



NOTICE OF MEETING AND AGENDA OCTOBER 7, 2021

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, and Section 20 of Chapter 20 of the Acts of 2021, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday | October 7, 2021 | 10:00 a.m.
via Conference Call
CALL-IN NUMBER: 1-646-741-5292
PARTICIPANT CODE/MEETING ID: 112 413 3889

Please note that the Commission will conduct this public meeting remotely utilizing remote collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.MassGaming.com.

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Notifications and Agendas drop-down.

PUBLIC MEETING - #357

1. Call to Order
2. Approval of Minutes - April 8, 2021
3. Administrative Update - Karen Wells, Executive Director
 - a. On-site Casino Updates – Loretta Lillios, Director of Investigations and Enforcement Bureau; Bruce Band, Assistant Director, Gaming Agents Division Chief
 - b. Internal Re-Opening Plan Update – Karen Wells, Executive Director



Massachusetts Gaming Commission

4. Research and Responsible Gaming - Mark Vander Linden, Director; Marie-Claire Flores-Pajot, Research Manager
 - a. MAGIC Key Findings and Public Health Recommendations – with Dr. Rachel Volberg, SEIGMA Principal Investigator and Professor at UMass Amherst
5. Appointment of Commission Treasurer – Cathy Judd-Stein, Chair; Derek Lennon, Chief Financial and Accounting Officer
 - a. Statutory Appointment: Chapter 23K, sections 3f; 3i. **VOTE**
6. Community Affairs Division - Joseph Delaney, Community Affairs Division Chief; Mary Thurlow, Senior Program Manager
 - a. Community Mitigation Fund Subcommittee Appointments **VOTE**
 - b. MGC Subcommittee Representative **VOTE**
 - c. Department of Conservations and Recreation Transportation Planning Application **VOTE**
7. Legal Division - Todd Grossman, General Counsel
 - a. 205 CMR 134.01: Key Gaming Employee Licensees; 205 CMR 134.02: Gaming Employee Licensees; 205 CMR 134.03: Gaming Service Employees – and Small Business Impact Statement, for approval to begin the promulgation process – Loretta Lillios, Director of Investigations and Enforcement Bureau; Carrie Torrisi, Associate General Counsel **VOTE**
8. Commissioners Update
9. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

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

October 4, 2021

Cathy Judd-Stein
Chair

Posted to Website: October 5, 2021 at 9:30 a.m.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: April 8, 2021 – 10:00 a.m.

Place: Massachusetts Gaming Commission
VIA CONFERENCE CALL NUMBER: 1-646-741-5293
MEETING ID: 112 481 6373

Given the unprecedented circumstances, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of the public and individuals interested in attending public meetings during the global Coronavirus pandemic. In keeping with the guidance provided, the Commission conducted this public meeting utilizing remote collaboration technology.

00:00:00: Call to Order

Chair Cathy Judd-Stein called to order public meeting #341 of the Massachusetts Gaming Commission ("Commission").

The Chair confirmed a quorum for the meeting with a Roll Call. The following Commissioners were present:

*Commissioner Cameron
Commissioner O'Brien
Commissioner Zuniga
Chair Judd-Stein*

00:01:45: Approval of Minutes

Commissioner O'Brien moved to approve the minutes from the Commission meeting of February 17, 2021, subject to insertion of timestamps and correction for typographical errors or other nonmaterial matters.

Commissioner Cameron seconded the motion.

Roll Call Vote:

*Commissioner Cameron: Aye
Commissioner O'Brien: Aye
Commissioner Zuniga: Aye
Chair Judd-Stein: Aye*

The motion passed unanimously.

Commissioner O'Brien moved to approve the minutes from the Commission meeting of February 25, 2021, subject to insertion of timestamps and correction for typographical errors or other nonmaterial matters.

Chair Judd-Stein clarified her comments at the beginning of page 2 regarding the level of detail of the minutes. She requested that the minutes be amended to reflect that while the Commission's minutes are always detailed, that particular set would benefit from additional detail regarding the Commissioners' comments.

Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

00:04:13: Administrative Update

On-site Casino Updates

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding on-site activities at the casino properties. Director Lillios informed the Commission that the licensees are abiding by the COVID-related measures that were placed in June and have maintained staffing levels.

Mr. Band stated that the addition of a fourth seat at the blackjack-style tables is going well at Encore. MGM had some technical issues with camera coverage and has not yet added the fourth seat for craps. PPC had its highest capacity day (approximately 25%) on March 27th in conjunction with a sweepstakes it ran. MGM Springfield had its highest capacity day (approximately 25%) on March 27th in conjunction with a car giveaway. Encore had its highest capacity day (approximately 22%) on March 27th in conjunction with a slot play promotion.

00:8:45: Financial Investigations Update

Financial Investigations Supervisor Monica Chang presented a Power Point Presentation regarding the Financial Investigation Division. The presentation, which can be found in the Commissioners' packet, addressed the core function of the IEB investigations team.

Commissioner Cameron commented that Ms. Chang made an excellent presentation and was impressed by the team's interdisciplinary approach.

Commissioner Zuniga thanked Ms. Chang for the presentation and noted that it would be helpful to the Commissioners if there was a place on Sharepoint for final reports. Chair Judd-Stein

agreed and added that she has had discussions regarding a tracking system for reports that are underway and completed.

Commissioner O'Brien noted that the team did well in shifting from in-personal interviews to remote interviews. She also agreed with Commissioner Zuniga regarding the utility of a database tracking the status of reports. Commissioner Cameron agreed.

Chair Judd-Stein again thanked Ms. Chang and her team for all they have accomplished through the pandemic.

00:37:33: Racing Opening Day Update

Director of Racing Dr. Alexandra Lightbown informed the Commissioners that next Monday is the first day of live races. This year's meet is 110 days, ending the day after Thanksgiving. Racing will be conducted three days a week – Monday, Thursday, and Friday. One of the highlights of the season will take place on July 25th when PPC holds the Spirit of Massachusetts and the Clara Barton Races. No changes have been requested to the COVID-19 protocols.

Dr. Lightbown thanked the HR team as they were very helpful in onboarding returning employees as well as finalizing the team with some new employees. Thus far, 146 new individuals have been licensed at PPC.

PPC General Manager North Grounsell stated that he was looking forward to the beginning of the season and appreciated all the work that has been done to get ready.

Commissioner Cameron added that she understands it is a lot of work to prepare for opening day and is glad everything went smoothly.

00:43:21: Staff Recognition

Director Wells took a moment to recognize Marianne Bratton for her work in the licensing division. Ms. Skinner and Mr. Lennon also thanked Ms. Bratton for her contributions to the team. Ms. Bratton expressed that it has been her pleasure to serve at the Commission since 2013.

Commissioner Zuniga added that he believed Ms. Bratton captured the culture the Commission has tried to encourage from the beginning, including a focus on customer service.

Commissioner Cameron reflected on Ms. Bratton's work, including her ability to navigate it all with a sense of humor.

Commissioner O'Brien wished Ms. Bratton luck and said she knew Ms. Bratton would be able to take the skills she learned at the Commission into her next role with the Commonwealth.

Chair Judd-Stein also offered best wishes and stated that Ms. Skinner's and Mr. Lennon's heartfelt accolades represent the sentiments of the entire Commission.

00:58:49: Research and Responsible Gaming

Quarterly GameSense Update

The Massachusetts Council on Gaming and Health's Director of Responsible Gaming Chelsea Turner presented a quarterly GameSense update via Power Point Presentation. Charlie Ordille and Odessa Dwarika, from the Massachusetts Council on Gaming and Health, also participated in the presentation. The presentation, which can be found in the Commissioners' packet, addressed interaction numbers, PGAM, excellence awards, communication highlights, and outreach and engagement efforts. Mr. Ordille outlined specific events that took place at PPC.

The launch of Play My Way at MGM is scheduled for Fall 2021, with promotions throughout the summer.

Commissioner O'Brien stated that she appreciated the presentation and was particularly impressed by the horse racing components of the program.

Commissioner Cameron thanked the group for the presentation and noted that they are constantly working to keep the program fresh. She was also impressed by the efforts made with regard to racing. Commissioner Cameron is interested in hearing more about the live chat and geofencing features during the June update.

Commissioner Zuniga thanked the group for the presentation and is also interested in learning more about geofencing and live chat. In light of the pandemic, he appreciated the theme of outreach. He added that one of the things the Commission learned from the GameSense advisors at PPC was that the Play My Way patrons did not like early notifications but liked actual notifications. He knows that there is work being done so that patrons can choose whether to receive early notifications or not.

