



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #230**

December 7, 2017  
10:00 a.m.

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



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



**NOTICE OF MEETING and AGENDA**  
**December 7, 2017**

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

**Thursday, December 7, 2017**  
**10:00 a.m.**  
**Massachusetts Gaming Commission**  
**101 Federal Street, 12<sup>th</sup> Floor**  
**Boston, MA**

**PUBLIC MEETING - #230**

1. Call to order
2. Approval of Minutes
  - a. November 21, 2017 – **VOTE**
3. Administrative Update – Ed Bedrosian, Executive Director
  - a. General Update
  - b. Sports Betting Update
  - c. Massachusetts Gaming Commission Mid-Year Budget Report – D. Lennon, Chief Financial and Accounting Officer – **VOTE**
4. Ombudsman – John Ziemba
  - a. Plainridge Park Casino Quarterly Report – L. George, General Manager
  - b. Pedestrian Bridge Study Update – J. Delaney, Construction Project Oversight Manager
  - c. 2018 Community Mitigation Fund Guidelines – **VOTE**
5. Workforce, Supplier and Diversity Development – Jill Griffin, Director
  - a. Women In Construction Diversity Update – L. Clauson, Carpenters Labor Management Program/New England Regional Council of Carpenters; K. Harrison, Northeast Center for Tradeswomen's Equity; E. Skidmore, New England Regional Council of Carpenters and M. Vogel, Building Pathways
6. Research and Responsible Gaming – Mark Vander Linden, Director
  - a. Update and Recommendation on Play Management Tools - F. Barroga, Gaming Technology Manager
7. Investigations and Enforcement Bureau – Karen Wells, Director
  - a. Exclusion List Discussion – L. Lillios, Deputy Director/Chief Enforcement Counsel



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8. Racing Division – Alex Lightbown, Director/Chief Veterinarian
  - a. Horse Racing Split – **VOTE**
  - b. Racing Division Annual Report
  - c. Suffolk Downs Request for Reimbursement – D. O'Donnell, Senior Financial Analyst – **VOTE**
  - d. Quarterly Local Aid Payments - D. O'Donnell, Senior Financial Analyst – **VOTE**
9. Legal Division – Todd Grossman, Deputy General Counsel
  - a. 205 CMR 138.13 Amended Small Business Impact Statement – Reward Card Monthly Statements – Final Approval for Promulgation Process – **VOTE**
10. Commissioner's Updates
11. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

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

12/5/17  
DATE

  
\_\_\_\_\_  
Gayle Cameron, Commissioner

**Date Posted to Website:** December 5, 2017 at 10:00 a.m.



Massachusetts Gaming Commission

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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** November 21, 2017– 10:00 a.m.

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

**Present:** Chairman Stephen P. Crosby  
Commissioner Lloyd Macdonald  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** Commissioner Gayle Cameron

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

### Call to Order

See transcript page 2.

[9:59 a.m.](#) Chairman Crosby called to order the 229<sup>th</sup> Commission meeting.

### Approval of Minutes

See transcript pages 2 – 5.

[10:00 a.m.](#) *Commissioner Zuniga moved to amend the minutes to reflect the basis of the conclusion of the Commissioners' vote on horse racing days. Commissioner Macdonald moved for the approval of amended Commission meeting minutes of November 9, 2017, subject to typographical errors and other nonmaterial matters. Motion passed 4-0.*

### Administrative Update

See transcript pages 5 – 23

[10:01 a.m.](#) **General Update:**

Executive Director Ed Bedrosian brought forth two items. First, the last day of racing for the 125 day racing season at Plainridge Park Casino would be Friday,



# DRAFT

November 24, 2017. Human Resources staff was conducting exit interviews with the Racing Division staff at that time, which Mr. Bedrosian noted would be valuable feedback in preparing for the next season. Mr. Bedrosian thanked Dr. Lightbown for her leadership throughout the season. Second, Mr. Bedrosian introduced the Massachusetts Gaming Commission's Mid-Year Budget Report by Derek Lennon, Chief Financial and Accounting Officer.

Mr. Lennon presented the anticipated 2018 fiscal year budget increase to support the operational costs of opening the MGM facility in Springfield. Mr. Lennon also presented the MGC's additional needs for the 2018 fiscal year, stating that the same information was presented to the licensees and discussed at a meeting on November 15, in the MGC office. Mr. Lennon also confirmed that the MGC is ready to open the MGM facility in September of 2018.

Mr. Lennon asked to have the budget plan posted for public comment and bring it back to the Commissioners for further discussion or a vote at the first public meeting in December.

Commissioner Stebbins asked about the difference between contract employees and temporary employees. Mr. Lennon discussed the specifications of a temporary employee in that there is a definite start and end date to their employment, as well as a separate procurement and posting process. There are also different responsibilities for both groups on the licensing side.

Commissioner Stebbins asked Bruce Band, Assistant Director of the Investigations and Enforcement Bureau (IEB) about his staff to be hired. Mr. Band summarized the status of his team, and added that he would be training new gaming agents beginning in mid-May.

Commissioner Zuniga requested confirmation that there would be an increment of four new agents. Mr. Lennon confirmed that it was an addition of four positions. Commissioner Zuniga also noted that including supervisors, it would actually be six or seven people in Springfield. Mr. Band stated that this staffing level would be needed to open MGM in a timely fashion and to work with MGM on any questions. Mr. Band stated that they have already started conducting inspections, and Mr. Lennon added that MGC's IT team has been trained on OSHA in order to be on property as well, starting in January.

Commissioner Macdonald asked about slot machines being installed, and Mr. Band stated that they were beginning new zones in March as well as installing wiring and conducting extensive testing.

Commissioner Zuniga proposed that some of these items in general struck him as conservative, but would be advantageous for budgetary concerns. However he thought that the Commission might have been conservative on the start dates, but he acknowledged that this would change as needed. Mr. Bedrosian stated that the budget would be posted for comments.

# DRAFT

**Legal Division, Catherine Blue, General Counsel**

See transcript pages 23 – 36

10:23 a.m.     **205 CMR 138.33 – Unsecured Wagers – Small Business Impact Statement Approval – VOTE:**

General Counsel Blue asked for approval from the Commissioners of the Small Business Impact Statement, in order to begin the formal promulgation process.

10:24 a.m.     *Commissioner Stebbins moved for approval of the Small Business Impact Statement amendments to 205 CMR 138.28, 138.33, 138.68, and 140.02 as included in packet, and authorized the staff to take the steps necessary to begin the regulation promulgation process. Commissioner Zuniga seconded. Motion approved 4-0.*

**Amended 205 CMR 137.02 – Responsible Gaming Curriculum and Small Business Impact Statement Approval – VOTE:**

General Counsel Blue stated that this was a clarification of language in the regulation to reflect that employees are only required to take one occurrence of one 90 minute course. Counsel Blue asked for approval of this amended regulation and the Small Business Impact Statement to begin the formal promulgation process.

10:27 a.m.     *Commissioner Macdonald moved to approve the Small Business Impact Statement for the amendments to 205 CMR 137.02, as included in the packet and authorize the staff to take the necessary steps to begin the formal regulation promulgation process. Commissioner Stebbins seconded. Approval was Unanimous.*

**205 CMR 3 and 4 Amended Small Business Impact Statement – Racing Medications – Final Approval for Promulgation Process – VOTE:**

General Counsel Blue asked the Commissioners to approve the final draft regulations that have been through the final promulgation process, as well as the Amended Small Business Impact Statement.

Commissioner Stebbins noted changes in certain medication penalties and that he was willing to approve the changes but wanted to gain some experience under this and see how it does. Commissioner Stebbins stated that he was willing to work with staff and monitor the impact of these changes.

General Counsel Blue clarified that the decision to lower the points was made because they could add up quicker than people had anticipated and it put trainers with a large number of horses at a disadvantage, as the more horses you had, the more potential for a violation. Commissioner Zuniga stated that he felt repeat offenses on banned substances would be counter intuitive.

# DRAFT

Chairman Crosby stressed that he wanted to put on the record that at this time next year the Commission should do some formal analyses on the matter of racing medications.

10:30 a.m. *Commissioner Macdonald moved that the Commission approve the Amended Small Business Impact Statement in its final version of 205 CMR 3.00, Racing Medication Regulations, and the Amended Small Business Impact Statement and final version of 205 CMR 4.00, Racing Medication Regulations, as included in the packet, and authorize the staff to take all steps necessary to file the regulation with the Secretary of the Commonwealth and complete the formal regulation promulgation process. Commissioner Stebbins seconded. Motion approved 4-0.*

The Commission took a short break.  
The Commission reconvened.

## **Research and Responsible Gaming – Mark Vander Linden, Director**

See transcript pages 37 – 150

### 10:35 a.m. **PlayMyWay Evaluation Report**

Mark Vander Linden introduced the following individuals:

Dr. Debi A. LaPlante, Director of Research & Academic Affairs for the Division on Addiction at Cambridge Health Alliance and Assistant Director of Psychiatry at Harvard Medical School, Dr. Matt Tom, Research Data Analyst at Cambridge Health Alliance, Dr. Pradeep Singh, Data Analyst at Cambridge Health Alliance, and Dr. Tim Edson, Data Analyst at Cambridge Health Alliance.

Mr. Vander Linden stated that a key educational objective was to provide accurate and balanced information to enable informed choices to be made about gambling activities. Mr. Vander Linden explained his implementation of “Strategy 2” which identified specific measures, to include development and implementation of play management tools. These tools were incorporated into electronic games and machines, slot machines, to enable players to more easily track their play, manage their gaming decisions and to obtain real-time individualized feedback.

Mr. Vander Linden stated that in June of 2016, after 18 months of development with Scientific Games, Inc., PlayMyWay was launched as a benefit to members in Plainridge Park Casino on a test basis. Mr. Vander Linden went on to explain how the program works. He then stated that the speakers with him would present their findings of a preliminary study of patrons’ use of PlayMyWay from June – January.

Chairman Crosby mentioned the “Reno Model” concept that has been used in the industry because one of the main principles of the Reno Model is that collaboration among all the industry partners was required to be constructive in going forward. Chairman Crosby noted that PlayMyWay, a play management system, could have been compared to what has been previously called a “precommitment system” that

was tremendously controversial within the industry. Chairman Crosby emphasized that instead of authoritatively ordering that PlayMyWay be implemented by the licensees, the Commission wanted to do it in collaboration with the licensees, if that was possible. Chairman Crosby complemented Penn National, as they have been an extraordinarily collaborative partner. He recognized Cambridge Health Alliance for designing the program, and then helping the Commission evaluate it.

Dr. Debi LaPlante led a presentation of their study and findings regarding PlayMyWay. Dr. LaPlante maintained that the Commission provided the funding for this study, and went on to conduct a slide presentation. Dr. LaPlante reported the findings of the study, and noted observations utilizing data from various sources, illustrated in the slides. There was a robust discussion about the study.

Commissioner Zuniga requested data that would illustrate how PlayMyWay users' behavior was affected by the program in terms of typical and atypical users. Commissioner Zuniga asked how they defined typical and atypical gamblers. Dr. LaPlante stated that this was defined statistically through an analysis using the three variables of total amounts wagered, net winnings, and number of visits. Dr. Matt Tom advised that if a user was higher than the general mean of other players, one would probably get into an atypical group, depending on the parameters of the subjects in the study.

Chairman Crosby surmised that no one in the U.S. may have had the opportunity to link actual player card data to ascertain some kind of behavioral change yet, and asked if it has ever been an opportunity before. Chairman Crosby also noted that this kind of research project has never been available before, and that as this evolved, the Commission could determine whether this program would accomplish the Commission's broad based objectives, and what metric of individuals needed to be affected in a positive way in order to create a large scale positive impact.

Mr. Vander Linden offered that there was a survey in the research plan for that fiscal year, and also stated that they have made significant strides in creating the dataset that links the ACSC player directly with the PlayMyWay player data.

Commissioner Zuniga expressed his concern regarding any potential negative effects that should be considered with the PayMyWay program. Dr. LaPlante stated that they had not observed anything that they would categorize as harm at that point in the study. Chairman Crosby raised two specific concerns regarding potential harmful effects that the Commission has been monitoring. The first concern was the program's potential to interfere with healthy play at the casinos, as it could become an annoyance or significant distraction for people whose play would be deemed healthy play. The second concern was operations, and whether the program had potential to interfere with operations by taking up portions of the casino floor, etc. Chairman Crosby added that the Commission has been receiving feedback from Plainridge Park Casino that there have been no problems.

# DRAFT

Mr. Vander Linden admitted that there were individuals that had unenrolled because they found the program to be annoying, but again, it is voluntary and they had the option to unenroll. Commissioner Macdonald voiced that unenrollment is an easy process, to which Mr. Vander Linden concurred.

Chairman Crosby inquired about how PlayMyWay was marketed to new cardholders. Mr. Vander Linden answered that it is marketed through signage and the first time a player put their card into a machine an invitation to enroll would pop up, and would pop up again 30 days later, every thirty days, to which Chairman Crosby asked about the option to turn it off after 6 months or so. Chairman Crosby was interested in more marketing strategies for PlayMyWay. Mr. Vander Linden specified that well over 12,000 people were enrolled in PlayMyWay and that number was continuing to grow.

## **Commissioners' Updates**

See transcript pages 227 - 240

12:18 p.m. Commissioner Stebbins stated that he was in attendance at the opening of the MGM career center where people had the opportunity to speak with the human resources and talent acquisition team to learn about individual jobs, and that it would be open from 1:00pm – 4:00pm every weekday until the new year, when the hours were scheduled to change. Community based stakeholders were invited to get the word out.

Commissioner Macdonald reported that he attended the Local Community Mitigation Committee meetings for Region A and Region B and noted that the members of those committees are becoming more engaged as they have become more knowledgeable about the fund. The conversations were more engaged this year compared to a year ago.

Chairman Crosby announced that the governor has appointed a new chair of the Gaming Policy Advisory Committee who comes from the Merrimack Valley Planning Association.

12:22 p.m. *Having no further business, a motion to adjourn was made by Commissioner Zuniga. Motion seconded by Commissioner Stebbins. Motion approved 4-0.*

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

1. Massachusetts Gaming Commission, Notice of Meeting and Agenda dated November 21, 2017
2. Massachusetts Gaming Commission, Draft Meeting Minutes, November 9, 2017
3. Massachusetts Gaming Commission Memorandum from CFAO Derek Lennon regarding the Fiscal Year 2018 (FY18) Operational Costs for MGM Opening

# DRAFT

4. Small Business Impact Statement relative to the proposed amendments of 205 CMR 138.28, 138.33, 138.68, and 140.02
5. Small Business Impact Statement and amended version of regulation for the proposed amendment of 205 CMR 137.02
6. Amended Small Business Impact Statement and final draft regulations for 205 CMR 3.00
7. Amended Small Business Impact Statement and final draft regulations for 205 CMR 4.0
8. Presentation – Preliminary Study of Patrons’ Use of the PlayMyWay Play Management System at Plainridge Park Casino (from June 8, 2016 – January 31, 2017)
9. Preliminary Study of Patrons’ Use of the PlayMyWay Play Management System at Plainridge Park Casino: June 8, 2016 – January 31, 2017

/s/ Catherine Blue  
Assistant Secretary

**No Documents**



**No Documents**

## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Chairman Crosby and Commissioners Cameron, Macdonald, Stebbins and Zuniga  
**From:** Derek Lennon, CFAO  
**Date:** 12/7/17  
**Re:** Fiscal Year 2018 (FY18) Operational Costs for MGM Opening

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#### Summary:

The Massachusetts Gaming Commission approved a FY18 budget for the Gaming Control Fund of \$29.15M that required an assessment of \$24.45M on licensees. Balance forward of FY17 revenue and first quarter activity has resulted in the anticipated FY18 budget decreasing by \$24.6K, and the assessment on licensees decreasing by \$872.49K from \$24.45M to \$23.58M

The FY18 approved budget does not include MGC's additional operational costs or public safety training costs associated with the opening of MGM Springfield site. This communication is only focused on the operational costs anticipated prior to June 30, 2018. Staff is recommending that \$570.4K in additional costs be added to the FY18 approved budget, which would result in a revised budget of \$29.72M for the Gaming Control Fund and an increase on the assessment on licensees as outlined in this memorandum.

#### Operational Cost Details:

When the Commission approved the FY18 initial budget it was with the knowledge that MGC operational costs associated with the start-up of MGM Springfield were not included. Staff explained in the June 2017 public meetings the reason for not including the start-up costs was due to the fact that it was still at least 16 months from the opening of the facility, and the time table was approximate and delays could result in MGC budgeting and assessing for costs not associated with FY18. At this point, MGM continues to believe they will meet its opening date. Therefore, as promised in June, we are presenting to you our additional anticipated needs in FY18 to be ready to open the MGM facility in September of 2018. This same information was presented to our licensees and discussed at a meeting on November 15<sup>th</sup>.

The additional costs are composed of new full-time positions (14 FTEs, \$270.8K), contract employees (\$43.2K), fringe benefits and payroll taxes on FTEs and contractors (\$99.37K), temporary help (\$25K), indirect on payroll and temporary help (\$33.9K), information technology circuits to the MGC offices in the MGM facility (\$15K), and GameSense program start-up (\$64K). The following chart lists the costs by spending category:

Object Class	Object Code	Item Short Name	Amount
AA	A01	Full-time equivalent salaries	270,796.63
AA	A07	Shift Differential	18,750.00
CC	C23	Contracted Investigators and Professionals	43,250.00
DD	D09	Fringe and Payroll taxes	99,370.04
EE	E16	Indirect	33,904.66
HH	H19	GameSense/Mass Council	64,351.50
JJ	J46	Temporary Help Licensing	25,000.00
UU	U01	Data Circuits	15,000.00
Total:			570,422.83

Below is additional detail of the anticipated needs of each division:

*Finance, Administration and Human Resources: (2 New FTEs)*

One [1] additional HR coordinator and one [1] additional member of the revenue unit. Both positions are anticipated to start in March of Calendar Year 2018. These positions are essential to be able to hire, on-board, and provide continued professional development and training to the MGC growing workforce, as well as be ready to review the additional tax revenue the Commonwealth will be receiving with the opening of the Category 1 licensees.

*Office of Information Technology: (New Circuits for Springfield)*

\$15K for installation and monthly fees for circuits for CMS, Mass IT infrastructure and surveillance at MGM Springfield.

*Investigations and Enforcement Bureau: (11 New FTEs and 3 Civilian Contracted Investigators)*

One [1] promotion of an existing staff member into a Field Manager of the three licensee sites (January 2018 start), one [1] senior supervising gaming agent for the MGM Springfield site (January 2018 start), four [4] experienced agents (February 2018 start), seven [7] supervisors/gaming agents (5/18 start) and the potential to use \$27K in contract employees as civilian investigators for background checks to augment the Mass State Police troopers assigned to the unit.

*Licensing Division: (1 New FTE, 1 Contracted Employee, and Temporary Help)*

One [1] additional FTE licensing specialist in the Boston Office (April 2018 start), one [1] contract employee as a Licensing Representative in Springfield (March 2018 start) and a pool of \$25K in temporary help to be used beginning in May of 2018.

*Office of Research and Responsible Gaming: (Mass Council on Compulsive Gambling—GameSense Start-up Costs)*

\$64K for one [1] GameSense supervisor in MGM (January 2018 start), printed materials and fringe associated costs for employee. This is intended to begin the VSE registration process and awareness prior to the opening of the facility.

*Assessment on Licensees:*

205 CMR 121.00 describes how the Commission shall assess its operational costs on casino licensees including any increases or decreases that are the result of over or under spending. CMR 121.04(3) states "If at any time during the fiscal year the commission determines that actual costs will exceed the projected costs and projected revenue in the budget the Commission will revise the Annual Assessment assessed to each gaming establishment and invoice each gaming establishment for its proportional share of such costs."

The result of the balance forward of \$872.49K in unrestricted revenue from FY17 decreased the FY18 assessment from \$24.45M to \$23.58M. If the Commission agrees to the amount proposed by staff, the chart below demonstrates how the additional \$570.4K in operational costs, to prepare for the opening of MGM, would impact the licensees' FY18 assessments by bringing the revised estimate from \$23.58M to \$24.15M.

Licensee	Slots	Table Games	Table Gaming Positions*	Total Gaming Positions*	Percentage of Gaming Positions	Current Assessment	Assessment After MGM Operational Costs
MGM	3,000	100	600	3,600	38.99%	9,195,873.40	9,418,284.55
Wynn	3,242	168	1,008	4,250	46.03%	10,856,239.43	11,118,808.15
Penn	1,250	-	-	1,383	14.98%	3,532,748.03	3,618,190.98
TOTAL	7,492	268	1,608	9,233	100.00%	23,584,860.85	24,155,283.68

**Conclusion:**

Staff presented this memorandum to the Commission on 11/21/17, and sought public comment on the proposal to add \$570.4K in operational costs to the MGC's FY18 budget. Staff is asking the Commission to approve the additional costs to the FY18 and increase the assessment from \$23.58M to \$24.15M.



# Report to the Massachusetts Gaming Commission Q3 2017



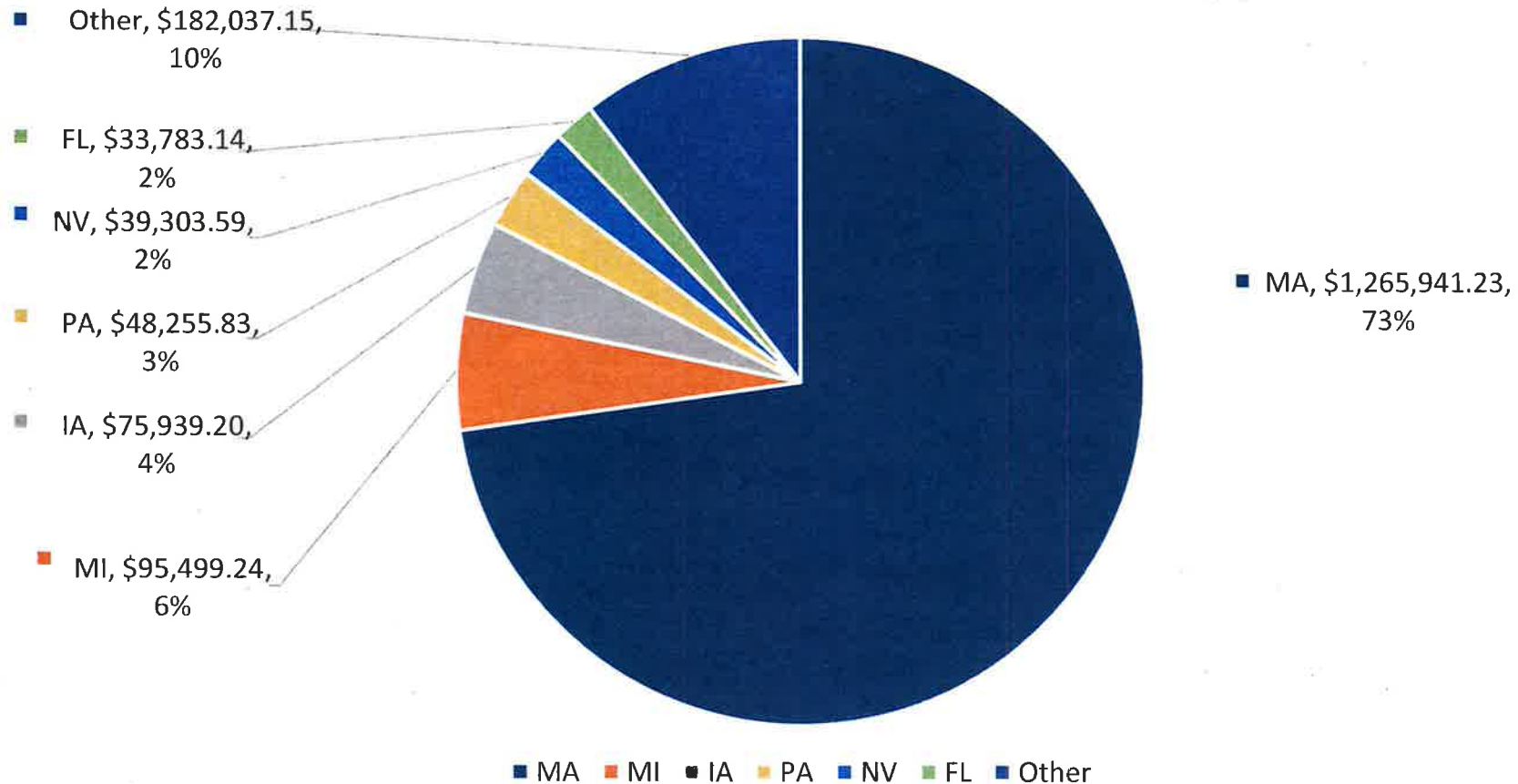
PLAINRIDGE PARK  
YOUR HOMETOWN CASINO



# Spend by State



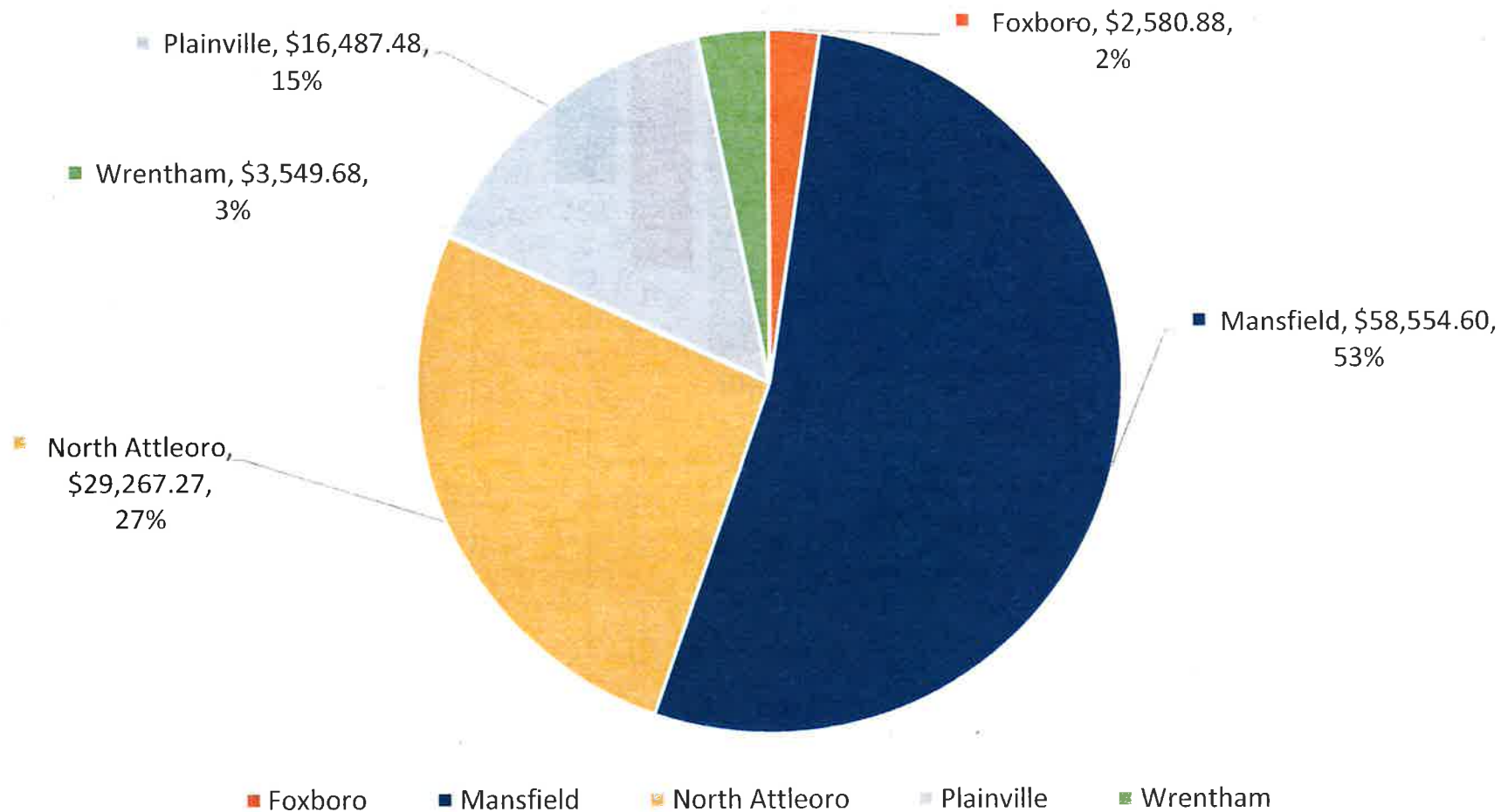
Total Q3 Spend: \$1,740,759.38



# Local Spend



Total Q3 Host & Surrounding Community Spend: \$110,439.91

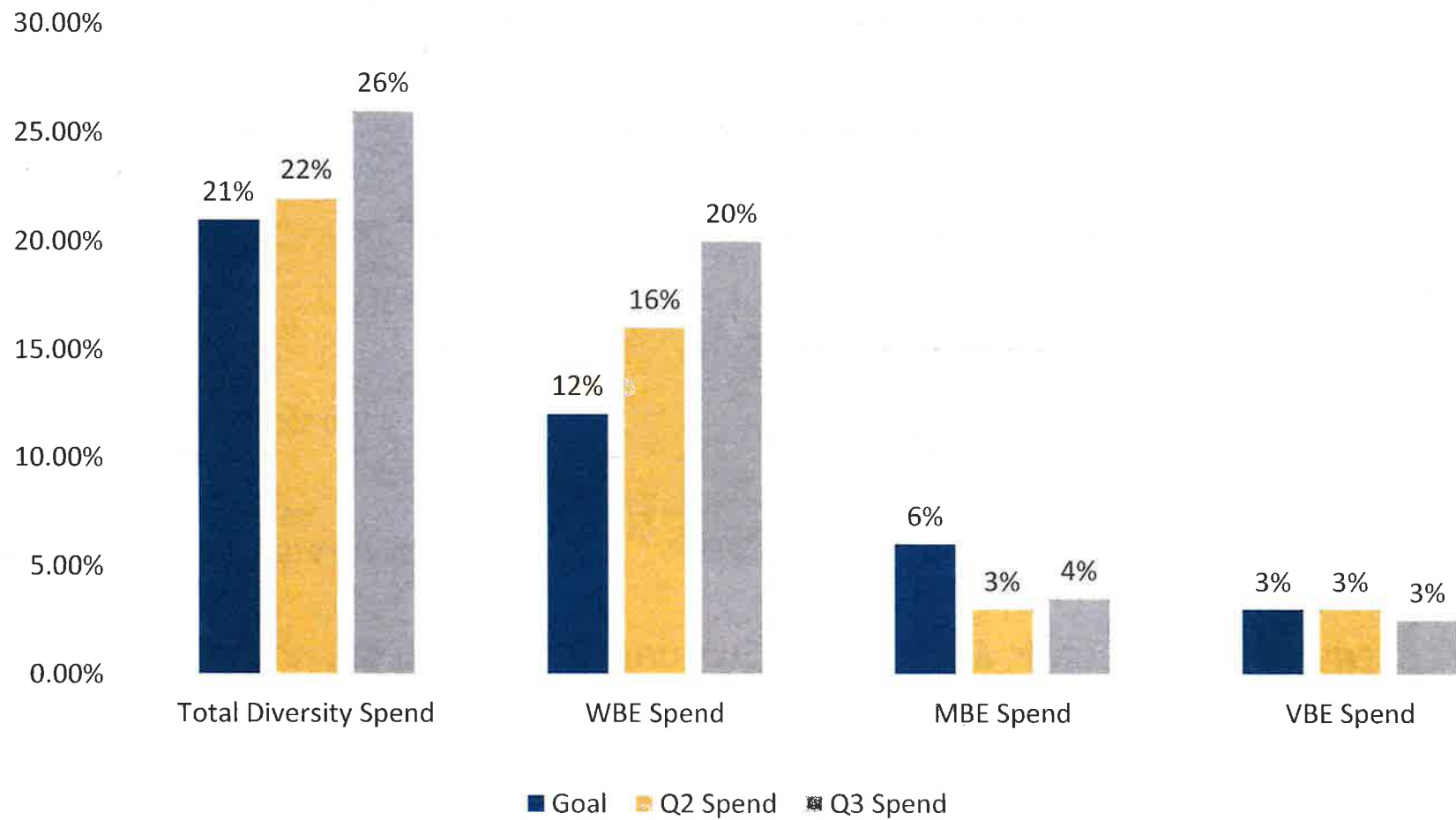




# Vendor Diversity



Q3 2017



# Q3 Diverse Vendor Spend



- **Q3 WBE Vendors**

—21 Vendors used totaling \$349,384



- **Q3 MBE Vendors\***

—5 Vendors used totaling \$63,824



- **Q3 VBE Vendors\***

—3 Vendors totaling \$43,598



\*Includes vendors that are certified in multiple diversity categories. Spend is only reported in one category.

# Gaming Revenue & Taxes



		State	Race Horse	Total	
Net Slot Revenue		Taxes	Taxes	Taxes	
2016	1st	\$38,663,540	\$15,481,836	\$3,479,719	\$18,961,555
	2nd	\$39,185,244	\$15,641,803	\$3,526,672	\$19,168,475
	3rd	\$39,756,060	\$15,923,121	\$3,578,045	\$19,501,166
	4th	\$37,388,890	\$14,973,358	\$3,365,000	\$18,338,358
	Total	\$154,993,734	\$62,020,118	\$13,949,436	\$75,969,554
2017	1st	\$38,440,289	\$15,352,221	\$3,459,626	\$18,811,847
	2nd	\$42,615,790	\$17,057,566	\$3,843,926	\$20,901,492
	3rd	\$44,545,357	\$17,821,836	\$4,009,082	\$21,830,918
	4th				
	Total	\$125,601,436	\$50,231,623	\$11,312,634	\$61,544,257



# Lottery Sales



Quarter	2016	2017	\$ Difference	% Difference
1st	\$705,304	\$750,871	\$45,567	6.46%
2nd	\$758,852	\$843,294	\$84,442	11.13%
3rd	\$738,116	\$891,181	\$153,065	20.74%
4th	\$748,919			
<b>Total</b>	<b>\$2,951,191</b>	<b>\$2,485,346</b>	<b>\$283,074</b>	<b>9.59%</b>

- PPC currently has 5 instant ticket machines and 4 online terminals on site
- Prior to the Casino opening the Property had 1 instant ticket machine and 2 online machines

# Compliance with Regulations



Month	Number of Patron ID Checks	Prevented from entering gaming Establishment			Expired, Invalid, no ID	Fake ID	Minors and Underage Escorted from the gaming area	Minors and Underage Found gambling at slot machines	Minors and Underage Found consuming alcoholic beverages
		Total	Minors <sup>1</sup>	Underage <sup>2</sup>					
July	7,557	155	7	44	104	0	0	0	0
August	7,122	119	9	30	80	0	1	0	0
September	7,220	116	3	30	83	0	0	1	0
<b>Total</b>	<b>21,899</b>	<b>390</b>	<b>19</b>	<b>104</b>	<b>267</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>

1 Person is under 18 years of age

2 Person is 18-21 years of age

# Employment



As of September 30, 2017:

	Employees	Full-Time	Part-time
Totals	476	317	159
% of Total	100%	66.6%	33.4%

	Employees
Diversity	23%
Veterans	4%
Massachusetts	67%
Local	35%
Male/Female	52%/48%



# Women Leading at Penn



Global Gaming **Women**

- Women Leading at Penn
  - Initiative developed to network, inspire and encourage women to pursue leadership roles
  - Female executives champion growth and development of other women
- Areas of Focus
  - Leadership Courage (Speak up/Lean In)
  - Presence (Confidence, Executive Presence)
  - Navigating the Workplace as A Women (Gender Bias)
  - Negotiation
  - Emotional Intelligence
  - Life/Work Balance/Blend (Stress Management)



# Local Community



- Plainville Permanent Firefighters
- Guide Dogs of America
- North Attleboro Plainville Rotary Club
- Amyotrophic Lateral Sclerosis Association
- New Hope Inc.
- Town of Foxboro
- Foxboro Discretionary Fund
- Habitat for Humanity



# Q3 Partnerships



- Patriots - Foxboro
  - Renaissance Inn / Hilton Garden Inn Stay and Play Packages
  - Concert and Football tickets
- TPC Boston – Dell Technologies Championship
- NESN – Bruins
- 98.5 Radio – Patriots
- NBC Sports - Celtics
- Wrentham Village Premium Outlets





# Marketing Highlights



- Q3 Highlights
  - Monthly Vehicle Giveaways
  - Flutie's Brother's Band
  - The Verve Pipe
  - Tonic
  - Back to School Supply Drive
  - National Coffee Day



the verve pipe



VEHICLE COURTESY OF:  
MATTIE AUDI FALL RIVER

- Q4 Highlights





# MYSTIC RIVER PEDESTRIAN AND BICYCLE BRIDGE STUDY

UPDATE

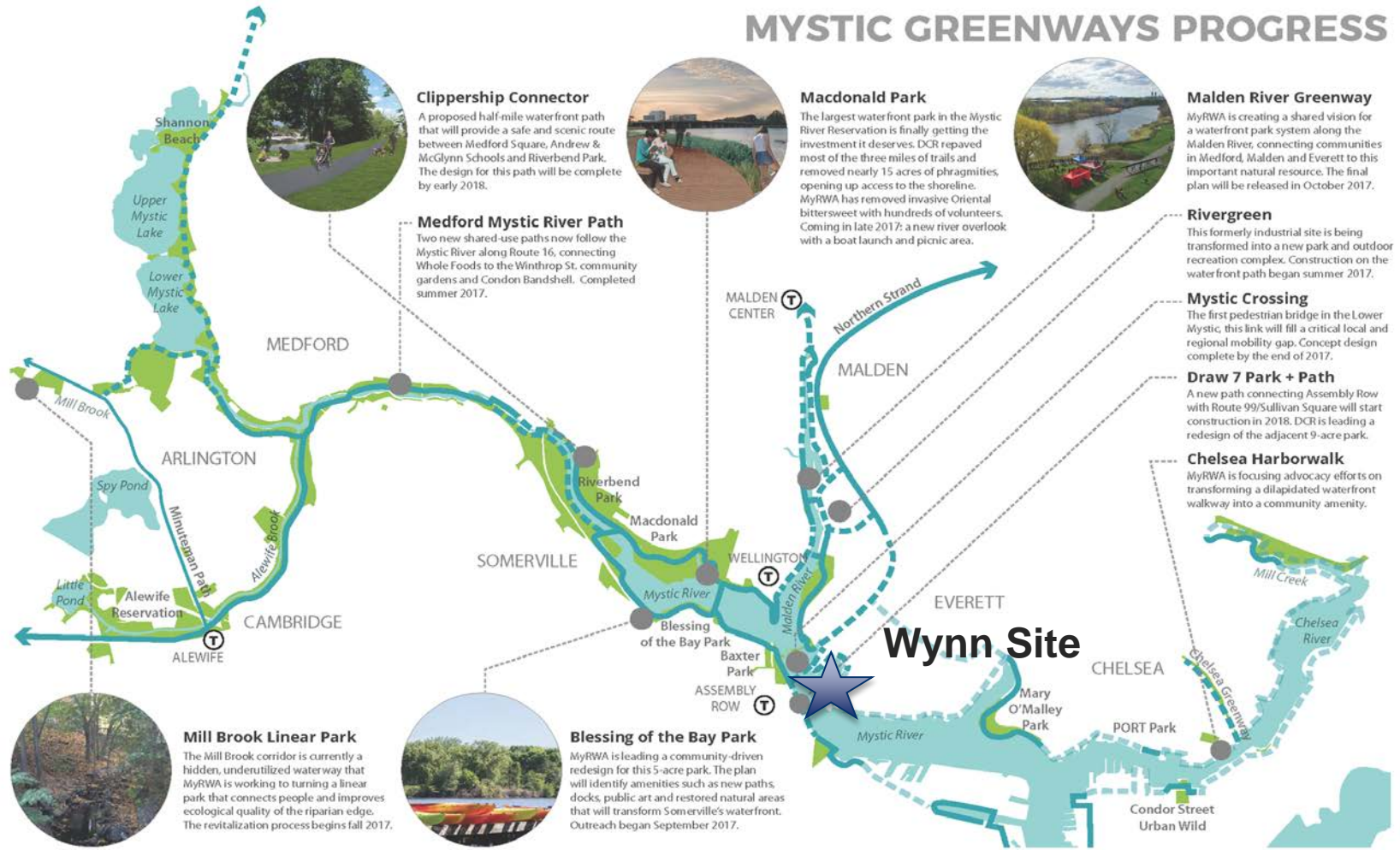
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DECEMBER 7, 2017



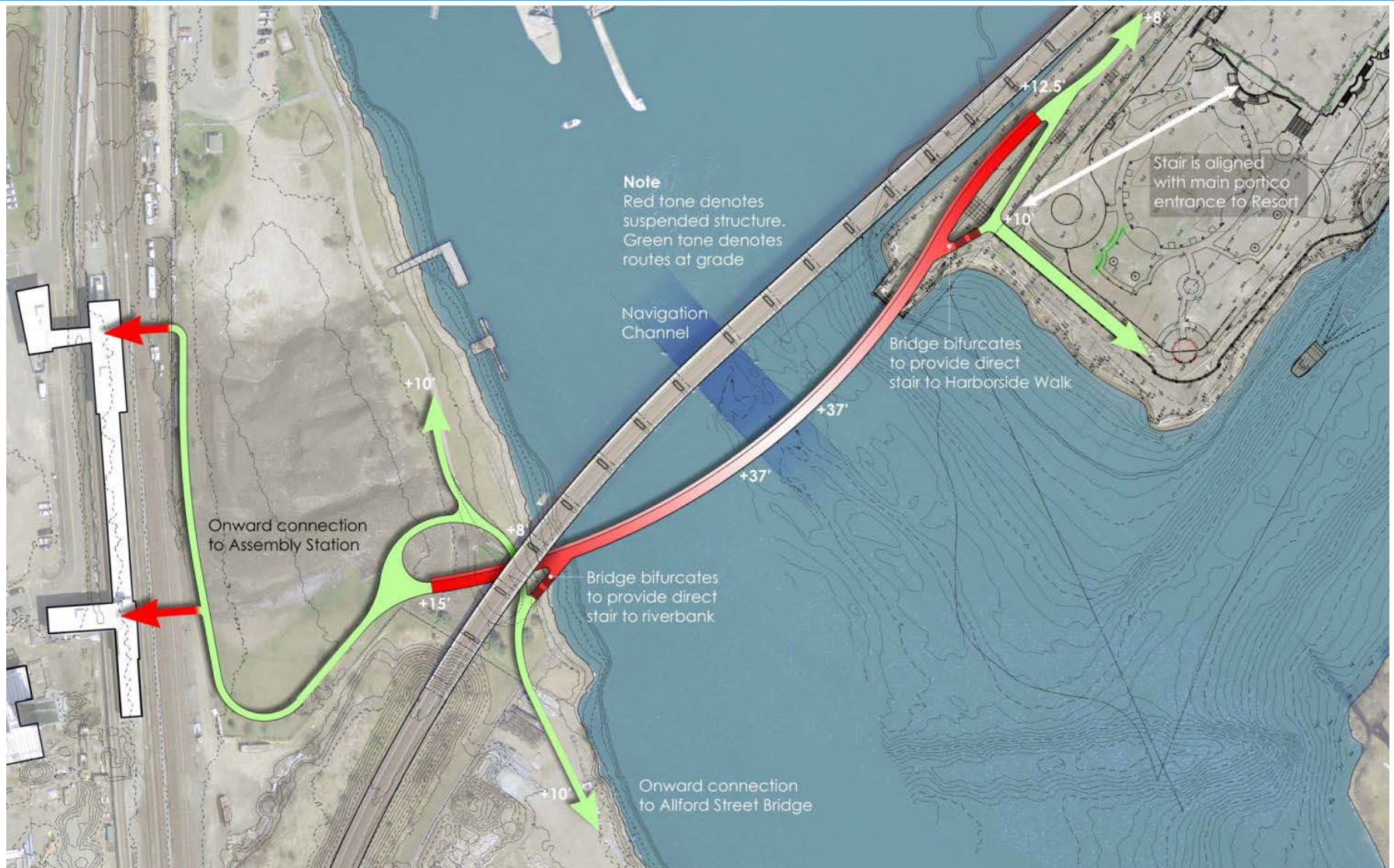
# REGIONAL PUBLIC TRANSIT, PEDESTRIAN AND BICYCLE CONNECTIONS

## MYSTIC GREENWAYS PROGRESS



(Diagram by Mystic River Watershed Association (MyRWA))

# PRELIMINARY STUDY POTENTIAL BRIDGE ROUTE







## 2018 COMMUNITY MITIGATION FUND

### BD-18

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Massachusetts Gaming Commission





## 2018 COMMUNITY MITIGATION FUND GUIDELINES

### BD-18 -

#### What is the Community Mitigation Fund?

The Expanded Gaming Act, M.G.L. c. 23K, created the Community Mitigation Fund ("CMF") to help entities offset costs related to the construction and operation of a gaming establishment.

#### When Is the Application Deadline?

**February 1, 2018.** M.G.L. c. 23K, § 61 states that "parties requesting appropriations from the fund shall submit a written request for funding to the Commission by February 1."

#### Who Can Apply?

M.G.L. c. 23K, § 61 states the Commission shall expend monies in the fund to assist the host and surrounding communities ... "including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire, and emergency services." The Commission may also distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one community.

Applications involving a mitigation measure impacting only one community shall only be submitted by the authorized representatives of the community itself. Governmental entities within communities such as redevelopment authorities or non-regional school districts shall submit applications through such community rather than submitting applications independent of the community.

Private non-governmental parties may not apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a "public purpose" and not the direct benefit or maintenance of the private party; the governmental entity provides a program that ensures that funding will be made only to remedy impacts; and provided that the governmental entity will be responsible for overseeing such funding and complying with all applicable state



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and municipal laws including but not limited to Art. 46, §2, as amended by Article 103 of the Amendments to the Massachusetts Constitution.

The Community Mitigation Fund may be used to offset costs related to both Category 1 full casino facilities (MGM Springfield and Wynn Everett), the state's Category 2 slots-only facility (Plainridge Park), and may be utilized, pursuant to these Guidelines, for a program of technical assistance for communities that may be impacted by the potential Tribal gaming facility in Taunton.

**Does a Community Need to Be a Designated Host or Surrounding Community to Apply?**

**No.** The Commission's regulations and M.G.L. c. 23K, § 61 do not limit use of Community Mitigation Funds to only host or surrounding communities. The Commission's regulation, 205 CMR 125.01(4), states that "[a]ny finding by the commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by M.G.L. c. 23K, § 61...."

**What Cannot Be Funded?**

***2018 Community Mitigation Fund may not be used for the mitigation of:***

**Category 1 Gaming Facilities:**

- any operational related impacts;\*\*
- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018;\*\*
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application;
- requests related to utility outages, such as the mitigation of business interruptions; and
- other impacts determined by the Commission.

**Category 2 Gaming Facilities:**

- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018;\*\*
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application; and
- requests related to utility outages, such as the mitigation of business interruptions.

\*\*These limitations do not apply to transportation planning grants, non-transportation planning grants, workforce development pilot program grants, tribal gaming technical assistance grants, and grants for police training costs.

Please note that the Commission may determine to expand the eligible uses of funds for the 2019 program or other future programs when impacts are more clearly identifiable. The Commission will also consult with mitigation advisory committees established in M.G.L. c. 23K in determining such uses.

**Guidance on Funding for Non-Governmental Entities**

As noted, communities and other parties may apply for funds to mitigate the impact to non-governmental entities. However, the Commission strongly encourages applicants to ensure the impacts are directly related to the gaming facility. For example, an applicant could limit a request for assistance for impacts to all businesses within 1000 feet of a gaming facility. Further, applicants should demonstrate that the governmental entity, the licensee, or both will also financially contribute to any program of assistance. The Commission will not fund any applications for assistance for non-governmental entities unless the applicant governmental entity or the licensee or both provide funding to match, in the case of host communities, or significantly match the assistance required from the 2018 Community Mitigation Fund. Any such application for assistance to non-governmental entities by a host community must demonstrate that the host community, the licensee, or a combination of the host community and licensee will match the assistance required from the 2018 Community Mitigation Fund.

Communities may ask the Commission to waive this match requirement or dollar for dollar match requirement in the case of host communities. Any community seeking a waiver should include a statement in its application specifying the reason for its waiver request in accordance with the waiver guidance included in these Guidelines. Please note that as stated by the Commonwealth's Comptroller's Office: "The Anti-Aid Amendment of the Massachusetts Constitution prohibits 'public money or property' from aiding non-public institutions.... Article 46 has been interpreted to allow the expenditure of public funds to non-public recipients solely for the provision of a 'public purposes' [sic] and not for the direct benefit or maintenance of the non-public entity."

Any community seeking funding for mitigation involving non-public entities should provide detail on how its planned use is in conformity with this provision of the Massachusetts Constitution and with Municipal Finance Law.

#### **How Much Funding Is and Will Be Available?**

In sum, a total of \$17.5 million from the current licensees was deposited in the Community Mitigation Fund for use until Category 1 gross gaming revenues are generated, or thereafter (if all such funds are not used prior to that date). After the deduction of purposes approved in 2015, 2016, and 2017, the fund has approximately \$10 million available after accounting for potential future awards of previously authorized grants.

No further contributions will be made to the Community Mitigation Fund until either MGM Springfield or Wynn Boston Harbor become operational and generate revenues.<sup>1</sup> MGM Springfield is currently projected to be operational by early September 2018. Wynn Boston Harbor is currently projected to be operational in early June 2019. Once operational, M.G.L. c. 23K, § 59 specifies that 6.5% of the revenues from the tax on gross gaming revenues from Category 1 (full casino) licensees shall be deposited in the Community Mitigation Fund.

Once the MGM Springfield and Wynn Boston Harbor facilities are operational, approximately \$18 million generated by these two facilities will be annually deposited into the Community Mitigation Fund using a conservative estimate provided by the Commission's financial consultants.

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<sup>1</sup> These guidelines do not describe revenue estimates from the potential Tribal facility in Taunton or the participation of a Region C facility, as no Region C license or Tribal facility has yet been fully authorized. Further, after the initial deposit, no further contributions from the Slots licensee will be made to the fund.

In future guidelines, the Commission intends to develop a method to allocate funding based on need in the regions that reflects the proportion of funds paid into the Community Mitigation Fund from the taxes generated by the MGM Springfield or Wynn Boston Harbor facilities once they are operational. Any such method would need to take into account mitigation needs outside Region A and Region B, and a method to utilize unspent allocations.

