



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING# 330**

December 17, 2020  
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 738 6776**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
December 17, 2020**

**PLEASE NOTE:** Given the unprecedented circumstances resulting from the global Coronavirus pandemic, Governor Charles Baker issued an order to provide limited relief from certain provisions of the Open Meeting Law to protect the health and safety of individuals interested in attending public meetings. In keeping with the guidance provided, the Commission will conduct a public meeting utilizing remote collaboration technology. If there is any technical problem with our remote connection, an alternative conference line will be noticed immediately on our website: [MassGaming.com](http://MassGaming.com).

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 17, 2020  
10:00 a.m.**

**Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 738 6776**

All documents and presentations related to this agenda will be available for your review on the morning of December 17, 2020 by [clicking here](#).

**PUBLIC MEETING - #330**

1. Call to order
2. Approval of Minutes
  - a. November 3, 2020
3. Administrative Update – Karen Wells, Executive Director
  - a. Staffing Update – Todd Grossman, General Counsel
  - b. On-site Casino Updates – Loretta Lillios, Interim Director of IEB/Chief Enforcement Counsel/Deputy Director; Bruce Band, Assistant Director, Gaming Agents Division Chief



Massachusetts Gaming Commission

4. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
  - a. Encore Construction Report - Mark Vander Linden, Director of Research and Responsible Gaming; UMass Donahue Institute, Economic and Public Policy Research Group; Rod Motamedi, Senior Research Manager; Andrew Hall, Senior Research Analyst
  
5. Racing Division – Dr. Alex Lightbown, Director of Racing
  - a. Suffolk Downs Request for 2020 Premium Free Period – Dr. Alex Lightbown, Director of Racing; Chip Tuttle, Suffolk Downs Chief Operating Officer  
**VOTE**
  - b. Suffolk Downs Request for Approval of Simulcast Import Locations – Dr. Alex Lightbown, Chip Tuttle, Suffolk Downs Chief Operating Officer  
**VOTE**
  - c. Suffolk Downs Request for Approval of Account Wagering Providers – Dr. Alex Lightbown, Chip Tuttle, Suffolk Downs Chief Operating Officer  
**VOTE**
  - d. Suffolk Downs Request for Approval of Mbet – Dr. Alex Lightbown; Chad Bourque, Senior Financial Analyst; Chip Tuttle, Suffolk Downs Chief Operating Officer  
**VOTE**
  - e. 2019 Annual Racing Report – Dr. Alex Lightbown; Chad Bourque  
**VOTE**
  
6. Legal Division – Todd Grossman, General Counsel
  - a. 205 CMR 146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections. This amendment would clarify that the Blackjack table layout should include an inscription identifying either 3-to-2 or 6-to-5 payout odds – and Amended Small Business Impact Statement, for approval to move through the final promulgation process – Carrie Torrisi, Associate General Counsel  
**VOTE**
  - b. 205 CMR 153.00: Community Mitigation Fund. The proposed regulation would govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments – and Amended Small Business Impact Statement, for approval to move through the final promulgation process - Carrie Torrisi, Associate General Counsel  
**VOTE**
  - c. 205 CMR 133.00: Voluntary Self-Exclusion. The proposed amendment contains administrative changes that ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list, specify who is deemed a “designated agent” and has access to such list, clarify the application’s contents, and refine the qualification requirements for providers of services offered by the Voluntary Self-Exclusion program – and Amended Small Business Impact



Massachusetts Gaming Commission

Statement, for approval to move through the final promulgation process – Carrie  
Torrise, Associate General Counsel

**VOTE**

- d. Review of Proposed Comprehensive Amendments to the Enhanced Code of  
Ethics for adoption as part of an updated Third Edition – Todd Grossman, General  
Counsel

**VOTE**

7. Commissioner Updates

- a. Discussion of Executive Director Evaluation Form and Process – MGC  
Commission

8. Other business – reserved for matters the Chair did not reasonably anticipate at the time of  
posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission  
Meeting” at [www.massgaming.com](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).