Chair Judd-Stein also thanked the group for their presentation and congratulated the individuals who received excellence awards. She commented that the expansion of the voluntary self-exclusion program is wonderful, including the related community outreach. She also said that the team deserves credit for the increase in interactions with patrons, especially since it must have been difficult in light of the pandemic. It should also be stressed that GameSense helps patrons understand the rules of the game, which in turn helps them to make healthy and informed choices.

01:56:48: Community Affairs Division

Community Mitigation Fund Workforce Application Reviews

Community Affairs Division Chief Joseph Delaney outlined the application process for the 2021 Community Mitigation Fund. The application review team included Commissioner Enrique

Zuniga, Kate Hartigan, Carrie Torrisi, Jill Griffin, Crystal Howard, Teresa Fiore, Tania Perez, and Mary Thurlow.

The review team made recommendations to the Commission after a thorough review of the applications, numerous meetings of the review team, a public comment process, outreach to licensees, and the submission of written responses to review team questions. This year, the process has changed in that grant applications are being brought to the Commission for review and approval as they are completed, rather than bringing them all in one or two large meetings.

Three applications were brought before the Commission. Two were workforce development-related and the third relates to community planning. The workforce development-related applications were made by Holyoke Community College and MassHire MetroNorth REB. The community planning application was made by Chelsea/Revere-ESOL & Digital Literacy. They are being recommended in light of available funds and the good work the programs conduct. Mr. Delaney explained that in light of additional available funds, the review team will also be asking the Commission to authorize an award of an additional \$50,000 to each of the workforce-related applications, should they expand their programs or identify other eligible programs that would benefit from funding.

Ms. Griffin and Ms. Howard then presented the recommendations of the review team, which can be found in the related memo in the Commissioners' packet. Ms. Griffin emphasized the importance of workforce development-related investments given the current economic situation and how the leisure and hospitality industry has been impacted in the last year.

Holyoke Community College's application provides for adult education, career readiness, and occupational training to connect un- and underemployment residents to education, training, and employment opportunities to meet the workforce needs of MGM Springfield and the region. The team recommended an award of \$350,000 to the applicant, with a potential additional \$50,000 award.

Commissioner O'Brien asked if Ms. Griffin had communicated with Holyoke Community College regarding marketing ideas. She was not opposed to providing additional funds given the last year, but wanted to know whether they have ideas for how to put the funds to use. Ms. Griffin responded that she had communicated with the applicants regarding additional marketing in the past, as well as with MGM, and believes the grant would be put to good use. Commissioner O'Brien asked if there had been specific communications regarding this year's grant and Ms. Griffin said that there would be conversations as part of the process. Ms. Howard provided additional information regarding prior marketing-related conversations with the applicant.

Commissioner O'Brien suggested tabling the conversation about the request for an additional \$50,000 grant until the end of the conversation. Chair Judd-Stein agreed and asked what would happen to the additional \$50,000 if it was not awarded. Mr. Delaney said that it would roll over to next year.

Chair Judd-Stein asked whether the logic of attaching the \$50,000 was because we prioritize the regional collaboration, or simply because we have it available. Mr. Delaney explained that both are factored into the logic and that since the funds are available it makes sense to help get more people trained.

Commissioner Zuniga offered some context, which is that they had anticipated higher levels of requests than they received, so additional funds are available. In future years, the guidelines can be rethought given what they have seen.

Mr. Delaney explained that the reason they are asking for the additional \$50,000 now is so as not to delay the underlying application. If the additional amount was to be awarded, the applicants would have to provide additional submittals before receiving it.

Commissioner O'Brien asked if there was a mechanism for the applicants to come back to the Commission at a later date and ask for an adjustment or increase to their grant. Mr. Delaney said that occasionally there are modifications to an application, but an applicant has never come back to increase the value of the grant. There are, however, a number of ways to accomplish the same end goal. There is not a procedural bar to suggesting that the applicants come back with a second application for additional funds.

Commissioner Cameron asked if the timing was such that they wanted to let the applicants know they were approved for an additional amount of funding sooner rather than later. Mr. Delaney said that they did not want to slow down the process because workforce grants can take longer than others due to procedural requirements.

Chair Judd-Stein asked if there is any concern about releasing the additional funds if they have not been requested. Commissioner Zuniga said that he does not believe there is anything that would preclude the Commission from awarding the funds statutorily. There is, however, a February 1 deadline.

Commissioner O'Brien explained that her hesitancy with the request is that \$50,000 is over the amount for which there is staff discretion to change the allocation of funds.

Commissioner Cameron suggested that the cleanest way to move forward is to approve what it is front of the Commission now and to obtain a second approval later.

Commissioner Zuniga clarified that requests that can brought at any time of the year, once the February 1 deadline has been met.

Chair Judd-Stein wanted to confirm that no other applicant would be competing for the same funds down the road. Mr. Delaney said that the funds would remain allocated to the region. Commissioner O'Brien asked if the rollover amount could be allocated to different issue areas in the future. Mr. Delaney responded in the affirmative. Commissioner O'Brien said that given

that it makes sense not to allocate the additional funds now as another entity may have a plan to make use of it.

Chair Judd-Stein suggested that the Commission defer a vote on the additional \$50,000 until there is information on how it will be spent. Commissioner O'Brien agreed. Commissioner Zuniga believes that is fair. Commissioner Cameron agreed and added that precedent is important.

Commissioner Cameron said that she is supportive of the original applicant and has seen the good work that has been done by Holyoke Community College. Commissioner O'Brien agreed and believes the underlying request is important and valid. Commissioner Zuniga highlighted the need for training and believes the work being done is important.

Commissioner O'Brien moved that the Commission approve the award of the workforce grant of \$350,000 to Holyoke Community College in conjunction with Springfield Technical Community College and the City of Springfield Public Schools Department for adult education, career readiness and occupational training as described in the Community Fund Analysis Memo included in the Commissioners packet and as discussed here today and that Commission staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

Ms. Griffin then outlined the application made by MassHire Metro North, which relates to a regional project aimed at addressing the workforce needs of the hospitality sector impacted by the Encore Boston Harbor gaming facility. The review team supports continued funding of the program and an award of \$350,000.

Chair Judd-Stein noted that the licensees in Region A and Region B are supporting these applications.

Commissioner Cameron moved that the Commission approve the award of a workforce grant of \$350,000 to MassHire Metro North and the City of Boston for career and employment services, English for speakers of other languages, and the digital literacy training as described in the Community Fund Analysis Memo included in the Commissioners Packet and discussed here today and that Commission be staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. Commissioner O'Brien seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

A community planning-related application was made by Chelsea/Revere-ESOL & Digital Literacy. It seeks funding to develop tailored curricula for Contextualized ESOL Programs and Adult Digital Literacy classes. Curricula will be geared towards industries at the casino's nexus, including hospitality, logistics, IT, healthcare and complemented by adult digital literacy programs for non-English speakers.

The team supports an award of \$97,500 with the condition that the applicant work to strengthen the implementation plan as the curricula development comes to fruition and communicates that to Commission staff.

Chair Judd-Stein asked how the condition will actually be implemented. Will the applicant receive partial or full funding? Mr. Delaney said that the condition will be placed in the grant document and they will make sure that the necessary information is submitted. They want to make sure that the curricula does not sit on a shelf. Money is generally given in 3 tranches, with the last 25% being held until final deliverables are received.

Commissioner Zuniga moved that the Commission approve the award of a community planning grant in the amount of \$97,500 to the Cities of Chelsea and Revere for curriculum development of contextualized English for speakers of other language programs and adult digital literacy classes subject to the conditions that the applicant work to strengthen the application plan as described in the Community Fund Analysis Memo in the Commissioners Packet and as discussed here today. He further moved that Commission staff be authorized to execute a grant instrument commemorating the award in the accordance with 205 CMR 153.04. Commissioner Cameron seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye

Commissioner O'Brien: Aye

Commissioner Zuniga: Aye

Chair Judd-Stein: Aye

The motion passed unanimously.

02:41:46: Racing Division

Qualifications for Jockeys to Receive Health and Welfare Benefits

Director of Racing Dr. Alexandra Lightbown presented information regarding G.L. c. 128A, section 5(H)(4) which discusses how monies that come from the betting handle, licensing fees, daily assessments, etc. are to be distributed. (This is not money that comes from the Racehorse Development Fund per G.L. c. 23K, section 60). Dr. Lightbown was joined by Mindy Coleman, Counsel for the Jockey Guild.