### Joint Applications

The Commission continues to support regional approaches to mitigation needs and recognizes that some mitigation requires the commitment of more than one community. The 2018 Guidelines for the Community Mitigation Fund allow multiple communities to submit a joint application. In the event that any of the applicant communities has not expended its One-Time 2015/2016 Reserve, the application must detail how the reserves will be allocated between the applicant communities to meet any reserve expenditure requirement. For example, transportation planning grants require that reserves be used prior to the receipt of new planning funds. In the event of a joint application for a \$200,000 planning grant, the joint application shall specify how the applicant communities will allocate/use a total of \$100,000 in reserves between the communities. The application must specify which community will be the fiscal agent for the grant funds. All communities will be held responsible for compliance with the terms contained in the grant.

In order to further regional cooperation the applications for transportation planning grants and non-transportation planning grant that involve more than one community for the same planning projects may request grant assistance that exceeds the limits specified in these guidelines (\$200,000 for transportation planning grants and \$100,000 for non-transportation planning grants). The additional funding may be requested only for the costs of a joint project being procured by more than one community, not similar projects. Eligible communities may request additional funding for joint project based on the below table.

	Base Funding	Regional Incentive Planning Award	Total Allowable Request
Non-Transportation Planning Projects Involving Two (2) Communities	\$50,000 for each community	\$5,000	$\$50,000 \times 2 \text{ communities}$ $\$100,000$ $+\$5,000$ <u><math>\\$105,000</math></u>
Non-Transportation Program Involving Three (3) or More	\$50,000 for each community	\$10,000	$\$50,000 \times 3 \text{ communities}$ $\$150,000$ $+\$10,000$ <u><math>\\$160,000</math></u>
Transportation Planning Projects Two (2) Communities	\$200,000 for each community	\$25,000	$\$200,000 \times 2 \text{ communities}$ $\$400,000$ $+\$25,000$ <u><math>\\$425,000</math></u>
Transportation Planning Projects Three (3) or more	\$200,000 for each community	\$50,000	$\$200,000 \times 3 \text{ communities}$ $\$600,000$ $+\$50,000$ <u><math>\\$650,000</math></u>

\*Although the base amount for such grants would increase with applications involving four or more communities (e.g. \$200,000 Transportation Planning Grant per community X 4 Communities = \$800,000) the amount of the regional planning incentive will not exceed \$50,000 (e.g. 4 community transportation planning grants would not exceed \$850,000 = 4 x \$200,000 base award plus \$50,000 regional incentive amount).

Please note that communities can apply for a portion of the planning grants for single community applications while allocating a portion for joint projects. For example, a community could apply for one \$100,000 base transportation planning grant and leaving \$100,000 for a joint application involving another community. In this example the community could be eligible for \$100,000 for the single community project, \$100,000 for a joint project, and a \$25,000 regional incentive amount shared with a second community.

Applications seeking a regional incentive amount shall allocate at least fifty percent (50%) of the base funding level towards a joint project. For example, at

least \$100,000 for a \$200,000 transportation planning grant seeking an additional regional incentive amount shall before the joint project with another community.

### Limitations

Because the Community Mitigation Fund needs to be available until the facilities are operational, the Commission anticipates authorizing no more than \$ million in awards out of the 2018 Community Mitigation Fund, including potential future awards of previously authorized grants. No application for a Specific Impact Grant shall exceed \$500,000, unless a waiver has been granted by the Commission. No community is eligible for more than one Specific Impact Grant, unless a waiver has been granted by the Commission.

Of that amount, for 2018, no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.

### One-Time 2015/2016 Reserves

In 2015 and 2016, a Reserve Fund was established for communities that may not have been able to demonstrate significant impacts by the submittal deadline date. The Commission reserved \$100,000 for the following communities which were either a host community, designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that petitioned to be a surrounding community to a gaming licensee, or a community that is geographically adjacent to a host community:

Category 1 - Casino		Category 2 - Slots
<u>Region A</u>	<u>Region B</u>	
Boston	Agawam	Attleboro
Cambridge	Chicopee	Foxboro
Chelsea	E. Longmeadow	Mansfield
Everett	Hampden	North Attleboro
Lynn	Holyoke	Plainridge
Malden	Longmeadow	Wrentham
Medford	Ludlow	
Melrose	Northampton	
Revere	Springfield	



Saugus  
Somerville

West Springfield  
Wilbraham

In many cases, communities may not be in a position to access their 2015 or 2016 reserves by the February 1, 2018 deadline. Therefore, the Commission has extended such reserves for the 2018 Community Mitigation Fund Program. Communities may continue to access whatever portion of the original \$100,000 that remains unexpended. **The above communities do not need to submit any new application to keep their reserves. These reserves have automatically been extended by action of the Commission.**

The criteria for the use of the reserve remain the same. This reserve can be used to cover impacts that may arise in 2018 or thereafter. It may also be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.

Funds will be distributed as the needs are identified. Communities that utilize the reserve are not prohibited from applying for funding for any specific mitigation request.

### **What are the Reserve Amounts?**

Can a community apply for mitigation of a specific impact even though it has not fully utilized its 2015 or 2016 Reserve?

**Yes.** However, if a Specific Impact Grant application is successful, a portion of the One-Time Reserve will be used as an offset against the amount requested for the specific impact. The reserve amount will be reduced by fifty thousand dollars (\$50,000.00) assuming the specific impact request is at least that amount.

### **Specific Impact Grants - What Specific Impacts Can Be Funded?**

The 2018 Community Mitigation Fund for mitigation of specific impacts may be used only to mitigate impacts that either have occurred or are occurring as of the February 1, 2018 application date and police training costs that occur prior to the opening of both Category 1 facilities. Although the definition in the Commission's regulations (for the purpose of determining which communities are surrounding communities) references predicted projected impacts, the 2018 program is limited to only those impacts that are being experienced or were experienced by



the time of the February 1, 2018 application date and police training costs that occur prior to the opening of both Category 1 facilities.

The Commission has determined that the funding of unanticipated impacts will be a priority under the annual Community Mitigation Fund. Thus the Commission will review funding requests in the context of any host or surrounding community agreement to help determine funding eligibility.<sup>2</sup> The Community Mitigation Fund is not intended to fund the mitigation of specific impacts already being funded in a host or surrounding Community Agreement.

No application for the mitigation of a specific impact shall exceed \$500,000. However, communities and governmental entities may ask the Commission to waive this funding cap. Any community and governmental entity seeking a waiver should include a statement in its application specifying the reason for its waiver request, in accordance with the waiver guidance included in these Guidelines. The Commission recognizes that applications for police training costs may exceed \$500,000 and may take this into consideration in evaluating any waiver requests.

Allowable impacts for funding are as follows:

**Category 1 Gaming Facility:** In recognition that no Category 1 gaming facility will be operational by February 1, 2018, the Commission has determined that the 2018 Community Mitigation Fund is available only to mitigate impacts related to the construction of Category 1 gaming facilities. This limitation does not apply to planning activities funded under the 2015/2016 One-Time Reserve Grant, 2018 Non-Transportation Planning Grant, 2018 Transportation Planning Grant, or the 2018 Workforce Development Pilot Program Grant, or police training costs.

The Commission's regulation 205 CMR 125.07 defines construction period impacts as:

“The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction.”

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<sup>2</sup> The Commission is aware of the difference in bargaining power between host and surrounding communities in negotiating agreements and will take this into account when evaluating funding applications.

**Category 2 Gaming Facility:** In recognition that the Category 2 gaming facility in Plainville opened during calendar year 2015, the Commission will make available funding to mitigate operational related impacts that are being experienced or were experienced from that facility by the February 1, 2018 date. The Commission will make available up to \$500,000 in total for applications for the mitigation of operational impacts relating to the Plainridge facility.

The Commission's regulation 205 CMR 125.01 2(b)4 defines operational impacts as:

"The community will be significantly and adversely affected by the operation of the gaming establishment after its opening taking into account such factors as potential public safety impacts on the community; increased demand on community and regional water and sewer systems; impacts on the community from storm water run-off, associated pollutants, and changes in drainage patterns; stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment; any negative impact on local, retail, entertainment, and service establishments in the community; increased social service needs including, but not limited to, those related to problem gambling; and demonstrated impact on public education in the community."

Although these definitions include the types of operational impacts that may be funded, it is not limited to those. The determination will be made by the Commission after its review.

#### **Hampden County Sheriff's Department – Specific Impact Grant**

In 2016 the Commission awarded the Hampden County Sheriff's Department ("HCSD") funds to offset increased rent for the Western Massachusetts Correctional Alcohol Center ("WMCAC"). In providing assistance, the Commission stated that the amount of assistance shall not exceed \$2,000,000 in total for five years or \$400,000 per fiscal year. A provision in the grant required HCSD to reapply each year. As the HCSD missed the deadline due to administrative changes for 2017, HCSD may apply for fiscal year 2018 and 2019 lease assistance during this 2018 Community Mitigation Fund application period. Each grant application may not exceed \$400,000 per year.

### **2018 Non-Transportation Planning Grant**

The Commission will make available funding for certain planning activities for all communities that previously qualified to receive funding from the One-Time 2015/2016 Reserve Fund, and have already allocated and received Commission approval of the use of its Reserve. No application for this 2018 Non-Transportation Planning Grant shall exceed Fifty Thousand Dollars (\$50,000). Applications involving transportation planning or design are not eligible for the 2018 Non-Transportation Planning Grant. Communities requesting transportation planning should instead apply for Transportation Planning Grant funds.

Eligible planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. The planning project must be clearly related to addressing issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the planning effort prior to funding being awarded. Each community applying for a 2018 Non-Transportation Planning Grant will also need to provide detail on what it will contribute to the project such as in-kind services or planning funds.

Communities that utilize this 2018 Non-Transportation Planning Grant are not prohibited from applying for funding for any specific mitigation request.

### **Transportation Planning Grants**

The Commission will make available funding for certain transportation planning activities for all communities eligible to receive funding from the Community Mitigation Fund in Regions A & B and for the Category 2 facility, including each Category 1 and Category 2 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, and any community that petitioned to be a surrounding community to a gaming licensee, each community that is geographically adjacent to a host community.

The total funding available for planning grants will likely not exceed \$1,000,000. No application for a transportation planning grant shall exceed \$200,000.

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. Transportation Planning Grant funds may be sought to expand a planning project

begun with reserve funds or to fund an additional project once the reserves have been exhausted.

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results.

Eligible expenses to be covered by the Transportation Planning Grant include, but not necessarily limited to:

- Planning consultants/staff
- Data gathering/surveys
- Data analysis
- Design
- Engineering review/surveys
- Public meetings/hearings
- Final report preparation

The transportation planning projects must be clearly related to addressing transportation issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the transportation planning effort prior to funding being awarded.

Communities that requested and received the One-Time 2015/2016 Reserve Grant must first expend those funds before accessing any Transportation Planning Grant funds. Transportation Planning Grant funds may be sought to expand a planning project begun with reserve funds or to fund an additional project once the reserves have been exhausted.

In addition to the specific impact grant factors further defined in section [“How Will the Commission Decide on Applications?”](#), the Commission will also consider whether the applicant demonstrates the potential for such transportation project that is the subject of a CMF application to compete for state or federal transportation funds.

Applicants may, but are not required, to include a description of how the project meets the evaluation standards for the Fiscal Year 2018 TIP criteria for the Boston MPO Region or the Pioneer Valley Planning Commission’s transportation evaluation criteria, or other regional transportation project evaluation standard, whichever may be most applicable.

### **Limitations/Specific Requirements on Planning Applications**

The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal

employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. For non-personnel costs, each community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds.

Pursuant to the Guidelines, the Commission will evaluate requests for planning funds (including the use of One-Time 2015-2016 Reserve, Non-Transportation Planning Grant, and Transportation Planning Grant Funds) after taking into consideration input the applicant has received from the local Regional Planning Agency ("RPA") or any such interested parties. Although there is no prerequisite for using RPA's for planning projects, consultation with RPA's is required to enable the Commission to better understand how planning funds are being used efficiently across the region of the facility. Please provide details about the applicant's consultation with the RPA or any such interested parties. Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities.

### **Tribal Gaming Technical Assistance Grant**

The Commission may make available no more than \$200,000 in technical assistance funding to assist in the determination of potential impacts that may be experienced by communities in geographic proximity to the potential Tribal Gaming facility in Taunton. Said technical assistance funding may be made through Southeastern Regional Planning and Economic Development District ("SRPEDD"), the regional planning agency that services such communities or a comparable regional entity. Such funding will only be made available, after approval of any application by SRPEDD or a comparable regional entity, if it is determined by the Commission that construction of such gaming facility will likely commence prior to or during Fiscal Year 2019. Any such application by SRPEDD or a comparable regional entity must demonstrate that any studies of impacts will address the technical assistance needs of the region which may include but not be limited to the communities that are geographically adjacent to Taunton. Such funding shall not be used to study impacts on or provide technical assistance to Taunton, as funding has been provided in the Intergovernmental Agreement By and Between the Mashpee Wampanoag Tribe and the City of Taunton. Any such

program of technical assistance may be provided by SRPEDD itself or through a contract with SRPEDD.

### **Workforce Development Pilot Program Grant**

For fiscal year 2019, the Commission will make available funding for certain career pathways workforce development pilot programs in Regions A and B for service to residents of communities of such Regions, including each Category 1 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, any community that petitioned to be a surrounding community to a gaming licensee, and each community that is geographically adjacent to a host community.

The total funding available for grants will likely not exceed \$600,000. No application for a grant in each Region shall exceed \$300,000 unless otherwise determined by the Commission. One grant will be considered for each Region. Each governmental entity applying for workforce development funds will also need to provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

Eligible career pathways workforce development proposals must include a regional consortium approach to improve the skills, knowledge, and credential attainment of each Region A and Region B residents interested in a casino career, focusing on increasing industry-recognized and academic credentials needed to work in the most in-demand occupations related to the expanded gaming industry or a focus on occupations that could be in high demand from the casino, potentially negatively impacting the regional business community. This could include a focus on hospitality, culinary, cash handling, or customer service, etc.

Goals include:

- To help low-skilled adults earn occupational credentials, obtain well-paying jobs, and sustain rewarding careers in sectors related to hospitality and casino careers.
- To get students with low basic skills into for-credit career and technical education courses to improve their educational and employment outcomes.



- To deliver education and career training programs that can be completed in two years or less and prepare program participants for employment in high-wage, high-skill occupations related to the casino.
- To align and accelerate ABE, GED, and developmental programs and provide nontraditional students the supports they need to complete postsecondary credentials of value in the regional labor market.
- To mitigate a strain in existing resources and a potential impact to the regional labor market.

Eligible activities include: a program in Region A or Region B that structures intentional connections among adult basic education, occupational training, and post-secondary education programs designed to meet the needs of both adult learners and employers, post-secondary vocational programs, registered apprenticeships, courses leading to college credits or industry-recognized certificates, Adult Basic Education (“ABE”) and vocationally based English for Speakers of Other Languages (“ESOL”) training programs, Contextualized Learning, Integrated Education & Training, and Industry-recognized Credentials.

- **A consortium application is required.** However, governmental entities eligible to receive funds would include but not be limited to: host communities, communities which were each either a designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that is geographically adjacent to the host community of a gaming licensee, a community that petitioned to be a surrounding community to a gaming licensee state agencies, state agencies, and Regional Employment Boards. The Commission shall evaluate the use of host community agreement funds in evaluating funding requests for workforce development pilot program grant funds. Applicants should consider leveraging other funding resources.

### What Should Be Included in the Applications?

- ★ Applicants are required to complete the 2018 Specific Impact Grant Application, the 2018 Transportation Planning Grant Application, the 2018 Workforce Development Pilot Program Grant Application or the 2018 Non-Transportation Planning Grant Application and may also submit additional supporting materials of a reasonable length.
- ★ Applicants will need to describe how the specific mitigation, planning, or workforce development pilot program request will address any claimed impacts and provide justification of any funds requested. Unlike existing surrounding community agreements which were based on anticipated impacts, any Specific Impact Grant will be based on impacts that have occurred or are occurring, as noted previously.
- ★ Applicants will need to describe if and how such impacts were addressed or not addressed in any host or surrounding community agreements. Applicants may include a letter of support from the applicable gaming licensee. However, this is not necessary, as the Commission will request the licensee's opinion regarding each application.

### How Will the Commission Decide on Applications?

Similar to the Commission's surrounding community review process, the Commission will ask each licensee to review and comment on any requests for funding.

The Commission will evaluate the submittal by the community, any input received from the community and interested parties (such as Regional Planning Agencies), the responses of the licensee, Commission consultant reviews, and any other sources determined by the Commission.

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

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;

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

The Commission may ask applicants for supplementary materials, may request a meeting with applicants, and reserves the ability to host a hearing or hearings on any application.

The Commission's deliberations on Community Mitigation Fund policies will also be aided through input from the Gaming Policy Advisory Committee, the Community Mitigation Subcommittee, and any Local Community Mitigation Advisory Committees, as established pursuant to M.G.L. c. 23K.

The Commission reserves the ability to determine a funding limit below what is detailed in these Guidelines, as additional contributions to the Community Mitigation Fund will not be made until Category 1 gaming facilities are operational. The Commission also reserves the ability to determine a funding limit above what is detailed in these Guidelines.

**The Commission reserves the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission also reserves the ability to place conditions on any award.**

- There is limited funding available. The Commission therefore reserves the right to determine which requests to fund based on its assessment of a broad range of factors including the extent of public benefit each grant is likely to produce.

### When Will the Commission Make Decisions?

The Commission anticipates making funding decisions on any requests for grant assistance before July 2018, after a comprehensive review and any additional information requests.

### Is There a Deadline for the Use of the One-Time 2015/2016 Reserve?

There is no deadline. Funds may be used on a rolling basis when specific impacts are determined or the specific planning activity is determined. Once known, communities should contact the Ombudsman's Office, which will assist the community in providing the needed information. Communities with specific impacts will, at the time the impacts are known, complete the Specific Impact Grant Application or the Planning Project Grant Application in its entirety. Communities with requests for planning funds will provide similar information to the Commission: a description of the planning activity, how the planning activity relates to the development or operation of the gaming facility, how the planning funds are proposed to be used, consultation with the Regional Planning Agency, other funds being used, and how planning will help the community determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts. The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. Each Community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds. Please note that such details do not need to be determined by the February 1, 2018 application date. Commission approvals of the use of the One-Time 2015/2016 Reserve will also be on a rolling basis corresponding to the rolling determinations of use by communities.



### Waivers and Variances

(a) General. The Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines, not specifically required by law, where the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;
2. Granting the waiver or variance will not interfere with the ability of the Commission to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.

(b) Filings. All requests for waivers or variances shall be in writing, shall set forth the specific provision of the Guidelines to which a waiver or variance is sought, and shall state the basis for the proposed waiver or variance.

(c) Determination. The Commission may grant a waiver or variance, deny a waiver or variance, or grant a waiver or variance subject to such terms, conditions and limitations as the commission may determine.

### Who Should Be Contacted for Any Questions?

As the 2018 Community Mitigation Fund program is just in the fourth year of the program for the Commission, communities and other parties may have a number of questions. They are encouraged to contact the Commission's Ombudsman with any questions or concerns. The Commission's Ombudsman will regularly brief the Commission regarding the development of Community Mitigation Fund policies.

The Commission's Ombudsman, John Ziemba, can be reached at (617) 979-8423 or via e-mail at [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us). The Commission's address is 101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110.

### Where Should the Applications Be Sent?

Applications **must be sent to** [www.commbuys.com](http://www.commbuys.com). An application received by COMMBUYS by February 1, 2018 will meet the application deadline. Applicants

that are not part of the COMMBUYS system should contact Mary Thurlow of the Commission's Ombudsman's Office well in advance of the February 1, 2018 deadline to make arrangements for submission of the application by the deadline. Mary Thurlow can be contacted at (617) 979-8420 or at [mary.thurlow@state.ma.us](mailto:mary.thurlow@state.ma.us).

If you have any questions or concerns contact the COMMBUYS Help Desk at [COMMBUYS@state.ma.us](mailto:COMMBUYS@state.ma.us) or during normal business hours (8am - 5pm ET Monday - Friday) at 1-888-627-8283 or 617-720-3197.



11/30/17

10/23/2017

## 2018 COMMUNITY MITIGATION FUND-~~GUIDELINES~~

BD-18 -

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## 2018 COMMUNITY MITIGATION FUND GUIDELINES BD-18 -

### What is the Community Mitigation Fund?

The Expanded Gaming Act, M.G.L. c. 23K, created the Community Mitigation Fund ("CMF") to help entities offset costs related to the construction and operation of a gaming establishment.

### When Is the Application Deadline?

**February 1, 2018.** M.G.L. c. 23K, § 61 states that "parties requesting appropriations from the fund shall submit a written request for funding to the Commission by February 1."

### Who Can Apply?

M.G.L. c. 23K, § 61 states the Commission shall expend monies in the fund to assist the host and surrounding communities ... "including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire, and emergency services." The Commission may also distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one community.

Applications involving a mitigation measure impacting only one community shall only be submitted by the authorized representatives of the community itself. Governmental entities within communities such as redevelopment authorities or non-regional school districts shall submit applications through such community rather than submitting applications independent of the community.

Private non-governmental parties may not apply for Community Mitigation Funds. However, governmental entities may apply to the Commission for funds to mitigate impacts to private parties provided that such funding is for a "public purpose" and not the direct benefit or maintenance of the private party; the governmental entity provides a program that ensures that funding will be made only to remedy impacts; and provided that the governmental entity will be responsible for overseeing such funding and complying with all applicable state



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and municipal laws including but not limited to Art. 46, §2, as amended by Article 103 of the Amendments to the Massachusetts Constitution.

The Community Mitigation Fund may be used to offset costs related to both Category 1 full casino facilities (MGM Springfield and Wynn Everett), the state's Category 2 slots-only facility (Plainridge Park), and may be utilized, pursuant to these Guidelines, for a program of technical assistance for communities that may be impacted by the potential Tribal gaming facility in Taunton.

**Does a Community Need to Be a Designated Host or Surrounding Community to Apply?**

**No.** The Commission's regulations and M.G.L. c. 23K, § 61 do not limit use of Community Mitigation Funds to only host or surrounding communities. The Commission's regulation, 205 CMR 125.01(4), states that "[a]ny finding by the commission that a community is not a surrounding community for purposes of the RFA-2 application shall not preclude the community from applying to and receiving funds from the Community Mitigation Fund established by M.G.L. c. 23K, § 61...."

**What Cannot Be Funded?**

***2018 Community Mitigation Fund may not be used for the mitigation of:***

**Category 1 Gaming Facilities:**

- any operational related impacts~~;~~\*\*\*
- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018~~;~~\*\*\*
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application;
- requests related to utility outages, such as the mitigation of business interruptions; and
- other impacts determined by the Commission.

**Category 2 Gaming Facilities:**

- impacts that are projected or predicted but that are not occurring or have not occurred by February 1, 2018<sup>\*\*\*</sup>
- impacts that are the responsibility (e.g. contractual, statutory, regulatory) of parties involved in the construction of gaming facilities (such as damage caused to adjoining buildings by construction equipment, spills of construction-related materials outside of work zones, personal injury claims caused by construction equipment or vehicles);
- the cost of the preparation of a grant application; and
- requests related to utility outages, such as the mitigation of business interruptions.

**\*\*\*These limitations do not apply to transportation planning grants, non-transportation planning grants, workforce development pilot program grants, tribal gaming technical assistance grants, and grants for police training costs.**

Please note that the Commission may determine to expand the eligible uses of funds for the 2019 program or other future programs when impacts are more clearly identifiable. The Commission will also consult with mitigation advisory committees established in M.G.L. c. 23K in determining such uses.

**Guidance on Funding for Non-Governmental Entities**

As noted, communities and other parties may apply for funds to mitigate the impact to non-governmental entities. However, the Commission strongly encourages applicants to ensure the impacts are directly related to the gaming facility. For example, an applicant could limit a request for assistance for impacts to all businesses within 1000 feet of a gaming facility. Further, applicants should demonstrate that the governmental entity, the licensee, or both will also financially contribute to any program of assistance. The Commission will not fund any applications for assistance for non-governmental entities unless the applicant governmental entity or the licensee or both provide funding to match, in the case of host communities, or significantly match the assistance required from the 2018 Community Mitigation Fund. Any such application for assistance to non-governmental entities by a host community must demonstrate that the host community, the licensee, or a combination of the host community and licensee will match the assistance required from the 2018 Community Mitigation Fund.

Communities may ask the Commission to waive this match requirement or dollar for dollar match requirement in the case of host communities. Any community seeking a waiver should include a statement in its application specifying the reason for its waiver request in accordance with the waiver guidance

~~include~~included in these Guidelines. Please note that as stated by the Commonwealth's Comptroller's Office: "The Anti-Aid Amendment of the Massachusetts Constitution prohibits 'public money or property' from aiding non-public institutions.... Article 46 has been interpreted to allow the expenditure of public funds to non-public recipients solely for the provision of a 'public purposes' [sic] and not for the direct benefit or maintenance of the non-public entity."

Any community seeking funding for mitigation involving non-public entities should provide detail on how its planned use is in conformity with this provision of the Massachusetts Constitution and with Municipal Finance Law.

#### How Much Funding Is and Will Be Available?

In sum, a total of \$17.5 million from the current licensees was deposited in the Community Mitigation Fund for use until Category 1 gross gaming revenues are generated, or thereafter (if all such funds are not used prior to that date). After the deduction of purposes approved in 2015, 2016, and 2017, the fund has approximately \$10 million available after accounting for potential future awards of previously authorized grants.

No further contributions will be made to the Community Mitigation Fund until either MGM Springfield or Wynn Boston Harbor become operational and generate revenues.<sup>1</sup> MGM Springfield is currently projected to be operational by early September 2018. Wynn Boston Harbor is currently projected to be operational in early June 2019. Once operational, M.G.L. c. 23K, § 59 specifies that 6.5% of the revenues from the tax on gross gaming revenues from Category 1 (full casino) licensees shall be deposited in the Community Mitigation Fund.

Once the MGM Springfield and Wynn Boston Harbor facilities are operational, approximately \$18 million generated by these two facilities will be annually deposited into the Community Mitigation Fund using a conservative estimate provided by the Commission's financial consultants.

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<sup>1</sup> These guidelines do not describe revenue estimates from the potential Tribal facility in Taunton or the participation of a Region C facility, as no Region C license or Tribal facility has yet been fully authorized. Further, after the initial deposit, no further contributions from the Slots licensee will be made to the fund.



In future guidelines, the Commission intends to develop a method to allocate funding based on need in the regions that reflects the proportion of funds paid into the Community Mitigation Fund from the taxes generated by the MGM Springfield or Wynn Boston Harbor facilities once they are operational. Any such method would need to take into account mitigation needs outside Region A and Region B, and a method to utilize unspent allocations.

### Joint Applications

The Commission continues to support regional approaches to mitigation needs and recognizes that some mitigation requires the commitment of more than one community. The 2018 Guidelines for the Community Mitigation Fund allow multiple communities to submit a joint application. In the event that any of the applicant communities has not expended its One-Time 2015/2016 Reserve, the application must detail how the reserves will be allocated between the applicant communities to meet any reserve expenditure requirement. For example, transportation planning grants require that reserves be used prior to the receipt of new planning funds. In the event of a joint application for a \$200,000 planning grant, the joint application shall specify how the applicant communities will allocate/use a total of \$100,000 in reserves between the communities. The application must specify which community will be the fiscal agent for the grant funds. All communities will be held responsible for compliance with the terms contained in the grant.

In order to further regional cooperation the applications for transportation planning grants and non-transportation planning grant that involve more than one community for the same planning projects may request grant assistance that exceeds the limits specified in these guidelines (\$200,000 for transportation planning grants and \$100,000 for non-transportation planning grants). The additional funding may be requested only for the costs of a joint project being procured by more than one community, not similar projects. Eligible communities may request additional funding for joint project based on the below table.

	Base Funding	Regional Incentive Planning Award	Total Allowable Request
Non-Transportation Planning Projects Involving Two (2) Communities	\$50,000 for each community	\$5,000	$\$50,000 \times 2 \text{ communities}$ $\$100,000$ $+\$5,000$ $\underline{\$105,000}$
Non-Transportation Program Involving Three (3) or More	\$50,000 for each community	\$10,000	$\$50,000 \times 3 \text{ communities}$ $\$150,000$ $+\$10,000$ $\underline{\$160,000}$
Transportation Planning Projects Two (2) Communities	\$200,000 for each community	\$25,000	$\$200,000 \times 2 \text{ communities}$ $\$400,000$ $+\$25,000$ $\underline{\$425,000}$
Transportation Planning Projects Three (3) or more	\$200,000 for each community	\$50,000	$\$200,000 \times 3 \text{ communities}$ $\$600,000$ $+\$50,000$ $\underline{\$650,000}$

\*Although the base amount for such grants would increase with applications involving four or more communities (e.g. \$200,000 Transportation Planning Grant per community X 4 Communities = \$800,000) the amount of the regional planning incentive will not exceed \$50,000 (e.g. 4 community transportation planning grants would not exceed \$850,000 = 4 x \$200,000 base award plus \$50,000 regional incentive amount).

Please note that communities can apply for a portion of the planning grants for single community applications while allocating a portion for joint projects. For example, a community could apply for one \$100,000 base transportation planning grant and leaving \$100,000 for a joint application involving another community. In this example the community could be eligible for \$100,000 for the single community project, \$100,000 for a joint project, and a \$25,000 regional incentive amount shared with a second community.

Applications seeking a regional incentive amount shall allocate at least fifty percent (50%) of the base funding level towards a joint project. For example, at

least \$100,000 for a \$200,000 transportation planning grant seeking an additional regional incentive amount shall before the joint project with another community.

### Limitations

Because the Community Mitigation Fund needs to be available until the facilities are operational, the Commission anticipates authorizing no more than ~~\$X~~ million in awards out of the 2018 Community Mitigation Fund, including potential future awards of previously authorized grants. No application for a Specific Impact Grant shall exceed \$500,000, unless a waiver has been granted by the Commission. No community is eligible for more than one Specific Impact Grant, unless a waiver has been granted by the Commission.

Of that amount, for 2018, no more than \$500,000 may be expended for operational impacts related to the Category 2 gaming facility, unless otherwise determined by the Commission.

### One-Time 2015/2016 Reserves

In 2015 and 2016, a Reserve Fund was established for communities that may not have been able to demonstrate significant impacts by the submittal deadline date. The Commission reserved \$100,000 for the following communities which were either a host community, designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that petitioned to be a surrounding community to a gaming licensee, or a community that is geographically adjacent to a host community:

Category 1 - Casino		Category 2 - Slots
<u>Region A</u>	<u>Region B</u>	
Boston	Agawam	Attleboro
Cambridge	Chicopee	Foxboro
Chelsea	E. Longmeadow	Mansfield
Everett	Hampden	North Attleboro
Lynn	Holyoke	Plainridge
Malden	Longmeadow	Wrentham
Medford	Ludlow	
Melrose	Northampton	
Revere	Springfield	

Saugus  
Somerville

West Springfield  
Wilbraham

In many cases, communities may not be in a position to access their 2015 or 2016 reserves by the February 1, 2018 deadline. Therefore, the Commission has extended such reserves for the 2018 Community Mitigation Fund Program. Communities may continue to access whatever portion of the original \$100,000 that remains unexpended. **The above communities do not need to submit any new application to keep their reserves. These reserves have automatically been extended by action of the Commission.**

The criteria for the use of the reserve remain the same. This reserve can be used to cover impacts that may arise in 2018 or thereafter. It may also be used for planning, either to determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts.

Funds will be distributed as the needs are identified. Communities that utilize the reserve are not prohibited from applying for funding for any specific mitigation request.

### **What are the Reserve Amounts?**

Can a community apply for mitigation of a specific impact even though it has not fully utilized its 2015 or 2016 Reserve?

**Yes.** However, if a Specific Impact Grant application is successful, a portion of the One-Time Reserve will be used as an offset against the amount requested for the specific impact. The reserve amount will be reduced by fifty thousand dollars (\$50,000.00) assuming the specific impact request is at least that amount.

### **Specific Impact Grants - What Specific Impacts Can Be Funded?**

The 2018 Community Mitigation Fund for mitigation of specific impacts may be used only to mitigate impacts that either have occurred or are occurring as of the February 1, 2018 application date- **and police training costs that occur prior to the opening of both Category 1 facilities.** Although the definition in the Commission's regulations (for the purpose of determining which communities are surrounding communities) references predicted projected impacts, the 2018 program is limited to only those impacts that are being experienced or were experienced by

the time of the February 1, 2018 application date- and police training costs that occur prior to the opening of both Category 1 facilities.

The Commission has determined that the funding of unanticipated impacts will be a priority under the annual Community Mitigation Fund. Thus the Commission will review funding requests in the context of any host or surrounding community agreement to help determine funding eligibility.<sup>2</sup> The Community Mitigation Fund is not intended to fund the mitigation of specific impacts already being funded in a host or surrounding Community Agreement.

No application for the mitigation of a specific impact shall exceed \$500,000. However, communities and governmental entities may ask the Commission to waive this funding cap. Any community and governmental entity seeking a waiver should include a statement in its application specifying the reason for its waiver request, in accordance with the waiver guidance included in these Guidelines.

The Commission recognizes that applications for police training costs may exceed \$500,000 and may take this into consideration in evaluating any waiver requests.

Allowable impacts for funding are as follows:

**Category 1 Gaming Facility:** In recognition that no Category 1 gaming facility will be operational by February 1, 2018, the Commission has determined that the 2018 Community Mitigation Fund is available only to mitigate impacts related to the construction of Category 1 gaming facilities. This limitation does not apply to planning activities funded under the 2015/2016 One-Time Reserve Grant, 2018 Non-Transportation Planning Grant, 2018 Transportation Planning Grant, or the 2018 Workforce Development Pilot Program Grant, or police training costs.

The Commission's regulation 205 CMR 125.07 defines construction period impacts as:

"The community will be significantly and adversely affected by the development of the gaming establishment prior to its opening taking into account such factors as noise and environmental impacts generated during its construction; increased construction vehicle trips on roadways within the community and intersecting the community; and projected increased traffic during the period of construction."

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<sup>2</sup> The Commission is aware of the difference in bargaining power between host and surrounding communities in negotiating agreements and will take this into account when evaluating funding applications.



**Category 2 Gaming Facility:** In recognition that the Category 2 gaming facility in Plainville opened during calendar year 2015, the Commission will make available funding to mitigate operational related impacts that are being experienced or were experienced from that facility by the February 1, 2018 date. The Commission will make available up to \$500,000 in total for applications for the mitigation of operational impacts relating to the Plainridge facility.

The Commission's regulation 205 CMR 125.01 2(b)4 defines operational impacts as:

"The community will be significantly and adversely affected by the operation of the gaming establishment after its opening taking into account such factors as potential public safety impacts on the community; increased demand on community and regional water and sewer systems; impacts on the community from storm water run-off, associated pollutants, and changes in drainage patterns; stresses on the community's housing stock including any projected negative impacts on the appraised value of housing stock due to a gaming establishment; any negative impact on local, retail, entertainment, and service establishments in the community; increased social service needs including, but not limited to, those related to problem gambling; and demonstrated impact on public education in the community."

Although these definitions include the types of operational impacts that may be funded, it is not limited to those. The determination will be made by the Commission after its review.

#### **Hampden County Sheriff's Department – Specific Impact Grant**

In 2016 the Commission awarded the Hampden County Sheriff's Department ("HCSD") funds to offset increased rent for the Western Massachusetts Correctional Alcohol Center ("WMCAC"). In providing assistance, the Commission stated that the amount of assistance shall not exceed \$2,000,000 in total for five years or \$400,000 per fiscal year. A provision in the grant required HCSD to reapply each year. As the HCSD missed the deadline due to administrative changes for 2017, HCSD may apply for fiscal year 2018 and 2019 lease assistance during this 2018 Community Mitigation Fund application period. Each grant application may not exceed \$400,000 per year.

### 2018 Non-Transportation Planning Grant

The Commission will make available funding for certain planning activities for all communities that ~~previous~~previously qualified to receive funding from the One-Time 2015/2016 Reserve Fund, and have already allocated and received Commission approval of the use of its Reserve. No application for this 2018 Non-Transportation Planning Grant shall exceed Fifty Thousand Dollars (\$50,000). Applications involving transportation planning or design are not eligible for the 2018 Non-Transportation Planning Grant. Communities requesting transportation planning ~~grants~~ should instead apply for Transportation Planning Grant funds.

Eligible planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. The planning project must be clearly related to addressing issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the planning effort prior to funding being awarded. Each community applying for a 2018 Non-Transportation Planning Grant will also need to provide detail on what it will contribute to the project such as in-kind services or planning funds.

Communities that utilize this 2018 Non-Transportation Planning Grant are not prohibited from applying for funding for any specific mitigation request.

### Transportation Planning Grants

The Commission will make available funding for certain transportation planning activities for all communities eligible to receive funding from the Community Mitigation Fund in Regions A & B and for the Category 2 facility, including each Category 1 and Category 2 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, and any community that petitioned to be a surrounding community to a gaming licensee, each community that is geographically adjacent to a host community.

The total funding available for planning grants will likely not exceed \$1,000,000. No application for a transportation planning grant shall exceed \$200,000.

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results. Transportation Planning Grant funds may be sought to expand a planning project

begun with reserve funds or to fund an additional project once the reserves have been exhausted. ~~The application demonstrates the potential for such transportation project that is the subject of a CMF application to compete for state or federal transportation funds.~~

Eligible transportation planning projects must have a defined area or issue that will be investigated as well as a clear plan for implementation of the results.

Eligible expenses to be covered by the Transportation Planning Grant include, but not necessarily limited to:

- Planning consultants/staff
- Data gathering/surveys
- Data analysis
- Design
- Engineering review/surveys
- Public meetings/hearings
- Final report preparation

The transportation planning projects must be clearly related to addressing transportation issues or impacts directly related to the gaming facility. Applicants will be required to submit a detailed scope, budget, and timetable for the transportation planning effort prior to funding being awarded. ~~The application shall provide detail on what the community will contribute to the planning projects such as in-kind services.~~

Communities that requested and received the One-Time 2015/2016 Reserve Grant must first expend those funds before accessing any Transportation Planning Grant funds. Transportation Planning Grant funds may be sought to expand a planning project begun with reserve funds or to fund an additional project once the reserves have been exhausted.

In addition to the specific impact grant factors further defined in section “[How Will the Commission Decide on Applications?](#)”, the Commission will also consider whether the applicant demonstrates the potential for such transportation project that is the subject of a CMF application to compete for state or federal transportation funds.

Applicants may, but are not required, to include a description of how the project meets the evaluation standards for the Fiscal Year 2018 TIP criteria for the Boston MPO Region or the Pioneer Valley Planning Commission’s transportation evaluation criteria, or other regional transportation project evaluation standard, whichever may be most applicable.

### Limitations/Specific Requirements on Planning Applications

The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. For non-personnel costs, each community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds.

Pursuant to the Guidelines, the Commission will evaluate requests for planning funds (including ~~both~~ the use of One-Time 2015-2016 Reserve, Non-Transportation Planning Grant, and Transportation Planning Grant Funds) after taking into consideration input the applicant has received from the local Regional Planning Agency ("RPA") or any such interested parties. Although there is no prerequisite for using RPA's for planning projects, consultation with RPA's is required to enable the Commission to better understand how planning funds are being used efficiently across the region of the facility. Please provide details about the applicant's consultation with the RPA or any such interested parties. Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities.

### Tribal Gaming Technical Assistance Grant

The Commission may make available no more than \$200,000 in technical assistance funding to assist in the determination of potential impacts that may be experienced by communities in geographic proximity to the potential Tribal Gaming facility in Taunton. Said technical assistance funding may be made through Southeastern Regional Planning and Economic Development District ("SRPEDD"), the regional planning agency that services such communities or a comparable regional entity. Such funding will only be made available, after approval of any application by SRPEDD or a comparable regional entity, if it is determined by the Commission that construction of such gaming facility will likely commence prior to or during Fiscal Year 2019. Any such application by SRPEDD or a comparable regional entity must demonstrate that any studies of impacts will address the technical assistance needs of the region which may include but not be limited to the communities that are geographically adjacent to Taunton. Such funding shall not be used to study impacts on or provide technical assistance to

Taunton, as funding has been provided in the Intergovernmental Agreement By and Between the Mashpee Wampanoag Tribe and the City of Taunton. Any such program of technical assistance may be provided by SRPEDD itself or through a contract with SRPEDD.

### Workforce Development Pilot Program Grant

For fiscal year 2019, the Commission will make available funding for certain career pathways workforce development pilot programs in Regions A and B for service to residents of communities of such Regions, including each Category 1 host community and each designated surrounding community, each community which entered into a nearby community agreement with a licensee, any community that petitioned to be a surrounding community to a gaming licensee, and each community that is geographically adjacent to a host community.

The total funding available for grants will likely not exceed \$600,000. No application for a grant in each Region shall exceed \$300,000 unless otherwise determined by the Commission. One grant will be considered for each Region. Each governmental entity applying for workforce development funds will also need to provide detail on what it will contribute to the workforce development project such as in-kind services or workforce development funds.

Eligible career pathways workforce development proposals must include a regional consortium approach to improve the skills, knowledge, and credential attainment of each Region A and Region B residents interested in a casino career, focusing on increasing industry-recognized and academic credentials needed to work in the most in-demand occupations related to the expanded gaming industry or a focus on occupations that could be in high demand from the casino, potentially negatively impacting the regional business community. This could include a focus on hospitality, culinary, cash handling, or customer service, etc.

Goals include:

- To help low-skilled adults earn occupational credentials, obtain well-paying jobs, and sustain rewarding careers in sectors related to hospitality and casino careers.
- To get students with low basic skills into for-credit career and technical education courses to improve their educational and employment outcomes.



- To deliver education and career training programs that can be completed in two years or less and prepare program participants for employment in high-wage, high-skill occupations related to the casino.
- To align and accelerate ABE, GED, and developmental programs and provide nontraditional students the supports they need to complete postsecondary credentials of value in the regional labor market.
- To mitigate a strain in existing resources and a potential impact to the regional labor market.

Eligible activities include: a program in Region A or Region B that structures intentional connections among adult basic education, occupational training, and post-secondary education programs designed to meet the needs of both adult learners and employers, post-secondary vocational programs, registered apprenticeships, courses leading to college credits or industry-recognized certificates, Adult Basic Education (“ABE”) and vocationally based English for Speakers of Other Languages (“ESOL”) training programs, Contextualized Learning, Integrated Education & Training, and Industry-recognized Credentials.

- **A consortium application is required.** However, governmental entities eligible to receive funds would include but not be limited to: host communities, communities which were each either a designated surrounding community, a community which entered into a nearby community agreement with a licensee, a community that is geographically adjacent to the host community of a gaming licensee, a community that petitioned to be a surrounding community to a gaming licensee state agencies, state agencies, and Regional Employment Boards. The Commission shall evaluate the use of host community agreement funds in evaluating funding requests for workforce development pilot program grant funds. Applicants should consider leveraging other funding resources.

### What Should Be Included in the Applications?

- ★ Applicants are required to complete the 2018 Specific Impact Grant Application, the 2018 Transportation Planning Grant Application, the 2018 Workforce Development Pilot Program Grant Application or the 2018 Non-Transportation Planning Grant Application and may also submit additional supporting materials of a reasonable length.
- ★ Applicants will need to describe how the specific mitigation, planning, or workforce development pilot program request will address any claimed impacts and provide justification of any funds requested. Unlike existing surrounding community agreements which were based on anticipated impacts, any Specific Impact Grant will be based on impacts that have occurred or are occurring, as noted previously.
- ★ Applicants will need to describe if and how such impacts were addressed or not addressed in any host or surrounding community agreements. Applicants may include a letter of support from the applicable gaming licensee. However, this is not necessary, as the Commission will request the licensee's opinion regarding each application.

### How Will the Commission Decide on Applications?

Similar to the Commission's surrounding community review process, the Commission will ask each licensee to review and comment on any requests for funding.

The Commission will evaluate the submittal by the community, any input received from the community and interested parties (such as Regional Planning Agencies), the responses of the licensee, Commission consultant reviews, and any other sources determined by the Commission.

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

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;

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

The Commission may ask applicants for supplementary materials, may request a meeting with applicants, and reserves the ability to host a hearing or hearings on any application.

The Commission's deliberations on Community Mitigation Fund policies will also be aided through input from the Gaming Policy Advisory Committee, the Community Mitigation Subcommittee, and any Local Community Mitigation Advisory Committees, as established pursuant to M.G.L. c. 23K.

The Commission reserves the ability to determine a funding limit ~~beyond~~below what is detailed in these Guidelines, as additional contributions to the Community Mitigation Fund will not be made until Category 1 gaming facilities are operational. The Commission also reserves the ability to determine a funding limit above what is detailed in these Guidelines.

**The Commission reserves the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission also reserves the ability to place conditions on any award.**

- There is limited funding available. The Commission therefore reserves the right to determine which requests to fund based on its assessment of a broad range of factors including the extent of public benefit each grant is likely to produce.

#### When Will the Commission Make Decisions?

The Commission anticipates making funding decisions on any requests for grant assistance before July 2018, after a comprehensive review and any additional information requests.

#### Is There a Deadline for the Use of the One-Time 2015/2016 Reserve?

There is no deadline. Funds may be used on a rolling basis when specific impacts are determined or the specific planning activity is determined. Once known, communities should contact the Ombudsman's Office, which will assist the community in providing the needed information. Communities with specific impacts will, at the time the impacts are known, complete the Specific Impact Grant Application or the Planning Project Grant Application in its entirety. Communities with requests for planning funds will provide similar information to the Commission: a description of the planning activity, how the planning activity relates to the development or operation of the gaming facility, how the planning funds are proposed to be used, consultation with the Regional Planning Agency, other funds being used, and how planning will help the community determine how to achieve further benefits from a facility or to avoid or minimize any adverse impacts. The Commission will fund no application for more than two years for any municipal employee. The CMF will not pay the full cost of any municipal employee. The municipality would need to provide the remaining amount of any employee cost and certify that all such expenses are casino related. Each Community applying for planning funds will also need to provide detail on what it will contribute to the planning project such as in-kind services or planning funds. Please note that such details do not need to be determined by the February 1, 2018 application date. Commission approvals of the use of the One-Time 2015/2016 Reserve will also be on a rolling basis corresponding to the rolling determinations of use by communities.

### Waivers and Variances

(a) General. The Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines, not specifically required by law, where the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K;
2. Granting the waiver or variance will not interfere with the ability of the Commission to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the community, governmental entity, or person requesting the waiver or variance.

(b) Filings. All requests for waivers or variances shall be in writing, shall set forth the specific provision of the Guidelines to which a waiver or variance is sought, and shall state the basis for the proposed waiver or variance.

(c) Determination. The Commission may grant a waiver or variance, deny a waiver or variance, or grant a waiver or variance subject to such terms, conditions and limitations as the commission may determine.

### Who Should Be Contacted for Any Questions?

As the 2018 Community Mitigation Fund program is just in the fourth year of the program for the Commission, communities and other parties may have a number of questions. They are encouraged to contact the Commission's Ombudsman with any questions or concerns. The Commission's Ombudsman will regularly brief the Commission regarding the development of Community Mitigation Fund policies.

The Commission's Ombudsman, John Ziemba, can be reached at (617) 979-8423 or via e-mail at [john.s.ziemba@state.ma.us](mailto:john.s.ziemba@state.ma.us). The Commission's address is 101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110.

### Where Should the Applications Be Sent?

Applications **must be sent to** [www.commbuys.com](http://www.commbuys.com). An application received by COMMBUYS by February 1, 2018 will meet the application deadline. Applicants



that are not part of the COMMBUYS system should contact Mary Thurlow of the Commission's Ombudsman's Office well in advance of the February 1, 2018 deadline to make arrangements for submission of the application by the deadline. Mary Thurlow can be contacted at (617) 979-8420 or at [mary.thurlow@state.ma.us](mailto:mary.thurlow@state.ma.us).

If you have any questions or concerns contact the COMMBUYS Help Desk at [COMMBUYS@state.ma.us](mailto:COMMBUYS@state.ma.us) or during normal business hours (8am - 5pm ET Monday - Friday) at 1-888-627-8283 or 617-720-3197.



## Recommendations and Options for Consideration in the 2018 Community Mitigation Fund

On September 14, 2017 the Commission received its first set of policy questions regarding the establishment of the 2018 Community Mitigation Fund (“CMF”). On October 26, 2017 the staff presented for the Commission’s consideration the 2018 Guidelines Discussion Draft for the 2018 CMF. Additionally, the Commission posted a request for Public Comment on these Discussion Draft Guidelines and policy questions on November 1<sup>st</sup>. The comment period ended on November 27<sup>th</sup>. The Commission staff held two meetings with the Region A Local Community Mitigation Advisory Committee in October and November. The Region B Local Community Mitigation Advisory Committee was able to meet in September, October and November. The Commission staff is looking forward to meeting with the Subcommittee for Community Mitigation and the Gaming Policy Advisory Committee later on this month.

Below please find recommendations and options for inclusion in the 2018 CMF Guidelines based on the Commission staff review and the input received.

### **In the 2018 CMF Guidelines the Commission could/should:**

1. Place an overall limit of \$\_\_\_\_ million (amount pending further review with Commission) on grants for the 2018 CMF subject to the ability of the Commission to determine funding limits above or below this amount. In the 2017 Guidelines, the Commission set the overall limit at \$3.4 million. The Commission should reserve the ability to fund only portions of requested projects and to fund only a percentage of amounts requested. The Commission should also continue to reserve the ability to place conditions on any awards as additional contributions to the Community Mitigation Fund will not be made until Category 1 gaming facilities are operational.
2. Continue to allocate a significant percentage of CMF funding for transportation planning grants. With a new overall CMF limit of \$\_\_\_\_ million in 2018 CMF grants, we recommend a spending target not less than \$1,000,000 for transportation planning grants representing an increase over the planned \$800,000 limit in last year’s guidelines. We further recommend that no more than \$200,000 per community be authorized. As shown below, we recommend an increase in the per grant amount for the Workforce Development Pilot Program.



Massachusetts Gaming Commission

3. Initiate a \$50,000 2018 Non-Transportation Planning Grant available to communities that previously qualified to receive funding from the One-Time 2015/2016 Reserve Fund and have already “utilized” such funding (i.e. have allocated and received Commission approval of the use of their Reserve funding).
4. Establish a target limit of \$200,000 per Transportation Planning Grant with a total allocation target of \$1,000,000; a target of \$500,000 per Specific Impact Grant, limited to one per community; and a target of \$300,000 per Workforce Development Pilot Program region (Region A & Region B) for a total allocation target of \$600,000 statewide.