December 15, 2020

*Cathy Judd-Stein*, Chair

**Date Posted to Website:** December 15, 2020 at 10:00 a.m.



Massachusetts Gaming Commission



## Massachusetts Gaming Commission Hearing/Meeting Minutes

**Date/Time:** November 3, 2020 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 111 557 4101

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

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

### Call to Order

10:00 a.m. Chair Cathy Judd-Stein called to order a public hearing and meeting #325 of the Massachusetts Gaming Commission (Commission). Plainville Gaming and Redevelopment, LLC has submitted an Application for a License to Hold or Conduct a Race Meeting for 2021 at Plainridge Park Casino. This hearing is intended to allow offering input and comment on the application to any entity or member of the interested public. This public hearing and meeting will be conducted via remote collaboration technology.

*The Chair confirmed a quorum for the meeting with a Roll Call.*

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

## Public Input

- 10:01 a.m. Dr. Lightbown introduced the 2021 Plainridge Park Casino (PPC) Application for Racing to the Commission. On the call with the Commission was PPC Director of Racing Steve O'Toole, Vice President of Racing for Penn National Chris McErlean, and PPC Compliance Officer Lisa McKenney.
- Mr. O'Toole thanked the Commissioners and attendees and reviewed the 8<sup>th</sup> application for PPC for 2021. He reviewed purse awards for 2020. He also outlined the challenges that the staff faced during the pandemic for the Commission.
- 10:09 a.m. Next, Mr. O'Toole highlighted points in the application's Exhibit 25 to why this license is beneficial to the public. The application is for 110 days with a 33-week schedule.
- 10:13 a.m. Chief of the Plainville Police Department James Alfred reported that he maintains a professional relationship with Penn National and that PPC is a well-run facility with only a few minor incidents in the past year.
- Chief of the Plainville Fire Department Justin Alexander was invited to make comments. Jennifer Thompson, the Town Administrator for the Town of Plainville, stated that Chief Justin Alexander of the Plainville Fire Department was called away. However, she offered to speak on his behalf.
- 10:17 a.m. Ms. Thompson made remarks regarding the successful collaboration of Penn National with Plainville's town and stated that Chief Alexander would share her sentiment if he could attend today. She endorses this license application.
- 10:21 a.m. Next, for the Standardbred Owners of Massachusetts, Raymond Campbell, Jr., President, described the breeding program's status to the Commission and commented on the program's success. He described some increased opportunities for "MassBred" horses that will lead to more interest in the breeding program. The Chair asked the Commissioners for comments, to which there were none.
- 10:25 a.m. Commissioner Zuniga asked if Mr. O'Toole could provide a high-level forecast for next year in terms of economics. Mr. O'Toole replied and reviewed all facets of the pandemic's effects; however, purses have averaged \$95,000 on average per racing day, which is very good. Field size has been very good, and competition has been very good. He did note the pandemic's effects on business, stating that the interest level is still there. However, some are not wagering, as they are not going inside.
- 10:35 a.m. The Chair made remarks and confirmed that Mr. O'Toole would be available for the Commission meeting on Thursday if the Commissioners should have any questions.

10:37 a.m. *With no further business, Commissioner Stebbins moved to adjourn.  
Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Stebbins: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Commissioner Stebbins: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

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

1. Notice of Meeting and Agenda dated November 3, 2020
2. 2021 Racing Application of Plainridge Park Casino

/s/ Bruce Stebbins

Secretary

# The Construction of Encore Boston Harbor

Spending, Employment, and Economic Impacts

December 17, 2020

Rod Motamedi, Senior Research Manager, Economic and  
Public Policy Research, UMass Donahue Institute



UMASS DONAHUE INSTITUTE  
ECONOMIC & PUBLIC POLICY RESEARCH



UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES



# Project Overview

- **Total investment by Encore was \$2.1 billion. This study focuses on the \$1.6 billion that was construction.**
- **Our data provider was Suffolk Construction Company, which was the construction manager for Encore.**
- **Our data is a snapshot in time. It is possible that audits or similar activities could result in changes of the final numbers relative to what we have. We do not expect any material impact to these finding in such an event.**