Chapter 128A, section 5(H)(4) addresses \$65,000 going towards the group that represents jockeys for health and welfare benefits. At the February 25th meeting the Commission decided that the Jockey Guild was the group representing the jockeys and directed Counsel Coleman and Dr. Lightbown to look over all the qualifications in light of there being no racing at Suffolk Downs last year and the decrease in number of race days in previous years.

They looked at three different categories of jockeys: active, disabled and retired. Dr. Lightbown and Ms. Coleman were unable to determine qualifications for active jockeys given the lack of racing last year. No changes needed to be made for the qualifications for disabled jockeys. Some decreases in the amounts for retired jockeys was required in light of the decreased amount of availability of racing possibilities. Ms. Coleman believes approximately 17 jockeys will qualify under these two categories, with each receiving approximately \$3,823. Dr. Lightbown thanked Ms. Coleman and the Jockey Guild for their work on this issue. The qualifications are included in the Commissioners' packet.

Commissioner Cameron explained that she had an opportunity to discuss this matter before the meeting and had a thorough understanding of why the decisions were made. She agreed with the recommendations, but asked if Ms. Coleman had anything to add about not being able to determine current racers.

Ms. Coleman explained that they attempted to determine if individuals still had their permanent address in Massachusetts, but that number had decreased as individuals moved out of state. The individuals who were disabled were disabled at Massachusetts racetracks. The retired individuals spent a significant portion of their career in Massachusetts. She noted that the Guild does not take any money from the \$65,000; it all goes straight to the jockeys.

Commissioner Zuniga said that he agrees with the plan. He asked if Commission approval is required given that they have not approved plans like this in the past.

Commissioner O'Brien stated that she benefited from the discussion, appreciated the work that went into it, and is satisfied with the results.

Chair Judd-Stein said that the Commission does not need to act formally on this matter. She recapped that the \$65,000 will be released by Mr. Lennon.

02:50:46: Executive Update

Audit and Compliance Group Update and Process

Director Wells explained that the Commission has an on-going internal audit and compliance working group. At a recent meeting it was discussed that a quarterly update on the working group would be helpful. Objectives for the working group were identified by quarter. The objectives for Q1 were to compile a risk matrix and initiate the casino audit review. Work is in progress on both objectives. In Q2 a risk matrix will be included in the internal control plan. The group is also working on an internal compliance calendar.

Commissioner Cameron said she appreciated the organized, structured, and inclusive approach the group is taking.

02:59:07: Commissioner Update

Independent Monitor Update

Chair Judd-Stein explained that the Commission has received the work plan for phase three from the independent monitor team and that the document says it may contain confidential information not subject to public disclosure. However, they have received affirmative guidance from the independent monitor saying that it is proper for the work plan to be released unredacted. The work plan is included in the Commissioners' packet.

Chair Judd-Stein, Commissioner O'Brien, and General Counsel Grossman met with the independent monitor to discuss the high-level plan for next year. They monitor will continue to review the appropriate documents and the company's implementation of recommendations. They will also continue to evaluate or update matters that relate to the HR compliance plan. The plan also highlights continued work on the interview and testing side.

The Commissions' approach is that it does not interfere with the judgment of the monitor and that it is important to be deferential to the plan. They do monitor the bills and invoices. With respect to this piece, the idea would not be to seek a formal approval. Chair Judd-Stein confirmed with Mr. Grossman that this aligns with the original contract.

Commissioner O'Brien stated that the expectation is that the Commission would receive an interim report at the end of the summer and then a final submission at the first of the year in 2022.

Other Commissioner Updates

Commissioner Zuniga noted that since the last meeting the staff forwarded a letter to Senator Lesser's office regarding his draft bill. In the future he would welcome the opportunity to review such letters and provide feedback. He thought it was a great letter, but thinks it is a good practice to have the Commissioners provide their views.

Commissioner Cameron moved to adjourn. Commissioner Zuniga seconded the motion.

Roll Call Vote:

Commissioner Cameron: Aye.

Commissioner O'Brien: Aye.

Commissioner Zuniga: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously.

List of Documents and Other Items Used

1. Notice of Meeting and Agenda dated April 6, 2021
2. Draft Commission Meeting Minutes of February 17, 2021
3. Draft Commission Meeting Minutes of February 25, 2021
4. IEB Financial Investigations Overview PowerPoint Presentation
5. GameSense Quarterly Report
6. 2021 Community Mitigation Fund Workforce Development Program Applications Memorandum
7. Requirements for Jockeys to Receive Benefits
8. Letter from Jockeys Guild
9. Massachusetts Jockeys Health and Welfare Distribution Eligibility Qualifications
10. Wynn MA, LLC and Wynn Resorts, LTD. Independent Monitor Phase Three Work Plan

MAGIC: Massachusetts Gambling Impact Cohort Study, Public Health Recommendations

This document provides a high-level overview of the MAGIC study focusing on the public health recommendations of this work. More information on the study methodology and findings is available [here](#).

Introduction

The Massachusetts Gambling Impact Cohort (MAGIC) is the first adult longitudinal cohort study of gambling and problem gambling in the US. With an initial sample of 3,139 Massachusetts residents, the MAGIC study surveyed the same individuals five times over six years (2013-2019). This research accomplishes three key objectives: first, it provides information on how gambling and problem gambling develops, progresses, and remits over time. Second, it identifies demographic groups particularly at risk of experiencing gambling related problems. Finally, it highlights risk and protective factors important in developing effective prevention, treatment, and policies to support player health.

Key Findings

Stability of Gambling Behaviors

One of the goals of this study was to determine the stability and movement of people between four gambling behavior groups: Non-Gambler, Recreational, At-Risk, and Problem Gambler.

Less stable ↑	At-Risk Gambler	Betting more than planned, spending more time than intended, etc.	The minority stayed in this category in the next wave (41.8%), most transitioned to Recreational Gambling (47.9%). A significant percentage of At-Risk Gamblers became Problem Gamblers during the study (19.8%).
	Problem Gambler	Experience significant impaired control over gambling and harms	The majority transitioned to At-Risk (29.7%) or Recreational Gambling (17.9%) in the next wave. In the last wave, 76.9% of Problem Gamblers were relapsed Problem Gamblers.
	Non-Gambler	Have not gambled in the past year	The majority of Non-Gamblers in one wave stayed Non-Gambler at the next wave (65.0%). For those who transitioned, the majority transitioned to Recreational Gambling (33.8%).
	Recreational Gambler	Gamble because they enjoy these activities	The large majority of Recreational Gamblers stayed Recreational Gamblers in the next wave (84.5%).

Figure 1. Stability of Gambling Behavior Across Waves.



The instability of gambling behavior provides opportunities to influence gamblers at different points of their gambling journey through prevention, treatment, and policies to support player health.

Predictors of Problem Gambling and Recovery

PROBLEM GAMBLING

- **Type of gambling:** lottery, sports betting
- **Demographics:** male gender, lower household income.
- **Comorbidities:** higher number of significant property/financial life-events in past 12 months, problems with drugs or alcohol prior to past 12 months, lower levels of happiness in past 12 months.
- **Behavioral:** higher importance of gambling as a recreational activity, higher impulsivity, higher score on psychopathy/antisociality, higher false beliefs about gambling.

RECOVERY

- **No prior lifetime problems with gambling.**
- **Less severe Problem Gambling:** lower Problem Gambling scores, lower gambling expenditure.
- **Fewer comorbidities:** less impulsivity, absence of behavioral addiction, no illegal activity, no mental disorders, fewer significant life events.
- **Fewer false beliefs about gambling.**



Knowing the indicators that predict problem gambling and recovery can help support the development of effective prevention, treatment, and policies to support player health.