**Below please find a breakdown of the suggested application targets by grant type:**

<b><u>Grant Type</u></b>	<b><u>Proposed 2018 Per Grant Amounts</u></b>	<b><u>Per Grant Amounts in 2017 Guidelines</u></b>
Specific Impact Grants	\$500,000	\$400,000
Workforce Pilot Program	\$300,000 per region	\$200,000 per region
Transportation Planning	\$200,000	\$150,000
Tribal Impact Grant	\$200,000	\$200,000
Non-Transportation Planning Grant	\$50,000	N/A

**Note: in the proposed Guidelines, the Commission expresses its ability to go above or below such guideline limits and also allows applicants to seek a waiver from such limits in specified instances.**

5. Continue the potential use of the Community Mitigation Fund to mitigate operational impacts relating to the Plainridge Park facility with a limit of \$500,000;
6. Continue the potential use of the Community Mitigation Fund to mitigate Specific Impacts related to the construction of MGM Springfield and Wynn Boston Harbor. At the October 26<sup>th</sup> meeting of the Commission, the Commission asked for additional input on police training costs. The Commission asked for input on whether eligibility for specific impact grants should be expanded to include costs that may occur prior to operations for police training. The 2017 Guidelines did not specifically authorize funding for the police training costs and instead limited specific impact funding for construction based impacts. In previous years the Commission had already authorized funding for some pre-operational costs such as workforce development and training, and transportation planning activities but did not specify police training. The attached draft specifically authorizes police training costs if the Commission chooses to expand eligibility for police training. Instead of simply listing police training costs as an eligible activity, the Commission could alternatively create a new grant category for such costs.
7. Automatically preserve unused 2015/2016 One-Time Reserve Fund grant for those communities awarded Reserves in 2015 or 2016;
8. Require governmental entities within communities such as redevelopment authorities or non-regional school districts to submit applications through such community rather than submitting applications independent of the community;
9. Continue to support regional approaches to mitigation needs and recognize that some mitigation requires the commitment of more than one community. For example, the 2018

Discussion Draft allows communities to submit a joint application. In order to further regional cooperation, the Commission recently discussed the potential establishment of “incentive” funding (beyond the amounts stated in the Guidelines) for applications involving more than one community. In addition to the promotion of regional approaches, the Commission discussed that an incentive might allow for larger projects with potentially greater benefits than allowable under last year’s limits funding limits and this year’s proposed limits. One alternative to promote regional cooperation, a Regional Incentive Award, is outlined in the attached draft. [See page 6 of the Guidelines.]

10. Allow the Hampden County Sheriff’s Department to apply for lease assistance funding as specified in the Commission’s determination in 2016, including lease assistance for both Fiscal Year 2018 and Fiscal Year 2019.
11. Require applicants to include a detailed scope, budget and timetable and to detail what they will contribute to the project such as in-kind services for each mitigation request.
12. Suggest certain limitations and specific requirements on planning applications. Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities.
13. Stipulate that the Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines.
14. Continue the 2017 Community Mitigation Fund Guidelines practice of having one statewide fund. However, the attached Guidelines indicate the Commission’s intent to develop a system in future guidelines of awarding funding based in part on the amount of gaming taxes paid into the CMF from each current Category 1 facility. Any such system would still need to address needs statewide, including those resulting from the state’s only Category 2 facility whose gaming taxes are primarily dedicated to local aid.

***CITY OF EVERETT***  
***Office of the Mayor***

**Carlo DeMaria, Jr.**  
Mayor



**Everett City Hall**  
484 Broadway  
Everett, MA 02149-3694  
Phone: (617) 394-2270  
Fax: (617)381-1150

November 27, 2017

Commissioner Stephen Crosby, Chair  
Massachusetts Gaming Commission  
101 Federal Street 02110  
Boston, MA

**Re: 2018 Community Mitigation Fund Draft Guidelines**

Dear Chairman Crosby and Honorable Commissioners

I am writing in response to the commission's request for comment on the draft 2018 Community Mitigation Fund Guidelines. The Expanded Gaming Act states that the commission shall expend monies in the mitigation fund to assist host and surrounding communities, and that the monies may be used to offset costs related to casino facilities. I appreciate the opportunity to offer input on the commission's draft mitigation fund framework. These guidelines will govern how host and surrounding communities to a gaming establishment may access funds to help offset costs related to the construction and operation of the gaming establishment, and I thank you for your thoughtful consideration.

**Limitations**

The draft guidelines recommend that in 2018, applications for mitigation of a specific impact may not exceed \$500,000, subject to waiver. While I agree that it is rational to establish a framework for maximum requests given the limited resources available until the casinos open, I would urge the commission to use this ceiling as a guideline and not an absolute. As the commission understands better than anyone, this is a brand new industry to Massachusetts, and it is certainly possible that unanticipated impacts could necessitate mitigation in excess of \$500,000. I would urge the commission to evaluate each proposed funding request on its merits, and not impose a \$500,000 cap if circumstances warrant a larger award. I appreciate inclusion of language subjecting the limit to a waiver, and I urge its inclusion in the final guidelines.



I would urge the Commission to consider accepting more than one application from a community, if the second application is submitted jointly by two or more communities for the purpose of regional mitigation.

The increase in limit on transportation grants, from \$150,000 to \$200,000, is very helpful and expands the scope of work that may be achieved in a short time period.

I greatly appreciate the workforce preparedness application limit increase from \$200,000 last year to \$300,000 this year. Because workforce preparation is costly yet essential and we have a small window of time to concentrate our efforts, I would encourage the Commission to increase the cap further to \$400,000- doubling the impact of the opportunity in communities as the casinos rapidly approach opening date. This funding could be used as follows:

- To help low-skilled adults earn occupational credentials, obtain well-paying jobs, and sustain rewarding careers in sectors related to hospitality and casino careers.
- To get students with low basic skills into for-credit career and technical education courses to improve their educational and employment outcomes.
- To deliver education and career training programs that can be completed in two years or less and prepare program participants for employment in high-wage, high-skill occupations related to the casino.
- To align and accelerate ABE, GED, and developmental programs and provide nontraditional students they need to enable more low-income adults to complete postsecondary credentials of value in the regional labor market.
- To mitigate a strain in existing resources and a potential impact to the regional labor market.

The Wynn project is having a dramatic impact on our local economy. It is providing real jobs for the working men and women of Massachusetts - 4,000 construction jobs and 4,500 hospitality jobs when the casino opens.

As mayor of Everett, I understand the urgency of ensuring that my residents are well-equipped and trained to compete for these hospitality jobs. Workforce development funding for new programs is often scarce. With this funding program, the commission has created an opportunity to make a real difference in the lives of many of our residents- by offering them a pathway to a good-paying hospitality job with a career ladder.

### **Planning Grants**

The City of Everett has been fortunate to receive transportation planning grants the past two years, with one providing funding to engineer the expansion of a regional bike path into Boston and the next to study a designated bus lane on lower Broadway, near the Wynn resort site. These two planning grants have had significant value to the city, and we are pleased to see the proposed addition of non-transportation planning grants up to \$50,000. These grants will allow communities to leverage the economic growth associated with the casinos, and I commend their inclusion.

### **Regional Allocation of Funds**

While I understand that the Commission may not be able to change to a new system of allocating mitigation funds midstream, I strongly urge that such a system be employed

when the casinos become operational. Revenue generated by a casino should stay in the region of that casino for mitigation purposes; this is an equitable system that will also promote the successful operation of the casinos, particularly if allocated towards transportation projects. I very much appreciate the inclusion of this recommendation in the draft guidelines.

#### **Funding of Transportation Project Costs**

I urge the commission to consider opening up the CMF grant program to small capital proposals. In Everett, we are seeking ways to expand active transportation networks, such as the bike path, and build pedestrian footbridges to transit hubs. These projects should be completed prior to the opening of the casino in order to mitigate the increased traffic associated with the casino- having access to an additional source of funding could expedite the completion of some strategically important yet small-scale transportation infrastructure projects.

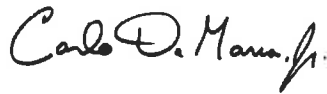
While the draft guidelines correctly note that transportation projects are often very costly, the commission should consider requests where CMF grants could provide gap funding or leverage other funding sources to allow a transportation project to move forward.

#### **Grant Matches**

Because municipal funding remains limited at this time, and non-budgeted expenses are difficult to absorb, we urge the Commission to continue to accept in-kind matches of municipal staff time or other resources for CMF grants.

Once again, thank you very much for the opportunity to offer comment, and for the work that you do every day to maximize the benefits of these extremely important economic development projects to host communities, surrounding communities, and the commonwealth. I look forward to continuing to work closely with the commission. If you have any questions, please do not hesitate to contact me or Catherine Rollins, deputy chief of staff, at (617) 394-2270.

Sincerely,

A handwritten signature in black ink that reads "Carlo DeMaria". The signature is written in a cursive, flowing style.

Carlo DeMaria  
Mayor



Black Economic Justice  
Institute  
Chelsea Collaborative  
Dorchester Roxbury  
Labor Committee  
Greater Four Corners  
Action Coalition

La Comunidad Inc.  
Massachusetts  
Community Action  
Network  
One Everett  
Somerville Community  
Corporation

### **Casino Action Network**

### **Comments on the 2018 Community Mitigation Fund Guidelines Discussion Draft—Workforce Pilot Program**

November 27, 2017

Contact: Marvin Martin, 617-436-0289, [marvinaction@hotmail.com](mailto:marvinaction@hotmail.com)  
Weezy Waldstein, 617-620-9904, [weezy.waldstein@gmail.com](mailto:weezy.waldstein@gmail.com)

The time from now until the June 2019 Wynn Boston Harbor opening presents opportunities but also challenges.

As is noted in the 2017 and draft 2018 Community Mitigation Fund Guidelines Discussion, there is clear intent in the law to impact people in need of good jobs positively. In the greater Boston area, the share of poverty in each town and share of people of color track closely together. The April 2019 hiring at Wynn Boston Harbor is the largest single opportunity that will be created under Massachusetts' gaming law for this positive impact.

This will be a huge hiring opportunity. We now understand that even union hotels, as well as non-union employers, expect to lose workers to the casino, as experienced people move for better positions, shifts, and hours. As a result, the cascading impacts and workforce opportunities will necessitate a multi-employer program that could require over 5,000 new hires in April 2019 and several thousand more in the few months thereafter.

With both the gaming law's intent and the hiring situation in mind, we are offering the following suggestions for allowed and encouraged activities for the Workforce Pilot Program. Our comments are informed by discussions of the Access and Support Working Group of the workforce partnership convened by Bunker Hill Community College.

- The pilot program should contribute to building the necessary infrastructure to reach deep into neighborhoods and communities, enrolling and tracking people in a sequence of opportunities, gathering providers into partnerships and consortia by training and service content as well as geography or constituency, informed by specific needs of employers.
- This funding should allow the initial delivery of the services that take the longest time—adult basic education, ESL, and work readiness, using curricula contextualized to the upcoming hiring needs. This means that rather than using curricula from one service provider, the goal should be to pilot and improve curricula that can then be shared by other providers, in a consortia model.
- The funding should allow and encourage testing of a mixed model of group services with small amounts of individual assessment and counseling that allow an individual to take time to think about their employment future, in the context of this opportunity.
  - Design and piloting a 3- or 4-month series of monthly neighborhood or community sessions that build attachment to this hiring opportunity should be an allowed activity.



367 Washington St.  
Dorchester, MA, 02124  
Tel (617) 620-9904

Black Economic Justice Institute  
Boston Tenant Coalition  
City Life/Vida Urbana  
Conservation Law Foundation  
Fair Housing Center of Greater Boston  
Greater Four Corners Action Coalition

Jamaica Plain Racial Justice and Equity Collaborative  
One Everett  
SEIU 32BJ District 615  
Somerville Community Corporation  
United for a Fair Economy

# CASINO ACTION NETWORK

Black Economic Justice  
Institute  
Chelsea Collaborative  
Dorchester Roxbury  
Labor Committee  
Greater Four Corners  
Action Coalition

La Comunidad Inc.  
Massachusetts  
Community Action  
Network  
One Everett  
Somerville Community  
Corporation

This is the opposite of a “job fair,” which has come to be characterized by people listing their names and then never hearing back.

- This type of service will also support the development of capacity to track people who are interested in these position at larger scale than just recruitment for more intensive training. Providers can work to get their past graduates enrolled through these entry points, so that a pool is being developed. In addition, this could lead to the developing provider partnerships and consortia that will be needed meet the scale needed in 2019.
- These programs can be targeted to neighborhoods and communities with the greatest need.
- Regardless of the services funded by the Workforce Pilot Program, a broad set of players must come together. These include the existing workforce system participants (PIC, MNREB, One Stops, satellite programs, funded programs), new navigators enlisted through the 2017 Workforce Pilot Program, the City of Boston, and community outreach partners from 2017 and Boston’s neighborhoods. Together, all these partners need to use this pilot as an opportunity to work together to achieve the coordination needed for 2019. There is a need for significant planning. Since the description of the 2018 Workforce Pilot Program focuses on services, it is important that the services funded require broad planning, rather than being a narrow training program that does not itself require much planning. Ensuring that employers are also part of this is critical.
- For this funding to be well spent, Wynn and any other employer that expects to have backfill needs must provide the several things early in 2018.
  - Clear guidance on their job content and hiring requirements
  - Shared participation in selecting applicants for any programs that are starting to create a true pipeline with a job at the end

Thank you for your consideration of these comments.



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Boston Tenant Coalition  
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Jamaica Plain Racial Justice and Equity Collaborative  
One Everett  
SEIU 32BJ District 615  
Somerville Community Corporation  
United for a Fair Economy

**From:** [o'neil, stephen](#)  
**To:** [Thurlow, Mary \(MGC\)](#)  
**Cc:** [MGCcomments \(MGC\)](#)  
**Subject:** 2018 CMFG  
**Date:** Monday, November 06, 2017 11:29:39 AM

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Thank you for this Mary.

I assume this solicitation for comments is intended for all, and we here at the Hampden County Sheriff's Department deeply appreciate the opportunity to apply for both the FY 18 & 19 periods for lease assistance and we intend to do so should this proposal be approved.

Sincerely,  
Steve O'Neil

Steve O'Neil  
Public Information Officer  
Hampden Sheriff's Department  
627 Randall Rd.  
Ludlow, MA 01056  
413-858-0173  
<http://hcsdma.org>  
<http://facebook.com/hcsdma>

---

**From:** Thurlow, Mary (MGC) [mailto:[mary.thurlow@MassMail.State.MA.US](mailto:mary.thurlow@MassMail.State.MA.US)] **On Behalf Of** Thurlow, Mary (MGC)  
**Sent:** Monday, November 06, 2017 11:17 AM  
**To:** o'neil, stephen  
**Subject:** Community Mitigation Fund Discussion Draft Guidelines

Attached please find a "Discussion Draft" of the 2018 Community Mitigation Fund ("CMF") Guidelines, a comparison to the 2017 Guidelines and a memorandum on Policy questions regarding the 2018 CMF. Before beginning any final review of the "Discussion Draft", the Commission determined that it would seek input from the general public. The purpose of the "Discussion Draft" is to receive substantial recommendations from parties to enable the Commission to evaluate the concepts in this draft. The Commission has not adopted these Guidelines.

In addition to a request for comments on the massgaming.com website, the Commission is seeking the input of the Gaming Policy Advisory Committee, regional planning agencies, host communities, surrounding communities, communities that entered into a nearby community agreement, communities that petitioned to become a surrounding community, geographically adjacent communities, the general public and other interested parties. Comments from other communities and governmental entities are also requested.

This Discussion Draft includes renewals, proposed changes, and suggested additional



concepts to the 2018 Community Mitigation Fund Guidelines, some of which are detailed below.

**The 2018 Discussion Draft Guidelines:**

- Continue the grant types approved in 2017 Guidelines. The Guidelines increase funding for some categories and include one new type of grant called the Non-Transportation Planning Grant;

Grant Type	Proposed 2018 Per Grant Amounts	Per Grant Amounts in 2017 Guidelines
Specific Impact Grants	\$500,000	\$400,000
Workforce Pilot Program	\$300,000 per region	\$200,000 per region
Transportation Planning	\$200,000	\$150,000
Tribal Impact Grant	\$200,000	\$200,000
Non-Transportation Planning Grant	\$50,000	N/A

Note: in the proposed Guidelines, the Commission expresses its ability to go above or below such guideline limits and also allows applicants to seek a waiver from such limits in specified instances.

- Initiate a 2018 Non-Transportation Planning Grant available to communities that previously qualified to receive funding from the One-Time 2015/2016 Reserve Fund and have already “utilized” such funding (i.e. have allocated and received Commission approval of the use of their Reserve funding).
- Establish a target limit of \$200,000 per Transportation Planning Grant with a total allocation target of \$1,000,000; a target of \$500,000 per Specific Impact Grant, limited to one per community; and a target of \$300,000 per Workforce Development Pilot Program region (Region A & Region B) for a total allocation target of \$600,000 statewide;
- Continue the potential use of the Community Mitigation Fund to mitigate operational impacts relating to the Plainridge Park Facility with a limit of \$500,000;
- Continue the potential use of the Community Mitigation Fund to mitigate Specific Impacts related to the construction of MGM Springfield and Wynn Boston Harbor. Although the Discussion Draft Guidelines limit Category 1 impact grants to construction based impacts, the Commission seeks input on whether eligibility should be expanded to include some additional costs that may occur prior to operations including police training costs. In previous years the Commission had already authorized funding for some pre-operational costs such as workforce development and training, and transportation planning activities.
- Automatically preserve unused 2015/2016 One-Time Reserve Fund grant for those communities awarded Reserves in 2015 or 2016;
- Require governmental entities within communities such as redevelopment authorities or non-regional school districts to submit applications through such community rather than submitting applications independent of the community;
- Continue to support regional approaches to mitigation needs and recognize that some

mitigation requires the commitment of more than one community. For example, the 2018 Discussion Draft allows communities to submit a joint application. [**NOTE:** In order to further regional cooperation the Commission recently discussed the potential establishment of “bonus” funding (beyond the amounts stated in the Guidelines) for applications involving more than one community. The Commission seeks further comment on the establishment of a bonus and how such bonus could be implemented. In addition to the promotion of regional approaches, the Commission discussed that a bonus might allow for larger projects with potentially greater benefits than allowable under last year’s limits funding limits and this year’s proposed limits.]

- Allow the Hampden County Sheriff’s Department to apply for lease assistance funding as specified in the Commission’s determination in 2016, including lease assistance for both Fiscal Year 2018 and Fiscal Year 2019;
- Require applicants to include a detailed scope, budget and timetable and to detail what they will contribute to the project such as in-kind services for each mitigation request;
- Suggest certain limitations and specific requirements on planning applications. Applicants should provide detail regarding consultations with nearby communities to determine the potential for cooperative regional efforts regarding planning activities;
- Stipulate that the Commission may in its discretion waive or grant a variance from any provision or requirement contained in these Guidelines; and,
- Continue the 2017 Fund Guidelines practice of having one statewide fund. However, the Discussion Draft indicates the Commission’s intent to develop a system in future guidelines of awarding funding based in part on the amount of gaming taxes paid into the CMF from each current Category 1 facility. Any such system would still need to address needs statewide, including those resulting from the state’s only Category 2 facility whose gaming taxes are primarily dedicated to local aid.

Comments are requested by 5 p.m. on Monday, November 27, 2017. To expedite the comment process, we encourage you to submit any comments to the 2018 Community Mitigation Fund Guideline concept draft via e-mail to [mgcccomments@state.ma.us](mailto:mgcccomments@state.ma.us) with **2018 CMFG** in the subject line.

**John S. Ziemba, Ombudsman**

Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor

Boston, MA 02110

617 979-8423



# Join the movement: 20% by 2020

MGC Meeting – December 7, 2017

Fall 2017

# A powerful coalition



# Why it's important



**We're closing the wage gap.**  
Construction jobs pay equally.



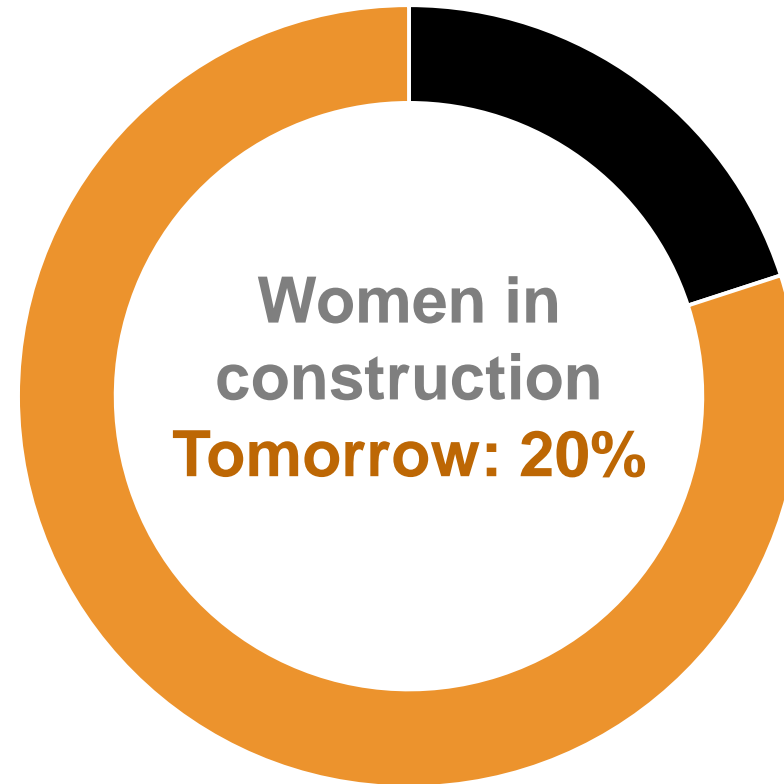
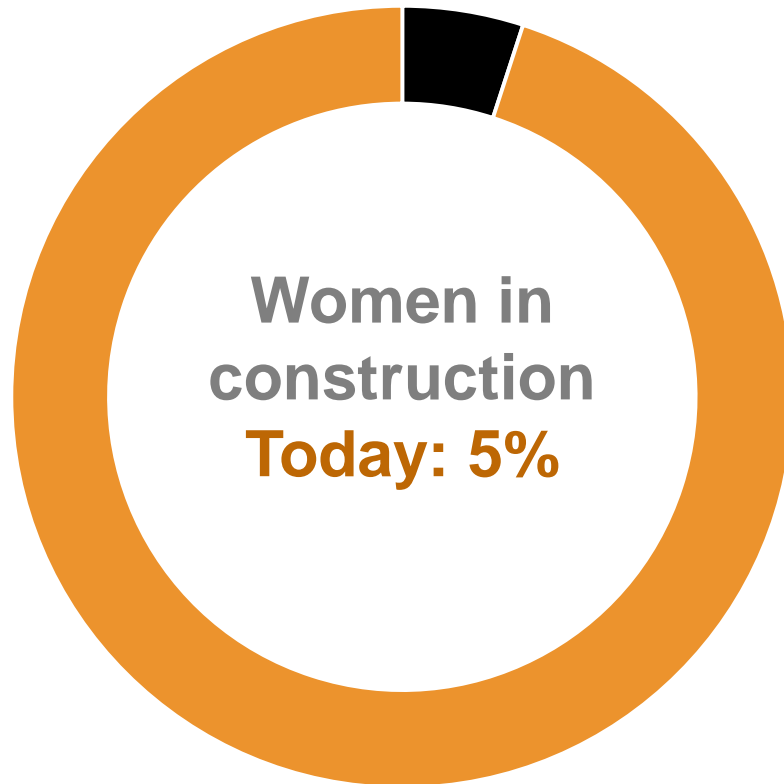
**We're increasing opportunities.**  
More high-paying careers for working class women.



**We're helping the Massachusetts economy.**  
Skilled labor shortages are impacting economic development.



## We have a big goal



# Assessing the situation



Women are already working tough jobs – often with little benefits  
**Yet they aren't even considering construction careers.**

# Identifying the opportunity



We need to show women that the opportunity exists, is real and attainable.

**Make it  
visible**

**Make it  
real**

**Make it  
easy**

# Our statewide, strategic campaign

## **Make it visible**

*Create awareness*

*A highly-targeted, statewide campaign that addresses the cultural context.*

## **Make it real**

*Drive consideration*

*Showcase the benefits to real women that have built a life that works.*

## **Make it easy**

*Take action*

*Our pipeline navigator will guide applicants through the process.*





**BUILD  
A LIFE THAT  
WORKS**







**Make it  
visible**

**Our awareness campaign.  
Real women. Real stories.**



**Contina Brooks**  
Operating Engineer / Home Saver



# I BUILT THIS LIFE BY BUILDING ROADS

Women in construction get great pay, benefits, training and a pension to help achieve their life goals. Let's build a life that works for you. [www.BuildALifeMA.org](http://www.BuildALifeMA.org).





The advertisement is displayed on the side of a bus with yellow and blue stripes. It features a large photo of a smiling woman, Joan Bennett, wearing a red hard hat and an orange safety vest. To her left is a smaller, black and white photo of a man carrying a large bag of tools. The background of the ad is white with yellow and black hazard stripes at the top and bottom.

**I BUILT THIS LIFE  
BY BUILDING HOMES**

Women in construction get great pay, benefits, training and a pension to help achieve their life goals. Let's build a life that works for you. [www.BuildALifeMA.org](http://www.BuildALifeMA.org).

**BUILD  
A LIFE THAT  
WORKS**

**Joan Bennett**  
Commercial Carpenter/Caribbean Cruiser





# I BUILT THIS LIFE BY BUILDING SKYLINES

Women in construction get great pay, benefits, training and a pension to help achieve their life goals. Let's build a life that works for you. [www.BuildALifeMA.org](http://www.BuildALifeMA.org).



**Savy Man-Doherty**  
Pipe Fitter / Grill Master



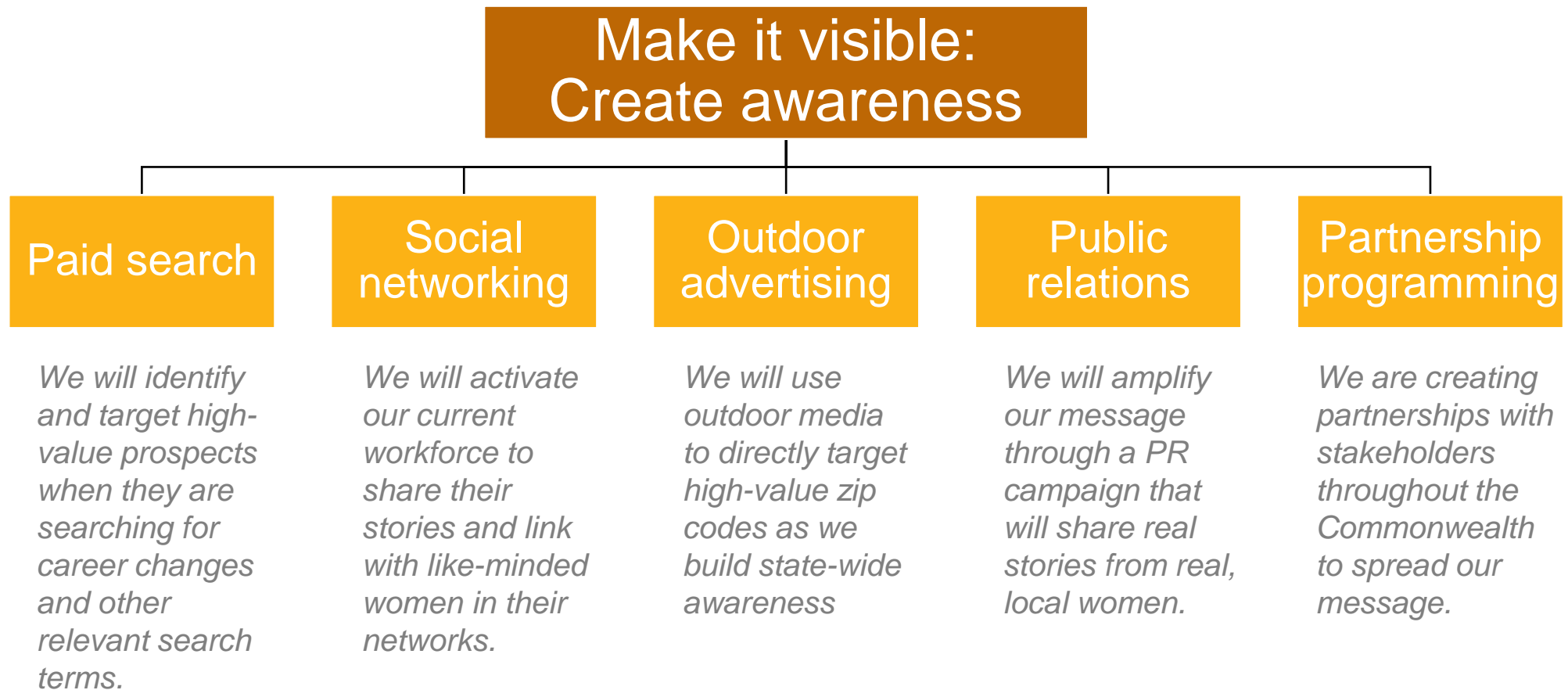
**I BUILT  
THIS LIFE  
BY BUILDING  
SCHOOLS**

Women in construction get great pay, benefits, training and a pension to help achieve their life goals. Let's build a life that works for you. [www.BuildALifeMA.org](http://www.BuildALifeMA.org)

**Lindsay Gustafson**  
Commercial Plumber / Coolest Mother



# A thoughtfully-designed plan that maximizes outreach



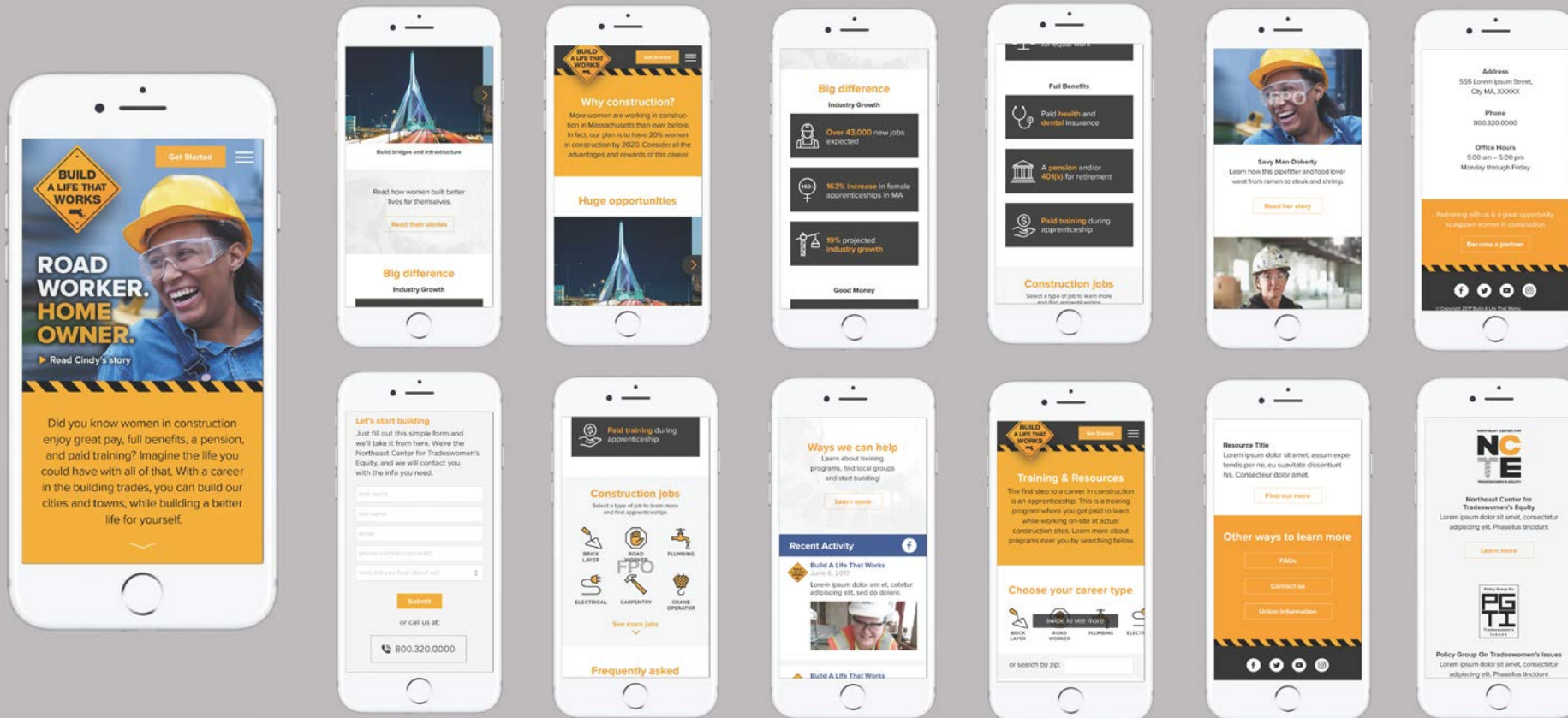


**Make it  
real**

**Now we have their attention.  
How will we create consideration?**



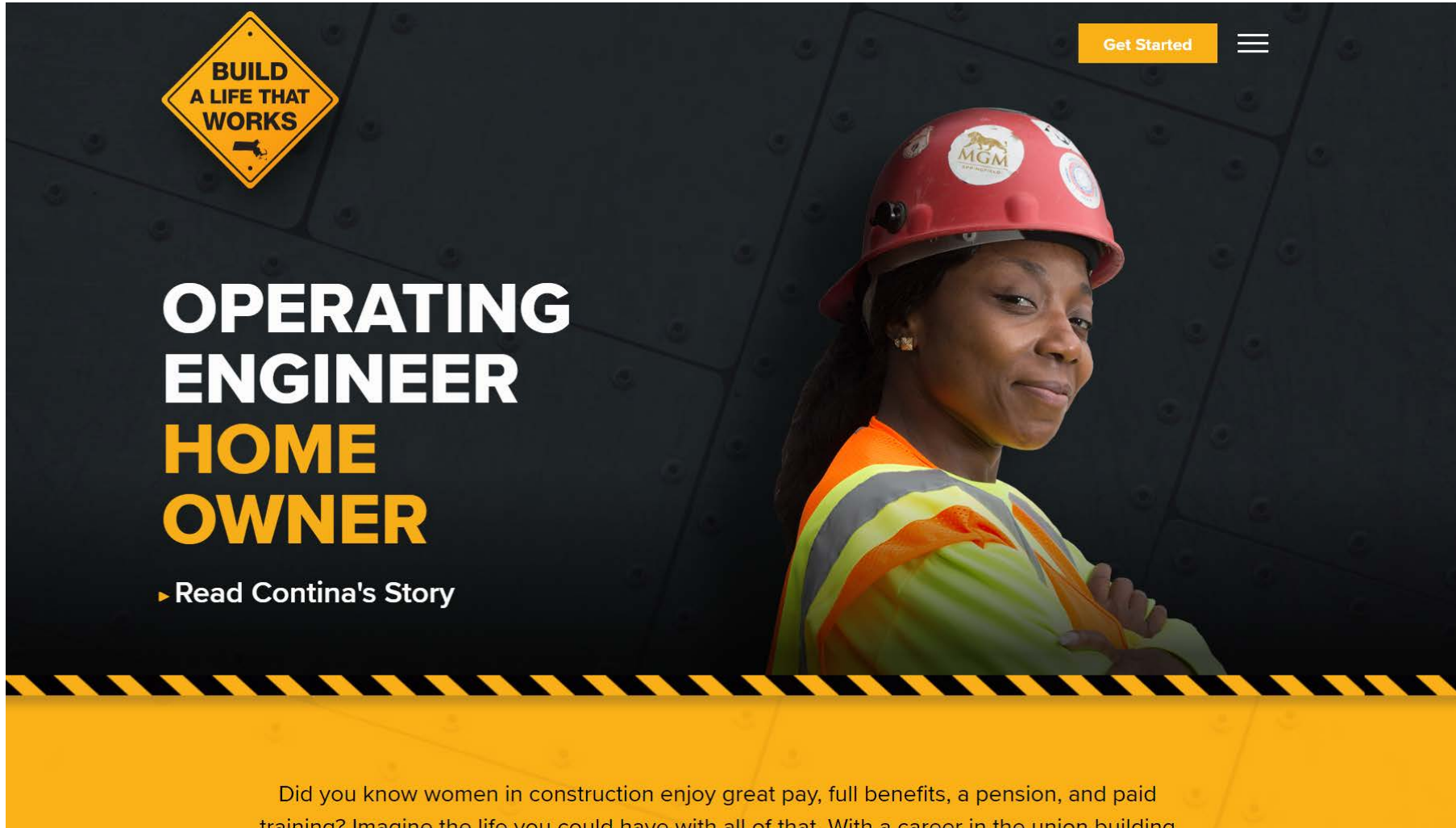
# Awareness campaign drives prospects to a mobile-friendly website where user can take immediate action



- ✓ Engagement through personal storytelling
- ✓ Interactive resources and training information
- ✓ Simple lead capture built throughout the site



## Awareness campaign reinforces that the state's new gaming industry continues to set the standard



**BUILD  
A LIFE THAT  
WORKS**

**OPERATING  
ENGINEER  
HOME  
OWNER**

► Read Contina's Story

Get Started

Did you know women in construction enjoy great pay, full benefits, a pension, and paid training? Imagine the life you could have with all of that. With a career in the union building



**Make it  
easy**

**Converting leads into success.**  
**Our pipeline navigator makes it easy**





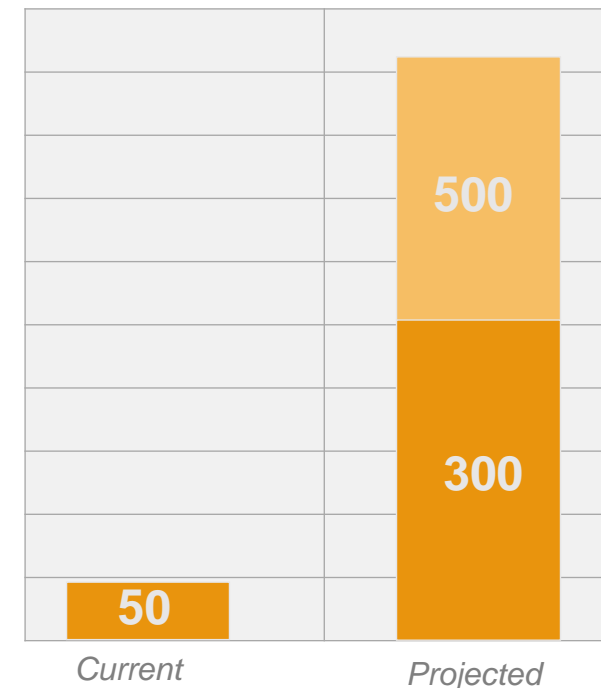
## Personal lead management.

Our plan will increase inquiries from 50/month to 300-500/month in first 6 months of the campaign.



**Kate Harrison,**  
*Campaign pipeline navigator*

Kate works full-time fielding leads and personally directing women to appropriate resources and union apprenticeship programs throughout the Commonwealth.





# The Launch.

**“Build A Life That Works” campaign publicly introduced at recent press conference.**



# National Women in Apprenticeship Day



The “Build A Life That Works” campaign was launched during a press conference on National Women in Apprenticeship Day on November 16, 2017.

The “Build A Life That Works” campaign will now be seen in various locations across the state!



**Working together.**  
**Partnership opportunities.**





# In-Kind Advertising



**MASSACHUSETTS  
CONVENTION CENTER  
AUTHORITY**

**massDOT**  
Massachusetts Department of Transportation



City of Boston  
Mayor Martin J. Walsh





## Other non-gaming participants include:



**United States Department of Labor**



**Office of the Attorney General**



**Massachusetts Convention Center Authority**



# Results.

## How it's working.





## Change in # and % of women apprentices: Q1-Q3 2017

	Q1 2017		Q3 2017		
<b>JOINT UNION PROGRAMS</b>	WOMEN APPS		WOMEN APPS		+/-
BOSTON ELECTRICIANS LOCAL #103	47	4.7%	52	4.5%	5
BOSTON PLASTERERS & CEMENT MASONS #534	3	12.0%	5	13.2%	2
Boston Plumbers Local #12	12	5.6%	16	6.2%	4
BOSTON ROOFERS LOCAL #33	5	3.2%	8	4.2%	3
Bricklayers & Allied Craftsmen Local 3	17	6.5%	15	6.7%	-2
Brockton Electricians Local 223	4	4.7%	6	5.4%	2
Eastern Millwright Regional Council ATF	3	2.7%	3	2.5%	0
ELEVATOR CONSTRUCTORS LOCAL 41	0	.0%	0	.0%	0
ELEVATOR CONSTRUCTORS LU #4 JATC	8	3.0%	7	2.5%	-1
Finishing Trades Institute of New England	39	14.1%	35	13.2%	-4
Heat & Frost Insulators Union	5	6.8%	7	9.0%	2
Hoisting & Portable Engineers JATC #98	2	12.5%	2	10.0%	0
Hoisting & Portable Engineers Local 4	8	10.4%	12	13.2%	4
Int. Union of Operating Engineers Local 877	1	6.7%	1	5.3%	0
Iron Workers Local 7 JATC	23	8.6%	36	9.1%	13
MA & Northern N.E. Laborers' J.A.T.C.	116	15.9%	125	16.7%	9
New England Carpenters Training Fund	38	8.7%	50	10.4%	12
New England Carpenters Training Fund - Boston	80	7.8%	83	7.8%	3
PIPEFITTERS LOCAL 537	15	3.3%	14	3.0%	-1
Roofers, Slaters & Waterproofers Local 248 JATC	0	.0%	0	.0%	0
SHEET METAL WORKERS JAC OF CENT/W. MASS. & VT	3	8.3%	5	9.8%	2
SHEET METAL WORKERS LOCAL #17	3	1.3%	3	1.3%	0
Springfield Area Electricians L.U. 7 JATC	6	4.4%	9	6.5%	3
SPRINGFIELD PLBRS & PIPEFITTERS L.U. #104 JATC	2	4.4%	1	1.9%	-1
SPRINKLER FITTERS LOCAL #550	4	3.9%	3	2.8%	-1
Teamsters Local 25	0	.0%	2	10.5%	2
Worcester Electricians J.A.T.P.	1	2.1%	2	4.3%	1
WORCESTER PLUMBERS & PIPEFITTERS LOCAL 4	2	6.9%	2	5.4%	0
	447	7.23%	504	7.48%	57

<b>NON UNION PROGRAMS</b>	<b>Q1 2017</b>	<b>Q4 2017</b>
Number of programs	59	70
Number of women apprentices	27	33
Percent of women Apprentices	2.67%	2.93%

NORTHEAST CENTER FOR



TRADESWOMEN'S EQUITY

## Build A Life That Works NCTE Report 12/7/17

**Lisa Clauson**, New England Regional Council of Carpenters, Western MA

**Kate Harrison**, Northeast Center for Tradeswomen's Equity, Pipeline Navigator

**Liz Skidmore**, New England Regional Council of Carpenters & Northeast Center for Tradeswomen's Equity Board

**Mary Vogel**, Building Pathways Inc & Northeast Center for Tradeswomen's Equity Board

# Evaluation Criteria & Path

Web Contact / Call

➔ Open House / Info Sessions

➔ Online Survey

➔ Evaluation

➔ “Prescription” sent

“Buckets” Based on Next Step:

➔ Check-Ins at 3, 6 & 12 months

Over 18

Legally permitted to work in the US

Have a HS Diploma, GED or HiSet

Have a drivers license

If have young children, have childcare plan

Have a history of employment

Meet all of the above (Bucket 1)







# Pre-Launch Outreach & Results

Outreach To Date	Number	%
Potential Tradeswomen (PT) who attended 4 Open Houses (3 Roxbury, 1 Springfield)	134	
Percent of Open House Attendees who are women of color		Approx. 90%
PT who took second step and filled out online survey	65	49%
PT who met all 6 requirements (Bucket 1) and were referred to apprenticeship and pre-apprenticeship	49	75%
Started apprenticeship (Sheet Metal Workers Local 17)	1	
Growth in female union apprentices statewide, Jan 1, 2017 – Sept 30, 2017	57	From 7.23% to 7.48%



# Post-Launch Metrics

In the last 18 days, since Nov 16

	Pre-Launch	Post-Launch
Website inquiries from potential tradeswomen	3	41
Facebook Likes	3	157
Facebook Followers	3	163
Facebook Reached	20	1,192
Twitter Followers	0	36
Press Pieces (Print, TV, Electronic Billboards)	1	11

NORTHEAST CENTER FOR



TRADESWOMEN'S EQUITY



## Next Steps

- Complete Salesforce contact management development
- Continue Open Houses in Roxbury and Springfield
- Launch Info Sessions at One Stop on Harrison Ave
- Continue brand integration (fliers, etc)
- Continue systems set-up for managing high volume of requests once marketing materials are posted more broadly
- Expand outreach in Western MA
- Support MGC's work to get more ads up!





**Open House!**

# TRADESWOMAN TUESDAYS

**5-7 pm**

**First Tuesdays**, doors are open at the  
Northeast Center for Tradeswomen's Equity

**2201 Washington St, Roxbury**

Join us to learn about career opportunities  
for women in the union building trades.

## 2018 Open House Dates

January 2	July 3
February 6	August 7
March 6	September 4
April 3	October 2
May 1	November 6
June 5	December 4

## CONTACT US



katencte@gmail.com



857 800 8881

**BuildALifeMA.org**

NORTHEAST CENTER FOR



TRADESWOMEN'S EQUITY





# TRADESWOMAN TUESDAYS

**WESTERN  
MASS**

**Open House 5- 7 pm**

**\*Tradeswomen Networking- 4 pm**

## W MA Dates

Jan 9  
March 13  
May 8  
July 10  
Sept 11  
Nov 13

Join us at the Scibelli Enterprise Center  
**1 Federal St, Springfield MA 3rd Floor**  
to learn about opportunities for women  
in the union building trades.

## CONTACT US



katencte@gmail.com



857 800 8881

**BuildALifeMA.org**

NORTHEAST CENTER FOR



TRADESWOMEN'S EQUITY

Co-sponsored by:



SPRINGFIELD





**A great opportunity to learn about high paying opportunities in the construction field!**

**The Northeast Center for Tradeswomen's Equity is hosting an Information Session.**

***Information Session for Job Seekers: Construction Careers for Women***

**Limited Seating: Registration Recommended**

**Information Session  
Boston Career Link (BCL)  
1010 Harrison Avenue  
Boston, MA 02119**

**Thursday December 14th, 2017  
4PM-5PM**

**Please arrive promptly at the start of the event.**

Registration is available for individuals and groups. Email Svetla Georgieva at [cc\\_bsr@bostoncareerlink.org](mailto:cc_bsr@bostoncareerlink.org)

-Include in the subject line, **NCTE Information Session**

-Add, name, Career Center Membership Number (see instructions below to access membership) and contact number.

If you are not a member of the career center, please arrive at least 1/2 hour early to register for a Career Center Membership.



[www.bostoncareerlink.org](http://www.bostoncareerlink.org)  
[www.goodwillmass.org](http://www.goodwillmass.org)

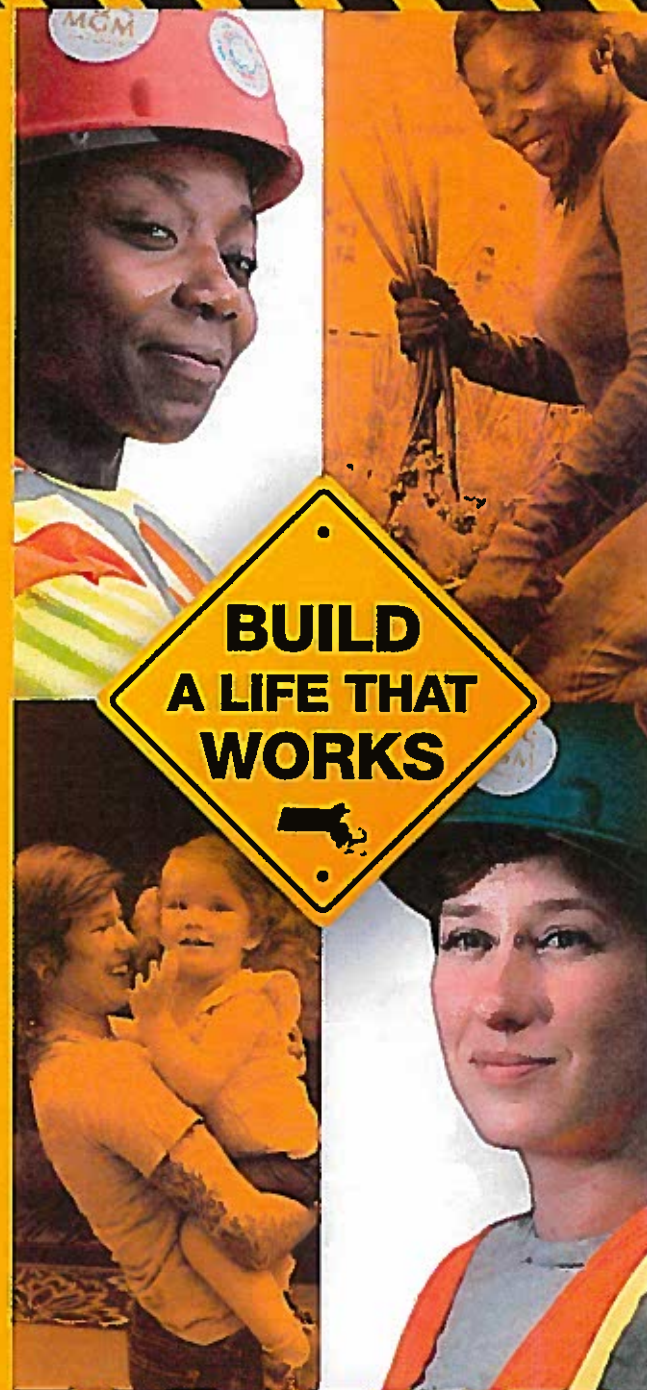




We're the Northeast Center for Tradeswomen's Equity (NCTE), a Massachusetts-based, not-for-profit organization dedicated to helping women find work in the construction trades. To connect with us, visit [BuildALifeMA.org](http://BuildALifeMA.org). We can tell you more about the different types of work. Contact us and we'll help you determine the best fit for you, and help you find apprenticeships and training programs near you.