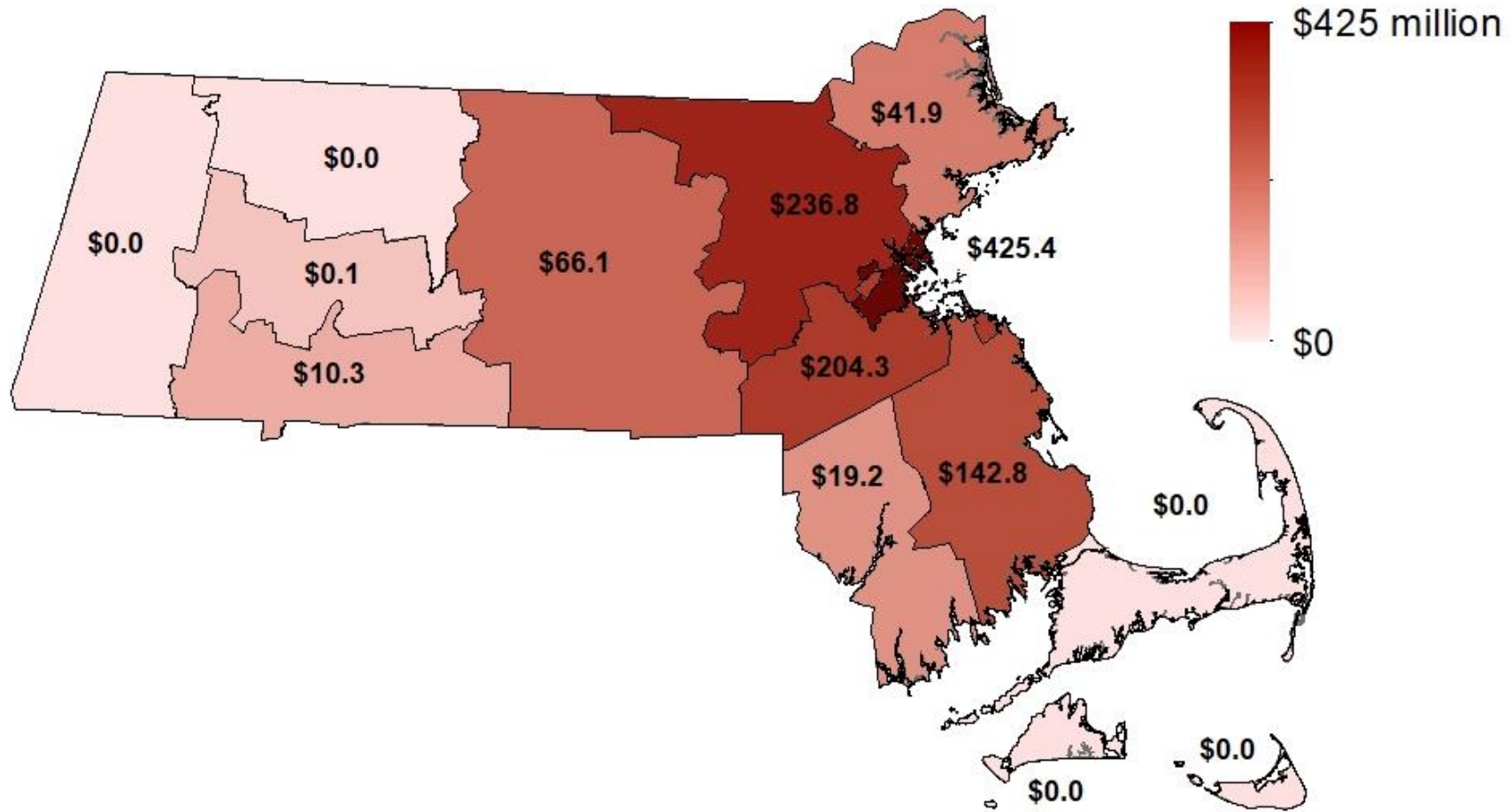
# Key Findings

- **Almost 75% of construction spending went to MA businesses with 40% going to Middlesex and Suffolk Counties. Firms meeting at least one of the diversity criteria received 13% of spending.**
- **Half of instate workers resided in Middlesex and Suffolk Counties. Overall, workforce diversity was representative of the construction sector in terms of race, gender, and veteran status.**
- **Total economic activity supported by construction was about \$2.6 billion, which supported 2,500 jobs and \$1 billion of income.**