Public Health Recommendations - Massachusetts Gaming Commission

Prevention	
<ul style="list-style-type: none"> • Promote educational efforts supporting player health, with particular focus on: <ul style="list-style-type: none"> <u>Demographic:</u> all ages, race/ethnicities, and genders with extra focus on males and lower income groups. <u>Location:</u> community-based education programs to groups at greater risk, gambling venues, targeted media campaigns, school-based programs, mental health and substance use programs. <u>Content:</u> symptoms of problem gambling, lower-risk gambling guidelines, risk factors for problem gambling, where to get help, false beliefs about gambling. • Offer play management systems to monitor real-time gambling expenditure and allow payers to set a budget. • Deliver information to support informed decision-making by gambler type. 	
Treatment	
<ul style="list-style-type: none"> • Support access to treatment, especially among socioeconomically disadvantaged communities. • Improve pathways to encourage people access to treatment. • Broaden treatment interventions to include families and the communities. • Support culturally appropriate treatment services (including languages). • Increase the availability of self-help materials. • Support treatment of substance use and/or mental health problems to help reduce future gambling harms. • Screen for gambling problems when presenting for mental health or substance use problems. 	
Policy	
<ul style="list-style-type: none"> • Limit gambling advertising and availability, especially in lower socioeconomic neighborhoods, or groups that may be at increased risk of experiencing gambling harms. • Promote player pre-commitment for player reward cards holders. • Require basic and ongoing casino employee training on problem and responsible gaming. • Promote the availability of the Voluntary-self exclusion (VSE). • Offer cool-off periods similar to VSE but shorter. 	<ul style="list-style-type: none"> • Improve access to ATM exclusion programs. • Restrict access to ATMs in gambling venues. • Promote the availability of the credit suspension program. • Automated alerts or other interventions for players when gambling behavior escalates. • Implement safety measures when implementing cashless gaming systems. • Reward responsible gambling on player reward cards. • Serve alcoholic beverages responsibly.



MAGIC: MASSACHUSETTS GAMBLING IMPACT COHORT STUDY

KEY FINDINGS AND PUBLIC HEALTH RECOMMENDATIONS

MGC PUBLIC MEETING -
OCTOBER 7TH, 2021



Background

- The Massachusetts Gambling Impact Cohort (MAGIC), lead by SEIGMA team at UMass.
- First adult longitudinal cohort study of gambling and problem gambling in the US.
- Initial sample of 3,139 MA residents, surveyed 5 times over six years (2013-2019).

Objectives

1. To provide information on **how gambling and problem gambling develops, progresses, and remits** over time.
2. To identify **demographic groups particularly at risk** of experiencing gambling related problems.
3. To highlight **risk and protective factors** important in developing effective prevention, treatment, and policies to support player health.

Stability of Gambling Behaviors

- Determine the stability and movement of people between four gambling behavior groups: Non-Gambler, Recreational, At-Risk, and Problem Gambler.

PROBLEM GAMBLING

- **Type of gambling:** lottery, sports betting.
- **Demographics:** male gender, lower household income.
- **Comorbidities:** higher number of significant property/financial life-events in past 12 months, problems with drugs or alcohol, lower levels of happiness.
- **Behavioral:** higher importance of gambling as a recreational activity, higher impulsivity, higher score on psychopathy/antisociality, higher false beliefs about gambling.

RECOVERY

- **No prior lifetime problems with gambling.**
- **Less severe Problem Gambling:** lower Problem Gambling scores, lower gambling expenditure.
- **Fewer comorbidities:** less impulsivity, absence of behavioral addiction, no illegal activity, no mental disorders, fewer significant life events of any kind (work/school; family and friends; property and financial; legal matters; health).
- **Fewer false beliefs about gambling.**

- Knowing the **indicators that predict problem gambling and recovery** can help **support the development** of effective **prevention, treatment, and policies** to support player health.

Prevention

- Promote educational efforts supporting player health, with particular focus on:
 - **Demographic:** all ages, race/ethnicities, and genders with extra focus on males and lower income groups.
 - **Location:** media campaigns, school-based programs, mental health and substance abuse programs, gambling venues.
 - **Content:** false beliefs about gambling, risk factors for problem gambling, lower-risk gambling guidelines, symptoms of problem gambling, and where to get help.
- Offer play management systems to monitor real-time gambling and allow players to set a budget.
- Deliver information to support informed decision-making by gambler type.

Treatment

- Support access to treatment, especially among socioeconomically disadvantaged communities.
- Improve pathways to encourage people access to treatment
- Broaden treatment interventions to include families and the communities.
- Support culturally appropriate treatment services (including languages).
- Increase the availability of self-help materials.
- Support treatment of substance use and/or mental health problems to help reduce future gambling harms.
- Screen for gambling problems when presenting for mental health or substance use problems.

Policy

- Limit gambling advertising and availability, especially in lower socioeconomic neighborhoods, or groups that may be at increased risk of experiencing gambling harms.
- Promote player pre-commitment for player reward cards holders.
- Require basic and ongoing casino employee training on problem and responsible gaming.
- Promote the availability of the Voluntary-self exclusion (VSE).
- Offer cool-off periods similar to VSE but shorter.
- Improve access to ATM exclusion programs.
- Restrict access to ATMs in gambling venues.
- Promote the availability of the credit suspension program.
- Automated alerts or other interventions for players when gambling behavior escalates.
- Implement safety measures when implementing cashless gaming systems.
- Reward responsible gambling on player reward cards.
- Serve alcoholic beverages responsibly.

THANK YOU

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Questions?



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

FROM: Joe Delaney, Chief of Community Affairs
Mary Thurlow, Senior Program Manager

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

DATE: September 30, 2021

RE: Reappointment Recommendations for Local Community Mitigation Advisory
Committee and Subcommittee Members under the Gaming Policy Advisory Committee

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 8, 2021. We are recommending that the Commission consider reappointing these 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 advisory committees is 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 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.

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 many 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, re-development 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 in 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 oversees 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 Chief Operating Officer in 2013. In 2009, she spent four months as IBA's Interim CEO, while the 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 Negron 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.

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

Region B LCMAC

Allison Ebner - Chamber of Commerce Representative

Allison Ebner has over twenty years of experience in human resources, recruitment and corporate branding including talent acquisition, succession planning, employee engagement and labor trends and compliance. In her present role, she is the Director of Membership & Partnerships for The Employers Association of the Northeast, where she is responsible for leading the engagement team that meets regularly with members to discuss best practices around compliance, employee relations and overall business success.

Prior to her role at EANE, she was the Director of Recruitment for FIT Staffing and the Director of Membership Development for the Associated Industries of Massachusetts (AIM) in the Western MA Region. Allison is Past President of the Human Resource Management Association of Western New England, a Board Member for the Massachusetts Chapter of SHRM, a Trustee for the Mason Wright Foundation, a Board Member for the ERC5 Chamber of Commerce and a member of the Springfield Regional Chamber's Legislative Steering Committee (sub-committee) on Workplace Issues.

Allison is a graduate of Ithaca College in New York where she received a Bachelor of Science Degree in Marketing and she is currently enrolled at IOM, the Institute for Organizational Management.

Ellen Patashnick – Human Service Provider (one opening)

Ellen received her undergraduate degree at Northeastern University and her master's 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 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 Regional Economic Development Organization representative and one opening for a Human Service Provider. 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. MGC staff has been working with the Boards of Commissions on filling the governor appointees.

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 O'Brien as its representative on the Public Safety 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: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Gayle Cameron and Bradford Hill

FROM: Joseph Delaney, Chief of Community Affairs and Mary Thurlow, Senior Program Manager

CC: Karen Wells, Executive Director

DATE: September 30, 2021

RE: Repurposing Everett/Somerville Community Mitigation Fund Grants for Mystic Pedestrian/Bicycle Bridge Design

The Department of Conservation and Recreation (DCR) has applied to repurpose previously awarded Community Mitigation Fund (CMF) grants to the cities of Everett and Somerville for the purposes of completing the design of a pedestrian/bicycle bridge over the Mystic River adjacent to the Assembly MBTA station, Draw Seven Park and the Encore casino. The total request is \$650,000.

Project History

When the Encore project was approved by the Massachusetts Environmental Policy Act (MEPA) Unit, it required Encore to provide \$250,000 to DCR to conduct a study of the feasibility of providing a pedestrian/bicycle bridge over the Mystic River. After discussions with DCR, it was decided that Encore could perform the study themselves with the input of a group of stakeholders. As part of this effort, Encore also investigated a connector bridge from Draw Seven Park to the Assembly MBTA station. While all of this was going on, DCR was also designing renovations to Draw Seven Park which would connect the terminus of the bridge, through the park to the Assembly connector bridge.



Early schematic of the proposed bridge and connections to Assembly MBTA Station

When the study was complete, Encore decided to pursue the design and construction of the bridge. At that time, Encore expressed a willingness to build the bridge across the river if another entity built the Assembly connector bridge. Everett and Somerville realized that it was in both of their interests to see the full execution of this plan and applied to the CMF for a joint grant to start the design of the Assembly connector bridge. Everett and Somerville applied for a second grant to complete the design. In total, the Commission authorized the award of \$850,000 to Everett and Somerville for the design of the connector bridge.