Northeast Center for Tradeswomen's Equity  
Office: 2201 Washington St., Roxbury, MA 02119  
Mailing: PO Box 192086, Roxbury, MA 02119  
857-800-8881 | [ncteinfo@gmail.com](mailto:ncteinfo@gmail.com)  
[BuildALifeMA.org](http://BuildALifeMA.org)







Did you know women who work in construction enjoy great pay, full benefits, a pension and paid training? Imagine the life you could have with all of that. With a career in the union building trades, you can take pride in building our cities, while building a life that works for you.

### Big opportunity, big difference

More women are working in construction in Massachusetts than ever before. Over 43,000 new jobs are expected. **And our goal is to have women represent 20% of the workforce by 2020.** Consider the advantages and rewards of this career:



Enjoy a **pension** for retirement



Earn **\$60-100k** annual income



Get **paid** on-the-job training



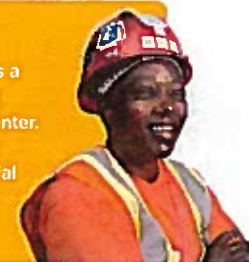
Be part of **transforming** our cities and towns

When you add it all up, it could make a big difference in your life - for the rest of your life.



Contina Brooks went from a frustrating, low paying job in social services to building roads and towers as an Operating Engineer. Her career in the building trades has allowed her to save her family home from foreclosure and spend more time with her grandchildren.

Joan Bennett went from working 7 days a week as a cook to building housing developments as a Carpenter. Her career in construction has given her more financial stability and free time to travel the world.



### Types of construction careers

You can choose from many different types of work or trades in construction:

- **Boilermakers**
- **Bricklayers**
- **Carpenters**
- **Electricians**
- **Elevator Constructors**
- **Heat & Frost Insulators**
- **Ironworkers**
- **Laborers**
- **Operating Engineers**
- **Painters**
- **Plumbers, Pipefitters & Sprinklerfitters**
- **Plasterers & Cement Masons**
- **Roofers**
- **Sheet Metal Workers**
- **Teamsters**

### Training resources

Once you choose your trade, the next step is an apprenticeship. This is a training program where you get paid to learn while working on actual construction sites. Contact us and we'll help you find the right one for you at **BuildALifeMA.org**.

- [facebook.com/BuildALifeMA](https://facebook.com/BuildALifeMA)
- [@BuildALifeMA](https://twitter.com/BuildALifeMA)
- [@BuildALifeMA](https://www.instagram.com/BuildALifeMA)
- [Build A Life MA](https://www.youtube.com/BuildALifeMA)

# Launch of Build A Life That Works Campaign

## ARTICLES

### **Mass Gaming Commission Wants More Women At Its Worksites**

BisNow, 11/21/17

<https://www.bisnow.com/boston/news/construction-development/mass-gaming-commission-wants-more-women-at-its-worksites-81828?rt=50874>

### **Strategic Collaboration Launches Innovative Build A Life That Works Campaign**

MA Gaming Commission Blog, 11/20/17

<https://massgaming.com/blog-post/strategic-collaboration-launches-innovative-build-life-works-campaign-designed-increase-diversity-union-building-trades/>

### **Campaign For Women To Work In Building Trades Launches**

The Real Deal, NYC, 11/18/17

<https://therealdeal.com/2017/11/18/campaign-for-women-to-work-in-building-trades-launches/>

### **Statewide Campaign Encourage Women to Join Construction**

Boston Globe 11/17/17

[http://www.bostonglobe.com/business/2017/11/16/statewide-campaign-encourages-women-join-construction-industry/BodW0g2DavMxspZrj9yDnO/story.html?et rid=1863589004&s\\_campaign=todaysheadlines:newsletter](http://www.bostonglobe.com/business/2017/11/16/statewide-campaign-encourages-women-join-construction-industry/BodW0g2DavMxspZrj9yDnO/story.html?et rid=1863589004&s_campaign=todaysheadlines:newsletter)

### **MGM Springfield encouraging Women to Take Up Construction Jobs**

MassLive 11/16/17

[http://www.masslive.com/mgm\\_springfield/index.ssf/2017/11/new\\_statewide\\_recruitment\\_driv.html](http://www.masslive.com/mgm_springfield/index.ssf/2017/11/new_statewide_recruitment_driv.html)

### **Why Recruiting Young Women In Construction Is About More Than Equality**

BizNow, 11/14/17

<https://www.bisnow.com/boston/news/construction-development/cost-conscious-why-recruiting-young-women-in-construction-is-about-more-than-equality-81537>

## TV NEWS

### **Upcoming: Interview of Joan Bennet and Liz Skidmore on Channel 5's Cityview**

Airs Sunday, 12/10/17, noon, WCBV Channel 5

### **New Campaign Encourages Women in Mass To Work In Construction**

Boston 25 News, 11/17/17

<http://www.fox25boston.com/video?videoid=649212859&videoVersion=2.0>

### **More Women Enter Construction Trades**

The Take with Sue O'Connell, New England Cable News, 11/17/18

[https://www.necn.com/on-air/as-seen-on/More-Women-Enter-Construction-Trades\\_NECN-458349443.html](https://www.necn.com/on-air/as-seen-on/More-Women-Enter-Construction-Trades_NECN-458349443.html)



TO: Chairman Crosby, Commissioners Cameron, Macdonald, Stebbins, Zuniga

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,  
Floyd Barroga, Gaming Technology Manager

DATE: December 7, 2017

RE: Play management recommendation

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## Background

A key educational objective of the Massachusetts Gaming Commission (Commission) Responsible Gaming Framework is to “provide accurate and balanced information to enable informed choices to be made about gaming activities”. To support this objective, Strategy 2 of the framework identifies measures to support players’ efforts to responsibly manage their gambling by including the development and implementation of play management tools. Such tools are incorporated into electronic gaming machines to enable players to more easily track their play, manage their gambling decisions, and obtain real time individualized play feedback.

In December, 2014 the Commission voted to adopt a play management system (PlayMyWay) in cooperation with Plainridge Park Casino (PPC). However, because the existing body of research supporting the effectiveness of these tools is limited and inconclusive, the Commission specified that implementation would be on a test basis and that determination of whether this program is continued and extended to Category 1 casinos would be informed, in part, by the findings of an evaluation. To advise on the development and evaluate the program the Commission contracted with the Cambridge Health Alliance, Division on Addiction (CHA).

Following 18 months of development, on June 9, 2016, PlayMyWay (PMW) was launched at PPC as a benefit to their Marquee Reward® (player card) members. Patrons have the opportunity to enroll in the program at any slot machine, GameSense Kiosk or at the GameSense Info Center located inside the casino. PMW prompts cardholders to voluntarily set a daily, weekly, and/or monthly budget to track their spending at PPC. Once enrolled, patrons receive automatic notifications as they approach 50% and 75% of their spent budget. Players also receive a notification when they reach 100% of their budget, and if they continue to play, they will receive notifications at 25% intervals. This program is strictly voluntary and a player can un-enroll or adjust the budget(s) at any time. A player also can choose to stop at any point or keep playing.

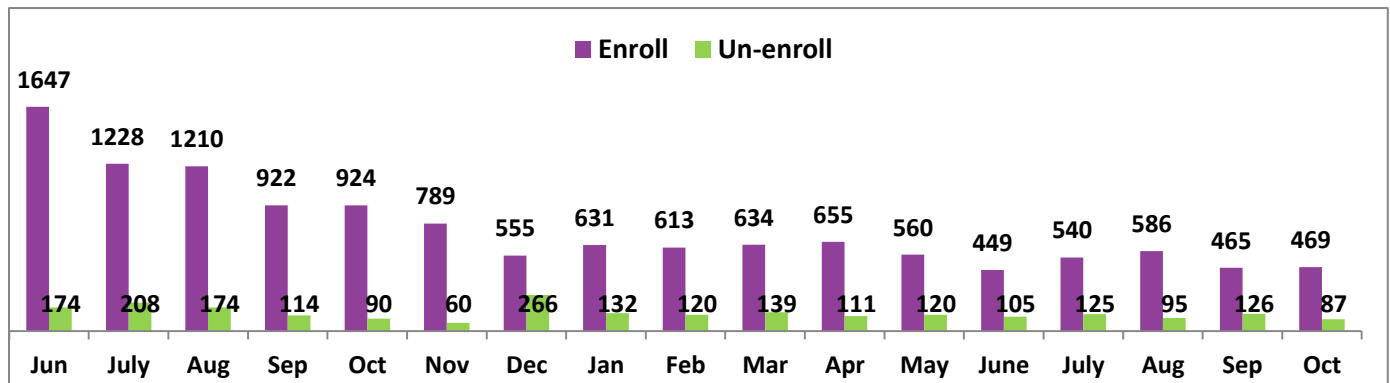


Massachusetts Gaming Commission



## Player enrollment

Through October 31, 2017, 15,123 persons have enrolled in the program. The un-enrollment rate is 17% leaving 12,877 currently enrolled. This represents almost 9.7% of Marquee Rewards® cardholders who gambled at Plainridge Park Casino during the study period.



## Evaluation and Research

On November 21, 2017 CHA presented to the MGC the *Preliminary Study of Patrons' Use of the PlayMyWay Play Management System at Plainridge Park Casino: June 8, 2016 – January 31, 2017*. The preliminary study includes a de-identified, basic epidemiology of Marquee Rewards Card gambling records that provides sample characteristics, game characteristics, cash activity and gambling activity information. The PMW records provided CHA with information about players' budgets and notification activity. Key findings include:

- PMW users had significantly more cash activity than non-users on slot machines and electronic table games. For example, during the entire study period, PMW users inserted significantly more cash into slot machines than non-users (difference of means = \$620.50,  $p < 0.01$ ). They also withdrew more funds than non-users (difference of means = \$692.31,  $p < 0.01$ ).
- With respect to gambling activity, PMW users tended to wager less money as well as lose less money per day compared to non-users. Whereas the median PMW-user wagered \$347.80 and lost \$47.50 per day, their non-user counterparts wagered \$485.30 and lost \$62.90.
- Overall, slightly less than two-thirds of all PMW users (63.0%) never exceeded their budgets; just over one-third of all users (37.0%) exceeded their budgets at least once during the study period.
- The vast majority of PMW users were from Massachusetts (78.4%) and other New England states. The PMW users had an average age of 54 and were significantly younger than the non-users. PMW and non-users visited PPC an average of 6.5 and 6.8 times, respectively, during the study period.

As stated earlier, at the time the Commission adopted play management tools on a test basis the existing evidence of their effectiveness was inconclusive. Since that time, there have been a hand full of new studies that add to the body of research to support the topic. A few promising studies include the following.



Massachusetts Gaming Commission

- Wood, Richard and Wohl, Michael “Assessing the effectiveness of a responsible gambling behavioral feedback tool for reducing the gambling expenditure of at risk players”. *International Gambling Studies*, Vol. 15 No.2. 2015. 1-16.

This research examines the utility of a play management tool which was implemented online in Sweden. Findings suggest that the use of this type of tool which informs internet gamblers that their behavior is becoming risky is associated with a reduction in future player spending. Thus, informing at-risk players who have opted to receive feedback about their gambling appears to have a positive impact on subsequent expenditures.

- Wohl, Michael and Davis, Christopher and Hollingshead, Samantha “How Much Have You Won or Lost? Personalized Behavioral Feedback about Gambling Expenditures Regulates Play”. *Computers in Human Behavior* Vol. 70 May 2017. 437-445.

This study supports the theory that providing players with feedback on their behavior can help moderate their expenditures. Through this work, researchers found that players’ perception of their expenditures and overall recall of gambling behavior-particularly at EGMs-is typically inaccurate.

### Options to advance PlayMyWay

As the Commission considers next steps to advance play management, I’d like to outline four options with a list of advantages and disadvantages. This is a non-inclusive list as there are likely additional options and considerations.

- 1) Advance play management tools by promulgating a play management regulation and/or rules.

#### Advantage

- Assures consistent implementation and reporting across all MGC licensees.
- Responsibility of play management software development is placed on to the subject matter experts (System & Slot Machine manufacturers). Advances a key strategy of the MGC Responsible Gaming Framework.
- Assures the same rigorous testing through GLI and/or BMM and MGC testing lab as all other electronic gaming devices in Massachusetts.
- Minimizes the time and effort needed for on-floor testing in advance of deployment.
- Consistent player experience across operators.



Massachusetts Gaming Commission

#### Disadvantage

- Evaluation of PlayMyWay is ongoing. An additional study is anticipated in June, 2018. This report may provide findings the MGC should consider prior to the promulgation of regulation.
- Additional cost for vendor to release a product in Massachusetts.

### 2) Advance play management cooperatively with licensees through a non-regulatory path.

#### Advantage

- Allows for appropriate planning and development of play management in advance of further evaluation.
- Allows the MGC to withdraw support of PlayMyWay if further evaluation findings are unfavorable.
- Allows for potentially quicker changes to the system without updating regulation and test lab certification.
- Different versions would allow for comparison of products.

#### Disadvantage

- Provides the MGC less control over specific elements of the program.
- It's unclear who would bear the cost of development and implementation. Regardless, there is an additional cost to release a product in Massachusetts.
- Risk complicating the evaluation by potentially inconsistent requirements, testing and interpretation of system requirements.
- Less ability to control version changes consistently among licensees resulting in a potentially inconsistent player experience.

### 3) Maintain support of PlayMyWay at PPC but delay decision about advancing play management tools to Category 1 casinos.

#### Advantage

- Allows for further evaluation to guide the development of a play management system – both player experience and system reporting.
- Allows further refinement system requirements before rolling out to category 1 casinos.
- Allows the MGC to withdraw support of PlayMyWay if further evaluation finds harm or ineffectiveness.

#### Disadvantage

- Slows the development and deployment of PlayMyWay to Category 1 casinos.
- Different expectation between Category 1 and Category 2 casinos.



Massachusetts Gaming Commission

- Circumvents the MGC electronic gaming device certification process.
- Increases maintenance and development geared toward supporting PlayMyWay updates.

4) Abandon support of PlayMyWay at PPC and further discussions about implementation of a play management tool at Category 1 casinos.

Advantage

- Advancements in play management systems may continue as an extension of operators responsible gaming plans regardless of MGC involvement.

Disadvantage

- There is a significant chance that development of PlayMyWay and play management tools, generally, will slow, stall or be abandoned.
- Significant investment (financial and workforce) to advance play management tools would be lost.

## Recommendation

There are several factors that should be weighed as the Commission considers advancing a play management tool.

- Enrollment into the program far exceeds expectations and appears to be greater than any jurisdiction that has done this previously. Consistent levels of unenrollment suggest program stability. From a programming perspective, these levels can be viewed as moderate.
- Preliminary evaluation findings appear very promising. We continue to work with our evaluation team at CHA to answer critical questions about reach and impact on specific types of gamblers.
- There has been a steady flow of new research on play management and similar types of tools. Findings from these studies generally conclude that they are effective at helping recreational and at-risk players manage the amount they spent on gaming. However, play management tools are still not considered a best practice and additional research in the area is needed.
- PMW hasn't created any major disruption to the gaming floor. Like any new technology, there have been a few challenges during implementation but they have been minimal.
- Anecdotally, feedback from patrons has been positive. They believe the tool is useful and appreciate the availability of this resource.

Based on the information outlined in this memo, I recommend the Commission create draft regulations that would require licensees to develop play management tools for their patrons. The regulation should remain flexible to respond to findings from on-going evaluation. Additionally, I recommend the Commission work closely with Category 1 licensees to develop a realistic timeline and plan for implementation.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)





## MEMORANDUM

TO: Chairman Stephen Crosby & Commissioners Enrique Zuniga, Gayle Cameron, Bruce Stebbins, and Lloyd Macdonald

FROM: Loretta Lillios, Chief Enforcement Counsel - IEB

RE: Involuntary Exclusion List

DATE: November 30, 2017

cc: Ed Bedrosian, Executive Director; Karen Wells, Director – IEB, Catherine Blue, General Counsel

---

### **I. Relevant Background & Current Status of the Involuntary Exclusion List**

#### **A. The Statute**

Section 45 of the gaming law mandates that the commission establish a list of persons to be excluded from Massachusetts casinos. Unlike evictions and no trespass orders issued by the casinos, the statutorily-mandated exclusion list is not property-specific. Rather, individuals placed on the commission's list are prohibited from being present in all casinos in Massachusetts. Further, our gaming licensees have various statutory and regulatory duties with respect to the commission's list: they must train their employees about the list; identify and prevent excluded individuals from entering the casinos; remove individuals on the list from marketing lists; deny access to check-cashing, compliments, and other benefits; and refer individuals to the IEB for placement on the list. By regulation, absent extraordinary circumstances, individuals placed on the commission's list may not seek removal for five years. Further, individuals placed on the commission's list have the right to an appeal process (not available for orders issued by casinos).

Section 45 sets forth four criteria which the commission may consider when determining whether to place a person on the statewide exclusion list.<sup>1</sup> The statute does not limit the

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<sup>1</sup> The stated statutory factors are:

- (i) whether the person has been convicted of a crime punishable by more than six months, or convicted of a crime of moral turpitude;
- (ii) whether the person has violated or conspired to violate c. 23K relating to (A) failure to disclose an interest in a gaming establishment if so required for licensure or (b) willful evasion of fees or taxes;
- (iii) whether the person has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements;
- (iv) the potential of injurious threat to the interests of the commonwealth in the gaming establishment.

commission to the four stated criteria but instead gives the commission broad discretion in making determinations about placing persons on the list.

#### B. The Existing Regulations

The commission promulgated 205 CMR 152 to implement the list. Initially, the regulation required the commission to maintain extensive information on its public website, including the excluded person's photograph and a description of the conduct that resulted in placement on the list. Later, the commission amended the regulation. The regulation now calls for the list posted on the public website to contain only the person's name and year of birth.

The regulation sets forth the procedure for placing names on the list. The procedure requires the IEB, after making a determination to place a person on the list, to issue a preliminary order to the person explaining the basis for exclusion. The person then has the right to challenge the preliminary order at an adjudicatory hearing before a hearing officer. If the hearing officer affirms the preliminary order (or if the person does not request a hearing), the IEB issues a final order placing the person on the list. The person may also challenge the final order at an adjudicatory hearing before the commission. The commission has acknowledged that this procedure, which involves issuance of a preliminary order followed by issuance of a final order and affords the person "two bites at the apple" in terms of hearings, is cumbersome. The procedure was adopted mainly to address the commission's concerns about individuals' privacy by providing an opportunity for a hearing prior to publication of potentially embarrassing details on the commission's website. As mentioned above, however, only very limited information (name and year of birth) is now posted.

As noted in footnote 1, the statute gives the commission the authority to consider "the potential of injurious threat to the interests of the commonwealth in the gaming establishment." See G.L. c. 23K, § 45(a)(iv). The regulation, in turn, lists five factors which may be considered "[i]n determining whether there exists the potential of injurious threat to the interests of the commonwealth if the individual is permitted in a gaming establishment." See 205 CMR 152.03(2). These regulatory factors are:

- (a) whether the person is a known cheat;
- (b) whether the person's gaming-related license or registration in any jurisdiction has previously been subject to an adverse action;
- (c) whether the person poses a threat to the safety of casino patrons or employees;
- (d) whether the person has a history of unduly disrupting gaming operations in any jurisdiction; and
- (e) whether the individual is subject to a no trespass order at any casino.

The regulation does not explicitly state whether this list of five factors (above) is an exhaustive or a non-exhaustive list.

### C. The Current Exclusion List

As of November 22, 2017, the IEB has issued final exclusion orders to 24 individuals, whose names and years of birth are listed on the commission's website.

## II. **Open Questions regarding the Exclusion List**

### A. Decision of the Hearing Officer

On May 8, 2017, the IEB issued a preliminary order to place an individual on the list for leaving two minor children unattended in a car in the garage with the motor running while the individual was inside the Plainridge Park Casino for gambling purposes. The individual challenged the order and on September 20, 2017, the hearing officer reversed the order and directed the IEB not to place the person on the list. The hearing officer concluded that *under the existing regulations*, the IEB was "without authority" to place persons on the list for leaving minors unattended in vehicles for gambling purposes. (See Decision of the hearing officer, page 14).

The hearing officer's decision raises questions that go beyond that particular case. Accordingly, the IEB requests that the commission re-visit aspects of the exclusion list and the corresponding regulations.

### B. Issues for Commission Resolution

The commission should determine how broadly (or narrowly) it wishes to exercise the considerable discretion granted to it under § 45 to consider individuals for placement on the list.

There appears to be consensus that the commission should exercise its discretion in a way that protects the integrity of the games themselves and also excludes individuals whose presence would undermine public confidence that the gaming industry is free from criminal or corruptive elements. Known cheats, individuals who have violated gaming-related laws, and known organized crime figures fall into these categories.

As previously noted, the commission may also consider "the potential of injurious threat to the interests of the commonwealth" when making exclusion list determinations. See G.L. c. 23K, § 45(a)(iv), 205 CMR 152.03(2). The regulation's list of five factors encompasses public safety elements. (See factor (c) on page 2). Therefore, the factors authorize the commission to exclude a person who, by way of example, makes a terroristic threat in a casino, assaults and robs casino patrons, or sexually assaults casino employees.

The hearing officer interpreted the list of five factors to be exhaustive in nature. The regulation does not contain explicit language on that point, and the IEB interpreted the list to be non-exhaustive. The commission should amend the regulation to clarify the point. If, on the one hand, the list of five factors is to be exhaustive, the commission arguably would lack the authority to consider not only individuals who leave children unattended while they gamble (regardless of the severity of the circumstances), but the commission also would lack the authority to consider, for example, individuals who: facilitate gambling by minors, pass

counterfeit bills at the casino, enter the casino with false identification, steal money or vouchers from patrons, or target casino patron information for identity theft.<sup>2,3</sup>

If, on the other hand, the regulation is amended to explicitly state that it is non-exhaustive,<sup>4</sup> the commission would have the authority to consider broader circumstances for possible exclusion. If the commission wants the list of factors to be non-exhaustive, the commission should provide guidance as to how it wishes to exercise its discretion. For example, with respect to the question of minors left unattended while the person gambles, the commission may wish to exercise its discretion as follows:

- to exclude the person in *all* such instances;
- to exclude the person in *some* instances (taking into account, for example, the age of the minor, the length of time left unattended, and any aggravating or mitigating circumstances);
- to exclude the person in *very few* instances (limiting exclusion to only the most egregious circumstances or to repeat offenders, for example), or;
- to exclude the person in *no* instances whatsoever.

Providing such parameters would allow for consistent application of the commission's desired framework when evaluating incidents of misbehavior that pose a potential of injurious threat to the commonwealth's interests in the gaming establishment.

### C. Other States

Not surprisingly, states have not adopted a single, consistent approach regarding exclusion lists. Nevada, for instance, has only 31 names on its list, primarily comprised of intransigent gaming cheats and hard core organized crime figures (including money launderers, illegal bookmakers, and loansharks). By contrast, New Jersey has 468 names on its list, and Pennsylvania's list contains 780 names. Both New Jersey and Pennsylvania consider individuals for exclusion purposes who leave unattended children in cars or hotels while they gamble. The Pennsylvania and New Jersey lists also include (in addition to cheating and gaming violators) individuals who commit assaultive behavior and/or acts of theft at casinos. The IEB believes that list should not be of a size that makes effective enforcement unduly burdensome on the casinos. Ultimately, there is no uniform model among gaming jurisdictions, and the commission can find precedent to support a variety of approaches.

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<sup>2</sup> These are merely examples, as it is difficult to predict with certainty the full universe of activity that would pose the potential of injurious threat to the interests of the commonwealth in the gaming establishment.

<sup>3</sup> Of course, the commission would have the authority to exclude such individuals upon conviction; however, the criminal process can take years and timely exclusion may be required to avoid the potential of injurious threat to the interests of the commonwealth.

<sup>4</sup> 205 CMR 152.03(2) could be amended as follows to include the following underlined language: "the commission may consider without limitation the following: . . ."



### **III. Recommendation Regarding New Procedure for Placing Names on the List**

In addition to providing guidance on the exercise of its discretion, the IEB also requests that the commission consider implementing a new procedure for placing names on the list. To this end, the IEB suggests a new procedure whereby the IEB makes a referral to the commission for the commission to consider whether to place an individual on the list. Under this new procedure, the IEB would apprise the individual of the referral, and the individual has an opportunity to obtain commission review of the matter at an adjudicatory hearing before the commission. Following the hearing, the commission determines whether to place the person on the list. If, after being notified of the IEB's referral, the individual does not request a hearing in the allotted time period, the commission will review the matter and make the determination whether to place an individual on the list.

As with any procedure, it is crucial that the exclusion list be implemented in a consistent manner to avoid claims of arbitrary or capricious application.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE II** EXECUTIVE AND ADMINISTRATIVE OFFICERS  
OF THE COMMONWEALTH**CHAPTER 23K** THE MASSACHUSETTS GAMING COMMISSION se fee or tax; penalties**Section 45** Regulation and procedure for the exclusion and self-exclusion of persons from gaming establishments

Section 45. (a) The commission, by regulation, shall provide for the establishment of a list of excluded persons who are to be excluded from a gaming establishment. In determining the list of excluded persons, the commission may consider, but shall not be limited to: (i) whether a person has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than 6 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state; (ii) whether a person has violated or conspired to violate this chapter relating to: (A) failure to disclose an interest in a gaming establishment for which the person is required to obtain a license; or (B) willful evasion of fees or taxes; (iii) whether a person has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements; and (iv) the potential of injurious threat to the interests of the commonwealth in the gaming establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 CMR 152.00: INDIVIDUALS EXCLUDED FROM A GAMING ESTABLISHMENT

Section

- 152.01: Scope and Authority
- 152.02: Maintenance and Distribution of List
- 152.03: Criteria for Exclusion
- 152.04: Investigation and Initial Placement of Names on the List
- 152.05: Notice and Proceedings Before the Commission
- 152.06: Duty of Gaming Licensee
- 152.07: Petition to Remove Name from Exclusion List
- 152.08: Forfeiture of Winnings

152.01: Scope and Authority

The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming establishments in accordance with M.G.L. c. 23K, §§ 45(a) through (e) and 45(j). Such list shall be maintained separately from that established and maintained in accordance with M.G.L. c. 23K, § 45(f) through (h).

152.02: Maintenance and Distribution of List

- (1) The Commission shall maintain a list of persons to be excluded or ejected from a gaming establishment and whose names and year of birth shall be posted on the commission's website (<http://massgaming.com/>).
- (2) The Bureau shall promptly notify each gaming licensee of the placement of an individual on the list. The notification to each gaming licensee shall include:
  - (a) The full name and all aliases the individual is believed to have used;
  - (b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
  - (c) The individual's date of birth;
  - (d) The effective date of the order mandating the exclusion of the individual;
  - (e) A photograph, if obtainable, and the date thereof; and
  - (f) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for Exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
  - (a) the individual has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than six months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;
  - (b) the individual has violated or conspired to violate M.G.L. c. 23K or any laws related to gaming;
  - (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements;
  - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 152.03(1)(a) through (c);
  - (e) there exists the potential of injurious threat to the interests of the commonwealth if the individual is permitted in a gaming establishment.
- (2) In determining whether there exists the potential of injurious threat to the interests of the commonwealth if an individual is permitted in a gaming establishment in accordance with 205 CMR 152.03(1)(e), the commission may consider the following:
  - (a) Whether the individual is a known cheat;



152.03: continued

- (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
  - (c) Whether the individual poses a threat to the safety of the patrons or employees of a gaming establishment;
  - (d) Whether the individual has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;
  - (e) Whether the individual is subject to a no trespass order at any casino or gaming establishment in any jurisdiction.
- (3) The commission shall not base a finding to place an individual on the excluded list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

152.04: Investigation and Initial Placement of Names on the List

- (1) The Bureau shall investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 upon referral by the commission, the Gaming Enforcement Division of the Office of the Attorney General, or a gaming licensee. The Bureau may investigate any individual on its own initiative.
- (2) If, upon completion of an investigation, the Bureau determines that an individual meets one or more criterion contained in 205 CMR 152.03 and should be placed on the exclusion list, the Bureau shall prepare a preliminary order that identifies the individual and sets forth a factual basis as to why the Bureau believes the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.
- (3) The Bureau shall serve the preliminary order prepared in accordance with 205 CMR 152.04(2) upon the named individual advising them that it intends to place the individual's name on the exclusion list. The preliminary order shall serve to notify the individual that placement of their name on the exclusion list will result in their prohibition from being present in a gaming establishment and shall offer them an opportunity to request a hearing before a hearing officer to determine whether the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03. The preliminary order shall be sent by either first class mail to the individual's last ascertainable address, email, publication in a daily newspaper of general circulation for one week, or *via* any practicable means reasonably calculated to provide the individual with actual notice. The individual shall have 30 days from the date of the notice to request a hearing, except for notice provided by publication in a newspaper in which case the individual shall have 60 days from the last publication. Alternatively, the Bureau may provide an individual with in hand service of the preliminary order in which case the individual shall have ten days from the date of service to request a hearing.
- (4) If a request for a hearing is received from the individual, a hearing shall be scheduled before a hearing officer and notice of such, including the date, time, and issue to be presented, shall be sent to the individual. The hearing shall be conducted in accordance with 205 CMR 101.03: *Review of Orders Issued by the Bureau or the Racing Division*. If the hearing officer finds that the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 the individual's name shall be placed on the exclusion list. If the hearing officer finds that the individual does not meet any criterion for inclusion on the list, the individual's name shall not be placed on the list and the matter closed.
- (5) If no request for a hearing is received within the applicable timeline provided in 205 CMR 152.04(3), the individual's name shall be placed on the exclusion list.

152.05: Notice and Proceedings Before the Commission

- (1) Whenever an individual's name is placed on the list of excluded persons in accordance with 205 CMR 152.04, the Bureau shall promptly serve written notice upon that individual by personal service, registered or certified mail return receipt requested to the last ascertainable address or by publication in a daily newspaper of general circulation for one week. The notice shall contain a description of the cause for the exclusion, notice that the individual is prohibited from being present at and gambling in a gaming establishment, and an explanation of the hearing process and manner in which the individual may request a hearing in accordance with 205 CMR 152.05(2).
- (2)
  - (a) Within 30 days of receipt of service of notice by mail or 60 days after the last publication under 205 CMR 152.05(1), an individual placed on the list of excluded persons may request an adjudicatory hearing before the commission under M.G.L. c. 30A and show cause as to why the individual should be removed from the list of excluded persons. Such request shall be made by the individual in writing. Failure to demand a hearing within the time allotted in 205 CMR 152.05(2)(a) shall preclude the individual from having an administrative hearing, but shall not affect the individual's right to petition for judicial review.
  - (b) Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the individual demanding the hearing. The hearing shall be conducted in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*. Where applicable, the administrative record of the hearing conducted in accordance with 205 CMR 152.04(4) shall be made part of the hearing record.
  - (c) If upon completion of the hearing the commission determines that the individual was wrongfully placed on the list of excluded persons, the commission shall remove the individual's name from the list of excluded persons and notify all gaming licensees.
  - (d) A person aggrieved by a final decision of the commission in an adjudicatory proceeding under 205 CMR 152.05 may petition for judicial review under M.G.L. c. 30A, § 14.
- (3) Upon receipt of notice from a district court that an individual has been prohibited from gaming in gaming establishments in accordance with M.G.L. c. 23K, § 45(i) the commission shall place the name of an individual on the excluded list.

152.06: Duty of Gaming Licensee

- (1) Each gaming licensee shall ensure that it accesses and reviews the list on a regular basis and that the list is made available to employees of the gaming licensee in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment.
- (2) Upon identification, a gaming licensee shall exclude or eject from its gaming establishment any individual who has been placed on the list in accordance with 205 CMR 152.00.
- (3) If an excluded individual enters, attempts to enter, or is in a gaming establishment and is recognized by the gaming licensee, the gaming licensee shall immediately notify the Bureau and discuss the matter in advance of ejecting the individual.
- (4) It shall be the continuing duty of a gaming licensee to refer to the Bureau in writing individuals whom it wishes to be placed on the exclusion list and to promptly notify the Bureau in writing of no trespass orders which it issues.
- (5) A gaming licensee shall submit a written policy for compliance with the exclusion list program for approval by the executive director. The executive director shall review the plan for compliance with 205 CMR 152.00. If approved, notice shall be provided to the commission and the plan shall be implemented and followed by the gaming licensee. The plan for compliance with the exclusion list program shall include at a minimum procedures to:
  - (a) Prevent an individual on the exclusion list from entering the gaming establishment;
  - (b) Identify and eject individuals on the list from the gaming establishment if they are able to enter;

152.06: continued

- (c) Remove individuals on the exclusion list from marketing lists and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing from the gaming establishment more than 30 days after receiving notice from commission that the individual has been placed on the exclusion list;
  - (d) Prevent an individual on the exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment;
  - (e) Train employees relative to the exclusion list and the licensee's program.
- (6) The commission may revoke, limit, condition, suspend or fine a gaming licensee if it knowingly or recklessly fails to exclude or eject from its gaming establishment any individual placed by the commission on the list of excluded persons.

152.07: Petition to Remove Name from Exclusion List

- (1) An individual who has been placed on the list in accordance with 205 CMR 152.00 may petition the commission in writing to request that their name be removed from the list. Except in extraordinary circumstances, such a petition may not be filed sooner than five years from the date an individual's name is initially placed on the list.
- (2) The individual shall state with particularity in the petition the reason why the individual believes they no longer satisfy one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.
- (3) The commission shall schedule a hearing on any properly filed petitions and provide written notice to the petitioner identifying the time and place of the hearing. Such a hearing shall be conducted in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudatory Proceedings*.
- (4) An individual who was placed on the excluded list by virtue of an order of the district court in accordance with M.G.L. c. 23K, § 45(i) may not petition for removal in accordance with 205 CMR 152.08.

152.08: Forfeiture of Winnings

- (1) An individual who is on the excluded list shall not collect any winnings or recover losses arising as a result of prohibited gaming in a gaming establishment and such winnings shall be forfeited to the commission and deposited into the Gaming Revenue Fund pursuant to M.G.L. c. 23K, §§ 45(j) and 59.
- (2) Upon verification that an individual who is present in its gaming establishment is on the excluded list, a gaming licensee shall take steps to:
  - (a) Remove the individual from the gaming establishment;
  - (b) Where reasonably possible, confiscate from the individual in a lawful manner or notify the Bureau who shall lawfully confiscate, or refuse to pay any winnings or things of value obtained from engaging in a gaming transaction including:
    - 1. gaming chips, gaming plaques, slot machine tokens and vouchers, and gaming vouchers;
    - 2. any electronic gaming device or slot machine jackpot won by the individual;
    - 3. any cashable credits remaining on an electronic gaming device or slot machine credit meter played by the individual.
  - (c) Deliver any winnings or things of value obtained from the individual to the cashiers' cage, and transmit the cash value to the commission for deposit in the Gaming Revenue Fund.
  - (d) In conjunction with a forfeiture of winnings or things of value, a gaming licensee shall prepare a form known as a Notice of Forfeiture, which shall include, without limitation, the name of the individual on the list and the manner in which the individual's identity was established, the total value of the forfeited winnings or things of value, the date, time, and a description of the incident leading to the forfeiture. The Notice of Forfeiture shall be signed and attested to by the prohibited individual, unless the individual refuses to sign or is unknown, the employee delivering the winnings or things of value to the cashiers' cage, and the cashiers' cage employee who received the winnings or things of value.

205 CMR: MASSACHUSETTS GAMING COMMISSION

152.08: continued

(3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. The commission shall schedule a hearing on such request and provide notice to the petitioner.

REGULATORY AUTHORITY

205 CMR 152.00: M.G.L. c. 23K, §§ 4(28), 4(37), and 45.

Thoroughbred/Running Horse Full Accounting and Reconciliation of 9% GGR												
Column1	Total in collected race horse assessments	MMARS	60% to 40% Allocation of MMARS January 2017	(4%) New England Horsemen Benevolent	(4%) New England Horsemen Benevolent2	Variance Over/(Under) Payment	Theoretical 40% (16%) MA Thoroughbred Breeders Assoc	Actual 45% (16%) MA Thoroughbred Breeders Assoc3	Variance Over/(Under) Payment4	Theoretical 40% (80%) Sterling Suffolk Racecourse	Actual 45% (80%) Sterling Suffolk Racecourse5	Variance Over/(Under) Payment6
Jan 2017	\$1,093,179.10	\$1,093,867.05	\$437,546.82	\$17,501.87	\$19,677.22	\$2,175.35	\$70,007.49	\$43,290.78	-\$26,716.71	\$350,037.46	\$0.00	-\$350,037.46
Feb 2017	\$1,085,713.13	\$1,087,832.17	\$435,132.87	\$17,405.31	\$19,542.84	\$2,137.53	\$69,621.26	\$78,171.35	\$8,550.09	\$348,106.29	\$0.00	-\$348,106.29
March 2017	\$1,276,164.02	\$1,277,523.64	\$511,009.46	\$20,440.38	\$22,996.73	\$2,556.35	\$81,761.51	\$91,986.92	\$10,225.41	\$408,807.56	\$0.00	-\$408,807.56
April 2017	\$1,287,510.46	\$1,287,055.05	\$514,822.02	\$20,592.88	\$23,175.03	\$2,582.15	\$82,371.52	\$92,700.12	\$10,328.60	\$411,857.62	\$0.00	-\$411,857.62
May 2017	\$1,297,629.12	\$1,297,620.72	\$519,048.29	\$20,761.93	\$23,357.17	\$2,595.24	\$83,047.73	\$93,428.69	\$10,380.96	\$415,238.63	\$0.00	-\$415,238.63
June 2017	\$1,253,610.52	\$1,253,435.87	\$501,374.35	\$20,054.97	\$22,565.46	\$2,510.49	\$80,219.90	\$90,261.85	\$10,041.95	\$401,099.48	\$0.00	-\$401,099.48
July 2017	\$1,389,788.65	\$1,381,305.86	\$552,522.34	\$22,100.89	\$25,016.43	\$2,915.54	\$88,403.58	\$100,065.71	\$11,662.13	\$442,017.88	\$1,600,000.00	\$1,157,982.12
August 2017	\$1,279,856.47	\$1,284,527.49	\$513,811.00	\$20,552.44	\$23,037.37	\$2,484.93	\$82,209.76	\$92,149.49	\$9,939.73	\$411,048.80	\$800,000.00	\$388,951.20
September 2017	\$1,340,574.74	\$1,342,924.45	\$537,169.78	\$21,486.79	\$24,130.29	\$2,643.50	\$85,947.16	\$96,521.38	\$10,574.22	\$429,735.82	\$800,000.00	\$370,264.18
October 2017	\$1,220,657.82	\$1,217,239.29	\$486,895.72	\$19,475.83	\$21,971.75	\$2,495.92	\$77,903.31	\$87,887.00	\$9,983.69	\$389,516.57	\$0.00	-\$389,516.57
Total	\$12,524,684.03	\$12,523,331.59	\$5,009,332.64	\$200,373.31	\$225,470.29	<b>\$25,096.98</b>	\$801,493.22	\$866,463.29	<b>\$64,970.07</b>	\$4,007,466.11	\$3,200,000.00	-\$807,466.11
Standardbred/Harness Horse Full Accounting and Reconciliation of 9% GGR												
Column1	Total in collected race horse assessments	MMARS	60% to 40% Allocation of MMARS January 2017	(4%) Harness Horsemen Association of New England	(4%) Harness Horsemen Association	Variance Over/(Under) Payment	Theoretical 60% (16%) Standardbred Owners of Massachusetts	Actual 55% (16%) Standardbred Owners of Massachusetts	Variance Over/(Under) Payment4	Theoretical 60% (80%) PLAINRIDGE REDEVELOPME	Actual 55% (80%) PLAINRIDGE REDEVELOPM	Variance Over/(Under) Payment6
Jan 2017	\$1,093,179.10	\$1,093,867.05	\$656,320.23	\$26,252.81	\$24,049.94	-\$2,202.87	\$105,011.24	\$96,199.76	-\$8,811.48	\$525,056.18	\$480,998.80	-\$44,057.38
Feb 2017	\$1,085,713.13	\$1,087,832.17	\$652,699.30	\$26,107.97	\$23,885.69	-\$2,222.28	\$104,431.89	\$95,542.76	-\$8,889.13	\$522,159.44	\$477,713.78	-\$44,445.66
March 2017	\$1,276,164.02	\$1,277,523.64	\$766,514.18	\$30,660.57	\$28,107.11	-\$2,553.46	\$122,642.27	\$112,428.46	-\$10,213.81	\$613,211.35	\$562,142.29	-\$51,069.06
April 2017	\$1,287,510.46	\$1,287,055.05	\$772,233.03	\$30,889.32	\$28,325.04	-\$2,564.28	\$123,557.28	\$113,300.14	-\$10,257.14	\$617,786.42	\$566,500.70	-\$51,285.72
May 2017	\$1,297,629.12	\$1,297,620.72	\$778,572.43	\$31,142.90	\$28,547.66	-\$2,595.24	\$124,571.59	\$114,190.62	-\$10,380.97	\$622,857.95	\$570,953.12	-\$51,904.83
June 2017	\$1,253,610.52	\$1,253,435.87	\$752,061.52	\$30,082.46	\$27,580.01	-\$2,502.45	\$120,329.84	\$110,320.04	-\$10,009.80	\$601,649.22	\$551,600.22	-\$50,049.00
July 2017	\$1,389,788.65	\$1,381,305.86	\$828,783.52	\$33,151.34	\$30,575.63	-\$2,575.71	\$132,605.36	\$122,302.53	-\$10,302.83	\$663,026.81	\$611,512.65	-\$51,514.16
August 2017	\$1,279,856.47	\$1,284,527.49	\$770,716.49	\$30,828.66	\$28,156.79	-\$2,671.87	\$123,314.64	\$112,627.15	-\$10,687.49	\$616,573.20	\$563,135.77	-\$53,437.43
September 2017	\$1,340,574.74	\$1,342,924.45	\$805,754.67	\$32,230.19	\$29,492.57	-\$2,737.62	\$128,920.75	\$117,970.30	-\$10,950.45	\$644,603.74	\$589,851.50	-\$54,752.24
October 2017	\$1,220,657.82	\$1,217,239.29	\$730,343.57	\$29,213.74	\$26,854.36	-\$2,359.38	\$116,854.97	\$107,417.44	-\$9,437.53	\$584,274.86	\$537,087.22	-\$47,187.64
	\$12,524,684.03	\$12,523,331.59	\$7,513,998.95	\$300,559.96	\$275,574.80	<b>-\$24,985.16</b>	\$1,202,239.83	\$1,102,299.20	<b>-\$99,940.63</b>	\$6,011,199.16	\$5,511,496.05	<b>-\$499,703.11</b>



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December 4, 2017

**BY HAND DELIVERY**

Stephen Crosby, Chairman, and Commissioners  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Re: Massachusetts Thoroughbred Breeders Association

Dear Chairman Crosby and Commissioners:

I write on behalf of the Massachusetts Thoroughbred Breeders Association, Inc. (the "Thoroughbred Breeding Program"). The Thoroughbred Breeding Program respectfully requests that the Massachusetts Gaming Commission (the "Commission") vote against the October 18, 2017, recommendation of the horse racing committee (the "Committee") to retroactively change the percentage of funds allocated between the thoroughbred and standardbred industries from the Race Horse Development Fund (the "Split").

On October 18, 2017, the Committee voted to recommend to the Commission that the Split be changed from 55/45, in favor of the standardbred industry ("Standardbreds") to 60/40, in favor of the Standardbreds. It further voted to make this change retroactive to January 1, 2017. As you know, this is the second time in two years that the Committee has recommended a *retroactive* change in the Split. During the summer of 2016, the Committee voted to recommend changing the Split from 75/25 in favor of the thoroughbred industry ("Thoroughbreds") to 55/45 in favor of the standardbred industry, retroactively effective January 1, 2016. The Commission approved this recommendation despite our strong protest that such action was unlawful. The retroactive application effectively resulted in the Commission taking back approximately \$361,248.17 in funds properly allocated and already distributed to the Thoroughbred Breeding Program.

Our position regarding the authority of the Commission to approve a recommended retroactive change in the Split remains. We believe that such action exceeds the authority granted to the Commission under Massachusetts law because: 1.) the Commission does not have

express statutory authority to engage in retroactive rulemaking; and 2.) the Commission may not apply a new retroactive policy where a prior policy existed. Further, retroactive application of the Split violates constitutional due process rights.

I. The Commission does not have express statutory authority to change the Split retroactively.

A regulatory change affecting substantive rights generally only applies prospectively. *Biogen IDEC MA, Inc. v. Treasurer & Receiver Gen.*, 454 Mass. 174, 190 (2009); *Figueroa v. Director of the Dept. of Labor and Workforce Dev.*, 54 Mass. App. Ct. 64, 70-71 (2002). Retroactive application of rules or policies is disfavored in the absence of an express grant of statutory authority. *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1998). This is especially the case where the change concerns vested individual property rights. *See, e.g., Turner v. Greenaway*, 391 Mass. 1002 (1984) (“reasonable reliance on a rule or a statute in effect at the time of transfer [of a property right] precludes retroactive application of a new rule or statute unless, of course, the Legislature mandates that the statute apply retroactively”).

Here, there is no indication that the Legislature intended to give the Commission the right to engage in retroactive rulemaking. The Commission’s statutory powers regarding distributions from the Race Horse Development Fund (the “Fund”) are found at G.L. c. 23K, § 60. That section states, in relevant part:

The horse racing committee shall make recommendations on how the funds received in subsection (a) shall be distributed between thoroughbred and standardbred racing facilities to support the thoroughbred and standardbred horse racing industries under this section. In making its recommendations, the committee shall consider certain criteria including, but not limited to: (i) the average purses awarded at thoroughbred and standardbred racing facilities; (ii) the total employment numbers, both direct and indirect, attributable to each horse racing industry; (iii) the relative needs of each horse racing industry for increased purses; (iv) the amount of the live racing handle generated by each horse racing industry; and (v) the number of breeding and training farms of each industry that are located in the commonwealth.

The committee shall submit distribution recommendations to the clerks of the senate and house of representatives not later than 30 days before submitting the recommendations to the commission for final approval. The commission shall only change the distribution percentage upon a recommendation by the committee.

The statute is silent as to when or at what intervals the Committee may convene to make a recommendation to change the Split. It follows that the Committee thus may recommend a change in the Split at any time as long as it abides by the procedures and considers the criteria noted above. The express language of the statute does not, however, authorize the Committee or

the Commission to make or adopt a recommendation that would reach back in time to overturn a validly existing Split, nor is such authorization implied from the language of the statute. Rather, the wide latitude granted to the Committee in evaluating and recommending a change to the Split at any time before, after or during the racing season allows it to accomplish the goals of G.L. c. 23K without resort to retroactive rulemaking. See *Comm'r of Revenue v. BayBank Middlesex*, 421 Mass. 736, 743 (1996) (“[t]he commissioner has ample tools with which to exercise his quasi legislative powers without resort to a [retroactive change in policy] without warning.”) Such retroactive powers are outside the express authority granted to the Committee or the Commission especially where, as in this case, the retroactive application would impact vest property rights.

If the Massachusetts Legislature had intended to give the Commission the power to engage in retroactive rulemaking, it could have and would have done so by statute, as it has with other executive agencies and bodies. See, e.g. G.L. c. 151A, § 14A(a)(5) (allowing commissioner to “permit an election to be retroactive but not earlier than January first of the calendar year immediately preceding the date said notice was filed”); G.L. c. 44, § 68 (allowing municipality to grant a retroactive salary increase to municipal employees). In the absence of such express grant, retroactive application is prohibited.

II. The Commission may not retroactively apply a new policy where a prior policy existed.

Generally, rulemaking bodies are precluded from applying a new policy retroactively where they already have a validly established former policy in place. As noted in *Biogen*, “a new policy may not be retroactively applied where a prior agency policy existed, unless the existing policy was plainly contrary to the enabling statute.” 454 Mass at 190 (holding that there was no basis for applying amended regulations retroactively where new regulations would require company to pay back funds already received). See also *Comm'r of Revenue v. BayBank Middlesex*, 421 Mass. 736, 741-42 (1996) (precluding DOR Commissioner from applying retroactive change in policy); *NSTAR Elec. Co. v. Dept. of Public Utilities*, 462 Mass. 381, 393 (2012).

Here, the original 75/25 Split and amended 55/45 Splits were validly set by the Commission and publicly announced in 2015 and 2016, respectively, in accordance with G.L. c. 23K. (While we dispute the authority of the Commission to apply the 2016 amendment retroactively, we do not dispute that they were authorized to apply such change prospectively.) Thus, during the period of time between January 1, 2017, and the current date, there was a valid agency policy in place, setting the Split at 55/45 in favor of the standardbreds. Under the new policy, the thoroughbred industry, like the plaintiff in *Biogen*, would be required to surrender substantial sums of money that it would not be required to surrender under the prior policy. Pursuant to the rule cited by the court in *Biogen*, retroactive application of a new Split, differing significantly from the prior one, to this time period is unwarranted and unlawful.

### III. Retroactive application of the amended Split violates Due Process

Even if the Commission did have the power to engage in retroactive rulemaking, “retroactive laws must meet the test of ‘reasonableness’ to comport with State [and federal] constitutional due process requirements.” *Doe, Sex Offender Registry Bd. No. 8725 v. Sex Offender Registry Bd.*, 450 Mass. 780 (2008). “Ultimately, the principal inquiry – as to reasonableness – is essentially a review of whether it is equitable to apply the retroactive [law] against the plaintiffs.” *Id.* The court considers three factors in determining reasonableness: 1.) the nature of the public interest motivating the amendment, 2.) the nature of the rights affected retroactively, and 3.) the extent of the amendment's impact on those rights. *Bird Anderson v. BNY Mellon, N.A.*, 463 Mass. 299, 308–09 (2012). Examining each of these factors in turn, it is clear that adoption of the retroactive Split amendment violates due process under the Massachusetts and federal constitutions.

#### i. Public interest

In assessing the public interest factor, “the inquiry is not only whether the...public interest is important, but also whether that interest is reasonably served by the statute.” *Bird Anderson*, 463 Mass. at 308, citing *Doe*, 450 Mass. at 790 n. 16. The purpose of the Race Horse Development Fund allocation is to provide each industry with adequate support, based on: purses awarded and need for increased purses, direct and indirect employment numbers, percentage of the live racing handle and the number of breeding and training farms of each industry. G.L. c. 23K, § 60. The Committee’s October 18, 2017, recommendation to change the Split was in response to a request by the standardbred industry to increase the purses at Plainridge Park. Such recommendation appears to serve primarily the private interests of the Standardbreds and not the public interest in general.

