportunity to enroll in the program at any slot machine, GameSense Kiosk or at the GameSense Info Center located inside the casino. PMW prompts cardholders to voluntarily set a daily, weekly, and/or monthly budget to track their spending at PPC. Once enrolled, patrons receive automatic notifications as they approach 50% and 75% of their set budget. Players also receive a notification when they reach 100% of their budget, and if they continue to play, they will continue to receive notifications at 25% intervals. This program is strictly voluntary and users can un-enroll or adjust their budget(s) at any time.



Massachusetts Gaming Commission



After soliciting public and licensee comments, January 18, 2018, the MGC moved to expand the play management system to category 1 casinos in cooperation with licensees through a non-regulatory path. The motion was unanimously approved. Over nine-months, the MGC worked with MGM Springfield and Encore Boston Harbor to draft a memorandum of understanding and system requirements. The MOU specified the system must be operational no later than September 1, 2020. Over the past year IGT has developed a play management program (PlayMyWay) on the IGT Advantage platform. The attached slides are screenshots of the program.



Massachusetts Gaming Commission



# PLAY MY WAY – IGT SOLUTION

PLAYER EXPERIENCE/INTERFACE

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OCTOBER 7, 2019



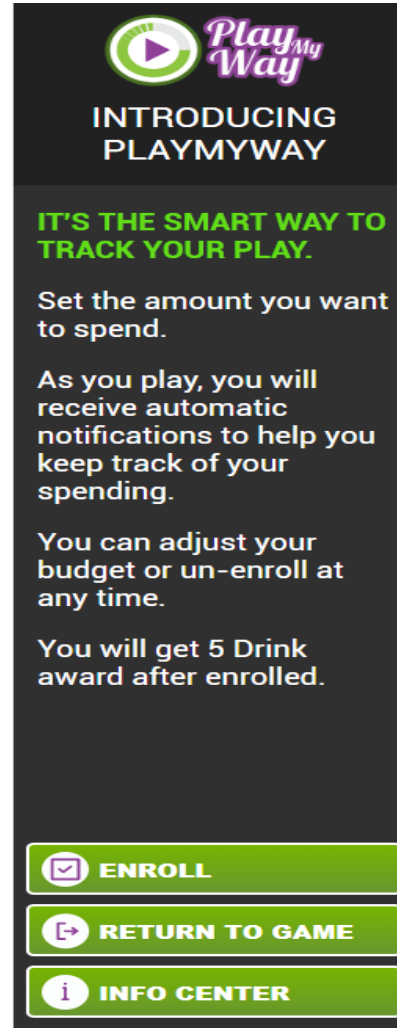
# ENROLLMENT

Players can enroll on an EGD or a Kiosk.

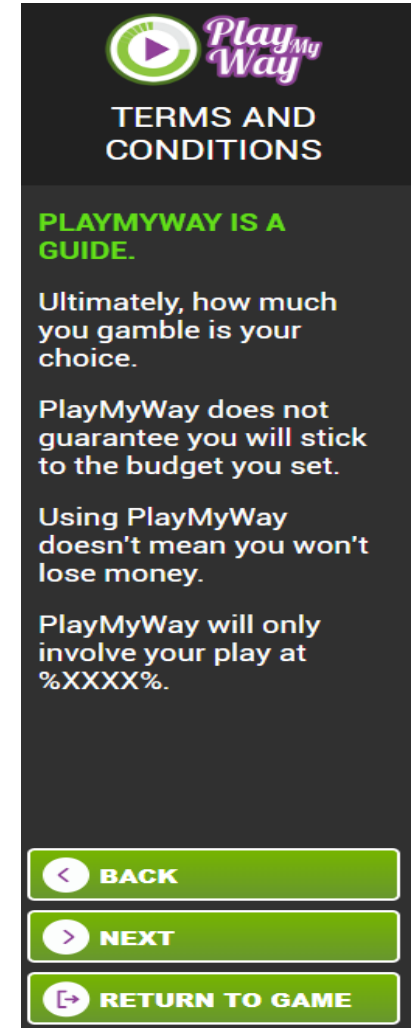
The Enroll screen will provide an overview of Play My Way and the award for enrolling (if applicable).

When the ENROLL button is selected the user is taken to the Terms and Conditions screen.

Players can set their budgets after clicking the Next button.



The screenshot shows the 'ENROLL' screen for Play My Way. At the top is the Play My Way logo. Below it, the text reads 'INTRODUCING PLAYMYWAY'. The main content area contains three paragraphs: 'IT'S THE SMART WAY TO TRACK YOUR PLAY.', 'Set the amount you want to spend.', 'As you play, you will receive automatic notifications to help you keep track of your spending.', 'You can adjust your budget or un-enroll at any time.', and 'You will get 5 Drink award after enrolled.'. At the bottom, there are three green buttons: 'ENROLL' (with an envelope icon), 'RETURN TO GAME' (with a left arrow icon), and 'INFO CENTER' (with an 'i' icon).



The screenshot shows the 'TERMS AND CONDITIONS' screen for Play My Way. At the top is the Play My Way logo. Below it, the text reads 'TERMS AND CONDITIONS'. The main content area contains three paragraphs: 'PLAYMYWAY IS A GUIDE.', 'Ultimately, how much you gamble is your choice.', 'PlayMyWay does not guarantee you will stick to the budget you set.', 'Using PlayMyWay doesn't mean you won't lose money.', and 'PlayMyWay will only involve your play at %XXXX%.'. At the bottom, there are three green buttons: 'BACK' (with a left arrow icon), 'NEXT' (with a right arrow icon), and 'RETURN TO GAME' (with a left arrow icon).

# BUDGETS

Budgets are broken out into DAILY, WEEKLY and MONTHLY increments.

The amounts can be adjusted at any time to accommodate the player.

By selecting SET players are brought to a user friendly BUDGET screen.

**Play My Way**

SET YOUR BUDGETS

HOW MUCH DO YOU WANT TO SPEND?

DAILY

\$15 SET

WEEKLY

\$25 SET

MONTHLY

\$40 SET


BACK

NEXT

RESET

RETURN TO GAME

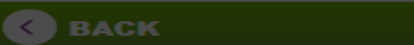
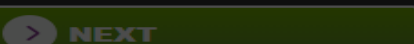
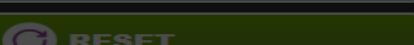
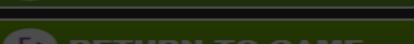
# BUDGET SCREENS


  
SET YOUR BUDGETS

DAILY BUDGET  
**\$15**

1	2	3
4	5	6
7	8	9
BACK	0	CLEAR

CANCEL   APPLY


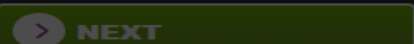
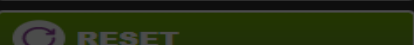
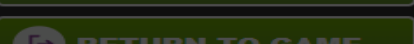
   


  
SET YOUR BUDGETS

WEEKLY BUDGET  
**\$25**

1	2	3
4	5	6
7	8	9
BACK	0	CLEAR

CANCEL   APPLY

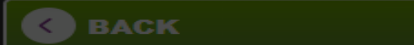
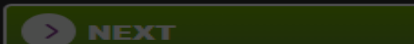
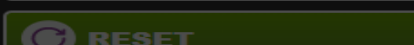
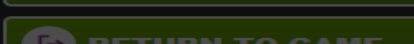
   

  
SET YOUR BUDGETS

MONTHLY BUDGET  
**\$40**

1	2	3
4	5	6
7	8	9
BACK	0	CLEAR

CANCEL   APPLY

# SECURITY

**Play My Way**  
SET YOUR BUDGETS

Please enter your PIN to continue.

1	2	3
4	5	6
7	8	9
BACK	0	CLEAR

CANCEL ENTER

BACK NEXT RESET RETURN TO GAME

**Play My Way**  
ADJUSTMENT SUCCESSFUL

**YOUR BUDGET IS ACTIVE.**

Your budget is \$15 per day.

Your budget is \$25 per week.

Your budget is \$40 per month.

NEXT ADJUST BUDGETS RETURN TO GAME

Players must enter a PIN number to update any budgets.

- This will ensure only the player can adjust their own budgets.

Play My Way will notify the player if the adjustments were successful.

Players can set a particular budget to \$0. This will set that budget to INACTIVE.

# TRACK YOUR PLAY

Players can track their play.

Players can adjust their budgets or continue their play

The screenshot shows the 'Play My Way' logo at the top, followed by the title 'TRACK YOUR PLAY'. Below this, there are three sections for tracking play: DAILY, WEEKLY, and MONTHLY. Each section displays 'ACTUAL SPEND' and 'BUDGET CHOICES' with corresponding values. At the bottom, there are four green buttons: 'ADJUST BUDGETS', 'RETURN TO GAME', 'UN-ENROLL', and 'INFO CENTER'.

Period	Actual Spend	Budget Choices
DAILY	\$0.00	\$15.00
WEEKLY	\$0.00	\$25.00
MONTHLY	\$0.00	\$40.00

- ADJUST BUDGETS
- RETURN TO GAME
- UN-ENROLL
- INFO CENTER



# INFO CENTER



## GAMESENSE INFO CENTER

### STOP BY TO LEARN ABOUT:

- PlayMyWay
- Strategies to keep gambling fun
- Odds of winning and losing
- Concept of randomness
- House advantage
- Gambling myths
- Support, including help and enrollment in Voluntary Self-Exclusion

LOCATED %XXXX%

BACK

NEXT

RETURN TO GAME



## GAMESENSE TIPS

Set a budget and **stick to it.**

Accept losses as the **cost of entertainment.**

Play for **fun**, not to make money.

Lucky charms may help you enjoy the game, but they **won't help you win.**

If gambling is no longer fun, free help and information is available:

1-800-426-1234

BACK

NEXT

RETURN TO GAME



## HOW SLOTS WORK

The outcome of each play is computer-generated and **random.**

Some players will win or break even, **while most will lose.**

Slots are programmed to **keep more money** than is paid out in winnings.

BACK

RETURN TO GAME





# UN-ENROLLMENT

**UN-ENROLLMENT**

**PLEASE LET US KNOW WHY YOU WISH TO UN-ENROLL.**

Check all that apply:

- Would rather play anonymously
- No longer want reminders and warnings
- Want to reduce contact with casino
- Plan to stop gambling
- Prefer not to say
- Reminders, warnings make gambling less fun

**BACK**

**NEXT**

**RETURN TO GAME**

**UN-ENROLLMENT SUCCESSFUL**

**THANK YOU FOR TRYING PLAYMYWAY!**

You can re-enroll at anytime.

**RETURN TO GAME**

Players can un-enroll and re-enroll in Play My Way at any time.

The un-enrollment screen does request a reason for their discussion.

This question provides valuable metric on the users experience with Play My Way.



# BUILT TO LAST: BEST PRACTICES FOR DIVERSITY IN THE CONSTRUCTION INDUSTRY

REPORT WRITTEN FOR THE MGC BY PEG BARRINGER, FINEPOINT ASSOCIATES

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**BUILT TO LAST:**

# Best Practices for Diversity in the Construction Industry

The Massachusetts Casino  
Development Experience

PREPARED FOR

The Massachusetts  
Gaming Commission

June 2019

RESEARCHED AND WRITTEN BY

Peg Barringer, Partner, FinePoint Associates



# CONTENTS

- **Foreword-** Letter from Director Griffin and Chair Judd-Stein
- **Acknowledgements**
- **Overview and Summary**
- **Background and Goals**
- **Detail of Best Practices** – Demand, Supply and Monitoring Strategies
- **Results and Outcomes**
- **Appendix-** List of all participating organizations of the AOC over the years



# ACKNOWLEDGMENTS

**Nader Acevedo**

Hispanic-American Institute,  
Executive Vice President

**Chelan Brown**

MGM Springfield, Former  
Construction Diversity Manager

**Francis X Callahan, Jr.**

MA Building Trades Council,  
President

**Maureen Carney**

MA AFL-CIO,  
Senior Workplace Strategist

**Eddie Corbin**

City of Springfield Appointee,  
Former City Purchasing Director

**Lisa Clauson**

New England Regional Council  
of Carpenters (NERCC),  
Strategic Partnerships

**Joseph Delaney**

MA Gaming Commission (MGC),  
Construction Project  
Oversight Manager

**Emily Earlt**

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Commonwealth of MA  
Supplier Diversity Office (SDD),  
Director, Massachusetts Supplier  
Diversity Programs

**Dave Fontaine Sr.**

Fontaine Brothers Construction,  
Owner

**Emil Giordano**

Turner Construction,  
Project Executive

**Fiore Grassetti**

Pioneer Valley Central Labor  
Council/Ironworkers Local 7,  
President

**Jill Lacey Griffin**

MA Gaming Commission (MGC),  
Director of Workforce,  
Supplier & Diversity Development

**Kate Harrison**

Northeast Center for  
Tradeswomen's Equity (NCTE),  
Pipeline Navigator

**Nina Inchardi**

Ultimate Abatement,  
Owner

**Beverly Johnson**

MA Minority Contractors  
Association, President

**Ron Marlow**

(Former) Commonwealth of  
MA Executive Office of Labor  
and Workforce Development,  
Undersecretary of Workforce  
Development

**William McAvooy**

Commonwealth of MA  
Operational Services Division,  
Deputy Assistant Secretary

**Dr. Susan Moir**

Former UMass Boston,  
Director of Research; Policygroup  
on Tradeswomen's Issues

**Reggie Nunnally**

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Supplier Diversity Office (SDD),  
Former Director

**Brian Packer**

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Construction and Development

**Charlie Payne**

New England Regional Council  
of Carpenters (NERCC),  
Business Representative

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Encore Boston Harbor,  
Director of Employment

**Jennifer Pinck**

Pinck & Co. Inc., President

**Mei-Ling Rodriguez**

AECOM Tishman,  
Diversity Compliance Officer

**Jason Rosewell**

MGM Springfield,  
Vice President of Facilities

**Liz Skidmore**

New England Regional Council  
of Carpenters (NERCC),  
Organizer; NCTE, President