As Encore proceeded with the design and permitting of the pedestrian/bicycle bridge, the estimated costs were rising, and Encore decided to re-evaluate the construction of the bridge. They looked at the option of an aerial tram over the river, which they determined to be more cost effective and elected to move ahead with that design. The bridge plans were at about the 75% design stage when they decided to move on from the bridge construction.

Given these uncertainties, Commission staff put a hold on advancing the design of the Assembly connector bridge. Everett and Somerville were in the process of developing a Request for Proposals to hire a design engineer, so no money had been spent out of either grant. Without a connection across the river, the design and construction of the connector

bridge would no longer have a nexus to the casino, which is a basic requirement of CMF. Once the pandemic hit, any discussions of a connection across the Mystic River ceased.

Since that time, DCR has decided to pursue the final design and construction of the pedestrian/bicycle bridge, which is the subject of this request. Encore has given DCR the design plans that they developed, and the funds requested would complete that design.

Evaluation of the Grant Request

DCR is requesting \$650,000 to complete the design of the pedestrian/bicycle bridge over the Mystic River. The request is to re-purpose the original Everett/Somerville joint grants for the design of the Assembly connector bridge. Both Everett and Somerville support this application.

Given the proximity of the bridge to the Encore site, there is clearly a connection to the gaming facility. Construction of the pedestrian/bicycle bridge would allow ready access to the Assembly MBTA station and enable workers and patrons to access Encore via transit as well as walking and biking. This would result in a mode shift for some of the 20,000+ daily vehicle trips that Encore was forecast to generate, thereby helping to mitigate traffic related impacts. The pedestrian/bicycle bridge is expected to attract over 2000 pedestrian and close to 400 bicycle trips per day, some portion of which would represent Encore workers and patrons.

While this project would help mitigate Encore related traffic impacts, the project also serves as the cornerstone of a much larger regional effort by connecting several pieces of the local trail network. This bridge will connect the Northern Strand Community Trail extension to Somerville resulting in a protected path from Somerville to Lynn. The MBTA recently constructed a new bike path along their property which extends the bike/pedestrian network from Draw Seven Park south to Alford Street. And the proposed DCR improvements to Draw Seven Park will improve bike/pedestrian connections on the west side of the Mystic River. Several other projects are also in the works that will complete a robust network of paths and trails that will provide many alternative routes to the casino and beyond.

In the evaluation of CMF grants, it is generally understood that there will be ancillary benefits to the community over and above the mitigation of casino impacts. In determining the appropriateness of a grant request, the Review Team tries to evaluate whether the commitment of CMF funds is proportionate to the impact being mitigated. In this case, Encore spent an estimated \$2 million on the design and permitting of the bridge, and this \$650,000 request will complete the design and permitting. This request makes up approximately 24% of the total design and permitting cost. Considering that these funds will ultimately leverage an estimated \$35 million in federal and state construction funding,

the CMF investment is less than 2% of the construction cost. Staff agrees that this level of funding is appropriate considering the significant federal and state funds this will help leverage.

When first proposed, the construction of the pedestrian/bicycle bridge and the Assembly connector bridge were considered to be two pieces of the same puzzle. It was envisioned that these projects would be constructed simultaneously thereby creating a direct connection from the Assembly MBTA Station to Encore. Given the changed circumstances, there can be no direct connection to Assembly without first constructing the pedestrian/bicycle bridge. While the original grants were for the Assembly connector bridge design, repurposing these funds to the design of the pedestrian/bicycle bridge will allow the necessary first phase of the project to proceed. For these reasons, staff believes that repurposing these funds is appropriate and within the spirit of the original CMF applications.

Repurposing these funds in no way affects the cities of Everett and Somerville, or any other eligible entity, from pursuing further CMF grants to resurrect the design and/or construction of the Assembly connector bridge in the future. In fact, the repurposing of these funds may be the action that ultimately allows that work to proceed.

Based on the above, we recommend that the Commission approve DCR's request of \$650,000 for the purposes outlined in its application. Following the Commission's approval, Commission staff will execute a grant agreement and ISA with the Department of Conservation and Recreation.

**21****COMMUNITY
MITIGATION
FUND****APPENDIX D – TRANSPORTATION PLANNING GRANT APPLICATION****BD-21-1068-1068C-1068L-56499*****Please complete entire the Application*****1. PROJECT INFORMATION****a) NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT**

City of Everett and City of Somerville, in partnership with the Department of Conservation and Recreation.

b) PROJECT NAME (LIMIT 10 WORDS)

Mystic River Bicycle and Pedestrian Bridge – Final Design & Permitting

c) BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS)

Requested funds would be used to complete the design and permitting of the Mystic River Bicycle and Pedestrian Bridge. The design was completed to about the 75% stage by AECOM under contract to Encore. This project would finish the design, obtain all necessary permits for construction, and make the bridge fully bid ready for construction.

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

Jay Monty, Transportation Planner, City of Everett
Brad Rawson, Director of Transportation and Infrastructure, City of Somerville
Jeff Parenti, Deputy Chief Engineer, Massachusetts Department of Conservation and Recreation (DCR)

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

City of Everett - Jay Monty: 617-544-6033; jay.monty@ci.everett.ma.us
City of Somerville - Brad Rawson: 617-626-6600; brawson@somervillema.gov
Department of Conservation and Recreation - Jeff Parenti; 857-208-3067; jeffrey.parenti@mass.gov

f) MAILING ADDRESS OF CONTACT PERSON(S)

Jay Monty: City of Everett 484 Broadway, Room 25, Everett, MA 02149

Brad Rawson: City of Somerville 93 Highland Avenue, Somerville, MA 02143

Jeff Parenti: Department of Conservation & Recreation 251 Causeway Street, Boston, MA 02114

2. IMPACT DESCRIPTION/CONNECTION TO GAMING FACILITY**a) Please describe in detail the transportation related impact that is attributed to the operation of a gaming facility.**

The Encore Boston Harbor Gaming Facility is a significant traffic generator within the lower Broadway/Sullivan Square area and beyond. While it is less than a quarter mile from the Orange Line subway station at Assembly Square there is no direct walking or biking access to the station which lies on the other side of the Mystic River. This precludes Gaming Facility patrons and workers from taking public transportation, and then walking what would be a relatively short distance to the Gaming Facility, instead of arriving via private vehicle or shuttle bus. The benefit of building a bridge has been recognized since the Everett Gaming Facility was being permitted; it would allow ready access to the Assembly Square station and enable patrons and workers to arrive via transit, walking, and biking, thus mitigating traffic impacts.

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

The Gaming Commission Section 61 findings issued pursuant to the Massachusetts Environmental Policy Act (MEPA) indicate that the Everett Gaming Facility was expected to generate about 31,844 new (unadjusted) average daily vehicle trips and 37,916 new (unadjusted) trips on a Saturday. Adjusted for mode share, the project was still expected to generate about 20,130 weekday and 23,982 weekend average daily vehicle trips. It is a portion of these trips generated by the Gaming Facility that the proposed project would mitigate.

The proposed Mystic River Bicycle and Pedestrian Bridge was listed in those same findings as a transportation measure, the feasibility of which was to be assessed by the Department of Conservation and Recreation with \$250,000 in funds from the Gaming Facility.

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

A completed Mystic River Bicycle and Pedestrian Bridge will provide an alternative to accessing the Everett Gaming Facility by motor vehicle, whether a private car or shuttle bus. A bridge over the Mystic River would facilitate transit access via a short walk over the Mystic Bridge from the Assembly Square Orange Line station. This would result in a mode shift for some of the 20,000+ daily vehicle trips the Gaming Facility was forecast to generate. According to the Environmental Notification Form filed with the State MEPA office, the Mystic Bridge is expected to attract 2,040 pedestrian and 350 bike trips on an average weekday, and 2,230 pedestrian and 390 bike trips on a weekend. Some portion of these trips represent Gaming Facility patrons and workers that would otherwise have arrived via motor vehicle.

3. PROPOSED USE OF TRANSPORTATION PLANNING FUNDS (Please attach additional sheets/supplemental materials if necessary.)**a) Please identify the amount of funding requested.**

\$650,000. This is the considered estimate of how much it will cost to complete the design and permitting, including any associated public engagement, and to make the Mystic Bicycle & Pedestrian Bridge bid ready (100% PS&E).