Conceivably, the public interest is best served by an allocation from the Fund which allows each industry to thrive and which provides the most employment opportunities and economic stimulation to the Commonwealth. In support of their request to change the Split in their favor, the Standardbreds cited a perceived decreased need for thoroughbred funding due to a decrease in race days. This position fails to take into account other aspects of the funding need of the thoroughbred industry. Thoroughbreds cost significantly more to breed and train than standardbreds, compete in fewer races and have shorter careers. In return, the total economic impact realized by the thoroughbred industry, which breeds horses within Massachusetts and conducts races and simulcasting both within and outside Massachusetts, is far greater than that of its Standardbred counterpart.

An economic analysis provided to the Commission by Professor of Economics, Dr. Margaret A. Ray showed that “because of the way thoroughbred operations are organized, they are more likely to experience economies of scale.” Dr. Ray states further that there is far greater betting on thoroughbreds, and thoroughbreds account for a much larger handle and have a much larger impact on the Massachusetts economy. In fact, in 2016, standardbred racing accounted for only 56 % of the combined live racing handle and a very small percentage of the simulcast handle. The live handle for the six thoroughbred race days at Suffolk Downs in 2016 was

\$1,175,183, compared to a live handle of \$1,500,125 for 115 standardbred race days. These numbers demonstrate that the public simply prefers thoroughbred racing.

Having much of its funding reallocated to the Standardbreds for the 2017 season, the Massachusetts thoroughbred industry was unable to maintain the same level of racing. Another retroactive reduction in the funds allocated to the thoroughbred industry will have a severe negative impact and could lead to a situation where thoroughbred racing is simply not possible in the Commonwealth. Reduced funding discourages thoroughbred breeding and investment by racing groups who are in the process of locating and constructing a new thoroughbred race track in the Commonwealth.

If the public interest is best served by allocating the Fund in a way that produces maximum benefits to the Massachusetts economy, the best course of action would be to maintain sufficient funding levels for the thoroughbred industry which has a substantially greater positive impact on the economy. Retroactive application of the new Split serves only to further diminish funds to the racing sector most able to provide economic stimulation and does not reasonably serve the public interest.

ii. Nature of rights affected

The rights affected by retroactive application of the recommended 2017 Split of 60/40 are vested individual property rights. Like the retroactive 2016 change, adoption of the recommended Split would allow the Commission to recoup funds already distributed to individual breeders and others in the thoroughbred industry. "In the area of property law, the retroactive invalidation of an established principle is to be undertaken with great caution." *Bird Anderson*, 463 Mass. at 308–09, quoting *Sullivan v. Burkin*, 390 Mass. 864, 871 (1984) (refusing to apply rule affecting property rights retroactively where individuals have relied on the existing state of the law in making decisions). *See also Cheshire Hosp. v. New Hampshire-Vermont Hosp. Serv.*, 689 F.2d 1112, 1121 n. 10 (1<sup>st</sup> Cir. 1982) (considering the "extent to which a retroactive rule or interpretation adversely affects the reasonable expectations of concerned parties"). "Familiar considerations of fair notice, reasonable reliance and settled expectations offer sound guidance" when determining retroactive application. *Landgraf v. U.S.I. Film Products*, 511 U.S. 244 (1995).

The Breeders individual rights here are significant. They have relied on the funds distributed since January 1, 2017, to support the Thoroughbred Breeding Program, which desperately needs the funds. To take back those funds now upsets this reasonable reliance in an industry which must consider long term costs and objectives. There is no evidence of emergency need backing the retroactive application, nor any evidence that the status of the state racing industry changed such during the retroactive period that a retroactive applicant is warranted.



iii. Impact on rights

Where a retroactive amendment impacts individual rights, the burden imposed must be reasonable in scope and extent. *Doe, Sex Offender Registry Bd. No. 8725 v. Sex Offender Registry Bd.*, 450 Mass. 780 (2008). The two factors the court examines are: 1.) the duration of the imposition and 2.) whether the scope of the rule is narrowly drawn to address the concerns of the regulating body. *Id.*, citing *American Mfrs. Mut. Ins. Co. v. Commissioner of Ins.*, 374 Mass. 181, 196 (1978). *Leibovich v. Antonellis*, 410 Mass. 568, 579–580 (1991).

If adopted, the new Split recommended by the Committee will apply until it is amended by adoption of a new recommendation. Neither G.L. 23K nor 205 C.M.R. § 149.04 require the Commission to consider or adopt an amendment to the fund allocations at any regular interval or at all. Therefore, the proposed retroactive Split could operate indefinitely. *See, e.g., Bird Anderson*, 463 Mass at 313 (finding a violation of due process where, inter alia, the retroactive legislation was “infinite in duration”).

Moreover, the recommended retroactive Split is not narrowly tailored to meet the goal of adequately funding each sector to maximize the economic benefit to the Commonwealth. As noted above, the recommendation is based on an incomplete view of the needs of the thoroughbred section, focusing only on the number of racing days and ignoring such other factors as the live handle percentage, the relative costs of breeding and training thoroughbred horses, and the potential of increased racing days in the near future.

iv. Balancing of Factors


In balancing the opposing considerations here, the factors clearly show that retroactive application of the Split is not reasonable under due process standards. The amended Split would negatively affect vested individual property rights, does not serve the public interest and is not narrowly drawn to meet the implied goal of the establishment of the Race Horse Development Fund and distributions therefrom; namely, to provide both the thoroughbred and standardbred industries with adequate funding in a manner which best advances the economy of the Commonwealth.

Conclusion

Pursuant to the laws cited above, the Commission does not have the power to adopt the 60/40 Split recommended by the Committee on October 18, 2017, retroactively to January 1, 2017. It has not been given express statutory authority to engage in retroactive rulemaking, it cannot apply a different policy retroactively where a prior valid policy existed, and retroactive application would violate constitutional due process. Accordingly, we respectfully request that the Commission vote not to adopt the Committee’s recommendation to apply the amendment retroactively to January 1, 2017.

Should the Commission vote to adopt the Committee's recommendation to apply the Split change retroactively, the Thoroughbred Breeding Program will have no choice but to file an action in Superior Court. In this event, the Thoroughbred Breeding Program will seek to have both the 2016 and 2017 retroactive adoptions held unconstitutional as violative of due process, and invalidated as ultra vires acts by the Commission. We sincerely hope that the Commission will carefully consider our legal arguments and that such action will not be necessary. We are happy to discuss these issues further with the Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kevin M. Considine', written in a cursive style.

Kevin M. Considine

KMC:ebs

cc: Lloyd MacDonald (*By Hand Delivery*)  
James F. McHugh (*By Hand Delivery*)  
Enrique Zuniga (*By Hand Delivery*)  
Bruce Stebbins (*By Hand Delivery*)  
Alex Lightbown (*Via email*)  
George F. Brown (*Via email*)  
Andrew S. Hunt (*Via email*)

Affidavit of George F. Brown

1. I, George F. Brown, and the <sup>Chairman</sup> ~~President~~ of the Board of the Massachusetts Thoroughbred Breeders Association.
2. I have been involved in the breeding of Thoroughbred race horses in Massachusetts for my whole life.
3. I own Briar Hill Farm in Rehobeth, MA. This is a Thoroughbred breeding farm which has a quarter mile track on it and several stallions standing at stud.
4. This farm has been in my family since 1850.
5. I am very familiar with the practices of the Thoroughbred racing industry.
6. I can attest first hand to the devastating impact the 2016 retroactive taking had upon breeding operations.
7. In 2016, 9 mares were bred, and of these, 6 had foals.
8. In 2017, 16 mares were bred and only six foals were born.
9. You can compare this with 2012, where 32 mares were bred and 28 foals were born.
10. This rate of damage cannot continue. The worst aspect of the retroactive application of purses is that I like all breeders depend upon breeders awards to fund ongoing operations. The damage done now will be felt for many years to come.

Signed this 16th day of November, 2017 under pains and penalties of perjury

George F. Brown

~~Chairman~~  
President, Massachusetts Thoroughbred Breeders Association

George F. Brown

KATHLEEN A. REAGAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires March 25, 2022

Norfolk County, MA.

Notarized: \_\_\_\_\_

Affiant, known to me,  
swears and affirms this signature  
is his free act and deed.

Affidavit of Gregg Rose

1. I, Gregg Rose, am a Director elected to serve on the Board of the Massachusetts Thoroughbred Breeders Association.
2. I have been involved in the breeding of Thoroughbred race horses in Massachusetts for over ten years and am very familiar with the practices of this industry. I am currently involved in the racing industry in Massachusetts. I have managed to put eight horses in training over that time.
3. None of these horses were big winners but were instead "lesser lights" who depended upon enough purse money allocated overall so as to get the second, third, and fourth place finish awards. This is the nature of the business.
4. I have a number of horses bred in Massachusetts who will be ready to race in 2019.
5. This kind of experience is typical for the Thoroughbred race horse industry which does require long range planning, several years out in fact, and the tax treatment of assets and their deductibility reflect this aspect of the business.
6. As a result of my familiarity gained through personal experience, I can attest to the devastating effect upon the Massachusetts thoroughbred breeding community of the retroactive taking back of purse money allocation from the state commission as happened in the 2016 racing year. I experienced this effect first hand.
7. Since we had no notice that the purse money would be taken away at the beginning of the year, the MTBA made plans for the season believing that, based on a historical rate of return, that a certain percentage of purse money for breeders awards would be distributed and that in addition, the runners racing in 2016 would recoup also a certain percentage.
8. Horse breeding for Thoroughbreds must be accomplished through live cover by the stallion in the early spring, and in order to accomplish this breeding, the mares travel to the stallion's farm and stay there during the breeding season. Typically the stud fee is not due until a year later, when the mare has a live foal. Therefore, the breeding farm depends for ongoing operations upon breeders awards for existing runners in order to help pay for ongoing operations. Also the numbers of mares bred each year are dependent upon the purse money awards available to the breeders that year.
9. In 2017, plans were made based upon the 60/40 percentage announced at the beginning of the year. The retroactive application of a different split, say for example, 5% less, would result in \$90,000 less money for those involved in the industry.

10. This money has already been relied on in allocating the distribution of planned meets and breeders awards for the year.
11. If it is not available and if it is "taken " back retroactively or through a process where less money is given then some of the races already booked will have to move from "stakes" races to "allowance" races. This will have a devastating overall effect on the breeding industry since horse value and future breeding prospects depend upon winning stakes races. Also, the "lesser light" runners will not recoup purse money, and breeders awards will be affected.
12. This result is a direct taking of money already allocated, and relied on, by the participants in this important Massachusetts industry.
13. I beg those involved to consider the above in making decisions that affect the Massachusetts Thoroughbred Breeders.

Signed this 16 day of November, 2017 under pains and penalties of perjury

Gregg Rose

Director, Massachusetts Thoroughbred Breeders Association

Gregg Rose

KATHLEEN A. REAGAN  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires March 25, 2022

Norfolk County, MA

Notarized: \_\_\_\_\_

Affiant, known to me,  
swears and affirms this signature  
is his free act and deed.







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December 4, 2017

**VIA HAND DELIVERY**

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

Re: **Retroactive Application of Change in Ratio of Distribution from Race Horse Development Fund**

Dear Chairman Crosby:

This firm represents the New England Horsemen's Benevolent and Protective Association, Inc. ("NEHBPA"). I am writing this letter to communicate the position of the NEHBPA with respect to the Massachusetts Gaming Commission's (the "Commission") vote as to the horse racing committee's (the "Committee") October 18, 2017 recommendation to retroactively change the percentage of funds allocated between the thoroughbred and standardbred industries from the Race Horse Development Fund (the "RHDF") as of January 1, 2017. For the reasons stated herein, the NEHBPA respectfully requests that the Commission vote against the Committee's recommendation.

In 2014, the Committee commissioned a report from Dr. Margaret Ray regarding the allocation of the RHDF. That report recommended a split of 85%-90% to the thoroughbred industry and 10%-15% to the standardbred industry. A copy of that report is attached hereto as Exhibit A. Despite that expert recommendation, at the outset of the RHDF, the Committee directed 75% of the RHDF's revenue to the thoroughbred industry and 25% to the standardbred industry. In 2016, the Committee recommended that the ratio change to its current 55%-45% split, with the action retroactive to January 1, 2016. The Commission approved that recommendation. Now, the Commission is considering whether to approve of the Committee's recommendation to retroactively adjust the split once again to the thoroughbred industry's detriment with a 60%-40% split in favor of the standardbred industry retroactive to January 1, 2017. The basis for the Committee's 2016 and 2017 recommendations to adjust the split and make the adjustments retroactive is unclear from the public record. There was no expert report or expert testimony (similar to the report prepared by Dr. Ray) solicited by the Committee that recommended an adjustment of the split. It is clear, however, that the Committee's recommendation to the Commission to make that adjustment retroactive is illegal, unconstitutional, and constitutes bad public policy.

First, the Commission lacks legal authority to apply the ratio changes retroactively. Second, the Commission may not apply a new retroactive policy where a prior policy existed.



Third, even if the Commission had legal authority, such retroactive application is unconstitutional under applicable Massachusetts law. Finally, even if the retroactive application is legal and constitutional, it constitutes bad public policy and should be rejected by the Commission.

**I. The Commission Lacks Legal Authority to Apply the Ratio Change Retroactively.**

Massachusetts law requires several steps when determining whether a statute or regulation may be applied retroactively. First, a statute or regulation operates retroactively if it attaches new legal consequences to events that occurred before its enactment. *Moe v. Sex Offender Registry Bd.*, 467 Mass. 598, 607 (2014).<sup>1</sup> Here, it is plain that the change in ratio of distribution of the RHDF fund attaches new legal consequences as it results in the reduction of monies distributed from the RHDF to the detriment of the thoroughbred industry. The new rule also would require the Commission to recoup funds already distributed to the thoroughbred industry.

Second, in order for a new policy to be applied retroactively, the Legislature must have intended policy at issue to be retroactive. In general, “[r]etroactive legislation has always been looked upon with disfavor . . . and even its constitutionality has been conditioned upon a rationality requirement beyond that applied to other legislation.” *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 223 (1988); see also *Landgraf v. USI Film Prod.*, 511 U.S. 244, 264 (1994) (“[R]etroactivity is not favored in the law . . . congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.”) (internal quotations omitted) (quoting *Bowen*, 488 U.S. at 208). As such, under Massachusetts law, “[a]s a general matter, all statutes are prospective in their operation, unless an intention that they shall be retrospective appears by necessary implication from their words, context or objects when considered in light of the subject matter, the pre-existing state of the law and the effect upon existent rights, remedies and obligations.” *Moe*, 467 Mass. at 609 (internal quotations and citations omitted). “Such implication must be unequivocally clear.” *Id.* (internal quotations and citations omitted).

The applicable statutory authority here is M.G.L. c. 23K, § 60. Under that statute, the Committee is authorized to recommend how the RHDF is to be allocated between the thoroughbred and standardbred industries. The Commission is only permitted to change the distribution percentage upon the Committee’s recommendation. M.G.L. c. 23K, § 60.

There is no authority in M.G.L. c. 23K, § 60 that authorizes the Commission to amend its rules retroactively. See M.G.L. c. 23K, § 60. Under Massachusetts law, the Legislature must have been “unequivocally clear” in its intent to allow retroactive application of an amendment to the Commission’s rules. See *Moe*, 467 Mass. at 609. If the Legislature had such intent, it would have stated so in the statute itself and made that intent part of the law. It did not, and so the Commission is not permitted to apply changes to its rules retroactively to the detriment of the thoroughbred industry. See *id.*

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<sup>1</sup> Principles governing statutory construction and application also apply to regulatory and policy changes. See *Biogen IDEC MA, Inc.*, 454 Mass. at 190.



## II. The Commission May Not Apply a New Policy Retroactively Where a Prior Policy Existed.

Further, in general, “[a] new policy may not be retroactively applied where a prior agency policy existed, unless the existing policy was plainly contrary to the enabling statute.” *Biogen IDEC MA, Inc. v. Treasurer & Receiver Gen.*, 454 Mass. 174, 190 (2009). Rather, “regulatory changes may operate retroactively (1) where legislative intent expressly or impliedly indicates retroactive application is desirable; (2) where the statute is ameliorative or curative in nature; or (3) where fulfillment of the parties’ reasonable expectations may require the statute’s retroactive application.” *Id.* (internal quotation and citations omitted). None of these limited circumstances exists here. As discussed above, there is no evidence of legislative intent for the Commission’s rules to apply retroactively. Further, the new policy is not ameliorative or curative in nature – it is not being enacted to correct errors, omissions, and/or neglects. *See id.* Finally, the parties detrimentally affected by the change—those in the thoroughbred industry—most assuredly did not have an expectation that the change would be applied retroactively. *See id.*

## III. Retroactive Application of the Ratio Changes is Unconstitutional under Massachusetts Law.

Even if the Legislature had intended that the Commission have authority to apply its new rules retroactively, the retroactive application must be constitutional. *Moe*, 467 Mass. at 610. “[R]etroactive laws must meet the test of reasonableness to comport with State constitutional due process requirements.” *Id.* at 611 (internal quotations and citations omitted). Ultimately, the reasonableness inquiry asks whether it is fair and equitable to apply the law retroactively. *Id.* “In determining whether the application is equitable—and thus whether the regulation is reasonable—we examine the statute from three perspectives: the nature of the public interest which motivated the Legislature to enact the retroactive statute; the nature of the rights affected retroactively; and the extent and scope of the statutory effect or impact, and then we balance these various perspectives.” *Id.* at 611-12 (internal quotations and citations omitted).

### A. Public Interest

As to the first factor, “the inquiry is not only whether the . . . public interest is important, but also whether that interest is reasonably served by the statute.” *Bird Anderson v. BNY Mellon, N.A.*, 463 Mass. 299, 308 (2012). The purpose of the allocation of funds in the RHDF is shown in the plain text of the statute: the funds shall be distributed between the industries “**to support the thoroughbred and standardbred horse racing industries** under this section. In making its recommendations, the committee shall consider certain criteria including, but not limited to: (i) the average purses awarded at thoroughbred and standardbred racing facilities; (ii) the total employment numbers, both direct and indirect, attributable to each horse racing industry; (iii) the relative needs of each horse racing industry for increased purses; (iv) the amount of the live racing handle generated by each horse racing industry; and (v) the number of breeding and training farms of each industry that are located in the commonwealth.” M.G.L. c. 23K, § 60 (emphasis added).

The Committee's October 18, 2017 recommendation presents no findings regarding these five factors to the Commission. Rather, based on public reporting of the Committee's meeting, the Committee's recommendation resulted from a request by the standardbred industry to increase the purses at Plainridge Park. The standardbred horsemen believe that they are entitled to a larger share of the funds distributed from the RHDF because they had 115 days on the 2016 live racing calendar whereas Suffolk Downs, the thoroughbred track, raced only six days. The Committee's recommendation appeared to base its decision simply based on this factor alone. Days of racing is not an enumerated factor in M.G.L. c. 23K, § 60. Rendering a decision based on this factor only favors the standardbred industry and ignores key aspects and needs unique to the thoroughbred industry and thus does not serve the public interest expressed in the statute – the support of both industries.

Simply looking at the number of live racing days between the industries ignores the revenue generated from these racing days. The handle for the six thoroughbred racing days at Suffolk Downs was \$1,175,183, compared to the handle for 115 standardbred racing days, which was \$1,500,125. There is clearly a public interest in supporting thoroughbred racing as shown by the public's preference for it, demonstrated by these numbers – thoroughbred racing generated nearly as much revenue in six days as standardbred racing generated in 115 days.

**B. Nature of Rights Affected Retroactively**

The nature of the rights affected in this case is monies that have already been distributed to those in the thoroughbred industry. As stated above, the Commission would be required to recoup funds already distributed to and used by the thoroughbred industry. Because the retroactive application of the new policy would adversely affect the established property rights of the thoroughbred industry, it would be unfair to the thoroughbred industry to disrupt its expectation of distribution from the RHDF. *See Bird Anderson*, 463 Mass. at 312 (“In the area of property law, the retroactive invalidation of an established principle is to be undertaken with great caution.”) (internal quotation and citation omitted); *Hawley v. Northampton*, 8 Mass. 3, 39 (1811).

**C. Extent and Scope of the Policy Effect or Impact**

In considering the third factor, “[t]he burden imposed by the retroactive statute must be reasonable in scope and extent. In making that determination, we have asked whether the imposition is short-term, or of infinite duration . . . We have also considered whether the scope of the statute is narrowly drawn to treat the problem perceived by the legislature.” *Doe v. Sex Offender Registry Bd.*, 450 Mass. 780, 792 (2008). In this case, the retroactive new percentages could be indefinite in duration. M.G.L. c. 23K, § 60 states that the Committee “shall” make recommendations as to the percentages of distribution from the RHDF, but the statute does not require the Committee to do so at any particular time. Further, the stated purpose of the Legislature in M.G.L. c. 23K, § 60 is to support both industries.

**D. Balancing the Factors**

On balance, the three factors show that the retroactive application of the new policy is likely unconstitutional under Massachusetts law. The new policy does not serve the stated nature





of the public interest expressed in M.G.L. c. c. 23K, § 60—the support of both the thoroughbred and standardbred industries—and is not narrowly drawn to serve that interest. Further, the retroactive application of the new policy would adversely affect the thoroughbred industry's property rights.

**IV. Retroactive Adjustment of the Split is Bad Public Policy.**

The Commission and the Committee are the stewards of the thoroughbred racing industry in Massachusetts. In creating the RHDF, the Legislature has entrusted the Committee and this Commission with a great responsibility to ensure that the thoroughbred industry thrives in the Commonwealth. They are fiduciaries. To make the split adjustment retroactively is a breach of that responsibility and only fosters distrust between the Commission and the thoroughbred horsemen/breeders. Retroactive laws are grossly unfair and violate the basic sense of fairness that the rules should not change after the game has been played.

This retroactive adjustment impacts much more than purses. This proposal guts the thoroughbred breeding program for 2018 and slashes health and welfare benefits for the thoroughbred horsemen in 2018 as any retroactive cuts for 2017 will reduce 2018 payments. Retroactivity creates great uncertainty. The horsemen cannot properly plan and/or budget because the horsemen have no idea when the Commission will adjust the 2018 split, what the split will be, whether the split will be retroactive and when those payments will reduce 2018 monthly outlays from the RHDF to the horsemen.

Finally, it sets a troubling precedent. Currently, the Commission has proposed legislation, that if enacted, would provide tremendous control to the Commission over the future of thoroughbred racing in Massachusetts. The NEHBPA has testified that M.G.L. c. 128A and 128C need to be updated and the Commission should be given greater control over the future of thoroughbred racing in Massachusetts. There needs to be clear legislation and a clear leader in the Commonwealth to encourage outside investment in thoroughbred racing in Massachusetts. Annual retroactive redistribution of the RHDF is not good leadership and creates uncertainty that will dissuade investment, not encourage it.



RAPHAEL<sub>LLC</sub>

**IV. Conclusion.**

For the reasons stated herein, the NEHBPA respectfully requests that the Commission vote against the Committee's recommendation.

Thank you for your time and attention.

Very Truly Yours,

Neil D. Raphael

Cc: Catherine Blue, Esq.  
Commissioner Gayle Cameron  
Commissioner Lloyd MacDonald  
Commissioner Enrique Zuniga  
Commissioner Bruce Stebbins  
Joseph F. Savage, Jr., Esq. (NEHBPA HRC Delegate)

# Exhibit A

# Commonwealth of Massachusetts Race Horse Development Fund

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Report to the Massachusetts Gaming Commission  
Horse Racing Committee

Prepared by

**Dr. Margaret A. Ray**  
**Professor of Economics**  
**University of Mary Washington**

**May 8, 2014**

This report presents an economic analysis performed to aid the Horse Racing Committee in determining an appropriate distribution of the Race Horse Development Fund based on the criteria provided in M.G.L. c.23K, Section 60(b).

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## Executive Summary

- The racing industry in Massachusetts consists of two segments; thoroughbred and standardbred. While breeding, racing, and training horses for these two segments have much in common, there are also important differences. In particular, thoroughbred horses participate in flat races and standardbred horses participate in harness races, which leads to differences in racehorse characteristics and training, farm size and location, and labor intensiveness and managerial structure of breeding and training businesses.
- Allocation of purse supplements typically consider 3 general goals; economic impact, sustainability of the industry, and quality of life in the community. The 5 criteria identified by M.G.L. c.194 of the Acts of 2011, section 60 relate to these 3 general goals.
- This study analyzes the criteria outlined in the legislation creating the Race Horse Development Fund using the following data; **purses** (total annual purses, average daily purses, and average purse per race), **employment** (W2's and 1099's, occupational licenses, direct employment), **relative need** (regional and national purses, purse money added, field size), **handle** (live racing handle), **number of breeding and training farms** (number of farms, breeding stock, size of farms).
- The thoroughbred segment of the industry generates a significantly higher economic impact, is considerably more likely to become sustainable, and provides a much more highly valued entertainment product.
- The standardbred segment of the racing industry provides a benefit with respect to differentiating the racing industry's entertainment product. The regional popularity of harness racing provides the potential for successful marketing of small, high quality race meets. In addition, standardbred farms expand the distribution of greenspace across the commonwealth.
- Using the current distribution of purses as a baseline, employment, sustainability, handle, and farm data are used to determine the recommended distribution of the Race Horse Development Fund. The analysis indicates allocating a disproportionate share of the funds to the thoroughbred segment of the industry best meets the desired goals represented in the criteria outlined in the legislation.
- In addition to the distribution of the fund, this report includes recommendations related to determining optimal the number of race days, allocating purse supplements among race types, and using evaluation metrics to evaluate the long-term success of the fund.

## II. Overview

This report presents an analysis of the Massachusetts horse racing industry and recommendations regarding the allocation of the Commonwealth of Massachusetts Race Horse Development Fund as requested in the consulting agreement between the Massachusetts Gaming Commission and Dr. Margaret A. Ray. Section III of this report outlines the evaluation criteria and data used as the basis for this report. Section IV presents an analysis of the relevant data and information and Section V summarizes the conclusions of the analysis. Finally, recommendations to the Horse Racing Committee based on the analysis provided are included in Section VI.

The horse racing industry in the commonwealth of Massachusetts consists of two different types of racing; thoroughbred and standardbred. While the breeding, training, and racing of thoroughbred horses and standardbred horses have much in common, there are distinct and important differences between the two segments of the industry. Much of the capital required to breed, raise, and train race horses is the same for both breeds. For example, stallion services, brood mares, veterinary and farrier services, horse feed and hay, pasture, and equipment (barns, trucks, horse trailers, etc.) needs are the same in both segments of the industry. However, an obvious difference between the two breeds is that thoroughbred horses participate in flat races and standardbred horses participate in harness races. This leads to differences in the breeding and characteristics of the horses and the specific race training the horses receive. Perhaps more importantly from an economic perspective, the two breeds differ with respect to the demand for their product and the location, labor intensiveness and managerial structure of their breeding and training businesses. These differences are relevant for predicting the expected impact of the distribution of the Race Horse Development Fund.

Because thoroughbred and standardbred racing and racehorses are different, and also because of the way that the two racing disciplines developed historically, breeding and training operations are organized and managed differently. The standardbred segment of the industry is made up of smaller operations that are more widely dispersed around tracks with more direct racehorse owner involvement. Part-time employment in the industry tends to be more common in standardbred racing. The thoroughbred segment of the industry has larger scale operations with more division of labor and less direct racehorse owner involvement. Because of the way thoroughbred operations are organized, they are more likely to experience economies of scale.

There is also a significant difference in the demand for each breed's racing product. There is more betting on thoroughbred races, both nationally and in Massachusetts, as evidenced by a variety of handle data. Thoroughbred handle in the United States was roughly 6 ½ times larger than standardbred handle in 2013. Both segments of the national racing industry experienced an

increase in both handle (thoroughbred 1%, standardbred 6%) and purses (thoroughbred 6%, standardbred 4%) in 2013<sup>1</sup>. The market for thoroughbred racing (both live and simulcast) is much larger and more national in scope, with 29 major thoroughbred tracks spread across the country. The market for standardbred racing is smaller and more concentrated, with 16 major tracks located in the eastern half of the United States. Thus, the thoroughbred segment of the Massachusetts racing industry is part of a larger national industry while the standardbred segment is located in the historical and regional center of its national industry.

The Massachusetts Gaming Commission has been charged with dividing the Race Horse Development Fund between these similar yet different segments of the Massachusetts racing industry based on criteria provided by the legislation that created the fund and any other criteria identified by its Race Horse Committee.

### III. Evaluation Criteria and Data

In recent years, many jurisdictions across the United States have been faced with decisions regarding the support of their racing industry. The expansion of the gaming industry in the United States has generated increased revenue for purse supplements, and created the need to allocate those supplements. While each jurisdiction's situation is somewhat different and each has slightly different goals for the allocation of its purse supplements, these allocation decisions have generally considered three important criteria; generating the largest economic impact (e.g. creating employment and tourism), developing a sustainable racing industry, and enhancing quality of life (e.g. creating entertainment value and greenspace for citizens). It is clear that these three criteria are interrelated. For example, a strong racing industry increases entertainment value and tourism which increases employment. The criteria outlined in the legislation that created the Race Horse Development Fund relate directly to these three interrelated criteria.

The evaluation criteria for this analysis come from M.G. L. c.194 of the Acts of 2011, section 60 which provides for the distribution of the Race Horse Development Fund between thoroughbred and standardbred racing facilities based on 5 criteria. The legislation does not limit the committee to the five stipulated criteria, however the Horse Racing Committee has provided no additional criteria for determining the distribution for this report. Therefore, this analysis relies primarily on the 5 criteria from section 60;

- (i) The average purses awarded at thoroughbred and standardbred racing facilities
- (ii) The total employment numbers, both direct and indirect, attributable to each horse racing industry

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<sup>1</sup> Bloodhorse.com

- (iii) The relative needs of each horse racing industry for increased purses
- (iv) The amount of live racing handle generated by each horse racing industry
- (v) The number of breeding and training farms of each industry that are located in the commonwealth

Each criterion is discussed separately below. In order to implement an analysis based on these criteria, it is first necessary to determine the specific meaning of each based on the intent of the legislation. These criteria differ greatly with respect to the difficulty of determining their meaning and intent. This analysis relies on the information provided by the Horse Racing Committee and prior experience with industry analysis to define the meaning of each criterion and identify the appropriate data to measure it. It seems clear that criteria (ii) and (v) relate to maximizing the economic impact of the Race Horse Development Fund on the Massachusetts economy while criteria (i) and (iv) relate to supply and demand in the market for live horse racing. Criterion (iii) is perhaps the most difficult to define and quantify as it relates to a standard of equity that is not clearly defined. In addition, it is clear from the outset that these criteria are often directly related and sometimes in direct opposition. As will become clear in the discussion below, the five criteria are closely interrelated.

The Horse Racing Committee did not indicate any difference in the importance assigned to each of the five criteria. Therefore, each criterion is assumed to have an equal weight in the determination of the distribution of the Race Horse Development Fund. The Horse Racing Committee may also want to consider additional relevant information and data referenced in this report. These are included under part (vi), "Additional information and data."

**(i) The average purses awarded at thoroughbred and standardbred racing facilities**

The average purse criterion considers the existing purses awarded. Both the current average purse sizes and their comparison to regional and national averages are relevant to this criterion. However, the comparison to other jurisdictions is considered under criterion (iii), below.

Average purses help to determine the quality of racing and are therefore closely related to the entertainment value and handle generated by a racetrack. They are also a major determinant of the revenue generated by racehorse breeding and training and are therefore related to the economic impact created by the racing industry. It is clear that the size of the crop of racehorse foals is directly related to the size of the purses in a region.

The data used to evaluate the average purses generated at thoroughbred and standardbred racing facilities are;

- Total annual purses
- Average daily Purse
- Average purse per race

**(ii) The total employment numbers, both direct and indirect, attributable to each horse racing industry**

The economic impact of the racing industry is felt most directly through its effect on local employment. Racetracks and horseracing-related activities provide jobs in local communities. The indirect employment attributable to the industry refers to the multiplier effect of direct employment in the economy. For example, if a racetrack hires an employee, that employee spends his or her income in the region for rent, groceries, etc. The economic activity created by the racetrack employee results in additional hiring in other industries, e.g. apartment managers and grocery clerks. While the indirect and induced employment effects are an important part of the regional economic development associated with horse racing, for this criterion the multiplier effect of employment associated with thoroughbred racing is assumed to be the same as that of standardbred racing. That is, thoroughbred and standardbred racing activities are assumed to have the same regional employment multiplier. Direct employment related to racing at a standardbred track will have the same indirect and induced effect on employment in the regional economy as employment related to racing at a thoroughbred track. Therefore, under this criterion the analysis will focus on the direct employment created by racetracks and horseracing-related activities with the understanding that any difference in indirect or induced employment is due to the differences in direct employment captured in the analysis.

Differences in the number of breeding and training farms located in the commonwealth and the potential for racetracks to generate employment by drawing visitors from outside the region may affect the indirect effects of future increases in industry employment created by the Race Horse Development Fund (i.e. the size of the employment multiplier for thoroughbred versus standardbred). These potential differences are considered below under criteria (iv) and (v).

The data used to evaluate the total employment attributable to each segment of the horse racing industry are;

- W-2's and 1099's to Massachusetts residents
- Occupational licenses
- Direct employment estimates

**(iii) The relative needs of each horse racing industry for increased purses**

The Horse Racing Committee provided information related to determining the meaning of the "relative needs" criterion that cited comparison of purses to neighboring jurisdictions, differences in thoroughbred and standardbred racing nationally, and the ability to generate taxable economic activity. Based on the information provided, relative need is interpreted as the need for purse



supplements in order to maximize the probability that the purse structure is sustainable. The distribution of the funds, therefore, should consider any difference between the current purse structure and the estimated minimum sustainable purse structure, as determined by comparisons with other jurisdictions. Sustainability requires a purse structure that assures an average field size large enough to generate acceptable live racing handle and develop and maintain associated breeding and training facilities within the commonwealth.

The data used to evaluate the relative needs of each segment of the horse racing industry are;

- Regional purses
- National purses
- Purse money added by operators
- Field size

**(iv) The amount of live racing handle generated by each horse racing industry**

The amount of live racing handle generated is a clear and objective criterion easily measured using available data collected and provided by the Massachusetts Gaming Commission. Live racing handle is a measure of the entertainment benefit residents of Massachusetts receive from live racing as well as the additional purse money and revenue generated by a racetrack. In addition, when handle increases as a result of bettors from outside the commonwealth traveling to Massachusetts racetracks, the indirect and induced employment numbers in criteria (ii) are increased (i.e. the employment multiplier is larger). High quality racing can attract tourists, leading to increases in income and employment in the region.

However, it is important to note that the live racing handle will be affected by changes in purses as a result of the allocation of the Race Horse Development Fund. Therefore, in addition to considering the current live racing handle, this analysis considers the likely effect of the distribution of the fund on future live racing handle.

This report looks at live racing handle generated by each segment of the horse racing industry;

- Live racing handle

**(v) The number of breeding and training farms of each industry that are located in the commonwealth**

Breeding and training farms generate economic activity and, along with racetracks, are responsible for the direct economic impact of the horseracing industry on the Massachusetts economy. The

economic impact of breeding and training farms comes from the employment and income created in the region through the operation of the farms, including horse trainers, veterinarians, farriers, exercise riders, stable hands, etc. The direct employment effect of horse farms is considered under the employment criterion (ii), above. Beyond its relationship to the current employment attributable to the racing industry, the number of breeding and training farms in Massachusetts is relevant to this analysis because it is related to the probability that any expansion of the industry resulting from the Race Horse Development Fund will be located in the region as well as to the geographic distribution of the benefits from fund payments across the Commonwealth. Farms supporting racehorses are also the source of greenspace, which provides environmental and aesthetic benefits.

The Race Horse Development Fund is intended to develop the racing industry in the commonwealth. However, it is important to consider that any changes in the Massachusetts racing industry will affect not only industry participants inside Massachusetts but also breeders and trainers outside the commonwealth. When purse money is won by horses bred and trained outside Massachusetts, the economic impact will be felt in other states. Therefore, the number and distribution of breeding and training farms in Massachusetts is an important determinant of the size and distribution of the economic impact on the commonwealth.

The data used to evaluate the number of breeding and training farms of each industry located in the commonwealth are;

- Number of breeding and training farms
- Breeding stock
- Average size of breeding and training farms

#### **vi. Additional information and data**

Additional data/information the Horse Racing Committee may wish to consider include revenue generated for the commonwealth, simulcast handle, and the financial health of existing racetracks.

- Revenue generated for the commonwealth
- Simulcast handle
- Financial Health of Racing Associations<sup>2</sup>

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<sup>2</sup> Page 14 of Review of Massachusetts State Racing Commission and Industry

#### IV. Analysis

The data used for each criterion are presented below. A variety of sources for data on the Massachusetts racing industry were provided for this analysis. The data reported by the various sources were not always exactly the same, though they were generally very similar. It should be noted that the data and information provided for the thoroughbred segment of the industry was more comprehensive and reliable. In part this reflects the general availability of data and information nationally. The data were selected to assure that comparable numbers for the two segments of the industry were available. There is no reason to believe that data availability significantly affected the conclusions or recommendations of this report. In addition, this analysis focuses on the objective data and information and does not consider subjective assertions included as part of the information provided. The specific data used for the analysis related to each criterion is presented here and sources are reported in the footnotes.

- (i) The average purses awarded at thoroughbred and standardbred racing facilities

##### Total Annual Purse (2013)<sup>3</sup>

Standardbred: 2,513,101 (21%)  
Thoroughbred: 9,362,966 (79%)

##### Average Purse Per Race (2012)

Standardbred: 2,312<sup>4</sup>  
Thoroughbred: 11,847<sup>5</sup>

##### Average Daily Purses Awarded (2012)<sup>6</sup>

Thoroughbred: 114,000  
Standardbred: 30,000

In 2013, total annual purses and average daily purses were divided 21%/79% between standardbred and thoroughbred races. These percentages reflect the existing purse distribution and can

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<sup>3</sup> Massachusetts Gaming Commission memo

<sup>4</sup> From the Standardbred Industry Report to the Horse Racing Committee: in 2012 "nearly 1000 standardbred races" per year, \$2,311,988 total purse expense at Plainridge Racecourse.

<sup>5</sup> Exhibit 4, New England Horsemen's Benevolent and Protective Association and Massachusetts Thoroughbred Breeders' Association Position Paper.

<sup>6</sup> Massachusetts Gaming Commission, approximate

therefore be considered the “starting point” (or baseline) for determining the appropriate division of the Race Horse Development Fund between the two segments of the racing industry. That is, allocation of the Race Horse Development Fund can maintain the current distribution or be viewed as a change from the existing distribution. While the data show that a significantly higher percentage of purses are currently allocated to the thoroughbred industry, the appropriateness of that distribution must be evaluated in the context the additional criteria and data discussed below.

- (ii) The total employment, both direct and indirect, attributable to each horse racing industry

*W2 and 1099 Forms Provided Total and to Massachusetts Residents<sup>7</sup>*

	<u>W2</u>		<u>1099</u>	
	Total	MA	Total	MA
Plainridge	141	97	370	148
Suffolk	200	170	514	268

Occupational licenses<sup>8</sup>

Standardbred: 983  
Thoroughbred: 2135

Direct Employment

Standardbred: 446<sup>9</sup>  
Thoroughbred: 1,133<sup>10</sup>

Data provided regarding tax forms issued by Plainridge Racecourse and Suffolk Downs show that Suffolk Downs accounted for approximately 60% of each type of tax form issued by the two racetracks. Roughly 60% of all forms from both racetracks were issued to Massachusetts residents.

The employment data show that the thoroughbred segment of the racing industry accounts for a significantly larger percentage of total employment as measured by occupational licenses and direct employment estimates. Thoroughbred racing is responsible for 68% of occupational licenses, and 72% of estimated direct employment. The differences in the percentages reflect the differences in

<sup>7</sup> Massachusetts Gaming Commission

<sup>8</sup> Massachusetts Gaming Commission Memo

<sup>9</sup> Goldberg and Weigand

<sup>10</sup> Christiansen Capital Advisors

the two segments of the racing industry discussed in the Overview section. The size and structure of the thoroughbred industry leads to more occupational licenses and more direct employment. It is interesting to note that the percentage distribution of employment data does not mirror the distribution of handle at the two tracks (thoroughbred racing generates 87% of live handle and 90% of simulcast handle).

- (iii) The relative needs of each horse racing industry for increased purses

United States Total Purse 2012

Standardbred: 405,567,739<sup>11</sup> (24%)  
 Thoroughbred: 1,255,000,000<sup>12</sup> (76%)

Thoroughbred Average Purse per Race 2010<sup>13</sup>

New Jersey 59,000  
 Kentucky 46,000  
 New York 33,000  
 Pennsylvania 27,000  
 Delaware 24,000  
**East Coast Average 27,988**

Standardbred Average Purse per Race 2010<sup>15</sup>

Kentucky 20,000  
 Pennsylvania/New Jersey 15,000  
 New York 11,000  
**East Coast Average 9,235<sup>14</sup>**

Added Purse Money (2011)<sup>15</sup>

Standardbred: -12,016  
 Thoroughbred: 1,739,100

Average Field Size<sup>16</sup>

Standardbred: 7.07  
 Thoroughbred: 7.24

<sup>11</sup> The Daily Racing Form

<sup>12</sup> Mitchell

<sup>13</sup> Horse Racing Industry Transition Panel

<sup>14</sup> 2009

<sup>15</sup> Massachusetts Gaming Commission

<sup>16</sup> Racing Division Calculation



The purse distribution between thoroughbred and standardbred segments of the racing industry in Massachusetts is similar to the total purse distribution between the two segments nationwide. However, the racing industry in Massachusetts is very different from the national industry, particularly with regard to size. Both the standardbred and thoroughbred segments of the Massachusetts racing industry compete almost exclusively with other East Coast racetracks for horses and handle. So, while comparisons with national data can be instructive, other East Coast racetracks provide a more useful comparison. Both of the racetracks in Massachusetts experience most of their direct competition from racetracks in nearby Pennsylvania and New York. In addition, the thoroughbred segment of the industry experiences direct competition from thoroughbred racing in Delaware.

The average purse values for Pennsylvania and New York compare differently to the East Coast average purse value for the thoroughbred and standardbred racing segments. The average purse values for competing states are close to the East Coast averages for thoroughbred racing, but the average purse values for competing states in the standardbred segment of the industry are much higher than the East Coast average. These numbers reflect the difference in the national distribution of the two segments of the racing industry discussed in the Overview section of this report. The comparison to competing East Coast tracks shows that the smaller standardbred segment of the Massachusetts industry operating alongside a much stronger racing industry in nearby states than the thoroughbred segment of the industry. The thoroughbred segment of the Massachusetts racing industry is in a much better position to attempt to compete with nearby states for horses and handle.

The average thoroughbred purse per race in Massachusetts is approximately 20% of the highest thoroughbred average purse per race and 42% of the East Coast thoroughbred average purse per race. The average standardbred purse per race in Massachusetts is approximately 12% of the highest standardbred average purse per race and 25% of the East Coast standardbred average purse per race.

The added purse money data shows an important and dramatic difference between the two segments of the racing industry. In 2011, Suffolk Downs contributed substantial amount to supplement purses at the track while Plainridge Racecourse failed to distribute all of the purse money that was earned. The additional purse money paid by the thoroughbred racetrack is a market signal that the economic conditions in the thoroughbred segment of the industry warrant increased purses.

Finally, average field size is an important determinant of handle and has a significant and positive effect on industry performance<sup>17</sup>. The current average field size is similar for the two segments of the industry. Maintaining an acceptable field size is important for industry sustainability.

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<sup>17</sup> Ray

- (iv) The amount of live racing handle generated by each horse racing industry

Live Racing Handle (2012)

Standardbred: 1,358,788<sup>18</sup> (13%)  
Thoroughbred: 6,478,074<sup>19</sup> (87%)

Actual Handle on Live Races (2013)<sup>20</sup>

Standardbred: 11,167,679 (13%)  
Thoroughbred: 75,680,747 (87%)

The data on live racing handle shows that thoroughbred racing accounts for 87% of live racing handle in the commonwealth. Higher handles lead to higher purses and more revenue for racetracks. Increases in live racing handle that result from increased tourism (bettors from outside the region coming to regional racetracks to bet) have a positive economic impact on the regional economy in the form of increased employment and income. Thoroughbred racing generated a significantly larger percentage of total handle in Massachusetts (and the difference is larger than the difference in purses paid to the two segments of the industry).

- (v) The number of breeding and training farms of each industry that are located in the commonwealth

Number of Farms in Massachusetts (2013)

Standardbred: 62<sup>21</sup>  
Thoroughbred: 133<sup>22</sup>

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<sup>18</sup> Massachusetts Gaming Commission, estimate

<sup>19</sup> Christiansen Capital Advisors

<sup>20</sup> Massachusetts Gaming Commission

<sup>21</sup> Goldberg and Weigand, "There are 78 training and breeding facilities in Massachusetts"

<sup>22</sup> Thoroughbred breeding and affiliated farms, from Christian and Capital Advisors citing Salem State University 2013 MA Equine Study

### *Massachusetts Racehorse Breeding Stock*<sup>23</sup>

#### Thoroughbred

Foals born and registered in MA (2012)	40
Mares bred to MA stallions (2013)	45
Active Stallions	19

#### Standardbred

Yearlings (2013)	49
Resident Broodmares (2012)	59
Active Stallions	0

#### Average Size of Farms

Standardbred: 12 less than 5 acres, 50 greater than 5 acres

Thoroughbred: Average size of 50 acres

There are more than twice as many thoroughbred horse farms as standardbred horse farms in Massachusetts and the thoroughbred farms tend to be larger. However, standardbred horse farms are more dispersed throughout the commonwealth. According to the Standardbred Report to the Horse Racing Committee, "Between the 580 active standardbred racehorses and the 170 registered standardbreds in the Massachusetts Standardbred Breeding Program this year, there are a total of 750 standardbreds currently active in the standardbred harness racing industry in Massachusetts." Plainridge Racecourse stables about 150 standardbred racehorses while approximately 750 horses from outside the state are stabled at Suffolk Downs.

Data on breeding stock show that, while the overall Massachusetts racehorse breeding industry is small. However, the small numbers indicate that each segment of the breeding industry has a distinct advantage as far as economic impact on the commonwealth. The thoroughbred segment has more standing stallions while the standardbred segment has more resident broodmares.

The thoroughbred segment of the breeding industry stands 19 stallions while there are no active standardbred stallions. Standing stallions have the potential to expand the Massachusetts economy by generating income in the state from outside the state. Massachusetts thoroughbred breeders have been breeding to stallions in the commonwealth while standardbred breeders have been almost exclusively breeding their mares to stallions outside the commonwealth.

<sup>23</sup> Data provided by Massachusetts Gaming Commission, May 10 email

The standardbred segment of the industry has developed a resident broodmare program that is reflected in the number of resident broodmares in the commonwealth. This creates an economic benefit because economic activity associated with broodmares and foaling remains in the commonwealth when broodmares reside in Massachusetts.

The size and distribution of horse farms affects the economic impact and greenspace created as a result of horseracing in the commonwealth. Maps of the location of breeding and training farms show standardbred farms dispersed more widely across the commonwealth.

vi. Additional information and data

*Revenues Paid to Commonwealth<sup>24</sup>*

	<u>Thoroughbred</u>	<u>Standardbred</u>
Pari-mutual revenue paid to Commonwealth (minus fines, penalties, and misc.)	1,168,287	593,880
Real Estate and Sales taxes paid	1,468,981	282,223

Simulcast Handle (2011)<sup>25</sup>

Standardbred:	19,723,068 (10%)
Thoroughbred:	172,394,416 (90%)

Horse racing Committee members might also want to consider the significant difference in the size of pari-mutual revenue and taxes paid by the two segments of the racing industry. Revenue from thoroughbred racing is almost double that from standardbred racing and taxes reported for thoroughbred racing are six times those for standardbred racing. In addition, data for simulcast handle shows an even greater disparity between the thoroughbred and standardbred segments of the industry. While simulcast handle is not included in the criteria listed in the legislation creating the Race Horse Development Fund, it is much larger than live handle and also generates economic activity in the commonwealth.

Finally, the financial health of the racing associations (racetracks) is included on page 14 of the Review of Massachusetts State Racing Commission and Industry provided to the Massachusetts Gaming Commission. The financial health of the tracks and their intentions with respect to

<sup>24</sup> Massachusetts Gaming Commission

<sup>25</sup> Massachusetts State Racing Commission -- Annual Reports

continued operation are an indication of the economic viability of unsubsidized racing. Market signals should be considered in decision making, especially when there is a desire for sustainability and the possibility of reduced subsidies in the future.

## V. Conclusions

This report describes an objective analysis of the racing industry in Massachusetts for the purpose of advising the Horse Racing Committee regarding the allocation of the Race Horse Development Fund to best meet the goals of the commonwealth based on the criteria outlined in section 60. The analysis included in this report is based on the data and information provided by the Massachusetts Gaming Commission, other data and sources cited in this study, and considerable experience with economic analysis of the racing industry nationally and in other jurisdictions. However, several issues complicate the analysis and conclusions. As discussed above, the meanings of the five criteria are open to interpretation and each can be measured using a variety of different data. In addition, the five criteria and the effect of purse distributions on them are highly interrelated. Finally, the legislation does not limit the Horse Racing Committee to considering only the five criteria included in section 60. Therefore, while the analysis and conclusions of this report provide objective information for the committee, committee members must ultimately determine the extent to which these recommendations coincide with its charge.

The analysis above provides insight into the relationship between the two segments of the racing industry and the three general goals described above and addressed by the five criteria included in Section 60; generating the largest economic impact (e.g. creating employment and tourism), developing a sustainable racing industry, and enhancing quality of life (e.g. creating entertainment value and greenspace for citizens).