**Allison Stanton**

Turner Construction,  
Senior Director of Community  
and Citizenship

**Bruce Stebbins**

MA Gaming Commission (MGC),  
Commissioner

**Mary Vogel**

Building Pathways Inc. (BPI),  
Executive Director

**Shelley Webster**

In Order Business Solutions,  
Diversity Consultant

**Brooke Woodson**

Suffolk Construction,  
Director of Trade Partner Diversity

**Jessica Yamas**

Center for Women and Enterprise  
(CWE), Senior Director



# OVERVIEW AND SUMMARY

## INTEGRATED DEMAND, SUPPLY & MONITORING STRATEGY

### DEMAND

**IMPETUS FOR DEMAND**  
MA Gaming Commission, implementing the Gaming Act, required diversity plans, goals & regular reporting on goal progress as conditions of the gaming licenses

### SPECIFIC DIVERSITY GOALS

Casino owners established specific diversity goals & plans  
% W/M/N workers  
% of spend with W/M/VBEs

### DIVERSE WORKFORCE HIRING AND CONTRACTING PRACTICES

Owners, construction managers, general contractors & subcontractors implemented many effective diversity hiring & contracting practices (Encore/Suffolk, MGM/Tishman, Plainridge/Turner & subs)

- Comprehensive, consistent communication of goals
- Designated diversity officer/team
- Review diversity histories when hiring all contractors
- Data reporting system plus supplemental worker tracking
- Corrective action meetings
- Awards for contractors that exceed diversity goals
- Workforce-specific: Community outreach, job fairs
- Start diverse crews from day one
- Building relationships with unions & training entities; make requests in writing to increase diversity
- Strategies to support & retain diverse workers (tradeswomen lunches, veteran hard hats)
- Contracting Specific
  - Build relationship with contractor certification entities, develop database of relevant W/M/VBEs
  - Pre-bid orientation sessions with diverse contractors
  - Increase small firm access (small bid packages, payment terms)
  - Diversity goals in RFPs

### SUPPLY

#### WORKER ADVOCACY, RECRUITING, TRAINING & PLACEMENT

- Advocacy for Under-Represented**
- Policy Group on Tradeswomen's Issues, Black Economic Justice Institute, Community Partners Network, Casino Action Network & more...
  - Participate on ADC, collect & distribute info, identify and resolve workforce entry obstacles
- Industry Recruitment – Targeted to Build Tradeswomen Pipeline**

- Northeast Ctr. for Tradeswomen's Equity, "Build a Life" Campaign (launched with MGC Funding)
- MA Girls in Trades Conferences

- Pre-Apprenticeship Training**
- Building Pathways, Inc.
  - Job readiness training, union entry agreements, relationships

- Union Recruiting & Apprenticeship**
- Metro Building & Construction Trades Council, NE Regional Council of Carpenters, Pioneer Valley Central Labor Council, MA AFL CIO & More
  - Participate on ADC, outreach, work with advocacy & training entities
  - Prioritizing women and people of color

#### CONTRACTOR ADVOCACY, CERTIFICATION, LINK TO OPPORTUNITIES & TRAINING

- Advocacy for Under-Represented**
- MA Minority Contractors Association, Latino Chamber of Commerce, Hispanic-American Institute & more...
  - Participate on ADC, provide demand info, communicate issues with obtaining contracts & resolve obstacles
- W/M/VBE Certification & Link to Opportunities**
- MA Supplier Diversity Office
  - Greater New England Minority Supplier Diversity Council
  - Center for Women Enterprise
  - Participate on ADC, targeted outreach, review & certify, identify companies to meet specific demand
  - VBE certification added in 2015, MGC funding for additional veteran outreach
  - MGC Licensing Department
- Contractor Training**
- Suffolk Trade Partnership Series Training (construction industry specific training)
  - Tishman Technical Assistance

Advocate for Goals

Work to Meet Demand

### MONITORING: GOAL ACHIEVEMENT & PROBLEM SOLVING

- MGC convened a standing, project level ADC for the MGM and Encore projects, chaired by MGC Director of Workforce, Supplier & Diversity Development (initially chaired by MA Undersecretary of Workforce Development)
- Casino diversity teams report efforts
- Monthly meetings, open to the public, including presentation of detailed data reports showing the amount of women, minority and veteran work hours expended on the job by contractor as well as the amount and percentage of contracts awarded and payments to W/M/VBEs plus reporting on other diversity-supporting activities, analysis of diversity

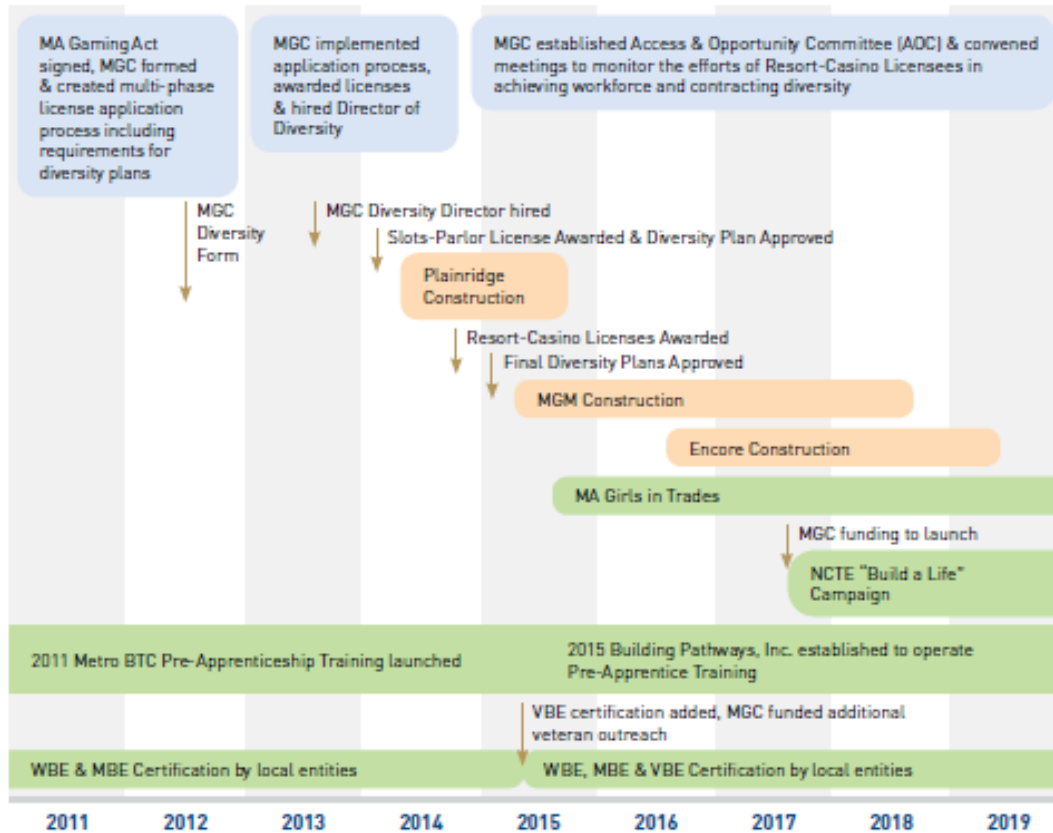
- goal compliance over time paying close attention to High Impact Poor Performers (HIPPI), identification of issues and strategizing solutions. Many new ideas and best practices originated from ADC meetings.
- ADC Participants: MGC, casino owner representatives, construction management team representatives, community and business advocacy groups, worker recruitment, training & placement organizations, community representatives, trades union representatives, contractor training & certification organizations.





# OVERVIEW AND SUMMARY

## TIMELINE



\*Timing shown is approximate.

Governor Patrick Deval named the first Access and Opportunity Committee for the UMass Boston Project Labor Agreement around 2006. The first project met Boston goals of 10% women, 25% minority and 50% residents. MGC used this as a model.



# BACKGROUND AND DIVERSITY GOALS

- Highlighted the implementation of the Expanded Gaming Act
- Diversity plans as integral part of gaming license, addressing both contracting and workforce diversity

## OVERVIEW OF CASINO DEVELOPMENT PROJECTS

	Encore Boston Harbor	MGM Springfield	Plainridge Park
<b>Gaming License Type</b>	Resort-Casino	Resort-Casino	Slots Parlor
<b>Development Cost</b>	\$2.4 Billion	\$960 Million	\$250 Million
<b>General Contractor/ Construction Manager</b>	Suffolk Construction	AECOM Tishman	Turner Construction
<b>Groundbreaking</b>	2016 (August)	2015 (March)	2014 (March)
<b>Opening</b>	2019 (June)	2018 (August)	2015 (June)





# DEMAND STRATEGY PRACTICES

## EFFECTIVE DIVERSE HIRING & CONTRACTING PRACTICES

- The Gaming Act and MGC made diversity a requirement, creating an impetus for demand.
- The owners of casinos formulated plans with specific numeric goals.
- Communicate diversity goals widely and make sure everyone understands the reporting requirements from the beginning.
- Designate a diversity compliance officer/team.
- Review diversity histories when hiring all contractors.

---

“Make sure all of the subcontractors understand the reporting requirements from the beginning—you can’t spring it on them afterwards.”

**Jennifer Pinck**



# DEMAND STRATEGY PRACTICES

## EFFECTIVE DIVERSE HIRING & CONTRACTING PRACTICES (continued)

- Require contractors to submit diversity plans.
- Establish a data tracking system including weekly reports showing diverse worker hours and contractor utilization plus supplement with other tracking methods.
- Hold corrective action meetings with all key players to examine issues and ensure action steps are taken if diversity performance is below expectations.
- Recognize and reward contractors for meeting or exceeding diversity goals.



Titan Roofing accepting  
Diversity Recognition Award



# HIGHLIGHT

**Nina Incharidi**, the owner of Ultimate Abatement, said she had read about the planned MGM casino project in the news but never expected she would get the opportunity to work on it. That changed one day when she **got a call from a Tishman representative inviting her to a pre-qualification meeting** that changed the trajectory of her business. She signed a one-page agreement to sign on with the Building Wreckers Union for the duration of the MGM project. After the MGM project was finished, Ultimate decided to sign on with the union permanently. **Ultimate received an original contract for \$250,000 that increased several times during the project to eventually reach over \$1.5 million.** Ultimate completed interior demolition and asbestos abatement work in a couple of sites and **when they moved on to the Armory building, they brought in an all-female crew.**

MGM presented an award to Ultimate Abatement for the highest percentage of minority workforce hours and highest percentage of women workforce hours achieved by a subcontractor.



# DEMAND STRATEGY PRACTICES

## WORKFORCE SPECIFIC PRACTICES

- Conduct Community outreach, host job fairs, etc.· The owners of casinos formulated plans with specific numeric goals.
- Start with diverse crews from day one.
- Build relationships with unions and training entities; make requests in writing to increase diversity.
- Employ strategies to support & retain diverse workers (e.g., tradeswomen lunches, veterans hard hats).

---

A major lesson learned during the course of the casino project...Communicate with unions and apprenticeship programs in writing to encourage acceptance of new diverse members.

---



# DEMAND STRATEGY PRACTICES

## CONTRACTING SPECIFIC PRACTICES

- Build relationships with contractor certification organizations and develop a database of relevant W/M/VBEs.
- Host pre-bid orientation sessions and/or business opportunity fairs with diverse contractors.
- Increase access for small firms



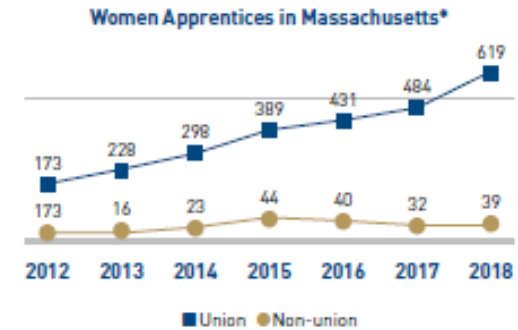
# HIGHLIGHT

**Felisha Dillon** (on the left) attended the very first Tradeswomen Tuesday. She applied and was accepted to the Sheet Metal Workers apprenticeship program shortly thereafter, making her the first woman to connect with apprenticeship via the “Build A Life” campaign.



# SUPPLY STRATEGY PRACTICES

- Advocacy for the Under-represented.
- Industry Recruitment—Targeted to Build the Tradeswomen Pipeline.
- Massachusetts Girls in Trades
- Pre-Apprenticeship Training
- Trades Union Recruiting & Apprenticeship.
- Contractor Certification & Link to Opportunities.
- Contractor Training for Women, Minority and Veteran Owned Businesses.



\*Data provided by the Massachusetts Division of Apprenticeship Standards

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“Prioritizing women in recruitment efforts also leads to an increase in people of color.”

**Liz Skidmore**



# HIGHLIGHT

**Mitchell Clinton** is the owner of CMJ, LLC, a certified MBE and small landscaping and trucking company that worked at the MGM site from its groundbreaking, hauling materials in and off the site.





# MONITORING STRATEGY PRACTICES

## ACCESS AND OPPORTUNITY COMMITTEE

**“....instituting the AOC process to monitor achievement and collectively solve problems was likely the single-most impactful practice.”**



AOC Meeting, 4/10/18

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“The AOC became a mechanism where people could sit across the table from each other and actually gain a perspective from the other person’s shoes...and engage in meaningful dialogue.”  
**Ron Marlow**



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Constant monitoring and collaborative problem solving by the multi-stakeholder AOC was central to the success of this strategy.

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# HIGHLIGHT

**Reggie Cole** is the owner of C&C Contractors, a certified MBE that provided heavy demolition services at the MGM site. He was happy to report that all of the C&C employees were from Springfield.