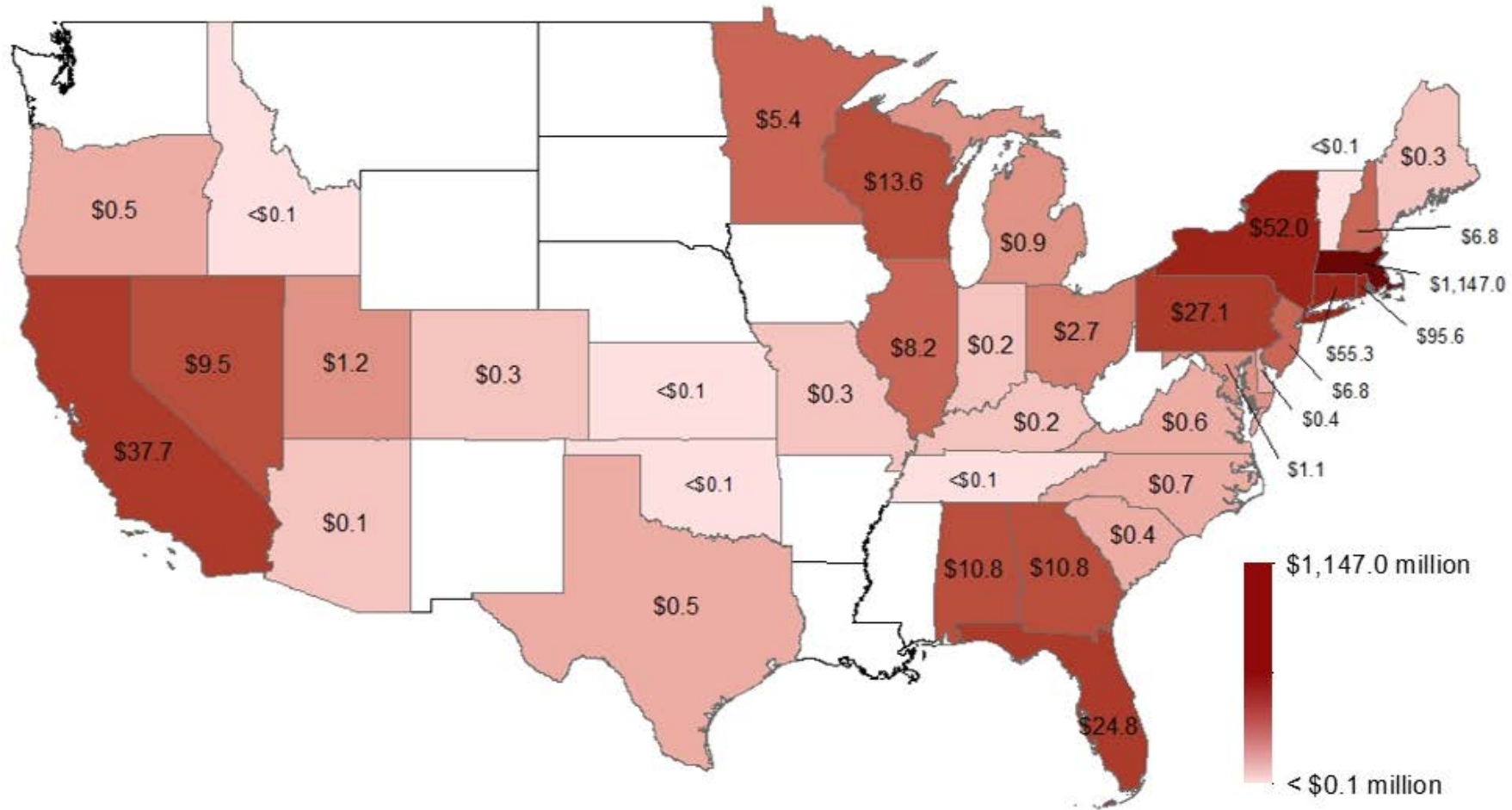
# The Location of Gaming Establishments in Massachusetts