### *Economic Impact*

Data related to breeding and training farms and breeding stock indicate the economic impact of thoroughbred racing is much larger. In addition, the effects of increased purses in the future are more likely to remain in the commonwealth and potentially generate increased income from outside Massachusetts through increased tourism and sales of stallion services. The thoroughbred racing industry has a larger current impact on the Massachusetts economy. It receives 79% of purse money and generates 87% of the live handle (and 90% of the much larger simulcast handle). In addition, as a result of its industry structure and national demand, thoroughbred racing is more likely to generate employment (e.g. occupational licenses) and income (e.g. tourism) in the commonwealth as a result of increased purse money. Finally, the existing breeding industry in the thoroughbred racing segment, while small, provides an existing framework for expanding breeding and training within the commonwealth in a way that benefits the industry and state economy. However, because of its location in the geographic center of the national standardbred racing



industry, standardbred racing provides a unique entertainment option and the potential for expanded training and tourism in Massachusetts through a targeted allocation of increased purse money discussed in the recommendations section.

### *Sustainable Racing Industry*

In "State of the Industry: Thoroughbred Economy in 2007-'08" Don Clippinger notes that "...2007 may be viewed in retrospect as the year in which the direct link between purses and handle was broken..." He discusses the impact of the creation of "racinos" and the use of revenue from other forms of gaming to fund purses on the Thoroughbred industry. He goes on to point out that "...the reliance on non pari-mutuel sources (for purses) diminishes the importance of the money bet on the horses and the attention that should be accorded to the trends in pari-mutuel wagering." His point is that, when other forms of gaming fund purses, the racing industry is assured of increased revenues, regardless of its performance. When purses were funded through handle, the racing industry had a strong incentive to provide high quality racing as valued by the market. Higher handle translated into higher purses and raising handle was the only way to increase industry revenues. When purses are funded from gaming revenues, the industry has no incentive to provide high quality racing desired by spectators and bettors. Clippinger notes, "Formerly weak jurisdictions have become economic powerhouses in terms of the purses they offer, but they have not necessarily become powerhouse racing venues – just rich ones." The issues discussed in Clippinger's article apply very directly to decisions about the allocation of purse supplements. If purses depend solely on gaming revenues, and not racing handle, the racing industry has no incentive to respond to market forces. The quality and quantity of racing will have no impact on the purses won by producers in the industry and the large and steady stream of purse money will protect average and below average producers from market forces. Market forces provide incentives for the industry to improve, develop, and become sustainable.

A goal of any purse supplements should be to maximize the probability that the resulting purse structure and industry activity is sustainable. Sustainability requires a purse structure that assures an average field size large enough to generate acceptable live racing handle and develop and maintain associated breeding and training facilities within the commonwealth. In addition, it is necessary to consider sustainability in the context of potential changes in the future. That is, what is the likelihood that expansions in the industry that result from increased purse supplements could continue if there were, for example, a macroeconomic downturn or a reduction of purse supplements in the future? The thoroughbred segment of the industry is much better positioned to become competitive in its regional market as a result of purse supplements. Market signals, like handle and capital investment, are the best indicators of the ability of the activity to continue in the absence of subsidies and the thoroughbred segment of the industry shows greater strength in these areas. The standardbred industry appears able to continue operating at its current or a moderately increased size with some added purse supplements. However, it does not appear economically feasible to attempt to subsidize the standardbred racing segment at the levels that would be required to become competitive in its regional market. And any industry expansion due to purse supplementation would likely benefit the racing and breeding industry in other states in the region

and would largely disappear in the event of future reductions in purses (i.e. significant sustainable expansion of standardbred racing in Massachusetts does not appear viable). However, moderate expansion, particularly if targeted to take advantage of the unique entertainment value and geographic location of the standardbred industry could be both beneficial to the commonwealth and sustainable.

### *Quality of Life*

The entertainment value of racing is measured in part by the size of handle bet on races. Research shows that thoroughbred races generate significantly more handle than harness races, all other things equal.<sup>26</sup> However, racing also provides additional entertainment value from simply enjoying watching the races and participating in associated social activities. Harness racing is different than flat racing and has a long history in the region. Having both types of racing in the commonwealth allows for product differentiation that benefits consumers. So, while market signals indicate a strong preference for thoroughbred racing, Massachusetts provides an ideal location to develop and market a high quality harness racing product that supports the improvement and expansion of existing in-state training facilities. The conclusion that high quality racing can increase the profile of the racing industry, thereby increasing demand, is supported by the conclusions of the Plan for the Future of the Ontario Horse Racing and Breeding Industry.<sup>27</sup> Development of a competitive thoroughbred racing segment and a smaller, high-quality standardbred racing segment would also improve the quality of life in the commonwealth by expanding the amount and distribution of greenspace.

## V. Recommendations

As suggested by the Massachusetts Gaming Commission Division of Racing in its 12 February, 2014 memo to the Horse Racing Committee, this report makes recommendations regarding the distribution of funds from the Race Horse Development Fund, the number of live racing days required, and the use of data and metrics to evaluate the effectiveness of the Race Horse Development Fund distributions over time. It is important to note that a recommendation that merely provides a split of the funds between thoroughbred racing and standardbred racing, without addressing how those purses are distributed within the industry (e.g. the number of race days and purse structure) risks diminishing the potential effectiveness of the funds for achieving the desired goals. The recommendations below provide a starting point for the Horse racing Committee's determination of their final recommendation as to the distribution of the Race Horse Development Fund between thoroughbred and standardbred racing facilities and suggestions for including expanded recommendations regarding the distribution of purses in Massachusetts. Whatever the final decision regarding the division of the purse supplements, it should be noted that certainty and

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<sup>26</sup> Ray

<sup>27</sup> Ontario Horse Racing Industry Association

predictability regarding the decision are important for realizing the full, long-term economic benefit from increased purse supplementation.

### **Distribution of funds**

Considerable experience researching the racing industry, evaluation of national, regional, and Massachusetts data related to racing, review of the materials provided by the Massachusetts Gaming Commission, analysis of the 5 criteria outlined in Section 60 Meeting criteria all point to a distribution of the Race Horse Development Fund that increases the percentage allocated to the thoroughbred racing segment of the industry. The conclusions summarized in the preceding section support the recommendation to allocate a disproportionate percentage to the thoroughbred segment of the industry in order to best achieve the goals addressed by the five criteria and maximize the likelihood of a sustainable purse structure and industry. The market signals represented by the data indicate a much greater likelihood that purse money allocated to thoroughbred racing will stimulate economic activity, develop an in-state breeding and training industry, and improve quality of life in the commonwealth. However, the allocation of a portion of purse supplements from the Race Horse Development Fund to supplement a small, high-quality standardbred race meet will augment the benefits from an expanded thoroughbred segment and provide the greatest overall benefit from the distribution of the fund. As noted in the Ontario Plan<sup>28</sup>, high-stakes harness races can raise the profile of harness racing and support a smaller, but sustainable and high-quality standardbred segment of the racing industry.

The percent of the Race Horse Development Fund that is allocated to thoroughbred racing should be increased above 79% (its current percentage of total annual purses in Massachusetts). An allocation of 85 – 90% is in line with *the percent of handle generated by thoroughbred racing* and the increased benefits from purse allocations to thoroughbred discussed above. The higher the percentage allocated to the thoroughbred segment, the more likely the purse structure and industry will become competitive and sustainable.

### **Number of racing days**

Improvements in regional competitiveness and quality of racing in the commonwealth depend not only on the division of purse supplements between the two segments of the industry, but also the details of the purse structure. The recommendation regarding the distribution of purse supplements will be most effective if it is accompanied by a recommendation regarding racing days and race types. Purse supplements will most effectively achieve the goals associated with the criteria in Section 60 if the number of race days is tied to the level of purse supplements to assure the optimal average daily purse. The average purses in the states designated as being in direct competition with Massachusetts racing serve as a guide for establishing an acceptable minimum average daily purse. Requiring a number of race days that reduces the average daily purse to a level

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<sup>28</sup> Ontario Horse Racing Industry Association

that does not support the goals of improved competitiveness and race quality will reduce the desired impact of the purse supplements. Clearly a reduction in race days should be considered.

In addition to the average daily purse, race characteristics have an impact on how well purse supplements will achieve the desired goals. Research has shown that certain race characteristics lead to higher race handle<sup>29</sup> and recommendations regarding general race characteristics could be provided along with purse supplements. The existing research will be generally applicable to the Massachusetts racing industry, though a specific study of Massachusetts handle would not be difficult to conduct. In particular, the distribution of the Race Horse Development Fund should come with guidance for tracks to carefully consider increases in the types of races that generate increased handle as well as the number of races and amount of purse money offered for horses with ties to the Massachusetts economy (breeding, training, ownership). Of course, the characteristics of the races that can be offered depend on the supply of horses available. But gradual shifts in race characteristics and signals regarding the characteristics of races in the future provide incentives that can change the supply of horses, quality of racing, and handle in the future. Changes in race characteristics associated with the distribution of purses within the commonwealth can result in increased economic impact on the Massachusetts economy and the Horse Racing Committee should consider using its recommendation to create incentives to offer the desired types of races.

Goals for average daily purses and race characteristics associated with the distribution of the Race Horse Development Fund suggest the creation of a smaller, high quality harness race meet. The Massachusetts Sire Stakes races provide an existing model and framework for allocating additional purse supplements to meet the desired goals. A recommendation to target increased purse supplements from the Race Horse Development Fund to support this existing race series for Massachusetts bred horses as well as additional high stakes races not limited to Massachusetts bred horses is a way to best address the goals of the fund related to the five criteria.

### **Use of evaluation metrics**

To assure that purse supplements create economic impact, develop the racing industry, and improve quality of life, recommendations must include a plan to monitor the impact of the purse supplement distribution as well as the effects other relevant changes (e.g. legislative, market, or macroeconomic changes) on the racing industry. The evaluation of the impact of the Race Horse Development Fund should include criteria that measure both short-run and long-run effects on the racing industry and Massachusetts economy. Consistent monitoring and evaluation of the racing industry will allow for adjustments in the allocation of the Race Horse Development Fund over time when necessary to maintain an optimal allocation.

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<sup>29</sup> Ray

The structure of the racing industry is such that it requires a minimum 5 year decision-making window. That is, it takes a minimum of approximately 5 years for a decision to make a capital investment to produce a racehorse to result in a horse that is ready to start in a race. Therefore, it is not possible to begin to measure the full effects of additional purse supplements on the economy or industry for at least 5 years. And the length of time it will take to see the long-run effects of increased purse supplements depends in part on investors' perceptions of the certainty and stability of the purse supplements. A high degree of certainty and expected stability are necessary before the incentives provided by increased purse supplements lead investors to make the corresponding initial capital investments. So, allocation of the Race Horse Development Fund will lead to some changes in the decisions of owners and trainers that will be seen in the short-run, but changes that affect the racing industry through increases in breeding activity will only be seen in the long-run and will only occur if the changes to the purse structure are seen as certain and predictable.

Evaluation metrics can be used to evaluate the success of the two segments of the racing industry in meeting the desired goals for economic impact (Economic), development of the racing industry (Industry) and providing entertainment value (Entertainment). An established set of metrics will provide valuable, objective information to guide future decision making regarding the allocation of purse supplements. The information provided by an established set of metrics can help decision makers most effectively target resources to achieve desired goals. However, changes to the allocation should be made slowly and only in response to changes in the evaluation metrics.

It should be noted that, while the set of metrics outlined in this recommendation will be extremely useful and objective, it is not an exhaustive list of relevant information. That being said, it is suggested that racing officials define and collect data representing the following metrics and compare it to established benchmarks for use in decision making regarding the racing program:

- o Attendance
- o Handle revenue
- o Massachusetts bred and Massachusetts owned racing earnings (in-state and out of state).
- o Field size
- o Sale of Massachusetts bred horses (price and quantity)
- o Number of Massachusetts bred horses (foaled and raced)

The metrics presented in the table below constitute an efficient approach to evaluating the success of the purse supplements. That is, they include a limited number of straightforward, clearly defined measures that allow decision-makers to identify changes in the most important effects of purse supplements over time. All of the metrics included provide valuable information about the extent to which the racing industry is achieving its economic goals. In the table, each metric is tied to one of the three major goals, but this report has discussed the extent to which the data and the goals are interrelated.



**Table 1: Recommended Metrics**

<b>Metric</b>	<b>Definition</b>	<b>Primary Goal</b>
<b>Attendance</b>	Direct attendance numbers, number of pari-mutuel tickets sold on-track and live handle total	Entertainment
<b>Average field size</b>	Average number of starters	Entertainment
<b>Revenue from Simulcast Handle</b>	Revenue generated from simulcast handle	Entertainment
<b>Revenue from Live Handle</b>	Revenue generated from live racing handle	Economic/Entertainment
<b>Number of MA bred horses foaled and raced</b>	Number of MA registered foals Total number of MA bred starters	Economic
<b>MA bred earnings</b>	Total earnings of MA bred horses in non-MA bred races (open company)	Industry
<b>MA Owned Earnings</b>	Total Earnings from MA owned horses	Industry

1) Attendance

Increases in attendance indicate an increase in the entertainment value of racing. Attendance is the most general indicator of the quality of entertainment. That is, it measures the number of people who want to watch racing, whether they bet on racing or not. Higher attendance at race meets indicates a greater entertainment value for patrons as well as increased tourism expenditures in the commonwealth. Attendance can be measured directly or it can be measured indirectly by the number of pari-mutuel tickets sold on track. In addition, the handle and revenue from handle provide additional indirect measurement of attendance

2) Average Field size

Average field size clearly has a positive impact on handle. However, in addition to increasing the appeal of a race to bettors, field size increases entertainment value for non-bettors. It is also an important signal of available horses for race meets. A decrease in field size is an early signal that there may be a problem with filling races in the future if the supply of racehorses is declining.

3) Revenue from Handle

Increases in revenue from handle (including both live and simulcast) indicate an increase in the market demand for racing.

4) Number of Massachusetts Bred Horses

Increases in the number of Massachusetts bred horses foaled and raced in Massachusetts is a direct measure of the size of the racing industry and its economic impact on the state.

#### 5) Massachusetts Bred Earnings

Increases in Massachusetts bred earnings indicates that the quality of Massachusetts bred horses is high. If Massachusetts bred horses can compete and win, both in and out of the state, it indicates strength in the Massachusetts breeding industry. For this measure, earnings of Massachusetts bred horses in Massachusetts bred races are not included, since all earnings from those races necessarily go to Massachusetts bred horses. However, earnings of Massachusetts bred horses in races not limited to Massachusetts breds are a clear indication of the strength and success of the Massachusetts breeding industry.

#### 6) Massachusetts Owned Earnings

Increases in the earning of Massachusetts owners, from racing both in state and out of state, indicates higher quality horses and strength in the Massachusetts racing industry. For example, if a Massachusetts resident earns purse monies out of state and brings those earning into the state to reinvestment in the industry the industry will grow.

In addition to establishing the set of metrics a set of benchmarks is needed to operationalize their use. Racing officials should identify the initial value for each metric before the initial allocation of the Race Horse Development Fund to use as a starting point for evaluation. In addition, comparable regional and national data should be identified and collected for comparison. The metrics should be collected and evaluated each year to document positive trends or identify lack of progress toward goals. It is important that no individual metric should dominate decision making and that the overall trends of the majority of the metrics should be evaluated in the context of macroeconomic conditions and industry-wide trends. For example, if national handle data shows a decline, then Massachusetts racing should be considered successful if its revenue from handle increases, stays the same, or falls by a smaller percentage than national handle. Finally, evaluators should note that it is not realistic to expect a consistent upward trend in the metrics over time.

Using a careful, consistent and transparent set of metrics, well understood by all stakeholders will create stability, certainty, and market incentives to create change and take actions to meet the desired goals for the Race Horse Development Fund.

## **VII. References**

Christiansen Capital Advisors. "The Economics Impact of the Massachusetts Thoroughbred Industry." October, 2013.

Daily Racing Form. Available at: <http://www.drf.com/news/harness-racing-usta-releases-wagering-and-purse-totals-2012>.

Goldberg & Weigand. "Standardbred Industry Report to the Horse Racing Committee." July, 2013.

Horse Racing Industry Transition Panel, "Final Report to the Minister of Agriculture, Food, and Rural Affairs." October, 2012

Horse Racing Panel Interim Report, 2012. Available at:  
<http://www.omafra.gov.on.ca/english/about/transition/interimreport08172012.pdf>

Mitchell, Eric. "Racing's Mixed Blessing: 2013 Purse Review." Bloodhorse.com.

Ontario Horse Racing Industry Association. "Plan for the Future of the Ontario Horse Racing and Breeding Industry", July, 2012.

Ray, Margaret, "Taking Handle into Account: An Economic Analysis of Account Betting." National Association for Gambling Studies Journal, Vol. 1, 2002.

"Review of Massachusetts State Racing Commission and Industry." Prepared for the Massachusetts GAMING Commission, July, 2012.

The Jockey Club. "2014 Massachusetts Fact Book: A Statistical Guide to the Thoroughbred Industry in Massachusetts."





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December 4, 2017

VIA EMAIL

Alexandra Lightbown, DVM  
Massachusetts Gaming Commission  
101 Federal Street  
Boston, MA 02110

Dear Doctor Lightbown:

This letter is to respectfully request the Massachusetts Gaming Commission adopt the decision by the Race Horse Committee (RHC) to provide the Standardbred industry the additional five percent from the Race Horse Development Fund retroactive to January 1, 2017.

Based on the 2017 data from both industries, the RHC, after a comprehensive review of the data submitted by our representative, concluded the Standardbred industry should receive an increase from 55% to 60%. It is evident we have met and exceeded the goals contemplated by the legislation.

Thank you in advance for your consideration.

Very truly yours,

HARNESS HORSEMAN'S ASSN. OF NEW ENGLAND

Robert J. McHugh  
President

lds  
cc: HHANE Board of Directors





Stephen Crosby  
Chairman  
Massachusetts Gaming Commission  
101 Federal Street  
12<sup>th</sup> Floor,  
Boston, MA 02110

Dear Chairman Crosby,

My name is Matthew Clarke, and I am an owner, trainer and breeder of Massachusetts bred thoroughbred racehorses. I am writing to you to express my sincere concerns about the recent decision and subsequent recommendation by the Horse Racing Committee (HRC) to further erode the funding received by the Massachusetts Thoroughbred Breeders Association (MTBA) and the 4% Health & Welfare distribution from the RHDF received by the NEHBPA on behalf of its members by making a further adjustment 5% to the Racehorse Development Fund (RHDF) in favor of the Standardbred industry.

In May, the MGC was presented with a report from Dr. Margaret Ray, Professor of Economics at the University of Mary, Washington. Dr. Ray's report was commissioned to assist the HRC in determining an appropriate distribution of the RHDF based upon criteria in MGL.c23k, Section 60(b)

Dr. Ray provided a comprehensive analysis of the differing industry data points and metrics for the both Thoroughbred and Standardbred racing. I would respectfully ask that the Chairman and Commissioners reacquaint themselves with Dr. Rays report prior to any further decision be made on adjustments of RHDF distribution.

The key component for any breeder of a state bred thoroughbred is consistency of funding for state bred race purses and the timely payment of bonus awards to owners, breeders and stallion owners. The success of the MTBA and their programs in the last three years is undeniable. The MTBA has carded over 26 stakes races at Suffolk Downs 2015 – 2017, and has run a very successful race program, restricted to MA bred horses, hosted by our fellow horsemen at Finger Lakes. ***The MTBA has made over 545 individual payments to owners, Massachusetts breeders and stallion owners during this period.***

Of the 26 Stakes races run 2015 – 2017 to date, ***24 of the 26 were won by horses owned by Massachusetts residents. A total of \$1,050,000 in purses returned to the Commonwealth.***

The MTBA has carded 25 races restricted to MA bred horses in 2015 – 2017 to date. ***21 of these races were won by horses owned by Massachusetts residents. A total of \$343,800 in purses returned to the Commonwealth.***

***The purse data referred to only applies to races won by horses owned by Massachusetts residents. If you extrapolate the data for all purses earned by MA bred horses in Stake and restricted races in the period 2015 – 2017 over 90% of all purses were returned to Commonwealth residents.***

Due to the HRC reduction in the RHDF split made in 2016 and retroactivity of that reduction to January 1, 2016, the MTBA was forced to cut its 2017 purses by approximately 33% to meet their program commitments and fund bonus awards.

***Misinformation provided to the HRC that RHDF purse pool funds were being used to fund purses at out of state racetracks is patently false and misleading. All purses for the previously referenced 26 stakes races and 25 MA bred restricted races were funded from the MTBA's share of the 16% breeders portion of the total RHDF funding.***

***In 2015, the MTBA was given legislative approval to run races restricted to MA bred horses at out of state racetracks. Additional legislative approval was given to allow the MTBA to pay bonus, owner, breeder and stallion awards to MA bred horses wherever they compete.***

Because of these initiatives by the MTBA, the program has grown, Millions of dollars have been given back to MA residents that have supported the program by breeding, racing and owning MA bred horses. The value of MA bred horses has increased whether by private sale, at auction or via the claim box. The Massachusetts breeding program is set to explode just as similar programs have shown possible in states such as NY, WV, LA, MD, IN, NM et al.

Unfortunately, the efforts of our farmers, breeders, stallion owners and owners appear to be set to be thwarted by the HRC. An additional 5% reduction funding, together with a possible retroactive start date will decimate the ability of the MTBA to fund 2018 programs and pay award obligations.

It is clear to the writer, that the legislature in crafting language for the Act of 2011 fully intended that the RHDF support both Thoroughbred and Standardbred industries. It also appears that while discretion was given to the HRC to vary the funding split based upon industry circumstance, this discretion was not intended to impact the breeders 16% portion of the RHDF, or indeed the 4% of the RHDF set aside for health and welfare benefits for industry participants. The many needs and obligations that are met by the 4% Health and Welfare distribution from the RHDF cannot be sustained without the certainty of stable funding. This appears to be an unintended result of newly drafted language. Variance of the 80% purse pool portion of the RHDF based upon industry circumstance like purse requirements would appear to be good public policy. Destroying a breeding industry and a benefits program to overly benefit another recipient of RHDF funding would seem arbitrary and capricious.

I hope that the MGC will undertake a complete review of the unfortunate, and unforeseen consequences that have resulted from the modification in RHDF distribution, particularly

relating to the Massachusetts Thoroughbred Breeders Association and the NEHBPA health, welfare and benefit programs.

Yours truly,

Matthew D. Clarke

Cc: Gayle Cameron  
Enrique Zuniga  
Lloyd Macdonald  
Bruce Stebbins  
Alex Lightbaum  
Catherine Blue



December 4, 2017

Members of the Massachusetts Gaming Commission

RE: Comments on Commission consideration of revised split in RHDF between Standardbreds and Thoroughbreds

I am writing with regard to the Massachusetts Gaming Commission's (MGC) consideration of the June vote by the Horse Racing Committee's (HRC) vote to alter the split of the Massachusetts Race Horse Development Fund (RHDF) to favor Standardbreds, effectively putting Thoroughbred racing at a disadvantage, perhaps imperiling Thoroughbred racing in Massachusetts.

Fans of horse racing in Massachusetts, of which I am one, are essentially picking winners (and losers) when they place a bet, but the MGC – and the HRC for that matter – should not, as a public policy – be picking winners and losers. In its own mission statement, the MGC says its mandate is to “ensure that the horse racing industry be preserved and sustained.”

The HRC vote does not honor this mandate and the MGC should reconsider that vote some six months later in light of the current state of gaming in Massachusetts and decide that preserving horse racing in Massachusetts means investing both in Standardbreds and Thoroughbreds. If the MGC is serious in its legislative goal to rest full authority over gaming within the MGC, the Commission must take a broader public policy view and not be drawn into a ‘who gets what’ debate between the Standardbreds and Thoroughbreds.

What has changed since the HRC vote is an unexpectedly high contribution to the RHDF from gaming revenues. As you know, that number will continue to climb as casinos come on line and begin contributing to that fund. The amount of available funds in the RHDF is more than sufficient to support both the Standardbreds and the expansion of racing days for Thoroughbreds.

While protecting the current split between Thoroughbreds and Standardbreds may seem to some to be a gamble in the future of Thoroughbreds, that is precisely the same gamble taken by Massachusetts voters when the approved casino gaming in Massachusetts. As a recent editorial in the Boston Herald noted, that gamble has paid off.

The big bet in Massachusetts was that legalizing casino gambling here would keep Massachusetts bettors here rather than see them travel to Connecticut, Rhode Island, New York and other states where they would spend freely not only on gaming, but hotels, restaurants and other related economic venues.

*“Recapturing those lost dollars was one of the biggest incentives — if not the biggest — for Beacon Hill to finally agree to allow casinos to open in the Bay State,” the Herald wrote. “And with just one facility open — two more are under construction — it appears the effort to woo back out-of-state gamblers is paying off.”*

Chairman Crosby stated at a recent legislative hearing that the Thoroughbred industry was at a “crossroads” as it seeks to construct a new modern race track with amenities that will bring racing fans back to live horse racing in Massachusetts. Those who might argue that the best days of Thoroughbred racing are behind us are ignoring the lesson of casino development in Massachusetts which is, essentially, if you build it – and invest in it – they will come.

That same lesson was evident this summer when Suffolk Downs added race days at the last moment and enjoyed some of its most successful racing days in recent history. It is easy to see why Thoroughbred racing is popular even at a track that has just one more season. This industry can continue to grow under the current split, but the peril it faces now is in the hands of a Commission that is duty bound to “protect and preserve” it, not put it on life support.

The growth of the RHDF will support Standardbreds and Thoroughbreds for years to come without altering the current split. The Standardbred industry is prospering in Massachusetts and will continue to prosper, but this isn’t the time for the Commission to pick winners and losers. The public policy imperative here is to choose that everyone comes out winners.

Sincerely,

Ernie Corrigan  
24 Mount Vernon Street  
Boston, MA 02108





## Lightbown, Alexandra (MGC)

---

**From:** ctrakas@aol.com  
**Sent:** Wednesday, December 06, 2017 2:48 PM  
**To:** Lightbown, Alexandra (MGC)  
**Subject:** For the MGC

Hello,

This is Chris Trakas of Milton, MA. I am a licensed thoroughbred owner. I have been licensed at Suffolk Downs since 2005. I also have been a long time fan of Suffolk Downs and have been going since the mid 1980's.

I urge the MGC not to retroactively adjust the RHDF split for 2017. The split was established at the beginning of the year and the Thoroughbred HBPA followed through on their commitment and ran the races and awarded the purse money. They actually added two days of racing, so they exceeded what they agreed to do. Our stable shipped in horses from out of state, attended every Suffolk racing day, and brought new and existing fans along for the racing days.

If you wish to adjust the split for 2018 based on planned activity that is a different matter, but 2017 is in the books at this point. Please keep in mind that the HBPA is planning to exceed 6 days again in 2018.

I wish the Standardbred crowd only the best, but they should realize that they are in a fortunate position compared to the Thoroughbred group, at least for 2017 and 2018 because they have a full time facility to compete in, so they should be thankful and reasonable.

Thank You,  
Chris Trakas

Sent from my iPhone

## Lightbown, Alexandra (MGC)

---

**From:** MGCcomments (MGC)  
**Sent:** Wednesday, December 06, 2017 9:19 AM  
**To:** Lightbown, Alexandra (MGC)  
**Subject:** FW: HRC and the split

Good morning Alex,

FYI.

Thank you,

Colette

---

**From:** Sam [mailto:sam.saccardo1@verizon.net]  
**Sent:** Tuesday, December 05, 2017 11:31 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC and the split

The 2011 Expanded Gaming Act in part was enacted to enhance and strengthen the horse racing industry. Through no fault of their own, the thoroughbreds lost their last venue to hold a full meet . If there was ever a time to enhance and strengthen, it is now. Supporting the efforts of the NEHBPA to lead the effort to build a new track is in line with the spirit of the 2011 Act. Shifting more money away could be a death knell for the industry. The MGC should take any opportunity to help the TB horse racing industry get back up and running and support the strategy included in the statute. There is much to be gained for many.

Samuel Saccardo  
15 Midland Road  
Lynnfield, MA 1940

**MacLachlan, Amy (MGC)**

---

**From:** Tom Whalen <twhalen173@yahoo.com>  
**Sent:** Monday, December 04, 2017 11:22 AM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Committee Members,

On behalf of the Thoroughbred Horsemen and women and as both an Owner and a Fan I respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive.

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the Commonwealth.

Thank you for your consideration.

Respectfully submitted,

Thomas J. Whalen  
1 Blais Farm Road  
Middleton, MA 01949

## MacLachlan, Amy (MGC)

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**From:** OTTB508 Gmail <ottb508@gmail.com>  
**Sent:** Monday, December 04, 2017 5:52 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Massachusetts Gaming Commission,

I would like to state that on behalf of the Thoroughbred Horsemen and women, and as a member of the NEHBPA, I respectfully request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standardbreds and Thoroughbreds, particularly with making the adjustment retroactive.

A change in the split at this time will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth.  
Melody Taylor-Scott



*Melody Taylor-Scott*

*Answers for the Equestrian Industry*

[MelodyTS@aol.com](mailto:MelodyTS@aol.com) ~ 508 397-6959 Web Design & Media

[Http://www.EvergreenWebAndMediaServices.com](http://www.EvergreenWebAndMediaServices.com)

[Http://www.OffTrackThoroughbredHelp.com](http://www.OffTrackThoroughbredHelp.com)

Advanced Licensed Instructor - Facility Consultant - OTTB Help

Media~ *Massachusetts Horsemen's Days of Champions Medal Finals*

[Http://www.MaHorseCouncil.com](http://www.MaHorseCouncil.com)

President ~ North East Thoroughbred Sporthorse Association

[Http://www.NorthEastThoroughbred.com](http://www.NorthEastThoroughbred.com)

Equestrian Protection Specialist ~ Corinthian Insurance

[Http://www.CorinthianInsurance.com/Melody bio.html](http://www.CorinthianInsurance.com/Melody_bio.html)

Web and Media ~ Massachusetts Horse Park

<https://MassHorsePark.org/>

## MacLachlan, Amy (MGC)

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**From:** Lightbown, Alexandra (MGC)  
**Sent:** Monday, December 04, 2017 4:41 PM  
**To:** MacLachlan, Amy (MGC)  
**Subject:** FW: 5% RHDF Increase Retroactive To January

Comment for 8a for Thursday.

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**From:** MGCcomments (MGC)  
**Sent:** Thursday, November 30, 2017 3:07 PM  
**To:** Lightbown, Alexandra (MGC)  
**Cc:** Blue, Catherine (MGC)  
**Subject:** FW: 5% RHDF Increase Retroactive To January

Hi Alex,

FYI.

Thank you,

Colette

**From:** Edward Nowak [<mailto:nowak@slnadv.com>]  
**Sent:** Thursday, November 30, 2017 3:04 PM  
**To:** MGCcomments (MGC)  
**Cc:** Lightbown, Alexandra (MGC)  
**Subject:** 5% RHDF Increase Retroactive To January

The Standardbreds Owners of Massachusetts (Breeders) strongly urge The Massachusetts Gaming Commission to vote in favor to make the 5% increase in the Race Horse Development fund retroactive to January 2017.

Thank you for your consideration.

Edward Nowak,  
President  
Standardbred Owners of Massachusetts



## MacLachlan, Amy (MGC)

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**From:** Lightbown, Alexandra (MGC)  
**Sent:** Monday, December 04, 2017 4:40 PM  
**To:** MacLachlan, Amy (MGC)  
**Subject:** FW: RHDF SPLIT

Comment for 8a for Thursday.

---

**From:** Anthony Spadea Jr. [<mailto:anthonyspadea@braintreeins.com>]  
**Sent:** Friday, December 01, 2017 2:05 PM  
**To:** MGCcomments (MGC); Lightbown, Alexandra (MGC)  
**Cc:** Sam Saccardo; [anthony.zizza@gmail.com](mailto:anthony.zizza@gmail.com); Arlene; Gregg Rose; Armand Janjigian; alan lockhart ([alockhart287@yahoo.com](mailto:alockhart287@yahoo.com)); george saccardo; jay bernardini; kevin mccarthy ([winningtrainer@yahoo.com](mailto:winningtrainer@yahoo.com)); manfred roos; matthew clarke; paul umbrello; randy andrews ([randysr@andrewstruckinginc.com](mailto:randysr@andrewstruckinginc.com)); SHIRLEY DULLEA ([shirleydullea@yahoo.com](mailto:shirleydullea@yahoo.com)); susan clark ([susanclarkc21@yahoo.com](mailto:susanclarkc21@yahoo.com))  
**Subject:** RHDF SPLIT

Dear Commissioners & Director of Racing Alex Lightbown,

At this time I would like to express my disappointment in the thought of a retroactive split again. The Thoroughbred industry has suffered enough with the many adversities caused by the racing climate that presently exist. The decision to go retroactive in 2017 caused much disappointment and financial uncertainty for the Mass. Breeders and their racing program. I believe the Commission was well aware of the disappointment the decision caused all. Doing anything like that again would send a second message that would be very disturbing to say the least to all Mass. Breeders. Farmers and Horsemen. Making decisions that will affect the future of the Mass. Breeders program would be devastating at this time.

RESPECTFULLY  
ANTHONY SPADEA JR. PRESIDENT NEHBPA

Anthony Spadea Jr.  
Advisor  
Munroe Morrow Wealth Management  
639 Granite Street LL15 Braintree, MA 02184  
781-664-1027



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## MacLachlan, Amy (MGC)

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**From:** Lightbown, Alexandra (MGC)  
**Sent:** Monday, December 04, 2017 4:38 PM  
**To:** MacLachlan, Amy (MGC)  
**Subject:** FW: Retroactive

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Comment for 8a on Thursday.

-----Original Message-----

**From:** Winifred Sienk [<mailto:dobegood@aol.com>]  
**Sent:** Saturday, December 02, 2017 1:07 PM  
**To:** Lightbown, Alexandra (MGC)  
**Subject:** Retroactive

Please do not make the split retroactive you agreed to the schedule and the races have been run . Thank you Winifred Sienkewicz

Sent from my iPhone

## MacLachlan, Amy (MGC)

---

**From:** matt huggins <matthuggins83@gmail.com>  
**Sent:** Monday, December 04, 2017 5:47 AM  
**To:** MGCcomments (MGC)  
**Subject:** changing the split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

as a owner and a fan, i respectfully request that the gaming commission vote against the recommendation of the HRC regarding the change in the SPLIT between the standardbred and thouroughbred especially the part about making it retroactive .

thank you,  
Matthew J. Huggins  
Andover, MA

## MacLachlan, Amy (MGC)

---

**From:** Michael Ananis <mananis@cpsd.us>  
**Sent:** Monday, December 04, 2017 8:34 AM  
**To:** MGCcomments (MGC)  
**Cc:** matt huggins; crrstable@verizon.net  
**Subject:** SPLIT

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear MGC Members,

My adult son and I have been active thoroughbred racing fans for years, and we remain disappointed that Suffolk Downs is closed. However, we remain hopeful that , with your leadership and support, Massachusetts will someday soon be able to reestablish live thoroughbred racing in the Commonwealth and provide a top-flight facility for horses as well.

It has come to my attention that the HRC has recommended a retroactive split between thoroughbreds and standardbreds. I ask that you vote to not support this proposal, especially the retroactive part, as it will diminish opportunity for thoroughbred racing in MAass.

I appreciate your consideration of my request.

Michael Ananis  
251 South Main St.  
Andover, MA 01810

## MacLachlan, Amy (MGC)

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**From:** David Giannelli <dcg@macdco.com>  
**Sent:** Monday, December 04, 2017 9:15 AM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern:

On behalf of the Thoroughbred Horsemen and Women and as a Owner/Fan I respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standardbreds and Thoroughbreds, especially as it concerns making it retroactive.

I believe a change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth.

Thank you in advance for your time and consideration.

Regards

David Giannelli  
203-376-4099

**MacLachlan, Amy (MGC)**

---

**From:** Susan Clark <susanclark@outlook.com>  
**Sent:** Monday, December 04, 2017 10:39 AM  
**To:** MGCcomments (MGC)  
**Subject:** RHDF split

Dear Commissioners,

I have been a board member of the NEHBPA for over 25 years. We were instrumental in having the RHDF set up. I was involved when this was being done by the legislature and their intent was to protect thoroughbred horse racing. It was our organization that also put protections in for the Standardbreds. In our planned Horse Park we have also put a track in for the Trotters as protection for those horsemen down the road. I'm asking that you leave the split as is and certainly not doing anything retroactive. When a business sets it's budget for the year their agenda and budget is set. How can you expect people to make up for what has been budgeted and spent. As for the split you need to compare what thoroughbred racing brings in per day of racing compared to the standardbred. There is no comparison.

Susan Clark NEHBPA board director.

Sent from my iPad



## MacLachlan, Amy (MGC)

---

**From:** Rick Carroll <rick.carroll@comcast.net>  
**Sent:** Sunday, December 03, 2017 10:10 AM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

On behalf of all Thoroughbred Horsemen and Horsewomen, and as a Owner and Fan of the sport, I respectfully request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standardbreds and Thoroughbreds.

A change in the split would be very detrimental to the Thoroughbred Racing and Breeding Program and would have a negative economic impact on the Commonwealth of Massachusetts.

## MacLachlan, Amy (MGC)

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**From:** Paul Umbrello <crstable@verizon.net>  
**Sent:** Sunday, December 03, 2017 10:16 AM  
**To:** MGCcomments (MGC)  
**Cc:** Lightbown, Alexandra (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Members of the Commission

As a Thoroughbred Owner, Member of the Mass Breeders and Executive Director of the NEHBPA on behalf of myself and the Thoroughbred Horsemen and women we request that you respectively vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds and more importantly NOT making any adjustment if deemed necessary retroactive

A change in the split at this time will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth

I know that members of the commission have attended race days at both racing facilities and while the total race days might be different for the time and NOT a factor according to the STATUTE it is evident that the Thoroughbreds have a far greater demand and impact to the economy I'm sure members of the commission on site could see first hand the number of patrons in attendance and their impact to the economy and the total number of employee's all factors in the STATUTE and to take into consideration.

Sincerely,  
Paul Umbrello

## MacLachlan, Amy (MGC)

---

**From:** William Banghart <[wbanghart@yahoo.com](mailto:wbanghart@yahoo.com)>  
**Sent:** Sunday, December 03, 2017 12:13 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern ;

On behalf of the Thoroughbred Horsemen and Horsewomen and as member of the NEHBPA , as an owner and fan , I respectfully request that the Gaming Commission vote Against the recommendation by the HRC regarding the change in the SPLIT between the Standardbreds and Thoroughbreds, especially with making it retroaction. A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program, and the economic impact it has on the Commonwealth.

Thank You;

William Banghart  
Owner/Fan  
Member NEHBPA  
[wbanghart@yahoo.com](mailto:wbanghart@yahoo.com)

**MacLachlan, Amy (MGC)**

---

**From:** JAMES BRADLEY <helenandjoan5@comcast.net>  
**Sent:** Sunday, December 03, 2017 12:57 PM  
**To:** MGCcomments (MGC)  
**Subject:** hrc split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

hello

as an owner at crr i think a change in the split will be very detrimental to the  
thoroughbred racing and breeding program and the economic impact that  
it has on the commonwealth....please keep racing in massachusetts..

thank you james p. bradley

## MacLachlan, Amy (MGC)

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**From:** Bob Vein <bvein8@gmail.com>  
**Sent:** Sunday, December 03, 2017 10:12 AM  
**To:** MGCcomments (MGC)  
**Subject:** Subject Line HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

On behalf of the Thoroughbred Horsemen and women and as a Owner/Fan I respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth

**MacLachlan, Amy (MGC)**

---

**From:** bruce na <bruce1360@yahoo.com>  
**Sent:** Sunday, December 03, 2017 10:39 AM  
**To:** MGCcomments (MGC)  
**Subject:** Voting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mgccomments Hello please vote against the recommendation of Hrc reganidng the change split between standbreds and thouroghbreds thank you. Bruce Miller. [bruce1360@yahoo.com](mailto:bruce1360@yahoo.com)  
Sent from Yahoo Mail on Android



## MacLachlan, Amy (MGC)

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**From:** Margo Palmer <margo@margopalmer.com>  
**Sent:** Sunday, December 03, 2017 1:27 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As an owner and fan of thoroughbred racing in New England, on behalf of the Thoroughbred Horsemen and women, I respectfully request that the Gaming Commission vote **against the recommendation by the HRC** regarding the SPLIT between the Standbreds and Thoroughbreds especially with regard to making it retroactive.

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth, and will likely prevent any future in the sport in New England.

Respectfully yours,  
Margo Palmer

## MacLachlan, Amy (MGC)

---

**From:** rfd455@aol.com  
**Sent:** Sunday, December 03, 2017 5:04 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir and/or Madam,

As a Thoroughbred Horsemen and as an Owner/Fan of thoroughbred racing I am respectfully requesting that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially the recommendation to making it retroactive. A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the Commonwealth. I believe progress is being made in the development of a horse park and losing this revenue will severely hamper the efforts of the NEHBA. Thank you in advance for your consideration of this request.

Respectfully,

Robert Ferrisi,  
266 Granite Street  
Quincy, Ma. 02169

## MacLachlan, Amy (MGC)

---

**From:** Howie DePetrillo <depo99@hotmail.com>  
**Sent:** Sunday, December 03, 2017 10:13 AM  
**To:** MGCcomments (MGC)  
**Subject:** Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please leave to split to the horsemen as it is . It is important to many there are no changes.  
Thanks Howard DePetrillo

Sent from my iPhone

## MacLachlan, Amy (MGC)

---

**From:** JEFFREY THIERFELD <jcact@comcast.net>  
**Sent:** Sunday, December 03, 2017 11:21 AM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Greetings,

On behalf of the Thoroughbred Horsemen and women and as a Owner/Fan we respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds - especially with making it retroactive.

Thank you and best regards,

Jeff & Cindy Thierfeld

## MacLachlan, Amy (MGC)

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**From:** JAMES BRADLEY <helenandjoan5@comcast.net>  
**Sent:** Sunday, December 03, 2017 12:51 PM  
**To:** MGCcomments (MGC)  
**Subject:** hrc split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

dear sirs et al.

as an owner at crr i think a change in the split will be very detrimental

## MacLachlan, Amy (MGC)

---

**From:** jjkelley12@comcast.net  
**Sent:** Sunday, December 03, 2017 2:18 PM  
**To:** MGCcomments (MGC)  
**Cc:** Dr. John J. Kelley  
**Subject:** Recommendation by the HRC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern: As an Owner/Fan you respectfully request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive. A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth. I believe that the Gaming Commission must realize that owners and fans of Thoroughbreds have very little racing dates in the State as it now stands. Please keep Thoroughbred racing in the State as it once was. Thank you!

Dr. John J. Kelley  
PRISM Educational Consultants Inc.  
85 Forest Dr.  
Bridgewater, MA 02324  
508-942-7723  
[jjkelley12@comcast.net](mailto:jjkelley12@comcast.net)



**MacLachlan, Amy (MGC)**

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**From:** Roberta Camera <robertacamera@yahoo.com>  
**Sent:** Sunday, December 03, 2017 7:32 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Stating that on behalf of the Thoroughbred Horsemen and women and as a Owner/Fan you respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive. A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth.

Sal Camera

Sent from Yahoo Mail on Android

## MacLachlan, Amy (MGC)

---

**From:** Ny526@aol.com  
**Sent:** Sunday, December 03, 2017 10:00 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello All,

On behalf of the Thoroughbred Horsemen and women and as a Owner/Fan you respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth.

Thank you.  
Mohamed Hassim

## MacLachlan, Amy (MGC)

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**From:** Bartkus, Brian <brian.bartkus@marshmma.com>  
**Sent:** Sunday, December 03, 2017 12:32 PM  
**To:** MGCcomments (MGC)  
**Subject:** Thoroughbreds and Standbreds

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir,

On behalf of Thoroughbred Horsemen and women and as an Owner/Fan you respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth of Massachusetts.

Thank you for your attention to this matter.

Respectfully,  
Brian Bartkus

**Brian E. Bartkus**, Supervisory Principal | Retirement Services  
**Marsh & McLennan Agency LLC**  
101 Huntington Avenue, Suite 401, Boston MA 02119  
+1 617 587 2385 | Mobile: +1 617 797 1982 | Fax: +1 617 236 0909  
[Brian.Bartkus@MarshMMA.com](mailto:Brian.Bartkus@MarshMMA.com) | [www.MMA-NE.com](http://www.MMA-NE.com)

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## MacLachlan, Amy (MGC)

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**From:** Dolores Kerr <amaded@cox.net>  
**Sent:** Sunday, December 03, 2017 4:37 PM  
**To:** MGCcomments (MGC)  
**Subject:** split racing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I love trotters as much as I love thoroughbreds and as a partner in quite a few orses my feeling is the only fair way to treat the different breeds is to have separate meets as if you don't know all major tracks that have both types of racing have separate meets like Aqueduct Meadowlands where tracks that only run trotters usually have two meets usually spring and fall so to split a meet would be unfair to both breeds thank you ed kerr

**MacLachlan, Amy (MGC)**

---

**From:** Basil Pallone <basilgpallone@aol.com>  
**Sent:** Sunday, December 03, 2017 8:57 PM  
**To:** MGCcomments (MGC)  
**Subject:** HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good evening,

I am writing on behalf of the Thoroughbred Horsemen and Women of Massachusetts and as an Owner/Fan of thoroughbred racing in Massachusetts. I respectfully request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the split between Standardbreds and Thoroughbreds especially with making it retroactive. A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program in Massachusetts and the economic impact it has on the Commonwealth.

Respectfully,

Basil G. Pallone  
Sudbury, MA

**MacLachlan, Amy (MGC)**

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**From:** Marylou Falconeiri <mfalconeiri@hotmail.com>  
**Sent:** Sunday, December 03, 2017 9:17 PM  
**To:** MGCcomments (MGC)  
**Subject:** Line HRC Split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom it May Concern:

On behalf of the thoroughbred Horsemen and Women and as a Owner I respectively request that the Gaming Commission vote against the recommendation by the HRC regarding the change in the SPLIT between the Standbreds and Thoroughbreds especially with making it retroactive.

A change in the split will be very detrimental to the Thoroughbred Racing and Breeding Program and the economic impact it has on the commonwealth.

It is imperative that the State of Massachusetts takes a second look at their racing status and the dates that are assigned. Owners and fans have to go out of STATE to pursue their love of Thoroughbred Racing & the love of these beautiful animals.

Thank you for your attention to this matter.

Mary Falconeiri  
13 Hitching Post Road  
Lakeville, MA 02347  
508-947-7612

Thank you for your attention to this matter.



## MacLachlan, Amy (MGC)

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**From:** MTBA <MTBA@comcast.net>  
**Sent:** Friday, December 01, 2017 5:29 PM  
**To:** MGCcomments (MGC); Lightbown, Alexandra (MGC); Lightbown, Alexandra (MGC)  
**Subject:** retroactive split

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Commissioners,

I am asking you to reject the question of making the split retroactive. The retroactive decision last year had a devastating effect on the breeding program. I'm afraid it would put an end to the whole program and I hope that is not the intent of the Gaming Commission.

Respectfully yours,  
Arlene Brown

**From:** Kevin  
**To:** [MGCcomments \(MGC\)](#)  
**Subject:** Race horse development split.  
**Date:** Tuesday, November 28, 2017 10:47:42 AM

---

Forwarded to Catherine.

To commissioners,

Question....isn't it called the Race Horse DEVELOPMENT Fund...not the Race Horse DAYS RUN REWARD Fund. It was obvious to the woman professor that studied & made the original recommendation that the thoroughbred industry deserves more. And if anything that logic is truer today. Look at a recent example....Standardbreds had the biggest race in recent history a whopping \$ 250,000 purse and can't get half the amount of spectators that the SD festivals witnessed every day at the Saturday & Sunday festivals. The larger attendance was accomplished at the thoroughbred festivals w/ little promotion. Thoroughbred racing is good for the Commonwealth.

Also, a review of the top ten trainers show the majority of the Standardbreds money is going out of town to New York and Maine based Standardbreds trainers/farms. That wasn't the case when Suffolk Downs was open for a full meet. And it won't be the case if a track is built. You will see lots of local trainers and local employees.

I ask how is anyone going to "DEVELOP" a sustainable thoroughbred racing product if you continue to reduce the amount of monies that the initial study concluded should be directed to "our" thoroughbred racing industry. Doesn't give potential investors a warm feeling.

I also ask which industry needs more financial help? In my opinion if you change the split again in favor of the Standardbreds it seems like you are choosing to limit the chances of the Thoroughbred racing industry returning to the Commonwealth. I hope that is not the case. Standardbreds are thriving. Hypothetical, if the Red Sox couldn't play at Fenway...and Lowell Spinners were competing for funding from the State...I would hope the decision would be made to get the Sox up in running again ASAP...and continue to help the Spinners.

Regards,  
Kevin McCarthy  
Horse owner / trainer  
Cell 791-706-3430

Sent from my iPhone

# THE COMMONWEALTH OF MASSACHUSETTS



## FOURTH ANNUAL REPORT OF THE MASSACHUSETTS GAMING COMMISSION DIVISION OF RACING

Stephen Crosby **CHAIRMAN**  
Gayle Cameron **COMMISSIONER**  
Lloyd Macdonald **COMMISSIONER**  
Bruce Stebbins, **COMMISSIONER**  
Enrique Zuniga, **COMMISSIONER**

**YEAR ENDING DECEMBER 31, 2016**



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# INTRODUCTION / MISSION STATEMENT

The Mission Statement of the Massachusetts Gaming Commission is to create a fair, transparent and participatory process for implementing the expanded gaming law passed in November 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

The Massachusetts State Racing Commission (“SRC”) was a predecessor agency created by an act of the General Court in 1934. The State Racing Commission, pursuant to Chapter 4 of the Acts of 2009, was transferred to the Division of Professional Licensure (“DPL”), on January 1, 2010. Effective May 20, 2012, all State Racing Commission functions were further transferred to the Massachusetts Gaming Commission, pursuant to Section 89 of Chapter 194 of the Acts of 2011. DPL continued to manage all racing operations through an inter-agency service agreement through the end of calendar year 2012. The Racing Division of the Massachusetts Gaming Commission assumed control of the fiscal and operational activities of the old State Racing Commission on January 1, 2013.



# GAMING COMMISSIONERS

## STEPHEN CROSBY CHAIRMAN



Prior to serving as Chair of the Massachusetts Gaming Commission, Mr. Crosby served as Founding Dean of the John W. McCormack Graduate School of Policy and Global Studies at UMass Boston. He has 45 years of experience in policy making, entrepreneurship, non-profits and academics.

In his position as Dean, Mr. Crosby oversaw three academic departments (Public Policy and Public Affairs; Gerontology; and Conflict Resolution, Human Security and Global Governance), along with thirteen research centers and institutes. During his nearly 6 year tenure, he founded the Commonwealth Compact; the Edward J. Collins Center for Public Management; the Collaborative Institute on Oceans, Climate & Security; the Center for Civil Discourse; and has overseen the development of new Centers on Governance and Sustainability; Community Democracy and Democratic Literacy; and Peace, Democracy and Development.