# OUTCOMES

## DIVERSITY OUTCOMES: DIVERSITY GOALS VS. ACTUAL OUTCOMES

Project	Workforce – Tradespersons					
	Women		Minority		Veterans	
	Goal	Actual	Goal	Actual	Goal	Actual
Encore Boston Harbor*	6.9%	7.2%	15.3%	25.3%	3.0%	5.4%
MGM Springfield**	6.9%	7.67%	15.3%	22.95%	8.0%	8.42%
Plainridge Park Casino	7.0%	4.0%	16%	17.0%	priority	7.0%

	Supplier/Contracting					
	WBE		MBE		VBE	
	Goal	Actual	Goal	Actual	Goal	Actual
Encore Boston Harbor – Design*	10.0%	8.2%	7.9%	8.4%	1.0%	6.1%
Encore Boston Harbor – Construction*	5.4%	12.7%	5.0%	5.9%	1.0%	2.8%
MGM Springfield – Design	10.0%	14.9%	5.0%	11.8%	2.0%	6.2%
MGM Springfield – Construction	10.0%	21.4%	5.0%	7.0%	2.0%	6.3%
Plainridge Park Casino	7.0%	13.0%	4.0%	10.0%	3.0%	9.0%

\*Numbers are not yet final, current as of April 2019 reporting

## MGM SPRINGFIELD TOTAL CONSTRUCTION WORKFORCE DIVERSITY

Workforce Diversity		Minority		Veterans	
Goal	Actual	Goal	Actual	Goal	Actual
6.9%	9.0%	15.3%	21.9%	8.0%	8.7%

\*\*MGM reported both total diversity and diversity of union tradespersons



# THE RESULTS

The MGC emphasizes that these strategies and techniques don't happen organically. Jill Lacey-Griffin (MGC, Director of Workforce, Supplier and Diversity Development) says, **“Casinos’ top level leadership empowered their diversity teams to devise and implement the processes that mattered. The diversity teams were innovative and committed to results.”** That sentiment is emphasized by the presidents of both casino resorts in the state.

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“Encore’s commitment to diversity for the design and construction phases of the project came directly from our leadership team. While the executive support was critical for ensuring that the goals were taken seriously, our success wouldn’t have been possible without commitment and hard work from every level of the organization.”

**Bob DeSalvio**  
Encore Boston Harbor, President

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“From the beginning, MGM Springfield has been committed to diversity on the worksite and in our daily operations. We made this promise before the first shovels even went in the ground, and it was a promise we held true throughout the development.”

**Michael Mathis**  
MGM Springfield, President and COO





TO: Chairwoman Judd-Stein, Commissioner Cameron,  
Commissioner O'Brien, Commissioner Stebbins, and  
Commissioner Zuniga

FROM: Crystal Howard, Jill Lacey Griffin, and John Ziemba

CC: Ed Bedrosian, Catherine Blue, Derek Lennon

DATE: October 7, 2019

RE: Reconciliation of FY19 Hampden Prep Budget and Clarification Regarding the Use of  
Hampden Prep FY19 funds in FY20

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As part of the staff review of the workforce program budgets in Region B, Holyoke Community College and Springfield Technical Community College ("STCC") have requested staff approval of budget items for the FY19 program and FY20 program. STCC has requested two minor funding changes for its FY19 Hampden Prep workforce program. STCC and HCC have requested the utilization of funds in FY20 that were not fully utilized by the close of FY19.

HCC's and STCC's FY20 use of such FY19 funds was anticipated in the workforce grant request approved by the Commission in July. However, the use of such prior funds in FY20 could have been better highlighted in the budget charts that were submitted as part of the package provided to the Commission prior to its approval. This memorandum hopefully provides further clarity regarding the planned use of such funds prior to staff approval of the FY20 budget.

**Minor Funding Changes Request Summary:** STCC has requested that Commission staff approve a budget amendment for its FY19 program to cover HiSET exams that were more costly than expected. Late last year, the Commission approved a budget change to provide \$3000 for HiSET exams. STCC was authorized to spend \$3,000 for the HiSET exams, which were planned for 30 students at \$100 each. The actual cost of the HiSET exams was \$5,052 because the exams were slightly more expensive than the \$100 originally estimated and because STCC provided more vouchers to students than anticipated. STCC utilized \$2,052 from its student materials budget under the grant to cover the difference. In the absence of concerns by the Commission, staff plans to approve of this budget amendment.



Massachusetts Gaming Commission



STCC also has requested staff approval of an FY19 budget amendment to pay for OSHA training costs. The OSHA training cost slightly more than anticipated (\$3004 versus \$2500) and was completed utilizing a consultant instead of STCC personnel. The slight difference was covered from a reduced need in Hampden Prep's personnel budget. Because the OSHA training was conducted by a consultant instead of Hampden Prep personnel, a new line item was created in the Hampden Prep budget. In the absence of concerns by the Commission, staff plans to approve of this budget amendment.

**Utilization of FY19 Funds in FY20 Summary:** As part of the staff FY20 budget review, Holyoke Community College has requested the use of \$35,000 "to hire part-time career counselors needed to advise, support and coach the participants in Hampden Prep as well as related support materials. Their work will focus on developing career pathways for each person." (See Attachment A). Holyoke Community College notes that "this key participant support component will enable us to connect skills training with job, career and educational placement which is so vital to the success of individuals."

Holyoke Community College's original application for FY20 workforce funds, filed by February 1, 2019, included a \$75,000 request for STCC's Hampden Prep program. A description of part-time counselors and associated materials was not included in the original application. However, during the review by the Review Team, Holyoke Community College provided additional materials describing the planned use of funds for such purposes in FY20. During the Review Team's review, the Review Team asked Holyoke Community College questions to ascertain the timetable of spending under the new proposed program versus under prior grant(s). In the narrative section of Holyoke Community College's answer to the Review Team (See Attachment B), Holyoke Community College stated that its program would include the above described part-time counselors, support materials, bus passes, employee travel, conference registration, and indirect costs. The sum of all spending in this narrative section of Holyoke Community College's response (as totaled by Commission staff) was \$98,813 plus 10% for indirect costs. Although these costs were described in the narrative, no total was provided in that narrative and not all of these costs were listed in the \$75,000 Hampden Prep FY20 budget provided to the Review Team. Thus, for the sake of clarity, we have attached a revised budget (See Attachment C) showing all of these costs and the use of \$75,000 in new program funds and funds from FY19. In communications regarding the use of FY19 funds in FY20, STCC noted that Commission staff authorized a prior rollover of funds in FY19 from FY18 funds. A chart showing such rollover was included in the Commission's packet when it reviewed the FY20 request. Because the use of FY19 funds to pay for costs in FY20 could have been presented with greater clarity, we determined that we should provide this update to the Commission before approving Holyoke Community College's detailed budget for FY20 (which includes the use of FY19 funds). Once approved, staff will work to finalize the budgetary paperwork to release the funding to Holyoke Community College and STCC.

The Kittredge Center for Business and Workforce Development  
303 Homestead Avenue  
Holyoke, MA 01040  
P: 413.552.2500  
F: 413.552.2745



To: Massachusetts Gaming Commission

From: Jeffrey P. Hayden, Vice President  
Business and Community Services  
Holyoke Community College

Cc: John Ziemba  
Jill Griffin

Re: **Community Mitigation Fund Application and Award for FY 2020 - Clarification**

Date: October 7, 2019

The purpose of this memo is to clarify some finer points related to the FY 2020 application and award of the Springfield Technical Community College portion, entitled Hampden Prep.

As you know the FY 20 MGC's Community Mitigation application "Work Ready" was led by Holyoke Community College and had three key components:

- **Ahead of the Game**, Springfield Public Schools - focus on HiSET preparation and Job Readiness;
- **Hampden Prep**, Springfield Technical Community College, College Readiness, Transition Assistance; and,
- **Workplace Skills Training**, Holyoke Community College, Dealer School and Hospitality and Culinary Training (line cook)

This memo is to confirm the FY 20 work plan and budget for the Hampden Prep program. From FY 18 award, \$35,000+ dollars was carried over to FY 19 and now to FY 20. It was the intent of the FY 2020 application, that the \$35,000 carryover would be used in FY 2020. Therefore the FY 20 award (\$75,000+ and the \$35,000+ carryover) will be combined in FY 20 to deliver the work plan described in the application.

Primarily the \$35,000 will be used to hire part-time career counselors needed to advise, support and coach the participants in Hampden Prep as well as related support materials. Their work will focus on developing career pathways for each person. With

this clarification, the application narrative and the budget are in sync and will enable us to move this model forward in this fiscal year. This key participant support component, career counseling, will enable us to connect skills training with job, career and educational placement which is so vital to the success of individuals. So additional smaller budget changes were included to fill out the entirety of support services to participants.

If you require additional information or if you have questions please feel free to contact me at your convenience.



## ATTACHMENT B

### 4. Timing of spending from prior grant years:

#### MCCTI

Based on the May 30, 2019 approval of the amendment to fund a Blackjack / Carnival Games cohort, MCCTI is requesting an extension of the 2018 funds through August in the amount of ~\$3,045 to fund the instructors who will be teaching in July and August 2019.

#### The Springfield Technical Community College Hampden Prep Program

##### Personnel

- **Coordinator:** will work 487.5 hours (25% FTE) on this program. The Coordinator is responsible for recruiting students, hiring instructors, securing rooms for teaching, and other administrative duties for the program. The Coordinator will be paid \$28/hour.
- **Instructors:** two part-time instructors hired to teach the *Workplace English for Hotels* curriculum, digital literacy and career readiness skills. Each PT instructor will be paid \$25.00/hour for 761 hours, including 81 hours of prep time per instructor, 25 hours per class week with 11 additional hours as needed.
- **Advisors:** one to two part-time advisors hired to provide advising and student support will be paid \$25.00 for a total of 1057 hours. (If two advisors are hired, they will have 528.5 hours each)
- **Fringe**  
Coordinator assessed at 35.55% with a total \$5723.  
Payroll tax for all employees is 2.44% with a total \$1967.

##### Materials and Supplies

- *Workplace English for Hotels* book is \$21.95/ student for 22 students
- ServSafe Book and test voucher is \$75/student for 75 students 15
- Office Supplies: General Office supplies of \$200
- Recruitment Supplies: Flyers, postings, business cards, postcards, mailings of \$325

##### Bus Passes/Employee Travel

- Bus Passes: \$4950 (110 bus passes @\$45 in session costs per student)
- Employee Travel: \$560 (costs of \$ .585 per mile for staff travel including recruitment and conference travel)
- Conference Registration: Registration of \$165 for three staff members to attend the Massachusetts Coalition of Adult Education Conference with a total \$495.

##### Contract Services

- STCC will hire a ServSafe Instructor to teach five 8-hour sessions at \$45/hr.

#### Indirect Costs

- Assessed at 10%
- Based on this proposed budget, the grant will be spent by June 30, 2020.

#### Springfield Public Schools Ahead of the Game Program

2017: Fully expended by January 2019

2018: February 1, 2019-June 30, 2019; fully expended

2019: July 1, 2019-June 30, 2020

5. Enrollment in MCCTI through May 30<sup>th</sup> is shown below. Scaling up the number of trainees has been difficult. Although the number of people expressing an interest in gaming dealer positions is still steady, the conversion rate, i.e. the number of those who actually enroll in classes has dramatically decreased. Prior to the opening of MGM Springfield the conversion rate was high due to the high level of media coverage and the curiosity about employment opportunities. MCCTI and MGM continue to provide information sessions and to regularly recruit job seekers – delays or cancellation of classes has occurred. In order to continue to support local residents looking for work and support MGM's employment expectations, MCCTI requested and MGC approved an amendment to allow funding for a low enrolled Blackjack / Carnival Games cohort that started in June 2019.

Antidotal information suggests the challenge is consistent with other training programs in the region, which results from low unemployment and / or the inability of part-time workers to overcome the short-term impact of the cliff-effect. However, working with Springfield Works and the region's CBOs, it is apparent that there is an opportunity to serve people in the area that need it most.

- MCCTI continues to partner alongside MGM at recruitment events to ensure anyone who expresses an interest has the immediate opportunity to enroll in the necessary skills training.
- Course schedules are forwarded to Springfield Works and all area CBOs who work with residents on career readiness and job placement. Some of the partners include the New England Farm Workers, MassHire Springfield Career Center, MassHire Holyoke Career Center, the Springfield Adult Learning Center (a joint ABE and ESOL effort of HCC and STCC), the Ludlow Area Adult Learning Center (ESOL), the Juntos Collaborative in Holyoke (ABE and ESOL) area veterans groups and more.

OSHA-10	10 hours	10	\$ 67.50	\$ 675
Basic Skills Instructors (Reading, Math) (12 hrs instruction, 6 prep)	18 hours	18	\$ 28.31	\$ 510
<b>Total</b>				<b>\$ 46,587</b>
<b>Line 2: Fringe Benefits</b>				
<b>Position</b>	<b>Basis for Cost Estimate</b>			<b>Amount</b>
	FY18 Full-time Rate (negotiated by State of Massachusetts) 36.5%			
	FY 18 Part-Time Rate (negotiated by State of Massachusetts) 2.02%			\$ 941
<b>Total</b>				<b>\$ 941</b>
<b>Line 3: Stipends/Scholarships</b>				
<b>Title</b>				<b>Total</b>
Scholarships for MCCTI students	Estimated at \$800 per student for 42 students			\$ 33,600
<b>Total</b>				<b>\$ 33,600</b>
<b>Line 4: Supplies</b>				
<b>Description of Supply</b>				<b>Total</b>
Supplies (culinary, instructional)				\$ 14,085
Supplies (Hotel, instructional)				\$ 1,500
<b>Total</b>				<b>\$ 15,585</b>
<b>Line 5: Contractual</b>				
Evaluation (MassHire)				\$3,000
<b>Total</b>				<b>\$3,000</b>
<b>Subcontract - Springfield Public Schools - Ahead of the Game</b>				
<b>Position</b>	<b>Description</b>	<b>%FTE</b>	<b>Base Salary</b>	<b>Total</b>
Case Manager	Guidance/Support Staff	100%	\$ 46,359	\$ 46,359
Teacher	Instruction	100%	\$ 42,841	\$ 42,841
<b>Fringe Benefits</b>				
Case Manager	Unemployment, Medicare, Health Insurance, Retirement, W/C			\$ 7,162
TeachersMedicare	Medicare			621.20
			<b>Subtotal</b>	<b>\$ 96,984</b>
			<b>Indirect 3.11%</b>	<b>\$ 3,016</b>
			<b>TOTAL - SPS</b>	<b>\$ 100,000</b>
<b>Subcontract - Springfield Technical Community College</b>				
<b>Positions</b>				
Coordinator - 25% FTE				\$ 16,098
PT Instructor/Advisor - Day				\$ 19,038
PT Instructor/Advisor - Night				\$ 19,038
<b>Fringe: @35.55%</b>				<b>\$ 5723</b>
<b>Payroll Tax: 2.44%</b>				<b>\$ 1322</b>
<b>Student Materials: English in the Workplace Books</b>				
ServSafe book and exam voucher				\$ 483
<b>Contract Services: ServSafe Teacher</b>				<b>\$ 5,400</b>
				\$ 1,080