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

Funds granted by the Gaming Commission would be used by the Massachusetts Department of Conservation and Recreation (the intended future bridge owner) solely to pay an engineering firm to take the design of the Mystic River Bicycle and Pedestrian Bridge from 75% completion to 100% PS&E, obtain all necessary permits, and produce a complete bid package. This would include the associated public engagement process and related costs. A detailed scope of work, budget, and timeline will be produced as part of the procurement DCR will conduct to hire a firm with appropriate expertise to complete the bridge design, and made available to the Commission. It is expected that the final design process will take about 9 months, 12 months on the outside, for an engineering firm to finish PS&E documents and obtain all the permits once they are under contract to DCR.

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

Granted funds would be used exclusively for the design and permitting of the Mystic River Bicycle and Pedestrian Bridge. Anticipated tasks would include production of plans and specifications that meet MassDOT project standards such that the project is bid ready, receipt of all required permits, and the completion of all associated public process. It is anticipated that the contract (or interagency service agreement) between the Gaming Commission and the Department of Conservation and Recreation would contain legal requirements that provide the Commission sufficient guarantee of performance.

d) Please describe how the mitigation request will address the impact indicated. Please attach additional sheets/supplemental materials if necessary.

The requested mitigation funds will be used to finalize the design and obtain all permits needed to build the Mystic River Bicycle and Pedestrian Bridge. The bridge would subsequently be built with a combination of state and federal funds, enabling Gaming Facility patrons and workers to arrive via the Orange Line station at Assembly Square and a short walk or bike ride, or exclusively on foot or bicycle from the western side of the Mystic River, thereby mitigating vehicular traffic.

e) How will you provide the data for reporting? How will you measure the effectiveness of the proposed project in mitigation impacts?

The project proponents will be able to measure the impact of the project in a number of ways, including statistics on use of the Assembly Square Orange Line station and via a counter on the Mystic Bridge that would document the number of pedestrians and bicyclists crossing.

f) For joint grant requests, please state the amount requested for the joint request. Please also state the amount of any Regional Planning Incentive Award requested and provide separate detail on the use of these additional funds.

While the City of Everett and the City of Somerville, in partnership with the Department of Conservation and Recreation, are submitting a joint application, the intent is for Gaming Commission funding to flow exclusively to the Department of Conservation and Recreation, which would complete the design project and permitting of the Mystic River Bicycle and Pedestrian Bridge on behalf of the Cities and the Commonwealth.

4. CONSULTATION WITH MASSDOT/REGIONAL PLANNING AGENCY (RPA)/NEARBY COMMUNITIES

a) Please provide details about the Applicant's consultation with MassDOT to determine the potential for cooperative regional efforts regarding planning activities.

As further described later in this application, MassDOT is a partner with the Cities of Everett and Somerville, the Department of Conservation and Recreation, and the Executive Office of Energy and Environmental on this application, and in regard to all aspects of the design and construction of the Mystic River Bicycle and Pedestrian Bridge. The three agencies are the core members of the Commonwealth's interagency MassTrails Team, which will be engaged throughout the design, permitting, and construction of the Mystic Bridge to ensure the project receives proper attention and is constructed in full compliance with state statutes and regulations and all design documents and permits.

In short, MassDOT will be involved in every aspect of this project. The 75% and 100% design will be reviewed by MassDOT staff at every stage – most notably by the Bridge Section – to ensure that the design meets all state and federal requirements for construction funding via the State Transportation Improvement Program and the project is ready to proceed in the year funds are programmed. MassDOT field engineering staff will also supervise bridge construction. This will be done in cooperation with DCR staff, who due to continued management of the designer of record, will be integrated into the entire bridge construction project.

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

The Cities of Everett and Somerville, the Department of Conservation and Recreation, and MassDOT work extensively and cooperatively with the Metropolitan Area Planning Council (MAPC) and the Central Transportation Planning Staff (the MPO staff for Greater Boston). These organizations plus the City of Boston, the MBTA, the Gaming Commission, and others have all been part of the Lower Mystic Working Group. The Mystic Bridge has been discussed on many occasions and numerous local and regional plans support it, including MAPC's Landline Plan for a connected regional trail network. Finally, MAPC's comment letter on the Environmental Notification Form for the Mystic River Bridge project indicates their strong support.

5. MATCHING FUNDS FROM GOVERNMENTAL OR OTHER ENTITY

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

The \$650,000 in requested design funds will augment an estimated \$2 million already invested in the design by Encore, and will be matched with construction funds and in-kind services. The estimated cost to construct the Mystic Bridge is \$35 million. At the standard State Transportation Improvement Program funding ratio of 80% federal 20% state, the Commonwealth will contribute about \$7 million to bridge construction, and the federal government about \$28 million. Also, while it has not been calculated the amount of staff time and associated cost that DCR and MassDOT will contribute to the project will be considerable.

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

The Commonwealth commits to the contribution of the following in-kind services, as well funding for the construction of the Mystic River Bicycle and Pedestrian Bridge once the design and permitting are complete.

The Department of Conservation and Recreation, with assistance from MassDOT and the Executive Office of Energy and Environmental Affairs, will:

- Administer any funds granted by the Gaming Commission, ensuring proper procedures are followed and funds are used as intended;
- Procure the services of a design team and supervise the completion of bridge design and the development of bid documents;
- Obtain all necessary permits and approvals (many have already been issued);
- Seek funding to retain designer of record on contract for construction administration services; and
- Seek funds (current estimate is \$35 million) via the State Transportation Improvement Program (STIP) or another source to construct the Mystic Bridge. To this end, a RAISE grant application to fund construction has already been submitted to the Federal Highway Administration and the project has already been initiated, the first step toward receipt of funding by way of the STIP.

MassDOT will:

- Conduct a thorough design review to ensure that the design is safe and cost effective, as is typical of projects utilizing state and federal transportation funds;
- Partner with DCR, who will have the contractual relationship with the designer of record, to address design issues that arise during construction; and
- :If all funding has been secured: bid, contract for and supervise, through an assigned project manager, the construction of the Mystic River Bicycle and Pedestrian Bridge.

6. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS AND MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) DECISION**a) Please describe and include excerpts regarding the transportation impact and potential mitigation from any relevant sections of any Host or Surrounding Community Agreement.**

In regard to Everett, the host agreement between the City and the Licensee contains several specific clauses that address the intent to provide additional access to public transportation and the regional bicycle network. Section 6, subsection C.1 states that the licensee shall provide “fixed route shuttle bus service to and from the project and the MBTA Orange Line.” Section 6, subsection A.4 also states that “a below grade connection between the MBTA Commuter Rail tracks will be developed and will include pedestrian and bicycle accommodations to the project site, allowing for an extension of access to the linear park system along the Mystic River and as may be expanded as a Riverwalk along the project waterfront.” Next, Section 6, subsection C.5 addressed public transportation access and states that the Licensee will provide “fixed route shuttle bus service to and from the project and the MBTA Orange Line.” It also indicates that the Licensee will provide access from the City/DCR park and pathway system to the project to allow pedestrian and bicycle access to and from the Wellington Station on the Orange Line.

As to the City of Somerville, the surrounding community agreement between the City and the Licensee calls for the Licensee to provide a \$250,000 annual payment for transportation impacts to enable the City to fund staffing and other public safety initiatives related to increased pedestrian and bicycle traffic. In addition, the City of Somerville has executed a cooperative agreement with the Licensee that commits the parties to collaboration around transportation planning, and the City expects to continue to partner with the Licensee and all other regional parties to advance the planning and design of the Mystic River Bicycle and Pedestrian Bridge and other regionally significant infrastructure improvements.

Of note, the construction of the Mystic River Bicycle and Pedestrian Bridge would facilitate access to the Assembly Square Orange Line station and have a significant positive impact on transit accessibility, potentially mitigating some of the need for shuttle bus service to and from the Gaming Facility.

b) Please provide 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.

There is no regulatory or other requirement that the licensee, Encore, or anyone else complete the design or build the Mystic River Bicycle and Pedestrian Bridge. Encore, having expended approximately \$2 million to bring the bridge design to the 75% stage, has more than fulfilled its commitment to contribute \$250,000 toward the design as detailed on page 4-22 of the Second Supplemental Final Environmental Impact Report for the casino and in the Gaming Commission Section 61 Findings.

c) Please also briefly summarize and/or provide page references to the most relevant language included in the most relevant MEPA certificate(s) or comment(s) submitted by the community to MEPA.