As Secretary of Administration and Finance to Governors Paul Cellucci and Jane M. Swift from 2000-2002, Mr. Crosby was responsible for development, legislative approval and implementation of the governor's \$23 billion annual operating budget and a \$2 to \$3 billion capital budget. He supervised 22 agencies with 3,000 employees. In 2002, he served as chief of staff to Governor Swift. Working with the community on non-profit boards, Mr. Crosby presently serves as chair of the Center for Applied Special Technologies (CAST), and as a board member of the Economic Progress Institute, in Providence, R.I.

In other public service, he co-chaired Governor Patrick's Transition Task Force on Budget and Finance; served as Chair of the Commission to Review Compensation Packages of Senior "Quasi Public" Employees; and served as a member of the Supreme Judicial Court Task Force on Hiring and Promotion in the Judiciary.

In 25 years of work in the private sector, Mr. Crosby was founder and publisher of CCI/Crosby Publishing in Boston. In other business endeavors, he has served as chairman and CEO of technology and publishing companies, including Interactive Radio Corp., Inc., SmartRoute Systems, Inc., Crosby Vandenburg Group, and MetroGuide, Inc. His career also includes work as a campaign manager and senior advisor for local and national candidates and elected representatives, and as a frequent commentator in local and national media.

Mr. Crosby received his B.A. from Harvard College and his J.D. from Boston University.

## GAYLE CAMERON COMMISSIONER



Prior to her appointment to the Massachusetts Gaming Commission, Gayle Cameron worked as a public safety consultant after a distinguished career with the New Jersey State Police. She retired as a Deputy Superintendent, the second highest rank.

Prior to her retirement, Lieutenant Colonel Cameron commanded the Investigations Branch which had authority over the areas of: casino regulation, specialized investigations, intelligence gathering and analysis, and forensic sciences. In this position she held the agency's top security clearance and interacted on a regular basis with the US Attorney from the District of NJ, the State's Governor, the NJ Attorney General and was the primary liaison with all federal law enforcement agencies.

The purview of this position included managing more than 900 detectives, analysts and scientists assigned to 57 different units with an annual budget of over seventy five million dollars. Incorporated within these entities were subordinate bureaus and offices responsible for casino gaming, counter terrorism, narcotics, organized crime, cyber technology, intelligence management, electronic surveillance, street gang investigations, homicide and violent crimes.

Cameron's gaming experience began as an undercover operative while conducting casino criminal and organized crime investigations. She also gained valuable expertise as a detective vetting individuals and companies during the application process for licensure to Atlantic City's casinos. Prior to serving as the Deputy Superintendent, she held leadership positions as the Commanding Officer of the following sections: Administration, where she was responsible for the formulation and management of the Division's annual budget; Human Resources and Identification and Information Technology. Other positions held include: Bureau Chief of Command Operations, Station Commander, EEO/AA Investigations Unit leader, Executive Protection Squad Leader and road duty Trooper.

Lt. Colonel Cameron has been called upon to sit on numerous promotional boards both in the United States and abroad. Toward the end of her service she was appointed to serve as a Commissioner for the Commission on Accreditation for Law Enforcement Agencies (CALEA) which evaluates police agencies' best practices both nationally and internationally. She is a founding member of New Jersey Women in Law Enforcement and frequently serves as a panelist for the international association of Chiefs of Police and the National Center for Women and Policing.

Lt. Colonel Cameron holds an M.A. from Seton Hall University, a B.S. from Bridgewater State College, and is a graduate of the FBI Leadership Development School, the Northwestern University School of Staff and Command, and the International Chiefs of Police Leadership in Police Organizations certification.



## LLOYD MACDONALD COMMISSIONER



Lloyd Macdonald was appointed to the Gaming Commission by Attorney General Maura Healey in late October 2015 pursuant to her responsibility under the Commission's enabling statute to appoint one commissioner with experience in law enforcement and investigations.

From 2004 to the time of his retirement in 2014, Macdonald was a Justice of the Massachusetts Superior Court. During his last two years on the court, he was the Regional Administrative Judge of Bristol County and oversaw all of the criminal and civil sessions of the county. Before joining the Court, Judge Macdonald was a senior partner in the international law firm of K&L Gates, where he specialized in complex civil litigation, white collar criminal defense and SEC enforcement litigation. He was the co-chair of the Massachusetts Bar Association's Criminal Law and Procedure Committee in the late 1970's.

Before entering private practice, Judge Macdonald was an Assistant United States Attorney in the District of Massachusetts, where he became Chief of the Public Corruption Unit. Before that, he was an Assistant District Attorney in Suffolk County, Massachusetts and Chief Trial Counsel of the Major Violators Division. Judge Macdonald began his professional career in 1970 at the Harvard Law School's Center for Criminal Justice, where he rose to become Assistant Director.

Judge Macdonald was educated at Harvard College and Columbia Law School. At Columbia he was a Harlan Fiske Stone Scholar. Upon graduation from law school, Judge Macdonald was awarded the Ford Fellowship in Criminology and studied for a year at the Cambridge University Institute of Criminology in Cambridge England.

Born in New Bedford, Judge Macdonald has maintained his ties to the South Coast, where he has a residence in Dartmouth. He has been a longstanding member of the board of trustees of the New Bedford Whaling Museum, where he chaired the Museum's Governance Committee for many years. He has also been active in environmental causes on the South Coast, having been President of the Dartmouth Natural Resources Trust, President of the Slocums River Trust and a founding member of the Lloyd Center for the Environment. Following his retirement from the court, Judge Macdonald joined, and remains on, the board of the Child Advocacy Center of Bristol County, which is the principal private agency serving victims of child sexual abuse.

In the year following his retirement from the Superior Court, Judge Macdonald was appointed an Access to Justice Fellow by the Massachusetts Supreme Judicial Court, and during that time he was a founding mentor at the University of Massachusetts Law School's Justice Bridge law offices in Boston and New Bedford.

Judge Macdonald resides, with his wife, Ann, in both Dartmouth and Cambridge.

## BRUCE STEBBINS COMMISSIONER

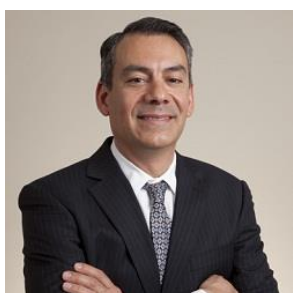


A native of Western Massachusetts, Bruce most recently served as Business Development Administrator for the city of Springfield. He also served two terms on the Springfield City Council from 2006 through the end of 2009. Prior to joining the city Economic Development office, Bruce served as Senior Regional Manager for the National Association of Manufacturers in the New England region from 1999 through 2010.

Earlier in his career, Bruce served in the administrations of Governors William Weld and Paul Cellucci eventually being promoted to head the Massachusetts Office of Business Development after serving as deputy director and regional director. His government experience included working in the Office of Political Affairs at the White House for President George H.W. Bush.

His commitment to his community has also included serving on the elected school committee in East Longmeadow for seven years and chairmanship of the Board of Trustees of Springfield Technical Community College as well as other non-profit community organizations. He is a graduate of George Washington University in Washington, D.C. where he received a Bachelor of Arts degree in Political Science.

## ENRIQUE ZUNIGA COMMISSIONER



Enrique recently served as the Executive Director of the Massachusetts Water Pollution Abatement Trust. The Trust is a \$5.2 billion state infrastructure bank that provides subsidized loans to Cities and Towns for clean water and drinking water projects. The Trust is a “State Revolving Fund” that accepts federal grants and issues municipal debt to fund the loans it provides to municipalities. Under his tenure the Trust re-procured all its advisors and service providers, issued a competitive short term financing of \$100 million, and prepared for the permanent financing of \$450 million of loans.

Prior to joining the Trust, Enrique was the director of Quality Assurance at the Massachusetts School Building Authority. Enrique’s duties cut across different areas of the Authority including the initial drafting of regulations, reimbursements to cities and towns during the design and construction project (progress payments), design and implementation of information systems, executive reporting, training and other special projects.

Prior to the MSBA, Enrique was a manager at Ernst & Young in the Real Estate and Construction Advisory Services Group, where he conducted a number of advisory, audits and risk assessments for corporate clients with large capital programs. Enrique came to New England in 1995 to obtain an MBA from the Yale School of Management, and prior to that he was a co-owner and director of a residential development and construction company in Monterrey Mexico. Enrique obtained a Civil Engineering degree in Mexico. In 1997 Enrique relocated to Massachusetts and since 2001 has resided in Jamaica Plain with his wife Ellen and two children.

# EXECUTIVE STAFF

## EDWARD R. BEDROSIAN, JR. EXECUTIVE DIRECTOR

Ed has 22 years of experience as a public sector manager; first, as a Deputy District Attorney in the Middlesex District Attorneys' Office and, then, as the First Assistant Attorney General in the Massachusetts Attorney General's Office. Mr. Bedrosian has both a law degree and an M.B.A.

Mr. Bedrosian began his career as a prosecutor and went on to become First Assistant Attorney General in the Massachusetts Office of the Attorney General. As First Assistant, Mr. Bedrosian oversaw both the legal and administrative operations of the office. Mr. Bedrosian was responsible for leading an executive team to plan and implement the office's \$40 million budget, oversee all hiring, manage outside counsel appointments, and execute office priorities. In addition to managing both civil and criminal litigation, Mr. Bedrosian directly supervised the Attorney General's open meeting division, tobacco enforcement unit, state solicitor's office and division of gaming enforcement. In addition, Mr. Bedrosian advised the Legislature on the regulatory structure for gaming legislation and criminal statutes, worked with the Gaming Commission to implement the early regulatory structure, managed early litigation against the Commission, and created and managed the Attorney General's Division of Gaming Enforcement. Prior to his service in the Attorney General's Office, Mr. Bedrosian was a Deputy District Attorney in the Middlesex District Attorney's office. He tried hundreds of cases, including white-collar fraud, narcotics and homicide cases. He also managed the Special Investigations Unit that focused on organized crime and career criminals.

Immediately prior to joining the Massachusetts Gaming Commission as Executive Director, Mr. Bedrosian served as counsel for the national law firm, Orrick, Herrington and Sutcliffe working in the Public Policy Group which represents companies with the state Attorneys' General and other state regulators.

Mr. Bedrosian graduated from Georgetown University with a B.A cum laude in 1987, from George Washington University in 1991 with a J.D. and from Boston University in 2012 with an M.B.A.

## **CATHERINE BLUE GENERAL COUNSEL**

As MGC's General Counsel, Ms. Blue leads the Commission's legal team responsible for managing the legal issues arising out of the Commission's implementation and administration of the Expanded Gaming Act. Ms. Blue has more than 30 years experience practicing law in the private and public sectors. From 2010 to 2013, Ms. Blue was the head of the MassDevelopment legal department, working with a team of attorneys to assist one of the Commonwealth's primary economic development agencies in restoring blighted properties and funding emerging businesses. From 2008 to 2010, Ms. Blue was an attorney with the Metropolitan Transportation Authority in New York City, working on corporate governance, funding and contract matters. Prior to that Ms. Blue spent ten years with AT&T Wireless Services managing a team of legal professionals responsible for supporting the construction of wireless technology networks across the United States.

Ms. Blue began her career as an attorney in the Alcoa legal department. She graduated from Stonehill College with a degree in political science. She holds a Juris Doctor degree from the College of William and Mary in Virginia.

## **ELAINE DRISCOLL DIRECTOR OF COMMUNICATIONS**

Elaine Driscoll is a media relations professional with more than a decade of experience in public relations, strategic communications and community outreach. Prior to joining the Massachusetts Gaming Commission, Driscoll served as the Director of Communication and Media Relations for the Boston Police Department (BPD). In this role, Driscoll developed and implemented policies and strategies related to all Boston Police internal and external communications, public relations, marketing, community relations and public information. During her tenure at BPD, Driscoll and the BPD Media Relations staff were recognized as the 'In-house PR Team of the Year' at the 2011 PR Week Awards. Driscoll functioned as the primary Boston Police spokesperson and was responsible for developing key messaging and media strategy for numerous high-profile crisis situations, promoting positive news stories, and maintaining effective relationships with all media outlets.

Prior to joining the BPD, Driscoll worked as Vice President of Corporate Communications at SBE Entertainment Group in Los Angeles, CA. Driscoll began her career at Regan Communications Group in Boston, MA. Driscoll is a graduate of Arizona State University and holds a Bachelor of Science degree in Communication.

## ALEXANRA LIGHTBOWN, D.V.M. DIRECTOR OF RACING

As Director of Racing, Dr. Lightbown is responsible for coordinating the regulation of the state's horseracing industry and implementing Chapters 128A and 128C. She has over 26 years of experience in horseracing, with 23 of those years in a regulatory position. Prior to becoming Director of Racing, she held the position of Chief Veterinarian and Operations Manager for the Massachusetts Gaming Commission. In this role, she was responsible for implementing a series of regulatory reforms put in place by the Gaming Commissioners. Before joining the Commission, for three years she was the Acting Director of Racing and Chief Veterinarian for the Massachusetts State Racing Commission and for the Massachusetts Department of Professional Licensure, when racing regulation was moved to that agency. This included being responsible for the field operations at the state's racetracks, overseeing auditors, licensing, the drug testing laboratory, test barn, and stewards/judges. Dr. Lightbown began her regulatory career with the Massachusetts State Racing Commission as Chief Veterinarian, overseeing the health and welfare of the state's racing animals. Dr. Lightbown earned a Doctor of Veterinary Medicine from Tufts University School of Veterinary Medicine in North Grafton, Massachusetts. She earned a Bachelor of Science in Biology from Colorado State University, after spending her first two years of college at Mount Holyoke College in South Hadley, Massachusetts. After completing her Doctor of Veterinary Medicine degree, she worked in a private practice at Suffolk Downs in East Boston, MA for about a year, and next at Rockingham Park in Salem, NH for two years.

## JOHN GLENNON CHIEF INFORMATION OFFICER

As the Chief Information Officer (CIO) for the Commission, John Glennon has over 30 years of information technology leadership in the public and private sectors. Mr. Glennon is responsible for overseeing the use and deployment of technology for the Commission.

In his previous role as Deputy Chief Information Officer for the Commonwealth of Massachusetts, Mr. Glennon served as a member of the senior leadership team that managed the Information Technology Division (ITD), the primary internal provider of technology services to Commonwealth Executive Branch agencies. As Deputy CCIO, Mr. Glennon was responsible for major projects including the Springfield Data Center; MassNET, the build-out of broadband services in western Massachusetts and provision of managed services to Executive Office agencies; MassHR, human resources automation and consolidation efforts; IT finance reform and budget planning business re-engineering; and ITD collaboration with municipalities. Mr. Glennon was previously the Secretariat Chief Information Officer for the Executive Office of Labor and Workforce Development (EOLWD). At EOLWD Mr. Glennon managed an IT organization supporting 1800 employees, 45 offices, and five call centers. In addition to fulfilling secretariat responsibilities, John has been a leader in the Commonwealth's IT Consolidation program and is an active participant in the Commonwealth's three enterprise IT governance boards.

Prior to joining state government in 2004, Mr. Glennon held senior IT leadership positions in the private sector at Tufts Health Plan, The Vantage Group, Fresenius Medical Care, and W.R. Grace & Co.

## **JILL GRIFFIN DIRECTOR OF WORKFORCE, SUPPLIER, AND DIVERSITY DEVELOPMENT**

As MGC's Director of Workforce, Supplier and Diversity Development, Ms. Griffin is responsible for the promotion of diversity and programs to encourage all residents of the Commonwealth to benefit from the new jobs and business opportunities created through the expansion of gaming. Ms. Griffin also develops and manages initiatives to support small business seeking business opportunities with casino and slots-parlor gaming licensees. Ms. Griffin works with unions, employers, training entities and other workforce development partners and agencies across the state to recommend policy and engage in existing or new initiatives that address casino training, workplace safety and diversity.

Ms. Griffin has more than 15 years of experience in economic and workforce development and most recently served as Senior Director of Programs at The Boston Foundation. Prior to this role, Griffin held various leadership positions with a focus in economic development and strategic planning and partnerships at the Boston Redevelopment Authority and the City of Boston's Department of Neighborhood Development. Ms. Griffin began her career at City Year and Northeastern University's Cooperative Education Program. Ms. Griffin has also served on several boards throughout her professional career including presently the Massachusetts Service Alliance and previously MYTOWN (Multicultural Youth Tour of What's Now) and the National Coalition of 100 Black Women, Community Action Committee. Ms. Griffin earned a Masters of Science and a Bachelors of Arts in Communication both from the State University of New York College at Oswego, NY.

## **MARK VANDER LINDEN DIRECTOR OF RESEARCH AND RESPONSIBLE GAMING**

As MGC's Director of Research and Responsible Gaming, Mr. Vander Linden oversees the MGC research agenda which includes a baseline study to understand the social and economic effects of expanded gambling, levels of problem gambling and prevention and treatment services currently available. Additionally, he will oversee numerous ongoing studies to gain information relative to gambling disorders and advance the treatment and prevention field. Mr. Vander Linden will work closely with stakeholders throughout the Commonwealth to support effective and innovative prevention, treatment and recovery support methods.

Mr. Vander Linden most recently served as the Executive Officer in the Office of Problem Gambling Treatment and Prevention at the Iowa Department of Public Health where he directed all aspects of problem gambling services for the state including treatment, prevention, marketing, research and workforce development. He serves on numerous Boards including the Association of Problem Gambling Service Administrators and National Center for Problem Gambling. Mr. Vander Linden frequently provides training and consultation on problem gambling policy, research and practices.

Mr. Vander Linden has more than 15 years of experience in the social work field specializing in addictions, community health and mental health. Vander Linden earned a Masters of Social Welfare from the University of California at Berkeley and a Bachelor of Arts from the University of Iowa.



## **KAREN WELLS DIRECTOR OF INVESTIGATIONS AND ENFORCEMENT BUREAU**

As the Director of the IEB, Ms. Wells is focused on protecting the public interest and ensuring the integrity of legal gaming in Massachusetts by leading the regulatory and criminal enforcement of the Expanded Gaming Act. She is the operational and administrative head of the Bureau responsible for executing, administering and enforcing the provisions of the law relative to investigations and enforcement. On behalf of the gaming commission, she is also responsible for facilitating law enforcement activity involving the Massachusetts State Police, the Alcohol Beverage Control Commission, the Massachusetts Attorney General's Office and other local, state and federal law enforcement partners.

Prior to joining MGC, Ms. Wells most recently served as the Undersecretary for Law Enforcement at the Massachusetts Executive Office of Public Safety. As Undersecretary, Ms. Wells directed the functions and administration of the Massachusetts State Police, the Department of Public Safety and the Municipal Police Training Committee. The Department of Public Safety is a regulatory, licensing and inspection agency, charged with the oversight of numerous activities, businesses and professions. Ms. Wells also coordinated with federal, state and local public safety officials to enhance cooperation on all policy and operational matters. During her tenure as Undersecretary, she also served as secretariat lead for gaming-related issues. In 2008, Ms. Wells functioned as the commonwealth's Senior Counsel for Law Enforcement and Fire Services and was responsible for managing policy development and implementation of programs relative to crime prevention, emergency management and public safety.

In 2007, Ms. Wells served as Deputy Chief of the Public Protection, Anti-Terrorism, Corruption and Technology Unit at the Middlesex District Attorney's Office where she prosecuted high-level narcotics and white-collar crimes. Previously, she served as Assistant Attorney General in the Criminal Bureau of the Massachusetts Attorney General's Office assigned to the Special Investigations and Narcotics Division.

In 1994, Ms. Wells began her career as an Assistant District Attorney at the Middlesex County District Attorney's Office. Wells graduated with a law degree from Boston University School of Law in 1994. In 1991, she graduated from Colgate University with a Bachelor of Arts Degree in English. Wells is also the recipient of several commendations and distinguished service awards including the Massachusetts State Police Superintendent's Commendation for her contribution to a wiretap investigation of a major state narcotics investigation.

## **JOHN ZIEMBA OMBUDSMAN**

Prior to joining the Massachusetts Gaming Commission, John Ziemba held positions in both the public and private sector acquiring experience which is uniquely suited to the position of Ombudsman. Most recently, Mr. Ziemba held the position of Counsel at the law firm of Bowditch & Dewey, LLP, where he was a Co-Chair of the Government Practice and helped found the Renewable Energy Practice. Prior to that, he held top legal, managerial, and policymaking positions for sixteen years in Massachusetts state government. He most recently served in the Governor's Cabinet as Cabinet Secretary / Director of the Department of Labor, the executive office responsible for the Commonwealth's labor relations, occupational safety, and workers' compensation agencies. Prior to his appointment as Director, he was Undersecretary / Acting Secretary of the Executive Office of Transportation and Acting Chairman of the Massachusetts Bay Transportation Authority. From 1991 until 2002, he developed a wide range of experience as Deputy Chief of Staff in the Governor's Office, at the Department of Housing and Community Development and at the Office of Consumer Affairs and Business Regulation, where he worked with the state's banking, racing and utility regulation agencies. While in the Governor's Office, John was responsible for the state's transportation, public safety, consumer affairs, and labor and workforce agencies and authorities.



# DIVISION OF RACING

**ALEXANDRA LIGHTBOWN, D.V.M.**

**DIRECTOR OF RACING | CHIEF COMMISSION VETERINARIAN**

**DOUGLAS A. O'DONNELL**

**SENIOR FINANCIAL ANALYST | PARI-MUTUEL MANAGER**

# MASSACHUSETTS RACETRACKS

## SUFFOLK DOWNS

### MAILING ADDRESS

Sterling Suffolk Racecourse, LLC  
d/b/a Suffolk Downs  
525 McClellan Highway  
East Boston, MA 02128  
(617) 567-3900



### MEET PERIOD

July 9<sup>th</sup> and 10<sup>th</sup> August 6<sup>th</sup> and 7<sup>th</sup> September 3<sup>rd</sup> and 4<sup>th</sup>  
6 race days

### 2016 RACING STATS

Total number of races:	63
Total number of starters:	467
Average field size:	7.41
Total 2016 purses:	\$2,735,902
Average daily purse:	\$455,983

### TRACK STATS

Barn Area Stall Space:	1085
Horses on Grounds:	482

### MAIN TRACK

Homestretch:	90 ft. wide, backstretch 70 ft. wide
Turns:	Banked 4.5 degrees; straightaways 2.0 degrees
Distance from top of stretch to finish line:	1030 ft.
Distance from finish line to clubhouse turn:	360 ft.
Fontana safety rail	

### TURF COURSE

About 7 furlong oval comprised of perennial rye grass	
Homestretch:	70 ft. wide; backstretch 65 to 70 ft. wide
Distance from top of stretch to finish line:	1,030 ft.
Distance from finish line to clubhouse turn:	360 ft.
Fixed rail and hedge	

### CHAPTER 10 OF THE ACTS OF 2015, SECTION 59.

The running race horse meeting licensee located in Suffolk county licensed to conduct live racing pursuant to chapter 128c in calendar year 2016 shall remain licensed as a running horse racing meeting licensee until July 31, 2017 and shall remain authorized to conduct simulcast wagering pursuant to said chapter 128c for the entirety of any year in which at least 1 day and not more than 50 days of live running horse racing is conducted at the licensee's facility.

## PLAINRIDGE PARK CASINO

### MAILING ADDRESS

Plainville Gaming and Redevelopment, LLC  
d/b/a Plainridge Park Casino  
301 Washington Street  
Plainville, MA 02762  
(508) 643-2500



### MEET PERIOD

April 15, 2016 through December 3, 2016  
115 race days

### 2016 RACING STATS

Total number of races:	<b>1,092</b>	1,060 Overnights (wagering) 31 MA Sire Stakes (non-wagering) 1 MA Sire Stakes (wagering)
Total starters in Overnights:	<b>7,884</b>	
Average field size:	<b>7.22</b>	
Average field size in Sire Stakes:	<b>5.84</b>	
Overnights:	<b>798 paces, 262 trots</b>	
Sire Stakes:	<b>16 paces, 16 trots</b>	
Total 2016 purses:	<b>\$7,954,092</b>	
Total Overnight purses:	<b>\$6,710,162</b>	
Average per dash	<b>\$6,330</b>	
Total Sire Stake Purses	<b>\$1,243,930</b>	
Average per dash	<b>\$58,349</b>	

### TRACK STATS

Barn Area Stall Space:	<b>141</b>
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### RACE TRACK

5/8ths mile  
Pylons

### MASSACHUSETTS GENERAL LAWS ANNOTED CHAPTER 23K, SECTION 24.

An application for a gaming license who holds a live racing license under chapter 128A shall maintain an existing racing facility on the premises; provided, however, that the gaming licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule: (i) in the first calendar year of operation, a gaming licensee shall hold 105 racing days, (ii) in the second calendar year of operation 115 racing days; (iii) in the third and subsequent calendar year of operation 125 racing days.

## WONDERLAND GREYHOUND PARK

### MAILING ADDRESS

d/b/a/ Sterling Suffolk LLC  
525 McClellan Highway  
East Boston, MA 02128  
(617) 567-3900



### SIMULCASTING

7 days a week

## RAYNHAM TAUNTON GREYHOUND PARK

### MAILING ADDRESS

1958 Broadway  
Raynham, MA 02767  
(508) 824-4071



### SIMULCASTING

7 days a week

### MASSACHUSETTS GENERAL LAWS CHAPTER 23K SECTION 60. RACE HORSE DEVELOPMENT FUND.

The Race Horse Development Fund shall consist of monies deposited under subsection (c) of section 55. The Commission shall make distributions from the Fund to each licensee under chapter 128A. Funds received shall be distributed between thoroughbred and standardbred accounts, as approved by the Commission.

Calendar Year 2016 is the second year that monies have been distributed from the Race Horse Development Fund accounts.

#### Distribution Amounts for Calendar Year 2016

<b>Thoroughbred Accounts:</b>	<b>\$2,505,404</b>
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<b>Harness Accounts</b>	<b>\$5,975,811</b>
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# LICENSING

One of the Commission's foremost responsibilities is the issuance of occupational licenses to every person who participates in racing, and the issuance of licenses to associations who operate the Commonwealth's racetracks and simulcast facilities.

## **2,008 APPLICATIONS FOR LICENSURE PROCESSED IN 2016**

The licensing process requires that every person who participates in racing complete an application, and that all questions must be answered truthfully. The application is reviewed for completeness by licensing staff who then forward the application to the Massachusetts State Police Gaming Enforcement Unit, who conduct a background check of the applicant. Once the background check is completed, the application is sent to the Board of Stewards/Judges at each track. The Board reviews the application and may interview the applicant. The Stewards/Judges determine if the applicant has the required integrity, ability, and the eligibility for the license for which the applicant has applied. The Commission also has access to the Association of Racing Commissioners' International (ARCI) files in Lexington, Kentucky and the United States Trotting Association's (USTA) database for violations. These files maintain a record of every racing related offense attributed to an applicant anywhere in the country. The Commission provides reciprocity to other jurisdictions and their licensing decisions.

If the Stewards/Judges recommend licensing an applicant, the licensing staff collects the required fee and enters the appropriate information in the Commission's computer network. The applicant is issued a license card that entitles him to a photo identification badge. No person may enter any restricted area of a racetrack without a photo identification badge. During 2016, the Division of Racing issued 2,008 occupational licenses to persons participating in horse racing in the State. Occupations licensed include jockeys, drivers, trainers, assistant trainers, owners of racing animals, blacksmiths, racing officials, vendors, stable employees and pari-mutuel clerks. \$83,355.00 was collected in Occupational License Fees and Badge Fees and \$23,600.00 in Racing related fines. Occupational licenses expire annually on December 31.

# LICENSING STAFF

**JEFFREY BOTHWELL LICENSING COORDINATOR**

**BILL EGAN CONTRACT LICENSING COORDINATOR**

**GEORGE CARRIFIO CONTRACT LICENSING COORDINATOR**

Licensing Coordinators supervise the operation of the Commission's field offices located at Suffolk Downs, Raynham Park, and Plainridge Park Casino. They work closely with stewards, judges, racing officials, track security, the State Police unit and the Gaming Commission to ensure that operations at each track are efficient and effective.

# OCCUPATIONAL LICENSES AND FEES

LOCATION	LICENSE FEES	FINES	BADGES	TOTAL FEES
<b>Suffolk Downs</b>	\$31,180	\$0	\$4,895	\$36,075
Issued	1015	0	466	1,481
<b>Plainridge</b>	\$39,870	\$23,600	\$7,070	\$70,540
Issued	993	120	474	1587
<b>Raynham</b>	\$340	-	-	\$340
Issued	17	-	-	17
<b>TOTAL FEES</b>	<b>\$71,390</b>	<b>\$23,600</b>	<b>\$11,965</b>	<b>\$106,955</b>



# AUDITING

**DOUGLAS A. O'DONNELL**

**SENIOR FINANCIAL ANALYST | PARI-MUTUEL MANAGER**

## **PARI-MUTUEL OPERATIONS: COMPLIANCE ENSURED**

Responsibilities of the Commission's auditors include assessing liabilities owed to the Commission and overseeing the calculation of take-out from handle. The handle is the total amount of money wagered at each performance and the take-out percentage of handle is determined by statute. Proceeds from the handle are distributed to numerous stakeholders, as described by statute.

## **SAFEGUARDS**

All money wagered on a horse race goes through the equipment of one of the two Totalisator companies; namely, AmTote and Sportech. These are private companies who sell their services to racetracks. Both Suffolk Downs and Raynham Park use the services of AmTote whereas Plainridge is with Sportech. These companies provide the machines for wagering, those used by the tellers and the self-service terminals. The "tote" system (as it is referred to) accepts wagers and based on those wagers, it calculates the odds on each betting interest, displays them, produces and configures the payouts following the race and later cashes the tickets given to the bettor. This is all accomplished through very sophisticated computerized equipment that has the ability to combine all wagers placed, no matter where they are coming from, including those placed via computer, live at the track where the race is being conducted and at all guest sites that have contracted to wager with the host track. All these wagers go into a common pool. The term "host" is the track where the race is being run and the term "guest" means any other location where wagers are made on a live race.

Before the start of a racecard, all tote companies at the sites that will take wagers on the live product, connect with the tote at the host site. At the start of each individual race, the Steward/Judge at the Host track presses a key/button that locks all the wagering machines. This stops any betting after the start of any race. At the conclusion of a race, the Stewards/Judges determine the order of finish and notify their mutuel department who is linked to the Tote system that the race is going "official" and the numbers of the first 4 finishers are posted along with the payouts for all the different wagers; i.e., win, place, show, daily double, exacta, trifecta, superfecta, or any wager that is offered on the race by the Host track.

Printouts from the tote system are audited by the Racing Commission Auditors for accuracy and compliance with current statutes.

## DAILY AUDIT

A summary sheet, detailing the breakdown of the statutory take-out is prepared by Commission Auditors for each individual racing performance. For live racing, the information is provided by the on-site tote system. For imported simulcast races, a report from the host track is faxed to the guest track. This report is used in conjunction with on-track reports to complete the summary sheet. This activity ensures that the public, the Commonwealth, purse accounts, and all designated trust funds are properly funded. The Commission Auditors prepare a handle reconciliation report on a daily, weekly and monthly basis. This report shows the handle broken down as to live, signal exported and signal imported. Further, the balance of all current unclaimed winning tickets and the liquidity of the mutuel department are audited by the Commission Auditors.

# MASSACHUSETTS STATE POLICE INVESTIGATIVE UNIT

**ARTHUR SOMERVILLE SERGEANT**

**ROBERT MILLER TROOPER**

**SCOTT WALKER TROOPER**

**JOSEPH SINKEVICH TROOPER**

The Commission's goals of protecting racing participants and the wagering public as well as maintaining the public's confidence in pari-mutuel wagering are achieved through the Commission's licensing, revenue collection and investigative activities. The State Police Investigative Unit plays a vital role in achieving the goals of the Commission.

The Gaming Commission applies to the Department of Public Safety for an assignment of a complement of police officers. In the performance of their duties, the State Police Investigative Unit investigates violations of the rules of racing and the Massachusetts General Laws. The Investigative Unit's extensive responsibilities and activities have resulted in a major improvement in the Commission's regulatory/policing functions.

## **STABLE INSPECTIONS**

Stable inspections focus on the detection of safety violations, the presence of unlicensed persons in restricted areas and the possession of illegal medications, drugs and syringes. These inspections are conducted by officers assigned to the State Police Unit and aid in preserving the integrity of racing.

## **2 EJECTIONS - 15 INVESTIGATIONS - 3 ARRESTS**

In 2016, the State Police Investigative Unit conducted 15 investigations including hidden ownership of racehorses, larceny, and counterfeit money that resulted in 3 arrests and 2 ejections from Massachusetts racetracks of persons determined to be detrimental to racing.

## **SPECIAL INVESTIGATIONS**

The State Police Investigative Unit conducted investigations into the background of each individual who was a party to the application for a racetrack license in Massachusetts. The State Police Unit also conducted several special investigations with other agencies and units within the State Police concerning ten per center activity, identity investigations and drug activity.

## **1062 BACKGROUND INVESTIGATIONS**

The State Police Investigative Unit conducted 1062 background investigations on Gaming Commission employees, racing officials and occupational licensees who participate at Massachusetts racetracks.

## **THOROUGHBRED - STANDARD BRED RACING**

The State Police Unit committed itself to maintain a constant presence at each racetrack, especially during live racing, working closely with the Stewards/Judges and other Commission and racing officials to help ensure that each track operated honestly and credibly.

# LABORATORY SERVICES

**ALEXANDRA LIGHTBOWN, D.V.M.**

**DIRECTOR OF RACING | CHIEF COMMISSION VETERINARIAN**

In 2016, Massachusetts changed its testing laboratory to Industrial Laboratory in Colorado. Industrial Laboratory is ISO 17025 and Racing Medication Testing and Medication Consortium accredited. They perform testing for several racing jurisdictions. Testing protects the health of the animals and the integrity of races and contests.

Industrial is committed to improving their ability to detect new drugs of abuse. They work closely with the Association of Official Racing Chemists (AORC), Association of Racing Commissioners International, Inc. (ARCI) and Racing Medication Testing Consortium (RMTC). As a result, Industrial Laboratory is a driving force in the application of new technology for the drug testing industry.

In addition to testing urine and blood samples for the presence of drugs, Industrial analyzes syringes, vials, powders and a variety of materials seized as evidence. They also test for drugs in a variety of nutritional supplements.

## INTEGRITY OF SAMPLES ENSURED

Special precautions are taken at all Massachusetts racetracks when post-race blood and urine samples are collected to ensure that no tampering can take place. In order to assure the continuity of evidence, every winning horse and all designated horses are under the surveillance of a Gaming Commission employee from the finish of the race until the specimens are obtained.

## 1498 PAIRED URINE/BLOOD SAMPLES, 840 BLOOD SAMPLES ANALYZED, 2313 TCO2 BLOOD SAMPLES ANALYZED

Items confiscated in the course of investigations are also submitted for analysis. These items may include feed preparations, vitamins, liniments, antibiotics, other pharmaceuticals and medical devices such as needles and syringes.

2016 marked the fourth year that the Massachusetts Gaming Commission's Division of Racing participated in the Controlled Therapeutic Medication Program.

For the six days of racing at Suffolk Downs, there were no medication overages or positive drug tests.

At Plainridge Park Casino, there were 3 medication overage for Betamethasone, 3 overages for Dexamethasone, 1 for Methylprednisolone, 2 overages for Methylcarbamol, 1 overage for Phenylbutazone and 1 overage for Triamcinalone, 1 for Isoflupredone, 1 for Ranitidine, 1 for Mepivacaine, and 2 Furosemide violations. These are all medications from the Controlled Therapeutic Medication Program. There was 1 positive for Nandrolone, 3 for Flumethasone, 1 for Benzocaine, 2 for Levamisole, 2 for Pemoline, and 1 for Aminorex.

# VETERINARIANS

**ALEXANDRA LIGHTBOWN, D.V.M.**  
**DIRECTOR OF RACING | CHIEF COMMISSION VETERINARIAN**

**RISE SHEEHAN, D.V.M.**  
**CONTRACT VETERINARIAN**

**RICHARD SHEEHAN, D.V.M.**  
**CONTRACT VETERINARIAN**

**KEVIN LIGHTBOWN D.V.M.**  
**CONTRACT VETERINARIAN**

The Commission Veterinarians play an indispensable function in ensuring that the quality and integrity of racing within the Commonwealth remains strong by protecting the health and welfare of the equine athletes in Massachusetts.

## **SUPERVISE EQUINE DRUG TESTING AREA**

A Commission Veterinarian supervises the testing areas in order to ensure proper collection and continuity of evidence for blood and urine samples collected from the racing animals.

## **TESTIFY AT COMMISSION HEARINGS/MEETINGS**

Commission Veterinarians testify at hearings on medication use, drug violations, animal care, new policies and procedures, etc.



# SUFFOLK DOWNS BOARD OF STEWARDS

## COMMISSION STEWARDS

**SUSAN WALSH CHIEF COMMISSION STEWARD**

**DAVE ERNST ASSOCIATE COMMISSION STEWARD**

## ASSOCIATION STEWARD

**JOHN MORRISSEY PRESIDING STEWARD**

## ADMINISTRATIVE HEARINGS

The primary responsibility of the Stewards is to interpret and enforce the rules of racing as promulgated by the Commonwealth of Massachusetts.

In carrying out this duty, the Stewards presided as judges, issuing 2 rulings in 2016.



# PLAINRIDGE PARK CASINO BOARD OF JUDGES

## COMMISSION JUDGES

**LOU HASKELL CHIEF COMMISSION JUDGE**

**ROBERT COBERLEY CHIEF COMMISSION JUDGE**

**SALVATORE PANZERA ASSOCIATE COMMISSION JUDGE**

**DAVID ERNST FILL-IN ASSOCIATE JUDGE**

**PETER TOMMILA FILL-IN ASSOCIATE JUDGE**

## ASSOCIATION JUDGES

**ANNMARIE MANCINI PRESIDING JUDGE**

**ANTHONY SALERNO PRESIDING JUDGE**

## ADMINISTRATIVE HEARINGS

The primary responsibility of the Board of Judges is to interpret and enforce the rules of racing as promulgated by the Commonwealth of Massachusetts.

In carrying out this duty, the Judges issued 129 resulting rulings in 2016 resulting in 120 fines and 2 suspensions.

## ENFORCEMENT OF RULES AND REGULATIONS OF RACING

The most significant responsibility of the Commission is the enforcement of the rules and regulations of racing. It is only as a result of conscientious, consistent and aggressive enforcement of the rules and regulations that we are able to ensure honest racing.

Enforcement of the rules and regulations of racing begins with the investigation of complaints and prosecution of alleged violations by the Board of three Stewards / Judges at the racetrack. One Steward / Judge is appointed by the racetrack and must be approved by the Gaming Commission and licensed as a racing official. Two Stewards / Judges are appointed by the Gaming Commission. The duties of the Stewards / Judges are the same; however, in Thoroughbred racing they are called Stewards and in Harness Racing, they are known as Judges. Same job - different title.

## RESPONSIBILITIES

The Stewards and Judges are responsible for reviewing all occupational license applications and recommending or not recommending the applicant for a license. The Stewards and Judges are present at the racetrack each day on which there is live racing and they oversee everything from drawing of post positions to making official the results of every race. In addition, the Stewards / Judges preside over all hearings conducted at the track and report their rulings and findings to the Gaming Commission.

Before post time of the first race, the Stewards/Judges review the daily program of races to approve any changes or report errors. Changes are reported to each department that might be affected by the change (i.e., mutuels, paddock judges, patrol judges, starters, clerk of the course, clerk of scales, program director, TV department and announcer). All changes are also reported promptly to the wagering public.

After observing every live race, both live and on television monitors, the Stewards/Judges mark the order of finish as the horses cross the finish line. They give the first four unofficial finishers to the Mutuel Department, and when necessary, they post an inquiry, review an objection and request a photo finish. If there is an apparent violation of the rules, the Stewards/Judges review the videotape and then make a decision before making the results of the race official.

## 129 RULINGS

If a violation of the rules occurs, the Stewards/Judges notify all the parties involved in the violation. Sometimes only a warning will be issued but other times the offending horseman may be fined and/or suspended from participating in racing for a certain amount of time. If any party involved contests the decision of the Stewards/Judges, then a hearing will be scheduled. After conducting the hearing, the Stewards/Judges determine if any penalty such as a fine or suspension, purse redistribution, or other sanction should be imposed. Violators are advised of their right of appeal to the Gaming Commission. 127 separate rulings were written by the Boards of Stewards/Judges at Massachusetts racetracks in 2016.

## APPEALS

If any licensee disagrees with a decision of the Stewards/Judges, they may appeal to the Gaming Commission, through its designated hearing officer. The Commission affords appellants adjudicatory hearings on the merits of their appeals. If appellants are dissatisfied with the decision of the Gaming Commission, they may appeal to the Superior Court of the Commonwealth in accordance with Chapter 30A of the General Laws. In 2016, there were two appeals of Judges' Rulings and in both cases the Judges' decision was upheld. There was one waiver granted and two requests for reinstatement of patrons which were granted by the hearings officer.

## SANCTIONS

	2014	2015	2016
<b>Fines</b>	173	156	120
<b>Suspensions</b>	24	3	2

# DIVISION OF RACING FINANCIALS

CALENDAR YEAR 2016: JANUARY 1, 2016 TO DECEMBER 31, 2016

## RECEIPTS

0131	Commission	\$1,095,231.52
2700	Fines and Penalties	23,600.00
3003	Association License Fees	379,200.00
3004	Licenses, Registrations and Badges	83,355.00
4800	Assessments	752,055.00
5009	Unpaid Tickets	582,227.35

### TOTAL RECEIPTS

**\$2,915,668.87**

## EXPENDITURES

AA	Regular Employee Compensation	\$353,057.06
BB	Regular Employee Related Expenses	3,391.06
CC	Contractor Payroll	452,263.92
DD	Pension/Insurance, Related Expenses	126,640.67
EE	Administration Expenses	142,021.33
FF	Facility Operations	3,196.00
HH	Consultant Services	16,087.50
JJ	Operational Services	424,570.24
KK	Equipment Purchase	1,897.18
LL	Equipment Lease/Maintenance	1,162.02
MM	Purchased Programs Services	70,000.00
UU	Information Technology	88,451.11

### TOTAL EXPENDITURES

**\$1,682,738.09**

## \$2,915,668.87 IN REVENUES COLLECTED CY2016

In addition to licensing racetracks and participants, the Racing Division of the MGC has a primary responsibility to collect revenue in accordance with Chapters 128A and 128C of the General Laws. Each licensed racetrack pays a commission as determined by law in addition to license fees and other assessments. Racing Division Inspectors collect occupational license fees, badge fees and fines. The Racing Division collected \$2,915,668.87 from Massachusetts racetracks in 2016. All Commission activities are revenue driven as Commission expenditures come from Commission revenue and are made in a priority order in accordance with Section 5(h) of Chapter 128A.

# STATEMENT OF PROGRAM REVENUE AND EXPENSES

CALENDAR YEAR 2016: JANUARY 1, 2016 TO DECEMBER 31, 2016

PROGRAM REVENUE	
Commissions	\$ 1,095,231.52
Occupational licenses and badges	83,355
Assessments	752,055
Association licenses daily fee	379,200
Fines	23,600
Unclaimed tickets ("outs")	582,227
<b>TOTAL REVENUE BY SOURCE</b>	<b>\$ 2,915,668</b>

ADDITIONAL PROGRAM EXPENSES	
Unclaimed tickets distributed to racetrack purse accounts	404,070
Unclaimed tickets transferred to Racing Stabilization Fund	178,157
Local Aid (cities and towns)	786,643
Sub total	1,368,870
<b>Available for Racing Commission operations</b>	<b>\$ 1,546,798</b>
Total Racing Commission operations	1,682,738
Available	(135,940)
<b>Other program costs: *** included in operating expenditures (MM)</b>	
Department of Public Health	70,000

<b>HANDLE AND REVENUE BY TRACK</b>	<b>Live and On Track Handle</b>	<b>Revenue Collected Comm. &amp; Fees</b>	<b>OUTs*</b>
Sterling Suffolk Downs	\$139,013,274	\$1,141,247	\$267,353
Plainridge Park Casino	35,790,675	508,490	136,717
Taunton & Massasoit Dog Tracks	30,182,751	517,110	156,506
Wonderland Greyhound Park	4,635,376	166,514	21,651
<b>TOTAL REVENUE BY TRACK</b>	<b>\$209,622,076</b>	<b>\$2,333,361</b>	<b>\$582,227</b>

\*Unclaimed wagers (“OUTs”) collected from the horse tracks are distributed to the purse accounts of the licensees that generated the unclaimed wagers. At dog tracks unclaimed wagers are transferred to the Racing Stabilization Fund.

**LOCAL AID:**

Local aid payment for calendar year 2016 was \$786,643. It is paid quarterly at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

# COMMISSION BUSINESS

## MEETINGS AND HEARINGS

As required by Chapter 128A of the Massachusetts General Laws, the Commission held public hearings in the fall of 2015 on applications for four licenses to conduct running horse or harness racing meetings for calendar year 2016. The hearings were held in Boston, Plainville, and Brockton. The Commission approved applications for racing at Suffolk Downs to conduct Thoroughbred racing in 2016; and for Springfield Gaming and Redevelopment, to conduct harness horse racing in 2016 at Plainridge Park Casino, and placeholder applications for Brockton Agricultural Society and Middleborough Agricultural Society to race at the Brockton Fair Grounds. Ultimately, there was no racing conducted at Brockton Fair Grounds.

## DECISIONS APPEALED TO THE DIVISION OF RACING

The Gaming Commission, sitting as a quasi-judicial body pursuant to the Massachusetts Administrative Procedures Act, adjudicated 4 appeals. Two appeals were denied, one appeal was upheld, and one waiver was granted. There were also two appeals withdrawn before their hearings. The Commission has taken extensive precautions to ensure licensees due process throughout the appeal process. The Commission initiated a Stay-of-Suspension process. This permits licensees suspended by the Stewards/Judges for a minor violation of the rules that does not compromise the integrity of racing to continue to participate in racing until the licensee has been provided a hearing by the Commission and a decision made. Procedural safeguards were adopted to prevent licensees from abusing the Stay privilege. Hearings are conducted as soon as practicable from the time of the granting of a Stay, thereby preventing a licensee from participating while on a Stay status for an extended period of time.

## DUE PROCESS AFFORDED ALL LICENSEES

Licensees charged with a violation of the rules that may result in the loss of a license are entitled to a hearing pursuant to the Administrative Procedures Act (APA). Formal disciplinary hearings held by the Racing Division follow the requirements established in the Massachusetts APA. These requirements include issuing timely notice of hearings, providing the opportunity for an appellant to confront witnesses and to be represented by counsel.

## COMMISSION DECISIONS APPEALED TO SUPERIOR COURT

In addition to hearing appeals, the Racing Division must prepare a complete record and legal decision for each case that is appealed to the Superior Court. When the record is completed and certified, it is forwarded to the Government Bureau of the Office of the Massachusetts Attorney General and is assigned to an Assistant Attorney General who defends the case in court. The Commission and the Attorney General work closely together to present the best possible case in Superior Court.

The Division of Racing takes this opportunity to thank the Office of the Massachusetts Attorney General for the diligent, professional and expert defense of Commission cases.

# RACING TERMINOLOGY

## OUTS

Outs are the unclaimed winning wagers at each horse track. If the tickets haven't been presented for payment by 90 days after 31 December of the year following the year of the actual wager, they will be distributed to the commission. Subject to the rules and regulations established by the Commission, the Commission shall deposit the unclaimed live wagers into the purse accounts of the racing meeting licensees (Suffolk and Plainridge) that generated those unclaimed live wagers. When the outs come from Wonderland and Raynham they go to the Racing Stabilization Fund.

## BREAKAGE

Breakage – the difference in the rounding off of the pari-mutuel payoffs. The difference in cents between the winning payouts and the nearest dime or nickel is called the Breakage. These breaks shall be paid to the commission on the day following each day of a racing meeting. The commission then dispenses the breaks as follows: The breaks from Suffolk and Plainridge go to their respective Capital Improvement Funds whereas the breaks from Wonderland and Raynham go to the Racing Stabilization Fund.

## PURSES

Purses are the monies that the horses earn for racing. Each race has a purse amount assigned to it before the race is run. How much each horse earns of that purse depends on where the horse finishes and the amount of the purse. The actual money wagered on the race does not have an immediate impact on the amount of the purse. However, a percentage of every dollar wagered makes its way into the purse account for races at a later date. The average daily purse is the amount of the total purses awarded during a race meet divided by the number of days of racing for that meet.

## SIMULCASTING

Simulcasting is when a racetrack sends a closed circuit transmission via satellite of its live racing to another location, either in the same state or out of state and sometimes out of the country. The track where the racing is being contested is called the Host and the location where it is viewed is called the Guest. People at the guest site bet on these races in real time. The Guest site customers receive the same payoffs as the customers at the Host track. All the money wagered by both the Host and Guest sites are merged and the odds are computed on the total amount of money wagered into these combined wagering pools. To view their races, the Host charges the Guest a certain percentage of the guest site's handle. This percentage is based on the quality of the racing and by agreement between the Host and Guest.

## HANDLE

Handle is the total amount of money wagered at a specific location, by individual race/ by day/by month or by year.

### Notes on charts and graphs

In this 2016 Annual Report, the following terminology is used in reporting simulcast events:

“Signal Received” is categorized as “Imported” as this is the signal sent from a remote track being received locally.

“Signal Sent” is categorized as “Exported,” as this is the local signal being sent to a remote track.