		Subtotal	\$ 68,182
		Indirect - 8%	\$ 6,818
		TOTAL - STCC	\$ 75,000
		TOTAL - ALL SUBCONTRACTS	\$ 175,000
<b>Line 6: Other</b>			
<b>Major Type or Category</b>			<b>Total</b>
Miscellaneous expenses: meeting/office supplies, postage, printing			\$ 2086
Total			\$
Total			\$ 2086
<b>Line 7: Total Direct Costs</b>			<b>\$ 266,965</b>
<b>Line 8: Indirect Costs</b>			<b>\$ 33,035</b>
			<b>Approved Indirect Cost Rate</b>
Holyoke Community College			<b>Total</b>
Federal Rate: 49.8% of salaries and fringe (49.8% x \$36,663) costs			\$ 23,200
Total			
<b>Line 9: Total Funds Requested.</b>			<b>\$ 300,000</b>

	<u>FY 19 Estimated</u>		
	<u>Roll Forward</u>	<u>FY 2020 Funds</u>	<u>Total Funds</u>
Program Coordinator .25 FTE		16,098	16,098
Advisors	23,772.00		23,772
PT Instructor/Day		19,038	19,038
PT Instructor/ Night		19,038	19,038
<b>Total Personnel</b>	<b>23,772</b>	<b>54,174</b>	<b>77,946</b>
Fringe @ 35.55%		5,723	5,723
Payroll tax @ 2.44%	580	1,322	1,902
<b>Total Fringe</b>	<b>580</b>	<b>7,045</b>	<b>7,625</b>
<b>Materials and Supplies</b>			
Office Supplies	200		
Recruitment Supplies	1000		
English in the Workplace books		483	483
ServeSafe book and exam voucher	1,800	5,400	7,200
<b>Total Supplies</b>	<b>3,000</b>	<b>5,883</b>	<b>7,683</b>
<b>Contract Services</b>			
ServSafe teacher	720	1,080	1,800
<b>Total Contract</b>	<b>720</b>	<b>1,080</b>	<b>1,800</b>
<b>Bus Passes/Employee Travel</b>			
Bus Passes	2700		2,700
Employee Travel	\$560		560
Conference Registration	\$495		495
<b>Total Travel</b>	<b>\$3,755</b>	<b>\$0</b>	<b>3,755</b>
<b>Total Direct</b>	<b>31,827</b>	<b>68,182</b>	<b>100,009</b>
<b>Total Indirect</b>	<b>3,183</b>	<b>6,818</b>	<b>10,001</b>
<b>Grand Total</b>	<b>35,010</b>	<b>75,000</b>	<b>110,010</b>

38,000 estimated roll forward



# MASSACHUSETTS GAMING COMMISSION

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## MEMORANDUM

**To:** Chair Judd-Stein and Commissioners Cameron, O'Brien, Stebbins and Zuniga  
**From:** Derek Lennon, Chief Financial and Accounting Officer  
**Date:** 10/10/2019  
**Re:** Fiscal Year 2019 (FY19) Budget Closeout

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### **Summary:**

The Massachusetts Gaming Commission approved a FY19 budget for the Gaming Control Fund of \$33.4M which required an initial assessment of \$28.3M on licensees. After three quarters of adjustments, and increases for hiring related to the opening of Encore Boston Harbor (EBH), the MGC's revised final budget was \$37.81M and the revenue projections were \$37.64M, which included a \$29.6M assessment on licensees. The Commission was relying on at least \$163K in reversions to bridge the gap between anticipated spending and anticipated revenues.

Actual spending for FY19 in the gaming control fund was \$36.34M and revenues (after balancing forward \$3.93M of FY20 slot fees received in FY19) were \$37.78M. The result is a \$1.44M excess of revenue in FY19, which will be a credit towards the FY20 assessment on licensees.

### **FY19 Closeout:**

#### ***Gaming Control Fund 1050-0001***

The Massachusetts Gaming Commission FY19 approved budget for the Gaming Control Fund was \$37.81M. The budget was composed of the following areas:

- \$27.01M for gaming regulatory costs;
- \$2.037M assessment from the Commonwealth for indirect costs;
- \$3.85M assessment for the Office of the Attorney General's (AGO) gaming operations inclusive of Massachusetts State Police (MSP) assigned to the AGO;
- \$4.82M assessment for the research and responsible gaming agenda inclusive of DPH costs which will be funded from the Public Health Trust Fund beginning with FY20; and,
- \$75K for the Alcohol and Beverage Control Commission (ABCC)

#### **FY19 Final Spending:**

The Gaming Control Fund spending for FY19 was \$36.34M, which was \$1.46M (3.9%) less than the approved spending level. MGC Regulatory costs underspent by \$849.7K (3.1%), Indirect spending was \$247.6K (12.2%) more than budgeted, Office of the Attorney General underspent by \$437K (11.3%), Research and Responsible Gaming underspent its budget by

\$350.6K (7.3%), and ABCC underspent its budget by \$75K (100%). The chart below shows final spending and variance to budgeted amount by budget areas of the Gaming Control Fund, as well as brief explanations for large discrepancies.

10500001--Gaming Control Fund	Budget	Spending	Variance (Budget - Spending)	Percent Variance	Explanation
<b>MGC Regulatory Cost</b>					
AA REGULAR EMPLOYEE COMPENSATION	\$ 7,468,556.69	\$ 7,066,754.94	\$ 401,801.75	5.4%	Delays in hiring and backfilling Licensing, HR and IT
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 89,400.00	\$ 62,235.85	\$ 27,164.15	30.4%	
CC SPECIAL EMPLOYEES	\$ 135,000.00	\$ 92,019.00	\$ 42,981.00	31.8%	
DD PENSION & INSURANCE RELATED EX	\$ 2,737,019.46	\$ 2,510,546.94	\$ 226,472.52	8.3%	Corresponds to delay in hiring
EE ADMINISTRATIVE EXPENSES	\$ 601,607.48	\$ 428,059.68	\$ 173,547.80	28.8%	
FF PROGRAM, FACILITY, OPERATIONAL SUPPLIES	\$ -	\$ 50,849.74	\$ (50,849.74)		Finger print machines were budgeted in KK and not adjusted
GG ENERGY COSTS AND SPACE RENTAL	\$ 1,271,894.58	\$ 1,294,914.72	\$ (23,020.14)	-1.8%	
HH CONSULTANT SVCS (TO DEPTS)	\$ 2,800,644.48	\$ 3,068,621.82	\$ (267,977.34)	-9.6%	Legal costs
JJ OPERATIONAL SERVICES	\$ 6,847,343.37	\$ 6,967,934.24	\$ (120,590.87)	-1.8%	Additional MSP and Springfield Police costs
KK EQUIPMENT PURCHASES	\$ 96,000.00	\$ 22,592.80	\$ 73,407.20	76.5%	Finger print machines were budgeted here but spent in FF
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 36,824.00	\$ 39,093.47	\$ (2,269.47)	-6.2%	
NN NON-MAJOR FACILITY MAINTENANCE REPAIR	\$ 2,500.00	\$ 21,605.33	\$ (19,105.33)	-764.2%	Build out of cubes
PP STATE AID/POLSUB/OSD	\$ 150,000.00	\$ 145,000.00	\$ 5,000.00	3.3%	
UU IT Non-Payroll Expenses	\$ 4,778,210.49	\$ 4,394,996.61	\$ 383,213.88	8.0%	Delay in moving to cloud
<b>MGC Regulatory Cost Subtotal:</b>	\$27,015,000.55	\$26,165,225.14	\$ 849,775.41	3.1%	
			\$ -		
<b>EE--Indirect Costs</b>	\$ 2,037,294.23	\$ 2,284,899.42	\$ (247,605.19)	-12.2%	State fully charged for indirect in FY19
			\$ -		
<b>Office of Attorney General</b>			\$ -		
ISA to AGO	\$ 2,760,000.00	\$ 2,289,048.53	\$ 470,951.47	17.1%	
TT Reimbursement for AGO 0810-1024	\$ -	\$ 322,102.35	\$ (322,102.35)	#DIV/0!	
AGO State Police	\$ 1,096,997.20	\$ 808,757.66	\$ 288,239.54	26.3%	
<b>Office of Attorney General Subtotal:</b>	\$ 3,856,997.20	\$ 3,419,908.54	\$ 437,088.66	11.3%	
			\$ -		
<b>Trust Fund</b>			\$ -		
AA REGULAR EMPLOYEE COMPENSATION	\$ 201,973.00	208,072.17	\$ (6,099.17)	-3.0%	
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 6,000.00	7,771.83	\$ (1,771.83)	-29.5%	
DD PENSION & INSURANCE RELATED EX	\$ 75,012.77	74,807.97	\$ 204.80	0.3%	
EE ADMINISTRATIVE EXPENSES	\$ 32,995.23	23,474.14	\$ 9,521.09	28.9%	
SUPPLIES	\$ 1,000.00	59.11	\$ 940.89	94.1%	
HH CONSULTANT SVCS (TO DEPTS)	\$ 2,454,000.00	2,159,356.43	\$ 294,643.57	12.0%	Under spending by Mass Council on Compulsive Gambling.
JJ OPERATIONAL SERVICES	\$ -	3,242.76	\$ (3,242.76)		
KK EQUIPMENT PURCHASES		5,035.00	\$ (5,035.00)		
MM PURCHASED CLIENT/PROGRAM SVCS	\$ 10,000.00		\$ 10,000.00	100.0%	
PP STATE AID/POLSUB	\$ 2,045,000.00	\$ 1,001,792.00	\$ 1,043,208.00	51.0%	This was spent under the Public Health Trust Fund (PHTF) via an ISA from EOHHS. MGC fronted DPH money from the Gaming Control Fund until category 1 revenue funded the PHTF
UU IT Non-Payroll Expenses	\$ -	\$ 1,135.00	\$ (1,135.00)		
ISA to DPH	\$ -	\$ 990,567.57	\$ (990,567.57)		
<b>Research and Responsible Gaming/Public Health Trust Fund Subtotal:</b>	\$ 4,825,981.00	\$ 4,475,313.98	\$ 350,667.02	7.3%	
			\$ -		
<b>ISA to ABCC</b>	\$ 75,000.00	\$ -	\$ 75,000.00	100.0%	Did not spend any of the ISA.
<b>Gaming Control Fund Total Costs</b>	<b>\$37,810,272.98</b>	<b>\$36,345,347.08</b>	<b>\$ 1,464,925.90</b>	<b>3.9%</b>	

Final FY19 Revenue:

The Commission’s revenue is generated from a daily fee for slot machines, licensing fees, and an assessment on licensees. Revenue projections for FY19 were \$37.64M. After balancing forward \$3.93M in FY20 slot fees that were received in FY19, the Gaming Control Fund final revenues were \$37.78M, which was \$137K higher than projections.

**Assessment on Licensees:**

205 CMR 121.00 describes how the commission shall assess its operational costs on casino licensees including any increases or decreases that are the result of over or under spending. 205 CMR 121.05, paragraph (2) specifically states:

“(2) In the event that actual revenues exceed actual costs for a given fiscal year, the commission, in its sole discretion may either return any excess revenue (Excess Assessment) in the same manner in which Excess Assessment was assessed or the commission may credit such Excess Assessment to the Annual Assessment due for the next fiscal year.”

The impact of final spending in the Gaming Control Fund of \$36.34M and final revenue of \$37.78M resulted in a \$1.44M excess assessment to licensees. The surplus FY19 revenue will be credited to the FY20 assessment on licensees. A chart of the credit to each licensee is below:

Licensee	Annual Assessment Per Licensee	% of Assessment	Credit to FY20 Assessment
MGM	\$ 11,196,050.94	37.80%	\$ 544,009.17
Encore	\$ 13,901,746.33	46.93%	\$ 675,477.23
Penn	\$ 4,523,969.25	15.27%	\$ 219,816.86
	\$ 29,621,766.52	100.00%	\$ 1,439,303.26

Attachment A to this document is the budget to actual spending and revenue for The Gaming Control Fund for FY19.

**Conclusion:**

After the third quarterly update for FY19, the Gaming Control fund was carrying a \$163K deficit. The Gaming Control Fund final spending for FY19 was \$36.34M, which was \$1.46M (3.9%) less than the approved spending level. FY19, Gaming Control Fund final revenue was \$37.78M, which was \$137K higher than projections. The net impact of spending under budget, and revenue exceeding budget projections resulted in a \$1.44M FY19 surplus in the Gaming Control Fund. The surplus will be credited to licensees’ FY20 assessments.