A Certificate on the Environmental Notification Form (ENF) for the Mystic River Bike and Pedestrian Bridge (Project # 16015) was issued by Secretary Theoharides on May 24, 2019. It did not require an Environmental Impact Report for the project. The ENF indicated that 2,040 pedestrian and 350 bike trips would use the bridge on an average weekday, and 2,230 pedestrian and 390 bike trips were expected on a weekend. A list of the 28 parties, including the Gaming Commission, that commented on the ENF for the Mystic Bridge is listed in the Certificate and written submissions provided therein. The Secretary notes that the majority of the comments were explicitly in favor of the bridge, though some urged that it be wider.

Section 4.4.4 of the Final Environmental Impact Report issued on June 30, 2014 details the commitment by the Licensee to improving bicycle accommodations along lower Broadway and the Mystic River. These commitments were re-iterated in section 2.3.2.2 of the Supplemental Final Environmental Impact Report issued on February 17, 2015. Page 4-22 of the Second Supplemental Final Environmental Impact Report details a further \$250,000 commitment from the Licensee to study a bridge connection for pedestrians and non-motorized vehicles over the Mystic River from the Gaming Facility site to the Dept. of Conservation and Recreation's Draw 7 Park in Somerville and the Assembly Square Orange Line station. (As mentioned above, Encore far exceed this financial commitment.) Such a connection would help address bike and pedestrian accommodation along lower Broadway and enable a reduction in vehicle trips to the Gaming Facility by creating a more direct connection to mass transit. It also creates the opportunity to extend the Northern Strand shared use path to a terminus on the western side of the Mystic River with trail connections to the Assembly Square station, Charlestown, the Mystic River Greenway, and downtown Boston.

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

The transportation impacts of the Gaming Facility in Everett were anticipated and efforts to address them have been and continue to be made. A reduction in vehicular traffic, especially private automobiles accessing the Facility, is a standing goal. The MEPA Certificate references the regional congestion benefits that the Mystic Bridge would provide, and the comments on the ENF submitted by MassDOT indicate that the project will provide safe connectivity for pedestrian and bicyclists, potentially reduce the number of vehicles on the roadway network, and improve multi-modal access to the Encore Gaming Facility. A bridge over the Mystic River would facilitate pedestrian and bicycle access and shift some car trips that would otherwise occur to these travel modes. However, the feasibility of a bridge over the Mystic was not initially known. It was only as the Encore funded design work progressed, ultimately reaching the 75% stage, that it become clear that such a facility was viable.

e) If transportation planning funds are sought for mitigation not required under MEPA, please provide justification why funding should be utilized to plan for such mitigation.

As part of the MEPA process, Encore agreed to contribute \$250,000 to study the feasibility and design of the Mystic River Bridge. This requirement was far exceeded as Encore expended about \$2 million to bring the design to the 75% level. Approval by the Gaming Commission of the additional \$650,000 needed to finalize the design and make the project bid ready will enable the Commonwealth to build the bridge using a combination of state and federal capital funds, thus realizing the reduced car trips and related congestion mitigation associated with enhanced pedestrian and bicycle access between the Everett Gaming Facility and the Orange Line Assembly Square station.

7. INTERNAL CONTROLS/ADMINISTRATION OF FUNDS

a) Please provide detail regarding the controls that will be used to ensure that funds will only be used to plan to address this transportation impact.

If Mitigation funds are granted the applicants request that the Gaming Commission contract (or execute an interagency service agreement) directly with the Massachusetts Department of Conservation and Recreation (DCR). That contract would include appropriate safeguards to ensure that Mitigation funds would only be used to address transportation impacts via completion of the Mystic Bridge design through 100 PS&E. As a state agency the Dept. of Conservation and Recreation will fully comply with all state procurement regulations, and will utilize funds only to pay, on a reimbursement basis, for bridge design and permitting. Only upon submission by the retained design firm of an invoice approved by DCR for services rendered will Gaming Commission funds be expended.

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

No. As mentioned previously, if Mitigation funds are granted the applicants request that the Gaming Commission contract (or execute an interagency service agreement) directly with the Massachusetts Department of Conservation and Recreation (DCR). Under the terms of its contract with the Commission DCR would use granted funds solely to compensate firms with the appropriate professional expertise for the design and permitting of the Mystic River Bike and Pedestrian Bridge, including the associated public process.

***No Community is eligible for more than one
Transportation Regional Planning Incentive Award.***

8. CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY

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



Signature Here

Date: 09/15/2021

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

Jim Montgomery

Commissioner, Dept. of Conservation &
Recreation

Title

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Loretta Lillios		
Overview		
CMR Number	205 CMR 134.01 205 CMR 134.02 205 CMR 134.03	
Regulation Title	Key Gaming Employee Licensees Gaming Employee Licensees Gaming Service Employees	
<input checked="" type="checkbox"/> Draft Regulation		<input type="checkbox"/> Final Regulation
Type of Proposed Action		
<input checked="" type="checkbox"/> Please check all that apply		
<input type="checkbox"/> Retain the regulation in the 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): 2/19/21		
<input type="checkbox"/> Technical correction		
<input type="checkbox"/> Other Explain:		

Summary of Proposed Action
The proposed amendment will allow the licensee to bring in staff from a sister property to serve as Key Gaming Employees, Gaming Employees, and Gaming Service Employees for training and other similar purposes without requiring licensure.
Nature of and Reason for the Proposed Action
The purpose of this amendment is to cover any short-term staffing needs as well as to allow the licensees to use a shared service model by having out-of-state staff perform training and similar functions.

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Additional Comments or Issues Not Earlier Addressed by this Review	
Required Attachments	
✓ Please check all that apply	
<input checked="" type="checkbox"/> Redlined version of the proposed amendment to the 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 bases for regulation	
<input checked="" type="checkbox"/> Small Business Impact Statement (SBIS)	<input type="checkbox"/> Amended SBIS

SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendments to 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; notice of which was filed with the Secretary of the Commonwealth by Emergency. Specifically, **205 CMR 134.01: Key Gaming Employee Licensees**, **205 CMR 134.02: Gaming Employee Licensees**, and **205 CMR 134.03 Gaming Service Employees** will allow the licensee to bring in staff from a sister property in an emergency situation to perform training and other similar functions without requiring licensure.

This regulation 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, §4(28), 5.

The amendment to 205 CMR 134.03 applies to the gaming licensees and employees. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

As a general matter, no small businesses are subject to this regulation.

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

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation or the proposed amendment therein.

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

A specific design standard is required in this situation to ensure clarity of the calculation.

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:

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Carrie Torrasi

Carrie Torrasi

Associate General Counsel

Dated: September 30, 2021

205 CMR: MASSACHUSETTS GAMING COMMISSION

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

134.01: Key Gaming Employee Licensees

No individual shall be employed by or perform services for a gaming licensee as a key gaming employee, as defined by M.G.L. c. 23K, § 2, unless the individual has been licensed in accordance with M.G.L. c. 23K, § 30 and 205 CMR 134.00. There shall be two categories of key gaming employee licensees: key gaming employee-executive and key gaming employee-standard.

(1) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates to gaming shall be designated as a key gaming employee-executive:

- (a) Assistant General Manager;
- (b) Chief Internal Audit Officer;
- (c) Gaming Manager;
- (d) Chief Financial Officer;
- (e) Chief of Security;
- (f) General Manager;
- (g) Chief Surveillance Officer;
- (h) Chief Compliance Officer;
- (i) Principal executive Officer;
- (j) Principal operating Officer;
- (k) Principal accounting Officer;
- (l) Chief Information Officer;
- (m) Other executive level employees who are not identified as a key gaming employee-standard in accordance with 205 CMR 134.01(2) as determined by the commission.

(2) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to a gaming establishment shall be designated as a key gaming employee-standard:

- (a) Controller;
- (b) Electronic gaming device or slot machines manager;
- (c) Human resources manager;
- (d) Information technology manager;
- (e) Pit boss;
- (f) Shift supervisor of table games, of a slot department, credit department, security, surveillance, accounting department, cage, or player development;
- (g) Credit manager;

- (h) Cage manager;
- (i) Hotel Manager;
- (j) Entertainment Director;
- (k) Food & Beverage Manager;
- (l) Other managerial employees who are not identified as a key gaming employee-executive in accordance with 205 CMR 134.01(1), but who are empowered to make discretionary decisions which impact gaming establishment operations, or as determined by the commission;
- (m) Junket representative not employed by a gaming licensee or affiliate of the gaming licensee or a junket enterprise licensed as a gaming vendor in accordance with 205 CMR 134.00.