# HANDLE COMPARISON

	2015	2016	Variance	% Variance
<b>LIVE</b>				
Raynham	0	0	0	0
Wonderland	0	0	0	0
Plainridge	1,253,511	1,500,125	246,614	19.67%
Suffolk	746,497	1,175,183	428,686	57.42%
<b>TOTAL LIVE</b>	<b>\$2,000,008</b>	<b>\$ 2,675,308</b>	<b>675,300</b>	<b>33.76%</b>

<b>IMPORT SIMULCAST</b>				
Raynham	33,141,148	30,182,751	(2,958,397)	(8.92%)
Wonderland	4,527,122	4,635,376	108,254	2.39%
Plainridge	29,083,654	34,290,550	5,206,896	17.90%
Suffolk	125,843,071	137,838,091	11,995,019	9.53%
<b>TOTAL IMPORT</b>	<b>\$ 192,594,995</b>	<b>206,946,767</b>	<b>14,351,772</b>	<b>7.45%</b>

<b>EXPORT SIMULCAST</b>				
Raynham	0	0	0	0
Wonderland	0	0	0	0
Plainridge	12,685,198	16,510,414	3,852,216	30.15%
Suffolk	1,692,292	3,220,864	1,528,572	90.32%
<b>TOTAL EXPORT</b>	<b>\$ 14,377,490</b>	<b>\$ 19,731,278</b>	<b>5,353,788</b>	<b>37.23%</b>

<b>TOTAL HANDLE</b>	<b>\$208,972,495</b>	<b>\$229,353,353</b>	<b>20,380,858</b>	<b>9.75%</b>
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# HANDLE CALENDAR YEAR 2016

## FINANCIAL VARIANCE REPORT

CATEGORY	2015	2016	Variance	% Variance
Live Performances	108	121	13	12.03%
Live Handle	2,000,008	2,675,308	675,300	33.76%
Simulcast Import	192,594,995	206,946,767	14,351,772	7.45%
Simulcast Export	14,377,491	19,731,278	5,353,788	37.23%
Total Simulcast	206,972,488	226,466,439	19,493,951	9.31%
<b>TOTAL HANDLE</b>	<b>208,972,495</b>	<b>229,353,353</b>	<b>20,380,858</b>	<b>9.75%</b>
Commissions	1,294,355	1,095,231	(199,124)	(15.39%)
Assessments	749,996	752,055	2,059	2.74%
Association License Fee	365,400	379,200	13,800	3.77%
Occupational License Fee	62,450	71,390	8,940	14.31%
Outstanding Tickets	607,291	582,227	(25,064)	(4.13%)
Fines & Penalties	18,050	23,600	5,550	30.74%
Miscellaneous	<u>11,870</u>	<u>11,965</u>	<u>95</u>	<u>0.80%</u>
<b>TOTAL REVENUES</b>	<b>\$ 3,109,252</b>	<b>\$2,915,668</b>	<b>(\$193,584)</b>	<b>(6.22%)</b>

# ANALYSIS OF PURSES PAID 2016 COMPARED TO STATUTORY REQUIREMENTS

	PLAINRIDGE PARK	SUFFOLK DOWNS
Number of live performances 2015	105	3
Purses paid 2015	\$ 4,210,636	\$1,620,200
2015 Average purses per performance	40,101	540,067
Number of live performances <b>2016</b>	115	6
Purses paid <b>2016</b>	7,954,092	2,735,902
<b>2016</b> Average purses per performance	69,166	455,983
Increase (decrease) in purse <b>2016</b> compared to 2015	3,743,456	1,115,702
Average change per performance	29,065	(84,083)
% change per performance	72.4%	(15.6)%
Total Chapter 139 distributions to track purse accounts April 2016 (2014 out's)	136,716	276,353
Premiums received	37,222	320,153
<b>ACTUAL PURSES PAID BY TRACK 2016</b>	<b>\$7,954,092</b>	<b>\$2,735,902</b>

# SUFFOLK DOWNS

## 2016 FINANCIAL REPORT

CATEGORY	2015	2016	Variance	% Variance
Live Performances	3	6	3	100%
Live Handle	\$ 746,497	\$1,175,183	428,686	36.5%
Simulcast Import				
Suffolk	39,229,072	45,778,615	6,549,543	16.1%
Twin Spires	25,366,425	27,438,096	2,071,671	8.16%
Express Bets	14,264,912	13,190,187	1,074,725	(7.53%)
TVG	46,982,662	49,763,235	2,780,573	5.91%
NYRAbets		1,667,958	N/A	N/A
Total Simulcast Import	125,843,071	137,838,091	11,995,020	9.53%
Simulcast Export	1,692,292	3,220,864	1,528,572	90.32%
Total Simulcast	127,535,363	141,058,955	13,523,592	10.60%
<b>TOTAL HANDLE</b>	<b>\$ 128,281,860</b>	<b>\$142,234,138</b>	<b>13,952,278</b>	<b>10.87%</b>
Commissions	\$ 477,793	533,349	55,556	11.63%
Assessments	482,870	491,204	8,334	1.73%
Association License Fee	75,900	80,700	4,800	6.23%
Occupational License Fee	16,190	31,180	14,990	92.58%
Outstanding Tickets	293,054	267,353	(25,701)	(8.77%)
Fines & Penalties	125	0	125	(100%)
Miscellaneous	3,060	4,895	1,835	59.96%
<b>TOTAL REVENUES</b>	<b>\$1,348,992</b>	<b>\$1,408,681</b>	<b>\$59,689</b>	<b>4.42%</b>

**STERLING SUFFOLK RACECOURSE, LLP (600177133)**  
**CAPITAL IMPROVEMENT TRUST FUND (1050 0022)**  
**STATEMENT OF ACTIVITIES CY2016**

Fund balance, beginning of period	\$ 217,432
Program revenue	874,434
Funds available	1,091,775
Less expenditures - RFR Payment	181,022
Fund balance, end of period	910,753
Funds required for projects - RFC projects	812,105
Excess or (deficit) of funds available for approved projects	\$ 28,648

**STERLING SUFFOLK RACECOURSE, LLP (600177133)**  
**PROMOTIONAL TRUST FUND (1050 0021)**  
**STATEMENT OF ACTIVITIES CY2016**

Fund balance, beginning of period	\$ 42,744
Program revenue	183,343
Funds available	226,087
Less expenditures – RFR payment	179,001
Fund balance, end of period	47,086
Funds required for approved projects – RFC projects	913,379
Excess or (deficit) of funds available for approved projects	\$ (866,293)

# PLAINRIDGE PARK CASINO

## FINANCIAL REPORT

CATEGORY	2015	2016	Variance	% Variance
Live Performances	105	115	10	9.52%
Live Handle	\$ 1,253,511	\$1,500,125	\$246,614	19.67%
Plainridge	29,083,654	34,205,685	5,122,031	17.60%
34205685 Hollywood Races	0	84,864	84,864	100.00%
Total Simulcast Import	29,083,654	34,290,549	5,206,895	17.90%
Simulcast Export	12,685,198	16,510,414	3,852,216	30.15%
Total Simulcast	41,768,852	50,632,404	8,863,552	21.22%
<b>TOTAL HANDLE</b>	<b>\$ 43,022,363</b>	<b>\$52,301,088</b>	<b>\$9,278,725</b>	<b>21.56%</b>

Commissions	223,047	205,549	(17,498)	(7.84%)
Assessments	133,448	122,900	(10,549)	(7.90%)
Association License Fee	107,700	109,500	1800	1.67%
Occupational License	46,100	39,870	(6,230)	(13.51%)
Outstanding Tickets	138,036	136,717	1,319	0.95%
Fines & Penalties	17,925	23,600	5,675	31.65%
Miscellaneous	8,810	7,070	(1,740)	(19.75%)
<b>TOTAL REVENUES</b>	<b>\$ 675,066</b>	<b>\$640,721</b>	<b>\$(27,222)</b>	<b>(4.03%)</b>

**PLAINRIDGE PARK CASINO (0000120837)**  
**CAPITAL IMPROVEMENT TRUST FUND (1050 0013)**  
**STATEMENT OF ACTIVITIES CY2016**

Fund balance, beginning of period	\$ 187,344
Program revenue	<u>215,881</u>
Funds available	403,225
Less expenditures	<u>113,390</u>
Fund balance, end of period	289,835
Funds required approved projects	<u>312,306</u>
Excess or (deficit) of funds available for approved projects	<u><u>\$ (22,471)</u></u>

**PLAINRIDGE PARK CASINO (0000120837)**  
**PROMOTIONAL TRUST FUND (1050 0012)**  
**STATEMENT OF ACTIVITIES CY2016**

Fund balance, beginning of period	\$ <96,0030>
Program revenue	<u>58,680</u>
Funds available	(37,323)
Less expenditures	<u>0</u>
Fund balance, end of period	\$ (37,323)
Funds required for approved projects	0



# STATUS OF GREYHOUND RACING IN 2016

As a result of Chapter 388 of the Acts of 2008, the two greyhound racetracks located in the Commonwealth were precluded from conducting greyhound races effective January 1, 2010.

Chapter 167 of the Acts of 2009, and subsequently, Chapter 203 of the Acts of 2010 allowed these facilities to continue operations as simulcasting venues without conducting the minimum of 100 live racing performances mandated by Chapter 128C of the General Laws. These facilities offered pari-mutuel wagering on greyhound races conducted outside the Commonwealth as well as both in-state and out of state thoroughbred and harness races, with conditions.

Massasoit Greyhound Association and Taunton Greyhound, Inc. continued simulcasting operations throughout 2012 at Raynham/Taunton Greyhound Park.

Wonderland Greyhound Park continued simulcasting operations, at their facility, until August 18, 2010, when it closed down its racing activities. On June 2, 2011 Wonderland reopened its simulcast operations at Suffolk Downs.

Chapter 194 of the Acts of 2011 (section 92) has extended greyhound simulcast racing through July 31, 2017.

# RAYNHAM PARK

## 2016 FINANCIAL REPORT

CATEGORY	2015	2016	Variance	% Variance
Live Performances	0	0	0	0
Live Handle	0	0	0	0
Simulcast Import	\$33,141,148	\$30,182,751	\$(2,958,397)	(8.92%)
Simulcast Export	0	0	0	0
Total Simulcast	33,141,148	30,182,751	(2,958,397)	(8.92%)
<b>TOTAL HANDLE</b>	<b>\$ 33,141,148</b>	<b>\$30,182,751</b>	<b>\$(2,958,397)</b>	<b>(8.92%)</b>

Commissions	\$ 480,336	\$288,855	\$(191,481)	(39.86%)
Assessments	115,909	119,315	3,406	2.90%
Association License Fee	106,200	108,600	2,400	2.25%
Occupational License	160	340	180	112.50%
Outstanding Tickets	157,119	156,506	(613)	(0.39%)
Fines & Penalties	0	0	0	0
Miscellaneous	0	0	0	0
<b>TOTAL REVENUES</b>	<b>\$ 859,724</b>	<b>\$673,616</b>	<b>\$(186,108)</b>	<b>(21.64%)</b>

# WONDERLAND GREYHOUND PARK

## 2016 FINANCIAL REPORT

CATEGORY	2015	2016	Variance	%Variance
Live Performances	0	0	0	0
Live Handle	0	0	0	0
Simulcast Import	\$4,527,122	\$4,635,375	108,253	2.39%
Simulcast Export	0	0	0	0
Total Simulcast	4,527,122	4,635,375	108,253	2.39%
<b>TOTAL HANDLE</b>	<b>\$ 4,527,122</b>	<b>\$4,635,375</b>	<b>\$108,253</b>	<b>2.39%</b>

Commissions	\$113,178	\$67,478	(45,700)	(40.37%)
Assessments	17,768	18,635	867	4.87%
Association License Fee	75,600	80,400	4,800	6.34%
Occupational License Fee	0	0	0	
Outstanding Tickets	19,080	21,651	2,571	13.47%
Fines & Penalties	0	0	0	0
Miscellaneous	0	0	0	0
<b>TOTAL REVENUES</b>	<b>\$225,626</b>	<b>\$166,514</b>	<b>\$(59,112)</b>	<b>(26.19%)</b>



*Division of Racing*

## **MEMORANDUM**

**TO:** Massachusetts Gaming Commission  
**FROM:** Doug O'Donnell, Senior Financial Analyst - Racing Division  
**SUBJECT:** Request for Reimbursement, Suffolk Downs Capital Improvement Trust Fund  
**DATE:** December 7, 2017

In accordance with General laws of Massachusetts, Chapter 128A, Section 5g.

The trustees may expend without appropriation all or any part of the capital improvement trust funds to the appropriate track licensee in proportion to the amount deposited in each said fund by the track licensee for use as all or part of a capital expenditure for alterations, additions, replacements, changes, improvements or major repairs to or upon the property owned or leased by the licensee and used by it for the conduct of racing, but not for the cost of maintenance or of other ordinary operations. The trustees shall hire the services of architectural/engineering consultants or the services of such other consultants as they deem appropriate to advise them and to evaluate proposed capital improvements. The following capital fund requests have been reviewed and approved by the architectural/engineering consultant.

SDCITF      Fund balance (11/30/17)      \$933,763.56

- #2013-17 Sewer Inspection/Meter Installation      \$49,831.20

Total Request for Reimbursement:      **\$49,831.20**

All financial statements required under section 6 shall be accompanied by a statement signed under the pains and penalties of perjury by the manager of the licensee setting forth the capital improvements completed with funds obtained under this section.

After review and confirmation of request, with your authorization, we will make payment to the track from the appropriate trust fund.



Massachusetts Gaming Commission



Neil R. Dixon, Principal  
Wayne O. Salo, Principal  
Jesse G. Hilgenberg, Principal

October 24, 2017

Mr. Douglas O'Donnell, Senior Financial Analyst  
Massachusetts Gaming Commission/Racing Division  
101 Federal Street  
Boston, MA 02110

RE: Suffolk Downs  
CIF Project SD 2013-17  
EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation.  
All hours and Travel  
Request for Reimbursement

2017 OCT 27 AM 11:45

Dear Mr. O'Donnell:

Attached please find one copy of a Request for Reimbursement from Suffolk Downs to the Massachusetts Gaming Commission/Racing Division in the amount of \$50,540.97 for the EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation. All hours and Travel.

The project involved the services of Tetra Tech, Inc. consulting engineers to provide Inspection, monitoring of meter installation, sampling and report generation for the installation of the EPA Sewer project at Suffolk Downs.

Work involved consulting services for:

1. On-site construction oversight of work performed by the contractor, J. F. White including Inspection, monitoring, shop drawing review and responses to Requests for Information (RFI's), preparation of drawings and sketches to revise or supplement the proposed Design as necessary to address field conditions and utility coordination.
2. These services were provided from December 12, 2011 through April 18, 2012 for the project through completion and from April 18, 2012 through December 5, 2013 for the post oversight and follow-up inspections and repairs by the contractor.

As indicated in the cover letter of October 12, 2017 from Suffolk Downs they were unable to locate a copy of the check or cancelled check for the Invoice of 9/27/13 in the amount of \$709.77. As a copy of the cancelled check has not been provided we have deducted the amount of this invoice from the amount recommended for reimbursement.



Neil R. Dixon, Principal  
Wayne O. Salo, Principal  
Jesse G. Hilgenberg, Principal

Mr. Douglas O'Donnell, Senior financial Advisor  
October 24, 2017  
Page 2.

Based upon the above, it is the opinion of this office that the project is an appropriate Capital Improvement Fund Project and we recommend that this Request for Reimbursement be approved by the Massachusetts Gaming Commission/Racing Division in the revised amount of \$49,831.20.

Should you have any questions please do not hesitate to contact this office.

Very truly yours,  
DIXON SALO ARCHITECTS, INC.

Neil R. Dixon,  
Principal/Architect  
NRD/hs

cc: Chip Tuttle, CFO Suffolk Downs

Enclosure: Suffolk Downs, Request for Reimbursement CIF Project SD 2013-17 (RFR)



October 12, 2017

Mr. Neil R. Dixon  
Dixon Salo Architects, Inc., Suite 210  
501 Park Avenue  
Worcester, MA 01610-1221

Dear Neil:

Re: CIF Project SD 2013-17 (RFR)

Enclosed are three copies of a Request for Reimbursement from the Running Horse Capital Improvement Trust Fund in the amount of \$50,540.97 for Project SD 2013-17 (EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation all Hours and Travel).

Please note that the check and cancelled check pertaining to the invoice in the amount of \$709.77, which was paid, cannot be located and may have been destroyed in the flooding of the White Building.

Also enclosed please find all other copies of checks, cancelled checks and invoices with regard to this matter.

Should you have any questions, please contact me at 617-568-3327.

Sincerely,

Chip Tuttle

RECEIVED

OCT 16 2017

Dixon Salo Architects, Inc.

Telephone: 617-567-3900  
525 McClellan Highway, East Boston, Massachusetts 02128

Made in Massachusetts





# The Commonwealth of Massachusetts

## MASSACHUSETTS GAMING COMMISSION

### CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts 02110  
Telephone (617) 979-8400 • Fax (617) 725-0258

★ *All information must be complete before any requests (RFC or RFR) can be processed.*

1. Date October 12, 2017
2. Association Making This Request Suffolk Downs
3. Project # SD 2013-17 (unique project number)
4. Project EPA Project Sewer Inspection/Meter Installation/Sampling/Report Generation all Hours and Travel (unique descriptive title of this property)
5. Type of Request (indicate RFC or RFR)

☐ RFC / Request for Consideration

☒ RFR / Request for Reimbursement

☒ Capital Improvement Fund

☐ Promotional Trust Fund

6. Total Project Amount Requested: \$ 50,540.97 ☐ Estimate / RFC ♦ ☒ Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

*RFR only* – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. A copy of the invoice and the cancelled check must support each expenditure.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official: Chip Tuttle Title: Chief Operating Officer Date: October 12, 2017  
Chip Tuttle

RFR approval by the Trustees (signature and date) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Suffolk Downs  
CIF Project SD 2013-17 (RFR)

Summary of Invoices from TetraTech, Inc.

Invoice Date	Check Number	Invoice Amount
11/08/12	098252	12,449.46
1/23/13	098574	14,506.86
2/22/13	098876	3,354.83
3/26/13	099127	1,933.52
5/16/13	099567	4,317.65
6/25/13	100196*	988.80
7/18/13	100514*	3,308.15
9/27/13	****	709.77
10/25/13	101776	6,252.73
12/20/13	102099*	<u>2,719.20</u>
Total		\$49,831.20

Note: Invoice of 9/27/13 in the amount of \$709.77 is not included in total as a copy the cancelled check has not been provided.



*Division of Racing*

## MEMORANDUM

<b>TO:</b>	Massachusetts Gaming Commission / State Racing Division
<b>FROM:</b>	Douglas A. O'Donnell, Senior Financial Analyst
<b>SUBJECT:</b>	Local Aid Distribution
<b>DATE:</b>	December 7, 2017

In accordance with Section 18D of Chapter 58, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

- Local Aid Quarterly Payment – September 30, 2017 \$166,954.13

With the Commission's authorization payments will be made to the appropriate cities and towns.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

# Massachusetts Gaming Commission / State Racing Division

## Computation of Local Aid Distributions

Qtr ending 9/30/2017

	Total handles			
	Jan	Feb	March	Local Aid @ .0035
				Pay to
Suffolk Downs -				
On track			10,219,306	
Exports				
TVG			11,260,085	
Xpress Bets			2,886,308	
Twin Spires			6,559,617	
NYRA Bets			874,670	
Total			31,799,986	111,299.95
				Boston (2/3) & Revere (1/3)
Plainridge -				
On track			7,109,395	
Exports				
Hollywood Bets			642,141	
Total			7,751,536	27,130.38
				Plainville
Raynham-Taunton				
On track			6,982,523	
Exports				
Total			6,982,523	24,438.83
				Raynham
Wonderland - @ Suffolk Location				
On track			1,167,135	
Exports				
Total			1,167,135	4,084.97
				Boston (2/3) & Revere (1/3)
Grand total			47,701,180	166,954.13

### Distributions -

City of Boston (line 1)	74,200.34	On Suffolk
City of Revere (line 1)	37,099.61	On Suffolk
City of Boston (line 2)	2,723.33	On Wonderland @ Suffolk Location
City of Revere (line 2)	1,361.64	On Wonderland @ Suffolk Location
Town of Plainville	27,130.38	On Plainridge
Town of Raynham	24,438.83	On Raynham-Taunton
Total	166,954.13	

Payments should be made to the above communities for the amounts indicated.

Reference

Racing local aid q/e 9/17

dao

In accordance with Section 18D of Chapter 58, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

# Suffolk Downs Billing Report

Period Reviewed: 1/1/2017 to 1/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$15,695.54	\$317.50					\$16,013.04
WPS	\$1,126,834.00	\$16,637.00					\$1,143,471.00
Exotics	\$2,051,467.70	\$54,505.50					\$2,105,973.20
Total Handle	\$3,178,301.70	\$71,142.50					\$3,249,444.20
Fees to the Commission							
Commission	\$11,918.63	\$266.78					\$12,185.42
Daily Assessment Days	31	Multiplied by	\$1,338.72	Total Daily Assessment Fee			\$41,500.32
Daily Open Licensing Assement Days	22	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$6,600.00
Total Fees to Commission							\$60,285.74
Trust Fund Fees							
Running Horse Cap Improvement Fund	\$15,695.54						\$15,695.54
Running Horse Promotional Fund	\$3,972.88						\$3,972.88
Harness Cap Improvement Fund		\$590.03					\$590.03
Harness Promotional Fund		\$272.53					\$272.53
Greyhound Cap Improvement Fund							
Greyhound Promotional Fund							
Racing Stablization Fund							
Total Trust Fund Fees							\$20,530.97
Total Paid to the Commission							\$80,816.71

*[Handwritten Signature]*  
2/10/17

# Suffolk Downs Billing Report

Page 3 of 5

Period Reviewed: 2/1/2017 to 2/28/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$19,284.87	\$388.54					\$19,673.41
WPS	\$1,274,199.00	\$21,414.00					\$1,295,613.00
Exotics	\$1,920,750.60	\$48,690.10					\$1,969,440.70
<b>Total Handle</b>	<b>\$3,194,949.60</b>	<b>\$70,104.10</b>					<b>\$3,265,053.70</b>

## Fees to the Commission

Commission	\$11,981.06	\$262.89					\$12,243.95
Daily Assessment Days	28	Multiplied by	\$1,338.72	Total Daily Assessment Fee			\$37,484.16
Daily Open Licensing Assessment Days	20	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$6,000.00
<b>Total Fees to Commission</b>							<b>\$55,728.11</b>

## Trust Fund Fees

Running Horse Cap Improvement Fund	\$19,284.87						\$19,284.87
Running Horse Promotional Fund	\$3,993.69						\$3,993.69
Harness Cap Improvement Fund		\$631.99					\$631.99
Harness Promotional Fund		\$243.45					\$243.45
Greyhound Cap Improvement Fund							
Greyhound Promotional Fund							
Racing Stabilization Fund							
<b>Total Trust Fund Fees</b>							<b>\$24,154.00</b>

**Total Paid to the Commission \$79,882.11**

•12.5%  
Total Handle

0.5% exotics

*[Handwritten signature]*  
4/13/17

*[Handwritten signature]*

# Suffolk Downs Billing Report

Page 3 of 5  
Period Reviewed: 3/1/2017 to 3/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$20,519.98	\$339.89					\$20,859.87
WPS	\$1,334,118.00	\$18,547.00					\$1,352,665.00
Exotics	\$2,302,230.40	\$49,912.50					\$2,352,142.90
<b>Total Handle</b>	<b>\$3,636,348.40</b>	<b>\$68,459.50</b>					<b>\$3,704,807.90</b>

## Fees to the Commission

Commission	\$13,636.31	\$256.72					\$13,893.03
Daily Assessment Days	31	Multiplied by	\$1,338.72	Total Daily Assessment Fee			\$41,500.32
Daily Open Licensing Assessment Days	23	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$6,900.00
<b>Total Fees to Commission</b>							<b>\$62,293.35</b>

## Trust Fund Fees

Running Horse Cap Improvement Fund	\$20,519.98						\$20,519.98
Running Horse Promotional Fund	\$4,545.44						\$4,545.44
Harness Cap Improvement Fund		\$589.45					\$589.45
Harness Promotional Fund		\$249.56					\$249.56
Greyhound Cap Improvement Fund							
Greyhound Promotional Fund							
Racing Stabilization Fund							
<b>Total Trust Fund Fees</b>							<b>\$25,904.43</b>

**Total Paid to the Commission** **\$88,197.78**

*PAID 4/17/17*

*[Signature]*



## TVG

1/1/2017

1/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$3,211,237.00	\$317,595.00			\$0.00	\$0.00		\$3,528,832.00
\$17,208.90	\$1,701.99						\$18,910.89
\$1,284,494.00	\$127,038.00						\$1,411,532.00
\$1,926,743.00	\$190,557.00						\$2,117,300.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$12,042.14	\$1,190.98			\$0.00	\$0.00		\$13,233.12
\$17,208.90					\$0.00		\$17,208.90
\$4,014.05					\$0.00		\$4,014.05
	\$2,654.78			\$0.00			\$2,654.78
	\$952.79			\$0.00			\$952.79
							\$0.00
\$0.00	\$33,265.09	\$4,798.54	\$0.00	\$0.00	\$0.00	\$0.00	\$38,063.63

## TVG

2/1/2017

2/28/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$3,117,663.00	\$308,341.00			\$0.00	\$0.00		\$3,426,004.00
\$17,418.99	\$1,722.76						\$19,141.75
\$1,278,242.00	\$123,336.00						\$1,401,578.00
\$1,839,421.00	\$185,005.00						\$2,024,426.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$11,691.24	\$1,156.28			\$0.00	\$0.00		\$12,847.52
\$17,418.99					\$0.00		\$17,418.99
\$3,897.08					\$0.00		\$3,897.08
	\$2,647.79			\$0.00			\$2,647.79
	\$925.03			\$0.00			\$925.03
							\$0.00
\$0.00	\$33,007.31	\$4,729.09	\$0.00	\$0.00	\$0.00	\$0.00	\$37,736.39

## TVG

3/1/2017

3/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$3,917,776.00	\$387,473.00			\$0.00	\$0.00		\$4,305,249.00
\$21,310.00	\$2,107.59						\$23,417.59
\$1,567,111.00	\$154,990.00						\$1,722,101.00
\$2,350,665.00	\$232,483.00						\$2,583,148.00

## ution to Different Funds

## Distrib

\$0.00							\$0.00
\$0.00							\$0.00
\$14,691.66	\$1,453.02			\$0.00	\$0.00		\$16,144.68
\$21,310.00					\$0.00		\$21,310.00
\$4,897.22					\$0.00		\$4,897.22
	\$3,270.01			\$0.00			\$3,270.01
	\$1,162.42			\$0.00			\$1,162.42
							\$0.00
\$0.00	\$40,898.88	\$5,885.44	\$0.00	\$0.00	\$0.00	\$0.00	\$46,784.32

Xpress Bets

1/1/2017

1/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$833,139.00	\$82,399.00			\$0.00	\$0.00		\$915,538.00
\$3,727.71	\$368.68						\$4,096.39
\$333,255.00	\$32,959.00						\$366,214.00
\$499,884.00	\$49,440.00						\$549,324.00

ution to Different Funds

Distrib

\$0.00							\$0.00
\$0.00							\$0.00
\$3,124.27	\$309.00			\$0.00	\$0.00		\$3,433.27
\$3,727.71					\$0.00		\$3,727.71
\$1,041.42					\$0.00		\$1,041.42
	\$615.88			\$0.00			\$615.88
	\$247.20			\$0.00			\$247.20
							\$0.00
\$0.00	\$7,893.41	\$1,172.08	\$0.00	\$0.00	\$0.00	\$0.00	\$9,065.48

Xpress Bets

2/1/2017

2/28/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$854,563.00	\$84,518.00			\$0.00	\$0.00		\$939,081.00
\$3,948.69	\$390.54						\$4,339.23
\$316,188.00	\$32,116.00						\$348,304.00
\$538,375.00	\$52,402.00						\$590,777.00

ution to Different Funds

Distrib

\$0.00							\$0.00
\$0.00							\$0.00
\$3,204.61	\$316.94			\$0.00	\$0.00		\$3,521.55
\$3,948.69					\$0.00		\$3,948.69
\$1,068.20					\$0.00		\$1,068.20
	\$652.55			\$0.00			\$652.55
	\$262.01			\$0.00			\$262.01
							\$0.00
\$0.00	\$8,221.51	\$1,231.50	\$0.00	\$0.00	\$0.00	\$0.00	\$9,453.01

Xpress Bets

3/1/2017

3/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$938,836.00	\$92,853.00			\$0.00	\$0.00		\$1,031,689.00
\$4,760.39	\$470.81						\$5,231.20
\$356,758.00	\$35,285.00						\$392,043.00
\$582,078.00	\$57,568.00						\$639,646.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$3,520.64	\$348.20			\$0.00	\$0.00		\$3,868.83
\$4,760.39					\$0.00		\$4,760.39
\$1,173.55					\$0.00		\$1,173.55
	\$758.65			\$0.00			\$758.65
	\$287.84			\$0.00			\$287.84
							\$0.00
\$0.00	\$9,454.57	\$1,394.69	\$0.00	\$0.00	\$0.00	\$0.00	\$10,849.26

TWIN SPIRES

1/1/2017

1/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$1,788,806.00	\$315,672.00			\$0.00	\$0.00		\$2,104,478.00
\$9,178.34	\$1,619.71						\$10,798.05
\$715,522.00	\$126,268.00						\$841,790.00
\$1,073,284.00	\$189,404.00						\$1,262,688.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$6,708.02	\$1,183.77			\$0.00	\$0.00		\$7,891.79
\$9,178.34					\$0.00		\$9,178.34
\$2,236.01					\$0.00		\$2,236.01
	\$2,566.73			\$0.00			\$2,566.73
	\$947.02			\$0.00			\$947.02
							\$0.00
\$0.00	\$18,122.37	\$4,697.52	\$0.00	\$0.00	\$0.00	\$0.00	\$22,819.89



TWIN SPIRES

2/1/2017

2/28/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$1,707,180.00	\$301,267.00			\$0.00	\$0.00		\$2,008,447.00
\$8,970.82	\$1,583.09						\$10,553.91
\$682,872.00	\$120,506.00						\$803,378.00
\$1,024,308.00	\$180,761.00						\$1,205,069.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$6,401.93	\$1,129.75			\$0.00	\$0.00		\$7,531.68
\$8,970.82					\$0.00		\$8,970.82
\$2,133.98					\$0.00		\$2,133.98
	\$2,486.90			\$0.00			\$2,486.90
	\$903.81			\$0.00			\$903.81
							\$0.00
\$0.00	\$17,506.72	\$4,520.45	\$0.00	\$0.00	\$0.00	\$0.00	\$22,027.17

TWIN SPIRES

3/1/2017

3/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$2,079,688.00	\$367,004.00			\$0.00	\$0.00		\$2,446,692.00
\$10,083.55	\$1,779.46						\$11,863.01
\$831,876.00	\$146,802.00						\$978,678.00
\$1,247,812.00	\$220,202.00						\$1,468,014.00
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$7,798.83	\$1,376.27			\$0.00	\$0.00		\$9,175.10
\$10,083.55					\$0.00		\$10,083.55
\$2,599.61					\$0.00		\$2,599.61
	\$2,880.47			\$0.00			\$2,880.47
	\$1,101.01			\$0.00			\$1,101.01
							\$0.00
\$0.00	\$20,481.99	\$5,357.75	\$0.00	\$0.00	\$0.00	\$0.00	\$25,839.74

NYRA Bets

1/1/2017

1/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$231,461.89	\$9,334.00			\$0.00	\$0.00		\$240,795.89
\$1,182.38	\$72.52						\$1,254.90
\$96,813.09	\$3,178.00						\$99,991.09
\$134,648.80	\$6,156.00						\$140,804.80
ution to Different Funds							Distrib
\$0.00							\$0.00
\$0.00							\$0.00
\$867.98	\$35.00			\$0.00	\$0.00		\$902.98
\$1,182.38					\$0.00		\$1,182.38
\$289.33					\$0.00		\$289.33
	\$103.30			\$0.00			\$103.30
	\$30.78			\$0.00			\$30.78
							\$0.00
\$0.00	\$2,339.69	\$169.08	\$0.00	\$0.00	\$0.00	\$0.00	\$2,508.77

NYRA Bets

2/1/2017

2/28/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$271,029.50	\$8,116.50			\$0.00	\$0.00		\$279,146.00
\$1,454.94	\$27.83						\$1,482.77
\$90,985.50	\$5,223.00						\$96,208.50
\$180,044.00	\$2,893.50						\$182,937.50

ution to Different Funds

Distrib

\$0.00							\$0.00
\$0.00							\$0.00
\$1,016.36	\$30.44			\$0.00	\$0.00		\$1,046.80
\$1,454.94					\$0.00		\$1,454.94
\$338.79					\$0.00		\$338.79
	\$42.30			\$0.00			\$42.30
	\$14.47			\$0.00			\$14.47
							\$0.00
\$0.00	\$2,810.09	\$87.20	\$0.00	\$0.00	\$0.00	\$0.00	\$2,897.29

NYRA Bets

3/1/2017

3/31/2017

Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal (NA Suffolk)	Intra-State Simulcase of Suffolk (NA Suffolk)	Intra-State Simulcast of Plainridge	Live Racing Suffolk	Live Racing Plainridge	Weekly Total
\$350,172.34	\$4,556.43			\$0.00	\$0.00		\$354,728.77
\$2,012.41	\$70.33						\$2,082.74
\$83,148.20	\$2,503.21						\$85,651.41
\$267,024.14	\$2,053.22						\$269,077.36

Contribution to Different Funds

\$0.00							Distrib
\$0.00							\$0.00
	\$1,313.15	\$17.09		\$0.00	\$0.00		\$1,330.23
	\$2,012.41				\$0.00		\$2,012.41
	\$437.72				\$0.00		\$437.72
		\$80.60		\$0.00			\$80.60
		\$10.27		\$0.00			\$10.27
							\$0.00
\$0.00	\$3,763.27	\$107.95	\$0.00	\$0.00	\$0.00	\$0.00	\$3,871.22

# Plainridg Billing Report

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Period Reviewed: 1/1/2017 to 1/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$11,918.08	\$3,102.89	\$1,037.47				\$16,058.44
WPS	\$796,774.00	\$152,976.00	\$50,929.00				\$1,000,679.00
Exotics	\$942,323.94	\$272,523.93	\$356,757.70				\$1,571,605.57
<b>Total Handle</b>	<b>\$1,739,097.94</b>	<b>\$425,499.93</b>	<b>\$407,686.70</b>				<b>\$2,572,284.57</b>

## Fees to the Commission

Commission	\$6,521.62	\$1,595.62	\$1,528.83				\$9,646.07
Daily Assessment Days	31	Multiplied by	\$326.29	Total Daily Assessment Fee			\$10,114.99
Daily Open Licensing Assement Days	31	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$9,300.00
<b>Total Fees to Commission</b>							<b>\$29,061.06</b>

## Trust Fund Fees

Running Horse Cap Improvement Fund	\$11,918.08 ✓					\$11,918.08
Running Horse Promotional Fund	\$2,173.87 ✓					\$2,173.87
Harness Cap Improvement Fund		\$4,465.51 ✓				\$4,465.51
Harness Promotional Fund		\$1,362.62 ✓				\$1,362.62
Greyhound Cap Improvement Fund			\$1,019.22			\$1,019.22
Greyhound Promotional Fund			\$1,019.22			\$1,019.22
Racing Stablization Fund						

**Total Trust Fund Fees \$21,958.52**

**Total Paid to the Commission ✓ \$51,019.57**

	OS-Tbred	OS-Harness	OS-Dogs
Plainridge Simulcast	\$1,547,656.16	\$400,360.49	\$400,624.57
Hollywood Bets	\$191,441.78	\$25,139.44	\$7,062.13

*[Handwritten Signature]*  
2/7/17

# Plainridge Billing Report

Period Reviewed: 2/1/2017 to 2/28/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$11,379.49	\$3,153.55	\$983.72				\$15,516.76
WPS	\$702,288.00	\$163,094.00	\$50,258.00				\$915,640.00
Exotics	\$894,292.96	\$268,792.41	\$391,696.91				\$1,554,782.28
Total Handle	\$1,596,580.96	\$431,886.41	\$441,954.91				\$2,470,422.28
Fees to the Commission							
Commission	\$5,987.18	\$1,619.57	\$1,657.33				\$9,264.08
Daily Assessment Days	28	Multiplied by	\$326.29	Total Daily Assessment Fee			\$9,136.12
Daily Open Licensing Assement Days	27	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$8,100.00
Total Fees to Commission							\$26,500.20
Trust Fund Fees							
Running Horse Cap Improvement Fund	\$11,379.49						\$11,379.49
Running Horse Promotional Fund	\$1,995.73						\$1,995.73
Harness Cap Improvement Fund		\$4,497.51					\$4,497.51
Harness Promotional Fund		\$1,343.96					\$1,343.96
Greyhound Cap Improvement Fund			\$1,104.89				\$1,104.89
Greyhound Promotional Fund			\$1,104.89				\$1,104.89
Racing Stablization Fund							
Total Trust Fund Fees							\$21,426.46
Total Paid to the Commission							\$47,926.67

	OS-Tbred	OS-Harness	OS-Dogs
Plainridge Simulcast	\$1,474,600.35	\$404,318.31	\$425,274.09
Hollywood Bets	\$121,980.61	\$27568.10	\$16,680.82



# Plainridge Billing Report

Period Reviewed:

3/1/2017

Page 1 of 1

3/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$9,652.99	\$2,140.35	\$984.93				\$12,778.27
WPS	\$627,948.00	\$136,545.00	\$48,686.00				\$813,179.00
Exotics	\$1,086,941.55	\$324,714.81	\$484,001.61				\$1,895,657.97
<b>Total Handle</b>	<b>\$1,714,889.55</b>	<b>\$461,259.81</b>	<b>\$532,687.61</b>				<b>\$2,708,836.97</b>

## Fees to the Commission

Commission	\$6,430.84	\$1,729.72	\$1,997.58				\$10,158.14
Daily Assessment Days	31	Multiplied by	\$326.29	Total Daily Assessment Fee			\$10,114.99
Daily Open Licensing Assessment Days	30	Multiplied by	\$300.00	Total Open Licensing Assessment Fee			\$9,000.00
<b>Total Fees to Commission</b>							<b>\$29,273.13</b>

## Trust Fund Fees

Running Horse Cap Improvement Fund	\$9,652.99						\$9,652.99
Running Horse Promotional Fund	\$2,143.61						\$2,143.61
Harness Cap Improvement Fund		\$3,763.92					\$3,763.92
Harness Promotional Fund		\$1,623.57					\$1,623.57
Greyhound Cap Improvement Fund			\$1,331.72				\$1,331.72
Greyhound Promotional Fund			\$1,331.72				\$1,331.72
Racing Stabilization Fund							
<b>Total Trust Fund Fees</b>							<b>\$19,847.54</b>

**Total Paid to the Commission**

**\$49,120.67**

49,120.67



Plainridge Simulcast	OS-Tbred	OS-Harness	OS-Dogs
Hollywood Bets	\$1,523,432.72	\$433,625.35	\$499,506.30
	\$191,456.83	\$27,634.46	\$33,181.31

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Period Reviewed: 3/1/2017 to 3/31/2017

<b>Fees to the Commission</b>						
<b>Commission</b>	\$3,880.51	\$235.43	\$5,504.72			\$9,620.66
<b>Daily Assessment Days</b>	31	<b>Multiplied by</b>	\$343.15	<b>Total Daily Assessment Fee</b>		\$10,637.65
<b>Daily Open Licensing Assessment Days</b>	30	<b>Multiplied by</b>	\$300.00	<b>Total Open Licensing Assessment Fee</b>		\$9,000.00
<b>Total Fees to Commission</b>						<b>\$29,258.31</b>

Running Horse Cap Improvement Fund	\$4,731.55			\$4,731.55
Running Horse Promotional Fund	\$1,293.50			\$1,293.50
Harness Cap Improvement Fund		\$506.17		\$506.17
Harness Promotional Fund		\$244.14		\$244.14
Greyhound Cap Improvement Fund			\$3,669.82	\$3,669.82
Greyhound Promotional Fund			\$3,669.82	\$3,669.82
Racing Stablization Fund			\$2,612.21	\$2,612.21
<b>Total Trust Fund Fees</b>				<b>\$16,727.20</b>

<b>Total Paid to the Commission</b>	<b>\$45,985.50</b>
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## Raynham Billing Report

Period Reviewed: 2/1/2017 to 2/28/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$4,786.26	\$297.11	\$2,353.82				\$7,437.19
WPS	\$280,912.00	\$13,914.00	\$103,357.00				\$398,183.00
Exotics	\$642,825.00	\$42,806.00	\$1,150,933.80				\$1,836,564.80
<b>Total Handle</b>	<b>\$923,737.00</b>	<b>\$56,720.00</b>	<b>\$1,254,290.80</b>				<b>\$2,234,747.80</b>

### Fees to the Commission

<b>Commission</b>	\$3,464.01	\$212.70	\$4,703.59		\$8,380.30
<b>Daily Assessment Days</b>	28	<b>Multiplied by</b>	\$343.15	<b>Total Daily Assessment Fee</b>	\$9,608.20
<b>Daily Open Licensing Assesment Days</b>	27	<b>Multiplied by</b>	\$300.00	<b>Total Open Licensing Assessment Fee</b>	\$8,100.00

<b>Total Fees to Commission</b>	<b>\$26,088.50</b>
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## Trust Fund Fees

Running Horse Cap Improvement Fund	\$4,786.26			\$4,786.26
Running Horse Promotional Fund	\$1,154.67			\$1,154.67
Harness Cap Improvement Fund		\$511.14		\$511.14
Harness Promotional Fund		\$214.03		\$214.03
Greyhound Cap Improvement Fund			\$3,135.73	\$3,135.73
Greyhound Promotional Fund			\$3,135.73	\$3,135.73
Racing Stablization Fund			\$2,353.82	\$2,353.82

<b>Total Trust Fund Fees</b>	<b>\$15,291.38</b>
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<b>Total Paid to the Commission</b>	<b>\$41,379.88</b>
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# Raynhar Billing Report

Period Reviewed: 1/1/2017 to 1/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks	\$3,955.19	\$261.85	\$2,172.10 ✓				\$6,389.14
WPS	\$277,830.00	\$13,447.00	\$101,525.00				\$392,802.00
Exotics	\$676,491.90	\$39,737.90	\$1,073,237.00				\$1,789,466.80
<b>Total Handle</b>	<b>\$954,321.90</b>	<b>\$53,184.90</b>	<b>\$1,174,762.00</b>				<b>\$2,182,268.80</b>

## Fees to the Commission

<b>Commission</b>	\$3,578.71	\$199.44	\$4,405.36				\$8,183.51
<b>Daily Assessment Days</b>	31	<b>Multiplied by</b>	\$343.15	<b>Total Daily Assessment Fee</b>			\$10,637.65
<b>Daily Open Licensing Assement Days</b>	31	<b>Multiplied by</b>	\$300.00	<b>Total Open Licensing Assessment Fee</b>			\$9,300.00
<b>Total Fees to Commission</b>							<b>\$28,121.16</b>

## Trust Fund Fees

Running Horse Cap Improvement Fund	\$3,955.19						\$3,955.19
Running Horse Promotional Fund	\$1,192.90						\$1,192.90
Harness Cap Improvement Fund		\$460.54					\$460.54
Harness Promotional Fund		\$198.69					\$198.69
Greyhound Cap Improvement Fund			\$2,936.91				\$2,936.91
Greyhound Promotional Fund			\$2,936.91				\$2,936.91
Racing Stablization Fund			\$2,172.10 ✓				\$2,172.10
<b>Total Trust Fund Fees</b>							<b>\$13,853.23</b>

**Total Paid to the Commission** ✓ **\$41,974.39**

*Handwritten signature and date 2/9/17*

# Wonderland Billing Report

Page 4 of 5

Period Reviewed: 3/1/2017 to 3/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks			\$1,088.78				\$1,088.78
WPS			\$51,290.00				\$51,290.00
Exotics			\$397,220.30				\$397,220.30
<b>Total Handle</b>			<b>\$448,510.30</b>				<b>\$448,510.30</b>

## Fees to the Commission

Commission			\$1,681.91				\$1,681.91
Daily Assessment Days	31	Multiplied by	\$46.63		Total Daily Assessment Fee		\$1,445.53
Daily Open Licensing Assessment Days	23	Multiplied by	\$300.00		Total Open Licensing Assessment Fee		\$6,900.00
<b>Total Fees to Commission</b>							<b>\$10,027.44</b>

## Trust Fund Fees

### Running Horse Cap Improvement Fund

### Running Horse Promotional Fund

### Harness Cap Improvement Fund

### Harness Promotional Fund

### Greyhound Cap Improvement Fund

### Greyhound Promotional Fund

### Racing Stabilization Fund

			\$1,121.28				\$1,121.28
			\$1,121.28				\$1,121.28
			\$1,088.78				\$1,088.78
<b>Total Trust Fund Fees</b>							<b>\$3,331.33</b>

**Total Paid to the Commission \$13,358.78**

*[Handwritten Signature]*  
4/6/17

# Wonderland Billing Report

Page 4 of 5

Period Reviewed: 2/1/2017 to 2/28/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks			\$956.45				\$956.45
WPS			\$44,607.00				\$44,607.00
Exotics			\$322,375.70				\$322,375.70
<b>Total Handle</b>			<b>\$366,982.70</b>				<b>\$366,982.70</b>
<b>Fees to the Commission</b>							
Commission			\$1,376.19				\$1,376.19 ✓
Daily Assessment Days	28	Multiplied by	\$46.63		Total Daily Assessment Fee		\$1,305.64
Daily Open Licensing Assesment Days	20	Multiplied by	\$300.00		Total Open Licensing Assessment Fee		\$6,000.00
<b>Total Fees to Commission</b>							<b>\$8,681.83</b>
<b>Trust Fund Fees</b>							
Running Horse Cap Improvement Fund							
Running Horse Promotional Fund							
Harness Cap Improvement Fund							
Harness Promotional Fund							
Greyhound Cap Improvement Fund			\$917.46				\$917.46
Greyhound Promotional Fund			\$917.46				\$917.46
Racing Stablization Fund			\$956.45				\$956.45
<b>Total Trust Fund Fees</b>							<b>\$2,791.36</b>
<b>Total Paid to the Commission</b>							<b>\$11,473.19 ✓</b>

*OK*

# Wonderland Billing Report

Page 4 of 5  
Period Reviewed: 1/1/2017 to 2/31/2017

	Out of State Running Horse Signal	Out of State Harness Horse Signal	Import of Out of State Greyhound Signal	Intra-State Simulcast of Suffolk Signal	Intra-State Simulcast of Plainridge	Live Racing	Period Totals
Breaks			\$743.36				\$743.36
WPS			\$35,886.00				\$35,886.00
Exotics			\$315,757.40				\$315,757.40
<b>Total Handle</b>			<b>\$351,643.40</b>				<b>\$351,643.40</b>
<b>Fees to the Commission</b>							
Commission			\$1,318.66				\$1,318.66
Daily Assessment Days	31	Multiplied by	\$46.63		Total Daily Assessment Fee		\$1,445.53
Daily Open Licensing Assement Days	22	Multiplied by	\$300.00		Total Open Licensing Assessment Fee		\$6,600.00
<b>Total Fees to Commission</b>							<b>\$9,364.19</b>
<b>Trust Fund Fees</b>							
Running Horse Cap Improvement Fund							
Running Horse Promotional Fund							
Harness Cap Improvement Fund							
Harness Promotional Fund			\$879.11				\$879.11
Greyhound Cap Improvement Fund			\$879.11				\$879.11
Greyhound Promotional Fund			\$743.36 ✓				\$743.36
Racing Stablization Fund							
<b>Total Trust Fund Fees</b>							<b>\$2,501.58</b>
<b>Total Paid to the Commission</b>							<b>\$11,865.77</b>

*[Signature]*  
2/10/17



205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 138: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND  
INTERNAL CONTROLS

138.13: Complimentary Services or Items and Promotional Gaming Credits

\*\*\*

(4) The gaming licensee's complimentary distribution program shall include provisions ensuring that each patron who has been issued a rewards card by the gaming licensee (or its parent or other associated entity) in Massachusetts is issued a monthly statement, mailed to the patron at the patron's physical mailing address, which shall include the patron's total bets, wins and losses in Massachusetts in accordance with M.G.L. c.23K, § 29. For purposes of 205 CMR 138.13(4) the following shall apply:

- (a) An email address provided by the patron at the time a rewards card is applied for may be considered a physical mailing address. If a gaming licensee will provide the required notices via email, its program submission shall describe the manner in which the email contact list will be compiled and maintained.
- (b) Notice of the issuance of a monthly statement shall be provided to the applicant at the time of application for a rewards card. The applicant shall be given the opportunity to decline issuance of a monthly statement at that time. Notice shall also be provided to the applicant that they may later opt-out of being issued a monthly statement by providing a written or online request to the gaming licensee or affiliate. The complimentary distribution program submission shall describe these notice and opt-out provisions.
- (c) The program submission shall describe the information to be contained on the monthly statement including the terms and categories to be represented and a brief description as to how monetary figures are to be calculated.
- (d) If monthly total bets, wins and losses associated with a rewards card will be available to a patron via password protected log-in on the gaming licensee's website, or via similar means, the gaming licensee may provide the patron a monthly notice (via email or otherwise) advising where the information is available and how to access it, in lieu of incorporating the actual information into a monthly statement. If a gaming licensee elects this method the process shall be fully described in its complimentary distribution program submission.
- (e) Upon written request by a patron, information relative to total bets, wins and losses associated with the patron's rewards card shall be made available to the patron in writing at a gaming establishment upon reasonable notice.
- (f) If there is no gaming activity tied to a patron's rewards card for a period of at least 2 years the gaming licensee may cease providing notices to the patron in accordance with 205 CMR 138.13(4).



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## **Amended Small Business Impact Statement**

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed amendment to 205 CMR 138.13(4) for which a public hearing was held on October 19, 2017. This amendment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendment provides standards for the provision of monthly statements to holders of rewards cards issued by gaming licensees that identifies the patron’s total bets, wins, and losses for the month. This regulation is largely governed by G.L. c.23K, §§4(28), 5, and 29.

The new section created in this amendment applies to gaming licensees and patrons of gaming establishments. Accordingly, these amendments are unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses addressing whether any of the following enumerated methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

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

As a general matter, no small businesses will be impacted by this regulation. Accordingly, there are no less stringent compliance or reporting requirements for small businesses that could be implemented.

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

Whereas this regulation will not have an effect on small businesses there are no less stringent schedules or deadlines for compliance or reporting that could be implemented for small businesses.

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

Whereas this regulation does not apply to small businesses, consolidating or simplifying compliance or reporting requirements therein would not have any impact on small businesses.



Massachusetts Gaming Commission

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

Whereas this regulation does not apply to small businesses, establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation will not have any impact.

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

Whereas this regulation does not apply to small businesses, it is likely business formation neutral.

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

Whereas this regulation does not apply to small businesses, using alternative regulatory methods will not have any impact.

Massachusetts Gaming Commission  
By:

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Todd M. Grossman  
Deputy General Counsel

Dated: December 7, 2017



Massachusetts Gaming Commission

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