Attachment A: FY19 Spending and Revenue Final



2019	Budget Projections					Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
	Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments				
<b>10500001--Gaming Control Fund</b>									
<b>MGC Regulatory Cost</b>									
AA REGULAR EMPLOYEE COMPENSATION	\$ 7,301,056.69		\$ 167,500.00	\$ -	\$ -	\$ 7,468,556.69	\$ 7,066,754.94	95%	100%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 89,400.00		\$ -	\$ -	\$ -	\$ 89,400.00	\$ 62,235.85	70%	100%
CC SPECIAL EMPLOYEES	\$ 135,000.00		\$ -	\$ -	\$ -	\$ 135,000.00	\$ 92,019.00	68%	100%
DD PENSION & INSURANCE RELATED EX	\$ 2,674,809.96		\$ 62,209.50	\$ -	\$ -	\$ 2,737,019.46	\$ 2,510,546.94	92%	100%
EE ADMINISTRATIVE EXPENSES	\$ 601,607.48		\$ -	\$ -	\$ -	\$ 601,607.48	\$ 428,059.68	71%	100%
FF PROGRAM, FACILITY, OPERATIONAL SUPPLIES	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 50,849.74	#DIV/0!	100%
GG ENERGY COSTS AND SPACE RENTAL	\$ 1,271,894.58		\$ -	\$ -	\$ -	\$ 1,271,894.58	\$ 1,294,914.72	102%	100%
HH CONSULTANT SVCS (TO DEPTS)	\$ 750,644.48		\$ 750,000.00	\$ -	\$ -	\$ 1,500,644.48	\$ 3,068,621.82	204%	100%
JJ OPERATIONAL SERVICES	\$ 5,643,125.02		\$ 2,504,218.35	\$ -	\$ -	\$ 8,147,343.37	\$ 6,967,934.24	86%	100%
KK EQUIPMENT PURCHASES	\$ 96,000.00		\$ -	\$ -	\$ -	\$ 96,000.00	\$ 22,592.80	24%	100%
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 36,824.00		\$ -	\$ -	\$ -	\$ 36,824.00	\$ 39,093.47	106%	100%
NN NON-MAJOR FACILITY MAINTENANCE REPAIR	\$ 2,500.00		\$ -	\$ -	\$ -	\$ 2,500.00	\$ 21,605.33	864%	100%
PP STATE AID/POL SUB/OSD	\$ 150,000.00		\$ -	\$ -	\$ -	\$ 150,000.00	\$ 145,000.00	97%	100%
TT PAYMENTS & REFUNDS	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	100%
UU IT Non-Payroll Expenses	\$ 3,852,395.46		\$ 925,815.03	\$ -	\$ -	\$ 4,778,210.49	\$ 4,394,996.61	92%	100%
<b>MGC Regulatory Cost Subtotal:</b>	<b>\$ 22,605,257.67</b>		<b>\$ 4,409,742.88</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 27,015,000.55</b>	<b>\$ 26,165,225.14</b>		
<b>EE--Indirect Costs</b>	<b>\$ 2,037,294.23</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,037,294.23</b>	<b>\$ 2,284,899.42</b>	<b>112%</b>	<b>100%</b>
<b>Office of Attorney General</b>									
ISA to AGO	\$ 2,760,000.00		\$ -	\$ -	\$ -	\$ 2,760,000.00	\$ 2,289,048.53	83%	100%
TT Reimbursement for AGO 0810-1024	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 322,102.35	#DIV/0!	100%
AGO State Police	\$ 1,096,997.20		\$ -	\$ -	\$ -	\$ 1,096,997.20	\$ 808,757.66	74%	100%
<b>Office of Attorney General Subtotal:</b>	<b>\$ 3,856,997.20</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,856,997.20</b>	<b>\$ 3,419,908.54</b>		
<b>Research and Responsible Gaming/Public Health Trust Fund</b>									
AA REGULAR EMPLOYEE COMPENSATION	\$ 201,973.00		\$ -	\$ -	\$ -	\$ 201,973.00	208,072.17	103%	100%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 6,000.00		\$ -	\$ -	\$ -	\$ 6,000.00	7,771.83	130%	100%
CC SPECIAL EMPLOYEES	\$ -		\$ -	\$ -	\$ -	\$ -	-	#DIV/0!	100%
DD PENSION & INSURANCE RELATED EX	\$ 75,012.77		\$ -	\$ -	\$ -	\$ 75,012.77	74,807.97	100%	100%
EE ADMINISTRATIVE EXPENSES	\$ 32,995.23		\$ -	\$ -	\$ -	\$ 32,995.23	23,474.14	71%	100%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES	\$ 1,000.00		\$ -	\$ -	\$ -	\$ 1,000.00	59.11	6%	100%
HH CONSULTANT SVCS (TO DEPTS)	\$ 2,454,000.00		\$ -	\$ -	\$ -	\$ 2,454,000.00	2,159,356.43	88%	100%
JJ OPERATIONAL SERVICES	\$ -		\$ -	\$ -	\$ -	\$ -	3,242.76	#DIV/0!	100%
KK EQUIPMENT PURCHASES	\$ -		\$ -	\$ -	\$ -	\$ -	5,035.00		100%
MM PURCHASED CLIENT/PROGRAM SVCS	\$ 10,000.00		\$ -	\$ -	\$ -	\$ 10,000.00	-	0%	100%
PP STATE AID/POL SUB	\$ 2,045,000.00		\$ -	\$ -	\$ -	\$ 2,045,000.00	\$ 1,001,792.00	49%	100%
UU IT Non-Payroll Expenses	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 1,135.00	#DIV/0!	100%
ISA to DPH	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 990,567.57	#DIV/0!	100%
<b>Research and Responsible Gaming/Public Health Trust Fund Subtotal:</b>	<b>\$ 4,825,981.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,825,981.00</b>	<b>\$ 4,475,313.98</b>		100%
<b>ISA to ABCC</b>	<b>\$ 75,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000.00</b>	<b>\$ -</b>		100%
<b>Gaming Control Fund Total Costs</b>	<b>\$ 33,400,530.10</b>	<b>\$ -</b>	<b>\$ 4,409,742.88</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 37,810,272.98</b>	<b>\$ 36,345,347.08</b>		
<b>4000-1101</b>									
<b>ISA From EHHS (Public Health Trust Fund)</b>							<b>\$ 999,999.98</b>		
<b>Revenue Projections</b>									
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments		Current Budget (Initial+Apvd Adjmts)			
Gaming Control Fund Beginning Balance 0500	\$ -		\$ 947,361.22	\$ -	\$ -	\$ 947,361.22	\$ 947,361.22		
Phase 1 Collections (restricted) 0500	\$ -		\$ 1,432,715.66	\$ -	\$ -	\$ 1,432,715.66	\$ 1,252,326.49		
Phase 1 Refunds 0500	\$ -		\$ -	\$ -	\$ -	\$ -	\$ (13,685.97)		
Phase 2 Category 1 Collections (restricted) 0500	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 1,243.90		
Region C Phase 1 Investigation Collections 0500	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		
Region C Phase 2 Category 1 Collections 0500	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		
Grant Collections (restricted) 0500	\$ 50,000.00		\$ -	\$ -	\$ -	\$ 50,000.00	\$ -		
Region A slot Machine Fee 0500	\$ 1,945,200.00		\$ -	\$ -	\$ -	\$ 1,945,200.00	\$ 1,945,200.00		
Region B Slot Machine Fee 0500	\$ 1,800,000.00		\$ -	\$ -	\$ -	\$ 1,800,000.00	\$ 1,800,000.00		
Slots Parlor Slot Machine Fee 0500	\$ 750,000.00		\$ -	\$ -	\$ -	\$ 750,000.00	\$ 750,000.00		
Gaming Employee License Fees (GEL) 3000	\$ 300,000.00		\$ 374,402.81	\$ -	\$ -	\$ 674,402.81	\$ 1,050,462.57		
Key Gaming Executive (GKE) 3000	\$ 15,000.00		\$ (9,000.00)	\$ -	\$ -	\$ 6,000.00	\$ 48,175.00		
Key Gaming Employee (GKS) 3000	\$ 20,000.00		\$ 44,700.00	\$ -	\$ -	\$ 64,700.00	\$ -		
Non-Gaming Vendor (NGV) 3000	\$ 25,000.00		\$ 40,000.00	\$ -	\$ -	\$ 65,000.00	\$ 92,856.10		
Vendor Gaming Primary (VGP) 3000	\$ 75,000.00		\$ 69,000.00	\$ -	\$ -	\$ 144,000.00	\$ 189,210.67		
Vendor Gaming Secondary (VGS) 3000	\$ 25,000.00		\$ (15,000.00)	\$ -	\$ -	\$ 10,000.00	\$ 14,325.00		
Gaming School License (GSB)	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		
Gaming Service Employee License (SER) 3000	\$ 75,000.00		\$ -	\$ -	\$ -	\$ 75,000.00	\$ 3,075.00		
Subcontractor ID Initial License (SUB) 3000	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		
Temporary License Initial License (TEM) 3000	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 15,000.00		
Veterans Initial License (VET) 3000	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		
Transfer of Licensing Fees to CMF 0500	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -		

Attachment A FY19 Actuals Spending and Revenue Final

Assessment 0500	\$ 28,320,330.10	\$ 1,301,436.41	\$ -	\$ 29,621,766.51	\$ 29,621,766.52
Misc/Bank Interest 0500	\$ -	\$ 61,018.22	\$ -	\$ 61,018.22	\$ 67,333.84
FY20 Slot Fees received in FY19					\$ 3,934,200.00
<b>Grand Total</b>	<b>\$ 33,400,530.10</b>	<b>\$ -</b>	<b>\$ 4,246,634.32</b>	<b>\$ 37,647,164.42</b>	<b>\$ 41,718,850.34</b>
				Less FY20 Slot Fees Received in FY19	\$ (3,934,200.00)
				FY19 Revenue	\$ 37,784,650.34
				FY19 Surplus [FY19 Revenue - FY19 Spending]	\$ 1,439,303.26

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>1050002</b>						
TT LOANS AND SPECIAL PAYMENTS	\$ -		\$ -	\$ -	\$ -	\$ - 100%
Revenue Projections						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Greyhound Balance Forward Simulcast 7200	\$ 150,000.00		\$ -	\$ -	\$ 150,000.00	\$ -
Plainridge Greyhound Import Simulcast 7200	\$ 27,500.00		\$ -	\$ -	\$ 27,500.00	\$ 27,450.73
Raynham Greyhound Import Simulcast 7200	\$ 95,000.00		\$ -	\$ -	\$ 95,000.00	\$ 67,107.77
Suffolk Greyhound Import Simulcast 7200	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 17,522.85
TVG Greyhound Import Simulcast 7200	\$ 2,000.00		\$ -	\$ -	\$ 2,000.00	\$ 13,959.61
TWS Greyhound Import Simulcast 7200	\$ 1,500.00		\$ -	\$ -	\$ 1,500.00	\$ 3,236.14
Wonderland Greyhound Import Simulcast 7200	\$ 10,000.00		\$ -	\$ -	\$ 10,000.00	\$ 4,823.30
<b>Grand Total</b>	<b>\$ 311,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 311,000.00</b>	<b>\$ 134,100.40</b>

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>1050003</b>						
AA REGULAR EMPLOYEE COMPENSATION	\$ 779,111.86		\$ -	\$ -	\$ 779,111.86	\$ 696,277.51 100%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 12,000.00		\$ -	\$ -	\$ 12,000.00	\$ 6,370.42 100%
CC SPECIAL EMPLOYEES	\$ 425,000.00		\$ -	\$ -	\$ 425,000.00	\$ 452,987.56 100%
DD PENSION & INSURANCE RELATED EX	\$ 279,030.65		\$ -	\$ -	\$ 279,030.65	\$ 256,359.22 100%
EE ADMINISTRATIVE EXPENSES	\$ 42,485.00		\$ -	\$ -	\$ 42,485.00	\$ 35,097.89 100%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES	\$ 2,000.00		\$ -	\$ -	\$ 2,000.00	\$ 2,410.84 100%
HH CONSULTANT SVCS (TO DEPTS)	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 22,424.00 100%
JJ OPERATIONAL SERVICES	\$ 727,758.73		\$ -	\$ -	\$ 727,758.73	\$ 658,283.12 100%
KK EQUIPMENT PURCHASES	\$ -		\$ -	\$ -	\$ -	\$ 300.00 100%
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 915.00		\$ -	\$ -	\$ 915.00	\$ 357.10 100%
MM PURCHASED CLIENT/PROGRAM SVCS	\$ 155,000.00		\$ -	\$ -	\$ 155,000.00	\$ 65,000.00 100%
NN INFRASTRUCTURE:	\$ -		\$ -	\$ -	\$ -	\$ - 100%
TT LOANS AND SPECIAL PAYMENTS	\$ -		\$ -	\$ -	\$ -	\$ 568,876.90 100%
UU IT Non-Payroll Expenses	\$ -		\$ -	\$ -	\$ -	\$ 6,342.91 100%
EE --Indirect Costs	\$ 202,687.10		\$ -	\$ -	\$ 202,687.10	\$ 182,296.15 100%
ISA to DPH	\$ 70,000.00		\$ -	\$ -	\$ 70,000.00	\$ 70,000.00 100%
<b>Grand Total</b>	<b>\$ 2,720,988.34</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,720,988.34</b>	<b>\$ 3,023,383.62 100%</b>

Revenue Projections						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Plainridge Assessment 4800	\$ 121,200.00		\$ -	\$ -	\$ 121,200.00	\$ 111,465.70
Plainridge Daily License Fee 3003	\$ 108,600.00		\$ -	\$ -	\$ 108,600.00	\$ 99,300.00
Plainridge Occupational License 3003/3004	\$ 55,000.00		\$ -	\$ -	\$ 55,000.00	\$ 50,115.13
Plainridge Racing Development Oversight Live 0131	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 9,260.01
Plainridge Racing Development Oversight Simulcast 0131	\$ 135,000.00		\$ -	\$ -	\$ 135,000.00	\$ 113,907.72
Racing Oversight and Development Balance Forward 0131	\$ 400,000.00		\$ -	\$ -	\$ 400,000.00	\$ -
Raynham Assessment 4800	\$ 96,150.00		\$ -	\$ -	\$ 96,150.00	\$ 80,832.78
Raynham Daily License Fee 3003	\$ 108,600.00		\$ -	\$ -	\$ 108,600.00	\$ 78,600.00
Raynham Racing Development Oversight Simulcast 0131	\$ 133,000.00		\$ -	\$ -	\$ 133,000.00	\$ 77,273.66
Suffolk Assessment 4800	\$ 526,650.00		\$ -	\$ -	\$ 526,650.00	\$ 479,524.02
Suffolk Commission Racing Development Oversight Simulcast 0131	\$ 140,000.00		\$ -	\$ -	\$ 140,000.00	\$ 162,481.85
Suffolk Daily License Fee 3003	\$ 78,000.00		\$ -	\$ -	\$ 78,000.00	\$ 73,800.00
Suffolk Occupational License 3003/3004	\$ 33,000.00		\$ -	\$ -	\$ 33,000.00	\$ 58,865.00
Suffolk Racing Development Oversight Live 0131	\$ 22,000.00		\$ -	\$ -	\$ 22,000.00	\$ 12,737.02
Suffolk TVG Commission Live 0131	\$ 18,000.00		\$ -	\$ -	\$ 18,000.00	\$ 791.30
Suffolk TVG Commission Simulcast 0131	\$ 125,000.00		\$ -	\$ -	\$ 125,000.00	\$ 207,410.68
Suffolk Twin Spires Commission Live 0131	\$ 15,000.00		\$ -	\$ -	\$ 15,000.00	\$ 485.31
Suffolk Twin Spires Commission Simulcast 0131	\$ 97,000.00		\$ -	\$ -	\$ 97,000.00	\$ 112,753.97
Suffolk Xpress Bet Commission Live 0131	\$ 13,000.00		\$ -	\$ -	\$ 13,000.00	\$ 266.48
Suffolk Xpress Bet Commission Simulcast 0131	\$ 45,000.00		\$ -	\$ -	\$ 45,000.00	\$ 54,054.02
Suffolk NYRA Bet Commission Live 0131	\$ 7,500.00		\$ -	\$ -	\$ 7,500.00	\$ 106.54
Suffolk NYRA Bet Commission Simulcast 0131	\$ 22,000.00		\$ -	\$ -	\$ 22,000.00	\$ 32,925.98
Transfer to General Fund 10500140 0000			\$ -	\$ -	\$ -	\$ -