(3) Any individual who is a qualifier of a gaming licensee but who does not perform any of the duties of the positions identified in 205 CMR 134.01(1)(a) or (b) does not have to become licensed as a key gaming employee. Such individual does have to be approved as a qualifier and issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements*, 205 CMR 115.00: *Phase 1 Suitability Determination, Standards and Procedures*, and 205 CMR 116.00: *Persons Required to Be Licensed or Qualified*. An individual who has been issued a positive determination of suitability in accordance with 205 CMR 111.00: *Phase 1 Application Requirements* and who will be performing the responsibilities requiring licensure as a key gaming employee shall apply for licensure in accordance with 205 CMR 134.08(2) subject to the term limitation of 205 CMR 134.16(4).

(4) ~~From the date operations are recommenced after any period of suspension or during any emergency situation as defined in 205 CMR 109.00, a~~ A gaming licensee may temporarily allow, subject to approval by the Bureau, individuals who are employed at a gaming property which is owned and/or operated by it, its parent, or an affiliated company to assist with gaming establishment strategy, ~~and/or~~ operation, ~~and/or~~ employee training for up to 60 days without those individuals having to become licensed or registered in accordance with 205 CMR 134.00, provided that the gaming licensee does the following:

- (a) Supplies the Bureau a reasonable time in advance of arrival with the name of the individual; the name of the gaming property at which they are employed; their position at the gaming property at which they are employed; a description of the reason for the individual being at the gaming establishment, including the services to be performed, the anticipated duration of their stay, and any other information requested by the Bureau;
- (b) Ensures all individuals performing services under 205 CMR 134.01(1) or 134.01(2) carry identification and wear a badge issued by the gaming licensee that is distinguishable from those that are issued to employees of the gaming establishment and that is clearly visible at all times while at the gaming establishment;
- (c) If the individual is licensed, certified, or otherwise approved for employment by the jurisdiction which the gaming property in which they are employed is located, an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 shall attest in writing that the individual is in good standing in that jurisdiction; and

(d) Ensures that the individual is accompanied by an individual who is licensed or registered in accordance with 205 CMR 134.00 anytime they are in a restricted area of the gaming establishment.

(5) The Commission, upon recommendation from the Division of Licensing and the Bureau, may extend the period of allowance set forth in 205 CMR 134.01(4) for a period not to exceed six months ~~from the date operations are recommenced after any period of suspension or for the duration of any emergency situation as defined in 205 CMR 109.00~~ following consideration of the gaming licensee's written explanation of need, continuing training plan, and expected duration.

205 CMR: MASSACHUSETTS GAMING COMMISSION

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

205 CMR 134.00: LICENSING AND REGISTRATION OF EMPLOYEE

134.02: Gaming Employee Licensees

(1) No individual shall be employed by or perform services for a gaming licensee as a gaming employee, as defined by M.G.L. c. 23K, § 2, unless the individual has been licensed in accordance with M.G.L. c. 23K, § 30, and 205 CMR 134.00. An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, shall be designated as a gaming employee:

- (a) Boypersons;
- (b) Cashiers;
- (c) Change personnel;
- (d) Clerks;
- (e) Count room personnel;
- (f) Data processing personnel;
- (g) Dealers and croupiers;
- (h) Floorpersons;
- (i) Gaming Hosts;
- (j) Internal audit and accounting personnel whose duties include reviewing, verifying, and recording gaming revenue entries, the processing or control of active accounting documents related to gaming activity, or that have access to active accounting documents related to gaming activity;
- (k) An individual who is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);
- (l) Personnel authorized to extend complimentary services, including employees performing functions similar to those performed by a junket representative;

(m) Junket representative employed by the gaming licensee or affiliate of the gaming license or a junket enterprise licensed as a gaming vendor in accordance with 205 CMR 134.00;

(n) Personnel authorized to issue credit;

(o) Personnel authorized to issue promotional play including persons who identify patrons or groups of patrons who shall receive complimentaries based on actual patron play, authorize such complimentaries, or determine the amount of such complimentaries;

(p) Personnel with security administrator access to a slot machine tracking system;

(q) Security personnel, including guards and game observers, or an employee with knowledge of security procedures of the gaming establishment;

(r) Surveillance personnel, including surveillance equipment maintenance and repair technicians (whether employed by the gaming licensee or a vendor licensed in accordance with 205 CMR 134.00);

(s) Any employee who conducts or participates in the conduct of gaming, who participates in the transfer or handling of chips, tokens or money, or who participates in audit or accounting functions;

(t) Any employee who has access to a restricted area of a gaming establishment;

(u) A person who supervises a person required to be licensed as a gaming employee in accordance with 205 CMR 134.02; and

(v) An employee of a gaming licensee whom the Bureau deems necessary to be licensed to ensure compliance with the M.G.L. c. 23K, and 205 CMR, and to protect the public and ensure the credibility and integrity of gaming in the Commonwealth.

~~(2) From the date operations are recommenced after any period of suspension or during any emergency situation as defined in 205 CMR 109.00, a~~ A gaming licensee may temporarily allow, subject to approval by the Bureau, individuals who are employed at a gaming property which is owned and/or operated by it, its parent, or an affiliated company to assist with gaming establishment strategy, ~~and/or~~ operation, ~~and/or employee training~~ for up to 60 days without those individuals having to become licensed or registered in accordance with 205 CMR 134.00, provided that the gaming licensee does the following:

(a) Supplies the Bureau a reasonable time in advance of arrival with the name of the individual; the name of the gaming property at which they are employed; their position at the gaming property at which they are employed; a description of the reason for the

individual being at the gaming establishment, including the services to be performed, the anticipated duration of their stay, and any other information requested by the Bureau;

(b) Ensures all individuals performing services under 205 CMR 134.02 carry identification and wear a badge issued by the gaming licensee that is distinguishable from those that are issued to employees of the gaming establishment and that is clearly visible at all times while at the gaming establishment;

(c) If the individual is licensed, certified, or otherwise approved for employment by the jurisdiction which the gaming property in which they are employed is located, an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 shall attest in writing that the individual is in good standing in that jurisdiction; and

(d) Ensures that the individual is accompanied by an individual who is licensed or registered in accordance with 205 CMR 134.00 anytime they are in a restricted area of the gaming establishment.

(3) The Commission, upon recommendation from the Division of Licensing and the Bureau, may extend the period of allowance set forth in 205 CMR 134.01(4) for a period not to exceed six months ~~from the date operations are recommenced after any period of suspension or for the duration of any emergency situation as defined in 205 CMR 109.00~~ following consideration of the gaming licensee's written explanation of need, continuing training plan, and expected duration.

205 CMR: MASSACHUSETTS GAMING COMMISSION

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

134.03: Gaming Service Employees

(2) ~~During the pre-opening phase of a gaming establishment, and continuing for up to 30 days from the date an Operation Certificate is issued in accordance with 205 CMR, or from the date operations are recommenced after any period of suspension, a~~ A gaming licensee may temporarily allow, ~~subject to approval by the Bureau,~~ an individual(s) who is employed at a gaming property which is owned and/or operated by it, its parent, or an affiliated company to assist with gaming establishment strategy, employee training and related preparation purposes for up to 60 days without those individuals having to become licensed or registered in accordance with 205 CMR 134.00, provided that the gaming licensee does the following:

- (a) Supplies the Bureau a reasonable time in advance of arrival with the name of the individual, name of the gaming property at which they are employed, the position at the gaming property at which they are employed, a description of the reason for the individual being at the gaming establishment including the services to be performed, the anticipated duration of their stay, and any other information requested by the Bureau;
- (b) Ensures all individuals performing services under 205 CMR 134.03(2) carry identification and wear a badge issued by the gaming licensee that is distinguishable from those that are issued to employees of the gaming establishment and that is clearly visible at all times while at the gaming establishment;
- (c) If the individual is licensed, certified, or otherwise approved for employment by the jurisdiction which the gaming property in which they are employed is located, an individual licensed as a key gaming employee in accordance with 205 CMR 134.00 shall attest in writing that the individual is in good standing in that jurisdiction; and
- (d) Ensures that the individual is accompanied by an individual who is licensed or registered in accordance with 205 CMR 134.00 anytime they are in a restricted area of the gaming establishment.

(3) The Division of Licensing, after consultation with the Bureau, may extend the period of allowance set forth in 205 CMR 134.03(2) for a period not to exceed six months ~~from the date an Operations Certificate is issued or from the date operations are recommenced after any period of suspension,~~ following consideration of the gaming licensee's written explanation of need, continuing training plan, and expected duration.