Attachment A FY19 Actuals Spending and Revenue Final

Wonderland Assessment 4800	\$ 6,000.00	\$ -	\$ -	\$ 6,000.00	\$ 6,360.03
Wonderland Daily License Fee 3003	\$ 78,000.00	\$ -	\$ -	\$ 78,000.00	\$ 73,200.00
Wonderland Racing Development Oversight Simulcast 0131	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ 2,595.38
Plainridge fine 2700	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	\$ 12,475.00
Suffolk Fine 2700	\$ 4,500.00	\$ -	\$ -	\$ 4,500.00	\$ 7,000.00
Plainridge Unclaimed wagers 5009	\$ 168,000.00	\$ -	\$ -	\$ 168,000.00	\$ 186,705.64
Suffolk Unclaimed wagers 5009	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	\$ 224,045.33
Raynham Unclaimed wagers 5009	\$ 160,000.00	\$ -	\$ -	\$ 160,000.00	\$ 150,144.70
Wonderland Unclaimed wagers 5009	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ 7,981.23
Misc/Bank Interest 0131	\$ 500.00	\$ -	\$ -	\$ 500.00	\$ 89.24
Beginning Balance					\$ 1,556,762.44
<b>Grand Total</b>	<b>\$3,041,700.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$3,041,700.00</b>

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>10500004</b>						
PP Grants and Subsidies (Community Mitigation Fund)	\$ -				\$ -	\$ 1,193,671.86 100%
Revenue Projections						
Revenues	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Balance forward prior year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Grand Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>10500005</b>						
TT LOANS AND SPECIAL PAYMENTS (Race Horse Dev Fund)	\$ 14,400,000.00	\$ -	\$ -	\$ -	\$ 14,400,000.00	\$ 17,073,216.56 100%
Revenue Projections						
Revenues	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Balance forward prior year 3003		\$ 14,500,000.00			\$ 14,500,000.00	
Race Horse Development Fund assessment 3003	\$ 15,000,000.00				\$ 15,000,000.00	\$ 16,285,330.16
<b>Grand Total</b>	<b>\$ 15,000,000.00</b>	<b>\$ 14,500,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 29,500,000.00</b>	<b>\$ 16,285,330.16</b>

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>10500008</b>						
Casino forfeited money MGC Trust MGL 267A S4	\$ 7,500.00				\$ 7,500.00	\$ 6,000.00 100%
<b>Grand Total</b>	<b>\$ 7,500.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,500.00</b>	<b>\$ 6,000.00</b>

Budget Projections						
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
<b>10500012/ P promo</b>						
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	100%
Revenue Projections						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Plainridge Import Harness Horse Simulcast 0131	\$ 3,500.00		\$ -	\$ -	\$ 3,500.00	\$ 15,866.30
Plainridge Racing Harness Horse Live 0131	\$ 9,000.00		\$ -	\$ -	\$ 9,000.00	\$ 9,933.83
Raynham Import Plainridge Simulcast 0131	\$ 3,500.00		\$ -	\$ -	\$ 3,500.00	\$ 2,287.10
Suffolk Import Plainridge Simulcast 0131	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 2,124.69
Plainridge Racecourse Promo Fund Beginning Balance 7205	\$ 50,000.00		\$ -	\$ -	\$ 50,000.00	\$ -
TVG Live 0131			\$ -	\$ -	\$ -	\$ -
TVG Simulcast 0131	\$ 12,000.00		\$ -	\$ -	\$ 12,000.00	\$ 12,261.30
Twin Spires Live 0131			\$ -	\$ -	\$ -	\$ -
Twin Spires Simulcast 0131	\$ 14,500.00		\$ -	\$ -	\$ 14,500.00	\$ 6,811.02
Xpress Bets Live 0131			\$ -	\$ -	\$ -	\$ -
Xpress Bets Simulcast 0131	\$ 3,500.00		\$ -	\$ -	\$ 3,500.00	\$ 3,235.87
NYRA Live 0131			\$ -	\$ -	\$ -	\$ -
NYRA Simulcast 0131	\$ 1,000.00		\$ -	\$ -	\$ 1,000.00	\$ 943.39
<b>Grand Total</b>	<b>\$ 122,000.00</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 122,000.00</b>	<b>\$ 53,463.50</b>

Budget Projections						
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Row Labels	FY18 Balance		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
	Initial Projection	Forward				
<b>10500013/ P Cap</b>						
TT LOANS AND SPECIAL PAYMENTS	\$ 125,000.00	\$ -	\$ -	\$ -	\$ 125,000.00	\$ - 100%
<b>Revenue Projections</b>						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Plainridge Import Harness Horse Simulcast 0131	\$ 27,500.00		\$ -	\$ -	\$ 27,500.00	\$ 35,767.34
Plainridge Racing Harness Horse Live 0131	\$ 15,000.00		\$ -	\$ -	\$ 15,000.00	\$ 14,697.74
Raynham Import Plainridge Simulcast 0131	\$ 2,500.00		\$ -	\$ -	\$ 2,500.00	\$ 3,884.26
Suffolk Import Plainridge Simulcast 0131			\$ -	\$ -	\$ -	\$ 4,860.21
Plainridge Capital Improvement Fund Beginning Balance 7205	\$ 355,000.00		\$ -	\$ -	\$ 355,000.00	\$ -
TVG Live 0131			\$ -	\$ -	\$ -	\$ -
TVG Simulcast 0131	\$ 30,000.00		\$ -	\$ -	\$ 30,000.00	\$ 34,298.29
Twin Spires Live 0131			\$ -	\$ -	\$ -	\$ -
Twin Spires Simulcast 0131	\$ 30,000.00		\$ -	\$ -	\$ 30,000.00	\$ 18,834.54
Xpress Bets Live 0131			\$ -	\$ -	\$ -	\$ -
Xpress Bets Simulcast 0131	\$ 6,500.00		\$ -	\$ -	\$ 6,500.00	\$ 6,793.49
NYRA Live 0131			\$ -	\$ -	\$ -	\$ -
NYRA Simulcast 0131	\$ 1,200.00		\$ -	\$ -	\$ 1,200.00	\$ 3,755.26
<b>Grand Total</b>	<b>\$467,700.00</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$467,700.00</b>	<b>\$122,891.13</b>

Row Labels	FY18 Balance		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
	Initial Projection	Forward				
<b>10500021/ S promo</b>						
TT LOANS AND SPECIAL PAYMENTS	\$ 146,000.00	\$ -	\$ -	\$ -	\$ 146,000.00	\$ 194,523.01 100%
<b>Revenue Projections</b>						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Plainridge Import Suffolk Simulcast 0131	\$ 26,000.00		\$ -	\$ -	\$ 26,000.00	\$ 25,404.84
Raynham Import Suffolk Simulcast 0131	\$ 13,000.00		\$ -	\$ -	\$ 13,000.00	\$ 12,409.73
Suffolk Import Running Horse Simulcast 0131	\$ 60,000.00		\$ -	\$ -	\$ 60,000.00	\$ 43,647.19
Suffolk Racing Running Horse Live 0131	\$ 3,500.00		\$ -	\$ -	\$ 3,500.00	\$ 4,245.66
Suffolk Promotional Fund Beginning Balance 7205	\$ 90,000.00		\$ -	\$ -	\$ 90,000.00	\$ -
TVG Live 0131	\$ 750.00		\$ -	\$ -	\$ 750.00	\$ 263.77
TVG Simulcast 0131	\$ 52,000.00		\$ -	\$ -	\$ 52,000.00	\$ 65,960.99
Twin Spires Live 0131	\$ 300.00		\$ -	\$ -	\$ 300.00	\$ 161.77
Twin Spires Simulcast 0131	\$ 27,000.00		\$ -	\$ -	\$ 27,000.00	\$ 33,721.26
Xpress Bets Live 0131	\$ 100.00		\$ -	\$ -	\$ 100.00	\$ 88.65
Xpress Bets Simulcast 0131	\$ 12,500.00		\$ -	\$ -	\$ 12,500.00	\$ 16,848.94
NYRA Live 0131	\$ 50.00		\$ -	\$ -	\$ 50.00	\$ 23.57
NYRA Simulcast 0131	\$ 4,000.00		\$ -	\$ -	\$ 4,000.00	\$ 11,089.81
<b>Grand Total</b>	<b>\$289,200.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$289,200.00</b>	<b>\$213,866.18</b>

Row Labels	FY18 Balance		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	
	Initial Projection	Forward				
<b>10500022/ S Cap</b>						
TT LOANS AND SPECIAL PAYMENTS	\$ 525,500.00	\$ -	\$ -	\$ -	\$ 525,500.00	\$ 102,821.17 100%
<b>Revenue Projections</b>						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	
Plainridge Import Suffolk Simulcast 0131	\$ 102,000.00		\$ -	\$ -	\$ 102,000.00	\$ 102,682.88
Raynham Import Suffolk Simulcast 0131	\$ 55,000.00		\$ -	\$ -	\$ 55,000.00	\$ 41,304.24
Suffolk Import Running Horse Simulcast 0131	\$ 220,000.00		\$ -	\$ -	\$ 220,000.00	\$ 149,666.31
Suffolk Racing Running Horse Live 0131	\$ 12,000.00		\$ -	\$ -	\$ 12,000.00	\$ 41,292.63
Suffolk Capital Improvement Fund Beginning Balance 7205	\$ 1,200,000.00		\$ -	\$ -	\$ 1,200,000.00	\$ -
TVG Live 0131	\$ 750.00		\$ -	\$ -	\$ 750.00	\$ 641.57
TVG Simulcast 0131	\$ 210,000.00		\$ -	\$ -	\$ 210,000.00	\$ 253,123.10
Twin Spires Live 0131	\$ 500.00		\$ -	\$ -	\$ 500.00	\$ 580.90
Twin Spires Simulcast 0131	\$ 125,000.00		\$ -	\$ -	\$ 125,000.00	\$ 247,544.43
Xpress Bets Live 0131	\$ 1,200.00		\$ -	\$ -	\$ 1,200.00	\$ 202.27
Xpress Bets Simulcast 0131	\$ 47,500.00		\$ -	\$ -	\$ 47,500.00	\$ 60,675.89
NYRA Live 0131	\$ 30.00		\$ -	\$ -	\$ 30.00	\$ 75.94
NYRA Simulcast 0131	\$ 3,500.00		\$ -	\$ -	\$ 3,500.00	\$ 42,516.05
<b>Grand Total</b>	<b>\$1,977,480.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,977,480.00</b>	<b>\$940,306.21</b>

Budget Projections						
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Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)
<b>10500140</b>					
TT LOANS AND SPECIAL PAYMENTS	\$ 721,350.00	\$ -	\$ -	\$ -	\$ 721,350.00
					\$ 721,350.00 100%

## Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Carrie Torrisi		
Mark Vander Linden		
Overview		
<b>CMR Number</b>	205 CMR 133.05	
<b>Regulation Title</b>	Voluntary Self-Exclusion; Maintenance and Distribution of the List	
<input checked="" type="checkbox"/> <b>Draft Regulation</b>	<input type="checkbox"/> <b>Final Regulation</b>	
Type of Proposed Action		
✓ <b>Please check all that apply</b>		
<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		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The purpose of the regulation relates to the maintenance and custody of the voluntary self-exclusion list.
Nature of and Reason for the Proposed Action
The proposed change will permit licensees to provide an aggregated no-marketing list to junket operators that will include individuals on the voluntary self-exclusion list but will not identify them as being on such list.

## Regulation Review Checklist

<b>Additional Comments or Issues Not Earlier Addressed by this Review</b>	
<b>Required Attachments</b>	
<b>✓ Please check all that apply</b>	
<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



*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 133.00: Voluntary Self-Exclusion](#). Specifically, **205 CMR 133.05: Maintenance and Custody of the List** shall be amended to support enforcement of the regulation while providing the most effective implementation of the Voluntary Self Exclusion (VSE) program. 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, 30, and 31.

The proposed amendment applies directly to licensees, and will not affect small businesses. 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:

There are no small businesses anticipated to be affected by this amendment.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

Administratively, there will be a minimal cost associated with the licensee’s compliance to include the names and contact information of individuals on the VSE list in its aggregated “no marketing” list to be shared with junket enterprises and junket representatives. These junket entities will need to review this list and act as prescribed.

3. State the appropriateness of performance standards versus design standards:

These amendments implicate a design standard update for implementation.

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:

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.



Massachusetts Gaming Commission



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

The proposed amendment to this regulation is not expected to encourage or deter the formation of new businesses in the Commonwealth. It is expected to regulate those junket enterprises and junket representatives that can be considered small businesses.

Massachusetts Gaming Commission

By:

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Shara N. Bedard  
Paralegal

Dated: \_\_\_\_\_



Massachusetts Gaming Commission

## 205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

### 133.05: Maintenance and Custody of the List

- (1) The commission shall maintain an up-to-date database of the voluntary self-exclusion list. Gaming licensees shall be afforded access to the voluntary self-exclusion list. The voluntary self-exclusion list may only be accessed by individuals authorized in accordance with the gaming licensee's approved system of internal controls in accordance with 205 CMR 13300. All information contained in approved applications for voluntary exclusion may be disclosed to a gaming licensee.
- (2) The list of voluntary self-exclusion is exempt from disclosure under M.G.L. c. 66 and shall not be publicly disclosed by a gaming-licensee. However, a gaming licensee may share the list with other gaming licensees in Massachusetts or its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments. Additionally, a gaming licensee shall include the names and contact information of individuals on the voluntary self-exclusion list in its aggregated no marketing list to be shared with junket enterprises and junket representatives in accordance with 205 CMR 134.06(5)(b) for the purpose of effectuating the intent of the voluntary self-exclusion program. Such disclosure shall not be a violation of M.G.L. c. 23K, § 45.
- (3) The commission may disclose de-identified information from the self-exclusion list to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the self-exclusion process.

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.06: Junket Enterprises and Junket Representatives

- (1) Licensing. No person shall conduct business with a gaming licensee as a junket enterprise or junket representative unless such person has been licensed in accordance with 205 CMR 134.00. A person shall be considered to be conducting business upon commencement of performance of a contract or provision of a service. A gaming licensee acting as a junket enterprise shall not be required to obtain additional licensure pursuant to this section.
- (2) Complimentary services exception. An offer by a gaming licensee to pay for the cost of transportation, food, lodging, and entertainment for a person in an amount to be determined by the actual gaming activities of that person after his or her arrival at the gaming establishment shall be deemed to be an offer of complimentary services or item, as defined in G.L. c. 23K, § 2, for the purposes of whether an arrangement involving such an offer is a junket within the meaning of G.L. c. 23K, § 2 and 205 CMR 134.06.
- (3) Selection of persons for participation in junket.
  - (a) As used in G.L. c. 23K, § 2, selection or approval of a person “for participation in a junket on the basis of the person’s ability to satisfy a financial qualification obligation related to the person’s ability or willingness to gamble” shall be deemed to occur whenever a person, as an element of the arrangement, is required to:
    1. Establish gaming credit with a gaming licensee;
    2. Establish a customer deposit with a gaming licensee;
    3. Demonstrate to a gaming licensee or agent thereof the availability of a specified amount of cash, cash equivalent, or gaming chips;
    4. Gamble to a predetermined level at a gaming establishment; or
    5. Comply with any similar obligation.
  - (b) As used in G.L. c. 23K, § 2, selection or approval of a person on a “basis related to the person’s propensity to gamble” shall be deemed to occur whenever that person has been selected or approved on the basis of:
    1. The previous satisfaction of a financial qualification obligation in accordance with the provisions of 205 CMR 134.06(3);
    2. A rating for gambling performance; or
    3. An evaluation that the person has a tendency to participate in gambling activities as the result of an inquiry concerning said person’s tendency to gamble or some other means of determining that person has a tendency to participate in gambling activities.
  - (c) Without limitation of 205 CMR 134.06(3)(b), a rebuttable presumption that a person has been selected or approved for participation in an arrangement on a basis related to his or her propensity to gamble shall be created whenever said person is provided with:
    1. Complimentary guest room accommodations as part of the arrangement; or

2. Complimentary food, entertainment, or transportation which has a value of \$200 or more.

(4) Reporting requirements.

- (a) Pursuant to M.G.L. c. 23K, § 33, each gaming licensee, junket representative, or junket enterprise shall file a report with the Bureau with respect to each list of junket patrons or potential junket patrons purchased directly or indirectly by the gaming licensee, junket representative, or junket enterprise. The report shall be filed no later than seven days after receipt of the list by the purchaser and shall include:
  1. The name and address of the person or enterprise selling the list;
  2. The purchase price paid for the list, or any other terms of compensation related to the transaction; and
  3. The date of purchase of the list.
- (b) Monthly reports. Each gaming licensee shall, on or before the 15<sup>th</sup> day of each month, prepare a junket activity report to be kept on file at the gaming establishment, and shall supply to the Bureau the name and license number of each person employed by the gaming licensee who performed the services of a junket representative during the preceding month. The junket activity report shall be made available to the Bureau for inspection upon request and shall contain, at a minimum:
  1. The origin of every junket arriving at the premises;
  2. The number of participants in the junket, including a listing of the names and addresses of all junket participants;
  3. The arrival time and date of the junket;
  4. The departure time and date of the junket;
  5. The name and license number of all junket representatives and junket enterprises involved in the junket; and
  6. The actual amount and type of complimentary services and items provided to each junket participant in accordance with the provisions of 205 CMR 138.13.

(5) Marketing prohibitions on junket enterprises and junket representatives.

- (a) No junket enterprise or junket representative shall authorize or conduct marketing, advertising, and/or promotional communication or activity that specifically targets:
  1. Individuals younger than 21 years old;
  2. Individuals who have requested not to receive marketing materials from the gaming licensee in accordance with the protocols set pursuant to G.L. c. 23K, § 21(a)(18);
  3. Individuals who have placed themselves on the voluntary self-exclusion list pursuant to 205 CMR 133.00, *et seq.*; and
  4. Individuals who have been placed on the exclusion list pursuant to 205 CMR 152.06.
- (b) The gaming licensee shall provide on a monthly basis an aggregated no marketing list to all licensed junket enterprises and junket representatives. Such no marketing list shall include all individuals falling within the categories referenced in 205 CMR 134.06(5)(a).

(6) Additional prohibitions on junket enterprises and junket representatives.

No junket enterprise or junket representative may engage in collection efforts, pay for any services provided to a junket participant, receive any fee from a patron for the privilege of participating in a junket or for the performance of any function for which the junket enterprise or junket representative is licensed, or extend credit to a junket participant.

DRAFT

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title II. Executive and Administrative Officers of the Commonwealth (Ch. 6-28a)

Chapter 23K. The Massachusetts Gaming Commission (Refs & Annos)

M.G.L.A. 23K § 45

§ 45. Regulation and procedure for the exclusion and self-exclusion of persons from gaming establishments

Effective: November 22, 2011

Currentness

(a) The commission, by regulation, shall provide for the establishment of a list of excluded persons who are to be excluded from a gaming establishment. In determining the list of excluded persons, the commission may consider, but shall not be limited to: (i) whether a person has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state; (ii) whether a person has violated or conspired to violate this chapter relating to: (A) failure to disclose an interest in a gaming establishment for which the person is required to obtain a license; or (B) willful evasion of fees or taxes; (iii) whether a person has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements; and (iv) the potential of injurious threat to the interests of the commonwealth in the gaming establishment.

(b) No person shall be placed on the list of excluded persons due to race, color, religion, national origin, ancestry, sexual orientation, disability or sex.

(c) The commission may revoke, limit, condition, suspend or fine a gaming establishment if such establishment knowingly or recklessly fails to exclude or eject from its premises any person placed by the commission on the list of excluded persons.

(d) Whenever the commission places a name on the list of excluded persons, the commission shall serve written notice upon that person by personal service, registered or certified mail return receipt requested to the last ascertainable address or by publication in a daily newspaper of general circulation for 1 week.

(e)(1) Within 30 days of receipt of service by mail or 60 days after the last publication under subsection (d), a person placed on the list of excluded persons may request an adjudicatory hearing before the commission under chapter 30A and show cause as to why the person should be removed from the list of excluded persons. Failure to demand a hearing within the time allotted in this section shall preclude the person from having an administrative hearing, but shall not affect the person's right to petition for judicial review.

(2) Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the person demanding the hearing.

(3) If upon completion of the hearing the commission determines that the person was wrongfully placed on the list of excluded persons, the commission shall remove the person's name from the list of excluded persons and notify all gaming licensees. A person aggrieved by a final decision of the commission in an adjudicatory proceeding under this section may petition for judicial review under section 14 of chapter 30A.

(f) The commission shall establish a list of self-excluded persons from gaming establishments. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. The commission shall adopt further regulations, under section 5, for the self-excluded persons list including procedures for placement, removal and transmittal of such list to gaming establishments. The commission may revoke, limit, condition, suspend or fine a gaming establishment if the establishment knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

(g) Gaming establishments shall not market to persons on any excluded persons list and shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list.

(h) Notwithstanding any other general or special law to the contrary, the self-excluded persons list shall not be open to public inspection. Nothing in this section, however, shall prohibit a gaming establishment from disclosing the identity of persons on the self-excluded persons list under this section to affiliated gaming establishments in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.

(i) As used in this subsection the following words shall have the following meanings unless the context clearly requires otherwise:

(1) "Immediate family", the spouse, parent, child, brother or sister of an individual.

(2) "Problem gambler", a person who chronically or habitually gambles to the extent that such gambling substantially interferes with the person's social or economic functioning or that the person has lost the power of self control over that person's gambling.

An immediate family member or guardian may petition, in writing, a district court for an order of exclusion from gaming establishments applicable to a person whom the petitioner has reason to believe is a problem gambler. Upon receipt of a petition for an order of exclusion of a person and any sworn statements the court may request from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause a summons and a copy of the petition to be served upon the person as provided in section 25 of chapter 276. The person may be represented by legal counsel and may present independent expert or other testimony. The court shall order examination by a qualified psychologist. If after a hearing the court based upon competent testimony finds that the person is a problem gambler and there is a likelihood of serious harm as a result of the person's gambling, the court may order that such person be prohibited from gaming in gaming establishments. The court shall communicate this order to the commission, which shall place the person's name on the list of excluded persons.

(j) A person who is prohibited from gaming in a gaming establishment under this section shall not collect any winnings or recover losses arising as a result of prohibited gaming winnings obtained by a person who is prohibited from gaming in a gaming establishment and such winnings shall be forfeited to the commission and deposited into the Gaming Revenue Fund.

(k) The commission shall pursue an interstate compact for the purposes of sharing information regarding the excluded persons list.

**Credits**

Added by St.2011, c. 194, § 16, eff. Nov. 22, 2011.

M.G.L.A. 23K § 45, MA ST 23K § 45

Current through Chapter 66 of the 2019 1st Annual Session

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End of Document

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### Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Loretta Lillios		
Overview		
<b>CMR Number</b>	205 CMR 134.00	
<b>Regulation Title</b>	Licensing and Registration of Employees	
<input checked="" type="checkbox"/> <b>Draft Regulation</b>		<input type="checkbox"/> <b>Final Regulation</b>
Type of Proposed Action		
✓ <b>Please check all that apply</b>		
<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): 8/10/2018		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
Please describe the purpose of the regulation:
The proposal amends the attached regulations to reflect changes needed procedurally, and include administrative updates. 205 CMR 134.00 establishes the procedures on the licensing of gaming employees, vendors, and qualifiers.
Nature of and Reason for the Proposed Action
(explain below)
These amendments define the process and standards governing the gaming employee licensing procedure, as well as updating elements of the appeal process, adding a requirement for the fingerprinting procedure, clarification to the procedure for administrative closure of an application, and the addition of a waiting period to reapply for a license.

## Regulation Review Checklist

<b>Additional Comments or Issues Not Earlier Addressed by this Review</b>	
<b>Required Attachments</b>	
<b>✓ Please check all that apply</b>	
<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



*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 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations](#). These amendments include a set of proposed regulation updates resulting from a review of licensing operations to identify areas for process improvement, to gain efficiencies, and to make administrative revisions. The amendments pertain to the process and standards governing the gaming employee licensing procedure, as well as updating elements of the appeal process, adding a requirement for the fingerprinting procedure, clarification to the procedure for administrative closure of an application, and the addition of a waiting period to reapply for a license.

The amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth and are primarily governed by [G.L. c.23K](#), §16, 30, and 31.

The proposed amendments apply directly to individuals and vendors applying for a gaming license. To the extent that vendors are small businesses, the amendments will impact small businesses in the license application process. 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:

To the extent that vendors are small businesses, they will be impacted by these amendments while in the licensing application process. The number of vendors that will apply for a gaming license is unknown.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no further projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

As a general matter, these amendments implicate a design standard.



Massachusetts Gaming Commission

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:

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.

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:

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Shara N. Bedard  
Paralegal

Dated: \_\_\_\_\_



Massachusetts Gaming Commission

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.07: Forms

- (1) (a) Key Gaming Employee and Gaming Employee License Application Forms. Every individual applying for a key gaming employee license or a gaming employee license shall be obligated to complete and submit an application to the Division of Licensing. Said application forms shall be created by the Bureau, subject to the approval of the commission. The Division of Licensing may make non-material changes to the form. The license application forms for key gaming employees and gaming employees shall require, at a minimum, the following information:
1. the name of applicant;
  2. the address of applicant;
  3. A detailed employment history of the applicant as prescribed by the Bureau;
  4. the fingerprints of the applicant;
  5. the criminal and arrest record of the applicant; and
  6. any civil judgments obtained against the applicant pertaining to antitrust or security regulation.
- (b) The Bureau may require the applicant to provide additional information, as set forth in the application forms, including, but not limited to:
1. information related to the financial integrity of the applicant;
  2. bank accounts and records of the applicant;
  3. bank references for the applicant;
  4. business and personal income and disbursement schedules of the applicant;
  5. tax returns and other reports filed by government agencies regarding the applicant;  
and
  6. business and personal accounting check records and ledgers of the applicant.
- (2) Gaming Service Employee Registration Form. Every individual seeking to register as a Gaming Service Employee shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of the information deemed necessary by the Bureau. Any changes to the gaming service employee registration form must be approved by the Director of the Bureau.
- (3) Gaming Vendor License Application Form.
- (a) Every person applying for a gaming vendor license shall be obligated to complete and submit a business entity disclosure form to the Division of Licensing. Said forms shall be created by the Bureau, subject to the approval of the commission. The Division of Licensing may make non-material changes to the form. The license application forms for gaming vendors shall require, at a minimum, the following information:
1. The name of applicant;
  2. The post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
  3. The applicant's criminal and arrest record;

4. Any civil judgments obtained against the applicant pertaining to antitrust or security regulation;
5. The identity of every person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members
6. An independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past five years
7. Clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by governmental agencies and business and personal accounting check records and ledgers.

(b) Every person designated as a qualifier for a gaming vendor under 205 CMR 134.04(4) shall be obligated to complete and submit a disclosure form to the Division of Licensing. Said forms for gaming vendor qualifiers shall be created by the Bureau, subject to the approval of the commission. The Division of Licensing may make non-material changes to the form.

- (4) Non-gaming Vendor Registration Form. Every person seeking to register as a non-gaming vendor shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of any information deemed necessary by the Bureau, subject to the approval of the commission. The Division of Licensing may make non-material changes to the form.
- (5) Labor Organization Registration Statement. Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the commission on a form to be created by the Bureau and submitted to the Division of Licensing. Such form shall contain, at a minimum, information to ~~identity~~ identify the officers, agents and/or principals of the organization and information to establish whether the organization and/or any of its officers, agents or principals hold any financial interest in a gaming establishment whose employees are represented by the organization.
- (6) Subcontractor Information Form. A Subcontractor Information Form shall be created by the Bureau requesting any information as deemed necessary by the Bureau and submitted to the Division of Licensing.

205 CMR 134.00: 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) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(4), or the disclosure materials from a gaming vendor qualifier in accordance with 205 CMR 134.04(4), the Division of Licensing shall conduct a review of each ~~for~~ for administrative completeness and then forward the application or submission to the Bureau which shall conduct an investigation of the applicant. In the event an application or submission is deemed incomplete, the Division of Licensing may either request supplemental information from the applicant or qualifier, or administratively close the application in accordance with 205 CMR 134.14. For individuals, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

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-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 a view. For purposes of 205 CMR 134.00 and ~~M.G.L. c. 23K, § 16~~ 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 appearances, criminal dispositions, and/or any information concerning acts of delinquency that have been sealed shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134.00 and M.G.L. c. 23K.

(a) ~~Keys Gaming Employees-executive, Key Gaming Employee-standard, and Gaming Employees.~~ Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1), the Bureau shall either approve or deny the application for a key gaming employee ~~executive license, key gaming employee standard license~~ or a gaming employee license pursuant to 205 CMR 134.10. If the application for a Key Gaming Employee ~~standard~~ license or Gaming Employee license is approved, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. ~~If the Bureau approves the application for a Key Gaming Employee executive, the decision shall be~~

~~forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license.~~ If the application is denied, the Bureau shall forward the ~~recommendation for~~ determination of denial and reasons therefor to the Division of Licensing which shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*. If the denial is based upon information contained in the individual's criminal record, the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or ~~via~~ email to the addresses provided by the applicant on the application.

- (b) Gaming Service Employees. The Division of Licensing shall issue a gaming service employee registration to the applicant on behalf of the commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant denying or revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease employment at the gaming establishment and may request an appeal hearing in accordance with 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*. If the denial is based upon ~~the~~ information contained in the individual's criminal record, the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.
- (c) Gaming Vendors. Upon completion of the investigation, conducted in accordance with 205 CMR 134.09(1), the Bureau shall either approve or deny the application for a gaming vendor license pursuant to 205 CMR 134.10. If the Bureau approves the application for a Gaming Vendor, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the ~~e~~Commission. If the application is denied, the Bureau shall forward the ~~determination of~~ denial and reasons therefor to the Division of Licensing which shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*. If the denial is based upon information contained in a person's criminal record, the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or ~~via~~ email to the addresses provided by the applicant on the application.
- (d) Non-gaming Vendors. The Division of Licensing shall issue a non-gaming vendor registration to the applicant on behalf of the commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines, upon completion of the



investigation conducted in accordance with 205 CMR 134.09(1), that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant denying or revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing in accordance with 205 CMR 101.00: *M. G.L. c. 23K Adjudicatory Proceedings*. If the denial is based upon the information contained in the person's criminal record, the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.

- (e) Labor Organizations. The Bureau shall issue a Labor Organization registration to the applicant on behalf of the commission in accordance with 205 CMR 134.11(1).

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.10: Affirmative License Standards for the Licensing of Employees and Vendors of the  
Gaming Establishment

- (1) An applicant for a key gaming employee license, gaming employee license, gaming vendor license, and a gaming vendor qualifier shall establish its individual qualifications by clear and convincing evidence.
- (2) In determining whether an applicant for licensure is suitable for purposes of being issued a key gaming employee license, gaming employee license or gaming vendor license, or for having any of these licenses renewed, the Bureau shall evaluate and consider the overall reputation of the applicant and qualifiers, if any, including, without limitation:
  - (a) the integrity, honesty, good character and reputation of the applicant and qualifiers;
  - (b) the financial stability, integrity, and background of the applicant and qualifiers
  - (c) whether the applicant and its qualifiers have a history of compliance with gaming licensing requirements in other jurisdictions;
  - (d) whether the applicant or any qualifier, at the time of application, is a defendant in litigation;
  - (e) whether the applicant is disqualified from receiving a license under 205 CMR 134.10(3);
  - (f) whether the applicant or any qualifier has been convicted of a crime of moral turpitude;
  - (g) whether, and to what extent, the applicant or any qualifier has associated with members of organized crime and other persons of disreputable character;
  - (h) the extent to which the applicant and qualifiers have cooperated with the Bureau in connection with the background investigation;
  - (i) (for vendors) the integrity, honesty, and good character of any subcontractor.
- (3) The Bureau and commission shall deny an application for a key gaming employee license, gaming employee license or gaming vendor license, if the applicant:
  - (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; except that for such disqualifying convictions under M.G.L. c. 23K, § 16 and 205 CMR 134.10(3)(a) which occurred before the ten-year period immediately preceding submission of the application for licensure, the Bureau may, in its discretion, approve the issuance of a gaming employee license to an applicant who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.10(4);
  - (b) submitted an application for a license under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that willfully, knowingly or intentionally contains false or misleading information;
  - (c) committed prior acts which have not been prosecuted or in which the applicant was not convicted but form a pattern of misconduct that makes the applicant unsuitable for a license; or
  - (d) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the Commonwealth in awarding a gaming license to the applicant.

(4) Rehabilitation.

- (a) An applicant for a Key gaming employee license, gaming employee license, gaming vendor license or a gaming vendor qualifier may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- (b) An applicant for a Key gaming employee license may not appeal a decision made by the Bureau that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation.

~~(c) An applicant for a Gaming employee license or gaming vendor qualifier license may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding the date of submission of the application for licensure or registration.~~

~~(d)(c) A Gaming employee license or Gaming vendor qualifier license may be issued to an applicant who can affirmatively demonstrate rehabilitation.~~ In considering the rehabilitation of an applicant the following shall be considered:

1. the nature and duties of the position of the applicant.
2. the nature and seriousness of the offense or conduct;
3. the circumstances under which the offense or conduct occurred
4. the date of the offense or conduct
5. the age of the applicant when the offense or conduct was committed;
6. whether the offense or conduct was an isolated or repeated incident;
7. any social conditions which may have contributed to the offense or conduct; and
8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

~~(e) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.10(2)(f). A Key gaming employee license, Gaming employee license, or gaming vendor qualifier license may be issued to an applicant who can affirmatively demonstrate rehabilitation. In considering the rehabilitation of an applicant, the factors outlined in 205 CMR 134.10(4)(d) shall be considered.~~

~~(f)(d)~~ (d) An applicant for a license or registration shall be at least 18 years of age at the time of application.

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.11: Affirmative Registration Standards for the Registration of Employees and Vendors of  
the Gaming Establishment and Labor Organizations

- (1) Upon submission of an administratively complete registration form as a gaming service employee or non-gaming vendor, the Division of Licensing shall issue the registration on behalf of the commission in accordance with 205 CMR 134.09(1). A registration may be denied or subsequently revoked if it is determined that the applicant is disqualified in accordance with 205 CMR 134.11(2) or unsuitable for any criteria identified in 205 CMR 134.11(3).
- (2) The Bureau and commission shall deny and/or revoke a registration as a gaming service employee or non-gaming vendor if the person:
  - (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; except that for such disqualifying convictions under M.G.L. c. 23K, § 16 and 205 CMR 134.11(2)(a) which occurred before the ten-year period immediately preceding submission of the registration, the Bureau may, in its discretion, decline to deny or revoke the registration of a person who affirmatively demonstrates rehabilitation in accordance with 205 CMR 134.11(4).
  - (b) submitted a registration form under M.G.L. c. 23K, § 30 and 205 CMR 134.00 that willfully, knowingly or intentionally contains false or misleading information;
  - (c) committed prior acts which have not been prosecuted or in which the registrant was not convicted but form a pattern of misconduct that makes the registrant unsuitable; or
  - (d) has affiliates or close associates that would not qualify for a license or whose relationship with the registrant may pose an injurious threat to the interests of the Commonwealth in awarding a registration.
- (3) In determining whether a registrant is suitable for purposes of being issued a gaming service employee registration or non-gaming vendor registration, or having a registration renewed, the Bureau may evaluate and consider the overall reputation of the registrant including, without limitation:
  - (a) the integrity, honesty, good character and reputation of the registrant;
  - (b) the financial stability, integrity, and background of the registrant;
  - (c) whether the registrant has a history of compliance with gaming licensing requirements in other jurisdictions;
  - (d) whether the registrant, at the time of submission of the registration form, is a defendant in litigation;
  - (e) whether the registrant is disqualified from receiving a registration under 205 CMR 134.11(2);
  - (f) whether the registrant has been convicted of a crime of moral turpitude;
  - (g) whether, and to what extent, the individual has associated with members of organized crime and other persons of disreputable character;
  - (h) the extent to which the individual has cooperated with the Bureau in connection with the background investigation;

(i) (for vendors) the integrity, honesty, and good character of any subcontractor.

(4) Rehabilitation.

~~(a) The holder of a Gaming service employee registration or non-gaming vendor registration may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CMR 134.11(2) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten-year period immediately preceding application for licensure or registration.~~

~~(b)(a) A Gaming service employee registration or a non-gaming vendor registration may be issued to an applicant who can affirmatively demonstrate rehabilitation.~~ In considering the rehabilitation of an applicant, the following shall be considered:

1. the nature and duties of the position of the applicant;
2. the nature and seriousness of the offense or conduct;
3. the circumstances under which the offense or conduct occurred;
4. the date of the offense or conduct;
5. the age of the applicant when the offense or conduct was committed;
6. whether the offense or conduct was an isolated or repeated incident;
7. any social conditions which may have contributed to the offense or conduct; and
8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

~~(c) Any applicant may appeal a decision made by the Bureau based upon a conviction for a crime of moral turpitude as set forth in 205 CMR 134.11(3). A Gaming service employee registration or non-gaming vendor registration may be issued to an applicant who can affirmatively demonstrate rehabilitation. In considering the rehabilitation of an applicant, the factors outlined in 205 CMR 134.11(4)(b) shall be considered.~~

(5) An applicant for a registration shall be 18 years of age or older at the time of application.

(6) The Bureau may deny an application for registration as a non-gaming vendor if it determines that the applicant formed the applicant entity for the sole purpose of circumventing 205 CMR 134.04(1)(b).

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.13: Fingerprinting

Each applicant for a key gaming employee license, gaming employee license, gaming service employee registration, and each qualifier for a gaming vendor applicant or licensee, shall be fingerprinted under the supervision of the commission. Each such applicant shall provide identification at the time of fingerprinting in the manner required by the Bureau. The Bureau in its discretion may require one or more officers or employees of any non-gaming vendor registrant to be fingerprinted under the supervision of the commission. The commission may, for good cause shown, permit an applicant to alternatively submit ~~three~~two sets of classifiable fingerprints on fingerprint impression cards provided by the commission.

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEES, VENDORS,  
JUNKET ENTERPRISES AND REPRESENTATIVES, AND LABOR ORGANIZATIONS

134.14: Administrative Closure of Applications for Registration or Licensure

(1) All applicants for a Key Gaming Employee License, a Gaming Employee License, a Gaming Vendor License, a Gaming Service Employee Registration or a Non-gaming Vendor Registration shall promptly respond to any request for information from the Division of Licensing and/or the Bureau. This obligation is in addition to the continuing duty set forth in 205 CMR 134.18(1).

(2) Failure of an applicant for a Key Gaming Employee License, a Gaming Employee License, ~~a Gaming Vendor License,~~ or a Gaming Service Employee Registration, ~~or a Non-gaming Vendor Registration~~ to respond to a request for information from the Division of Licensing and/or the Bureau within ~~21~~ 14 days of the request may result in the administrative closure of the application for registration or licensure and the corresponding administrative revocation of a registration or temporary license, if applicable.

(3) ~~Failure of an applicant for a Gaming Vendor License or a Non-Gaming Vendor Registration to respond to a request for information from the Division of Licensing and/or the Bureau within 21 days of the request may result in the administrative closure of that license application or registration and the corresponding administrative revocation of a registration or temporary license, if applicable.~~

(4) In the event that an application for registration or licensure is administratively closed for failure to provide requested information or to comply with the obligations set forth in either 205 CMR 134.14 or 205 CMR 134.18(1), the Division of Licensing ~~or the Bureau~~ will notify the applicant of the determination ~~by~~ in writing ~~which~~ and will identify ~~identifies~~ the specific deficiencies in the application that served as the basis for the closure. ~~Once an application for registration or licensure has been administratively closed, the applicant is required to submit a new application in order to be considered for licensure or registration. In that event, the applicant shall submit a complete application including all outstanding information as previously detailed by the Division of Licensing or the Bureau. The submission of outstanding information is not a guarantee of licensure/registration, but is a prerequisite for the application to be deemed administratively complete.~~

~~(4) An applicant may submit a new application for a Key Gaming License, Gaming Employee License, Gaming Vendor License, Gaming Service Employee Registration, or Non-gaming Vendor Registration after an application has been administratively closed in accordance with 205 CMR 134.14(3). In that event, the applicant shall submit a complete application including all outstanding information as previously detailed in the administrative closure notification from the Division of Licensing. The submission of outstanding information is not a guarantee of licensure/registration, but is a prerequisite for the application to be deemed administratively complete.~~

~~(5) An applicant, whose application has been administratively closed for failure to maintain ongoing employment by a gaming licensee in accordance with 205 CMR 134.08(1)(b), may submit a new application for licensure or registration, provided the application is submitted with proof of a new offer of employment from a gaming licensee.~~