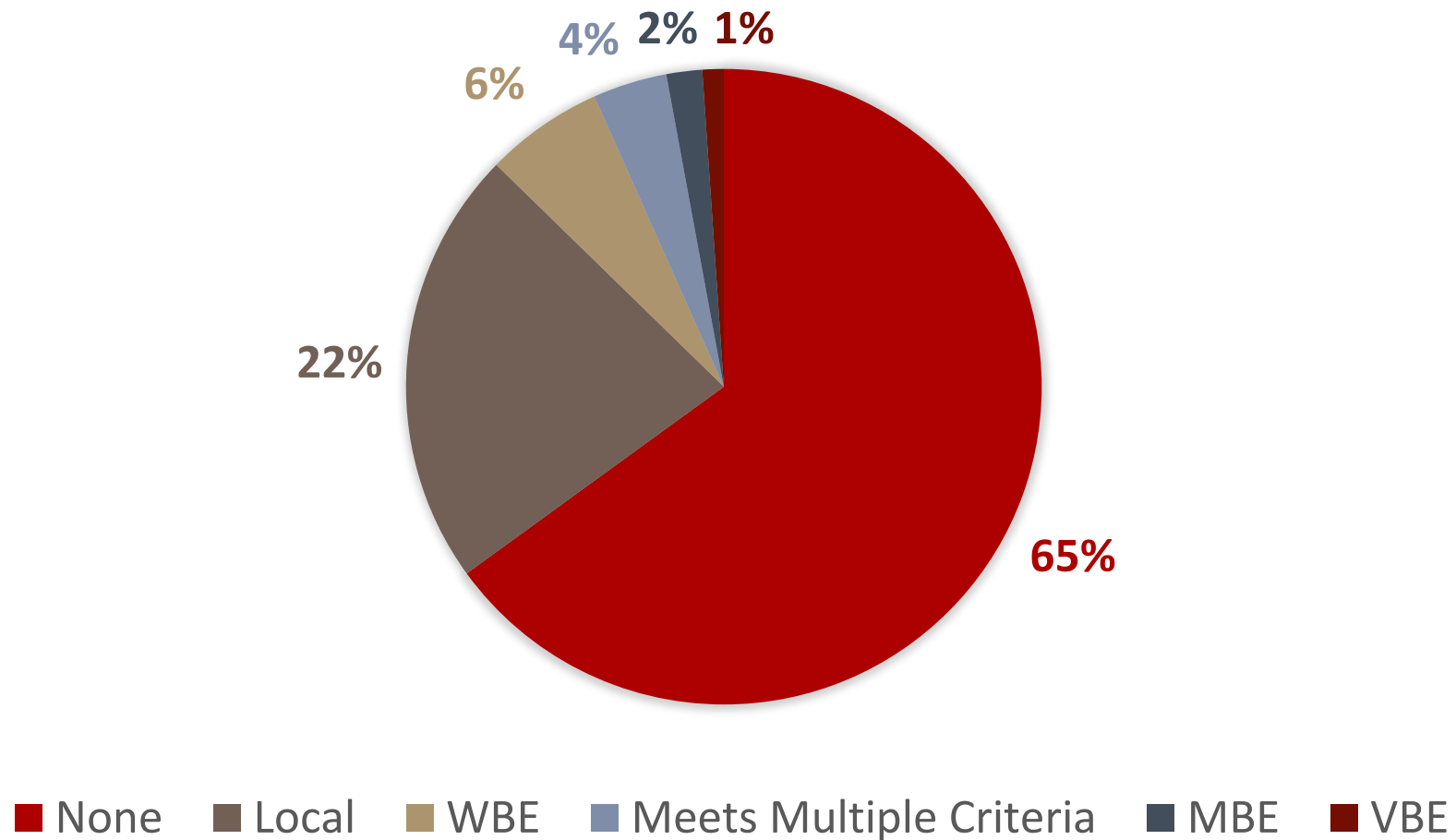
# Total Contract Values by County



# Total Contract Values by State



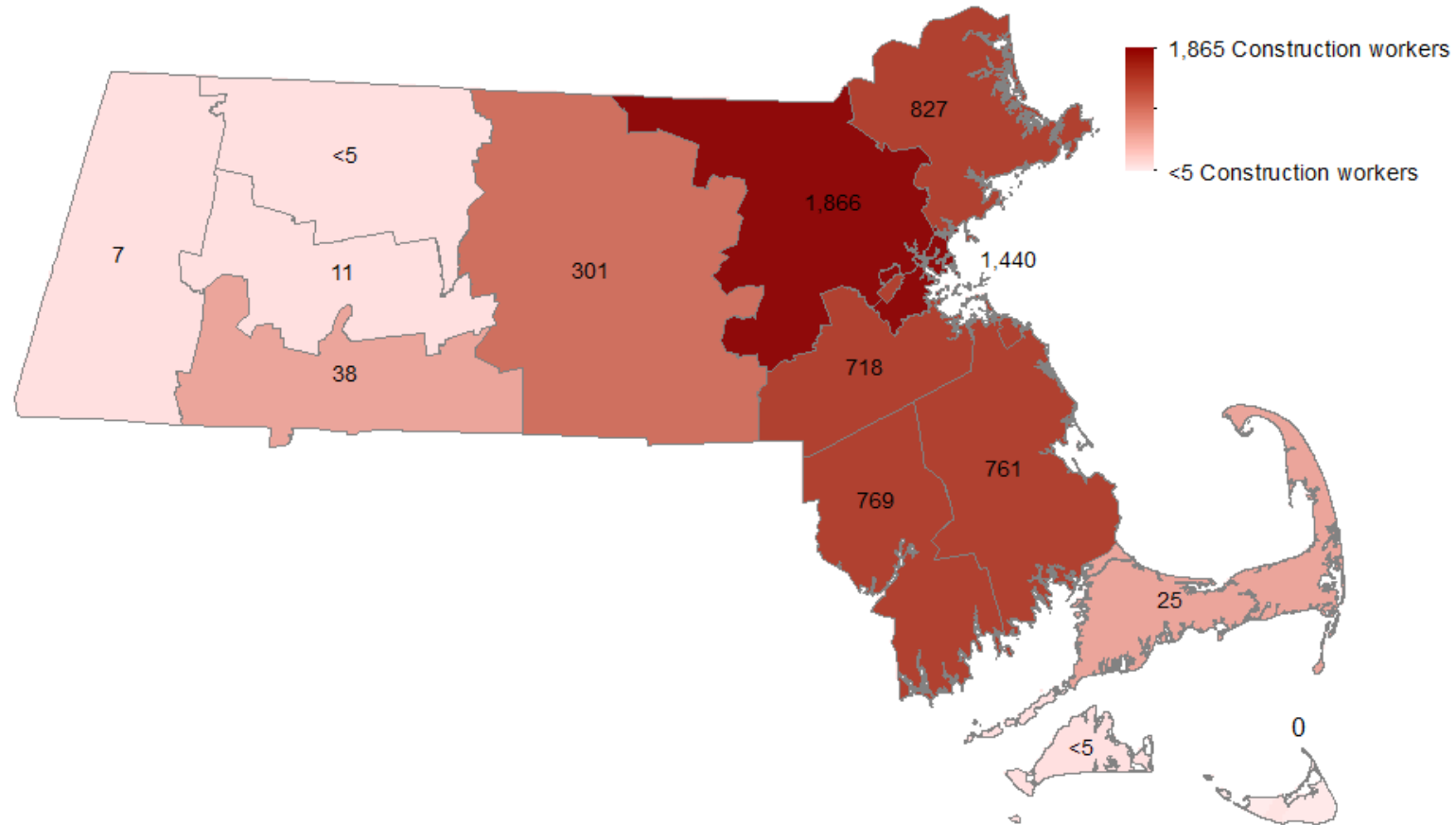
# Contract Value by Company Diversity and Location Criteria



# Hours and Compensation for Everett and Surrounding Communities

<b>Geography</b>	<b>Total Hours</b>	<b>Total Gross Pay</b>	<b>Average Hourly Comp.</b>
Everett	248,814	\$10,994,195	\$44.19
Surrounding Communities	1,301,988	\$60,530,378	\$46.49
All Workers	5,153,333	\$246,816,126	\$47.89

# Estimate of Workers by County

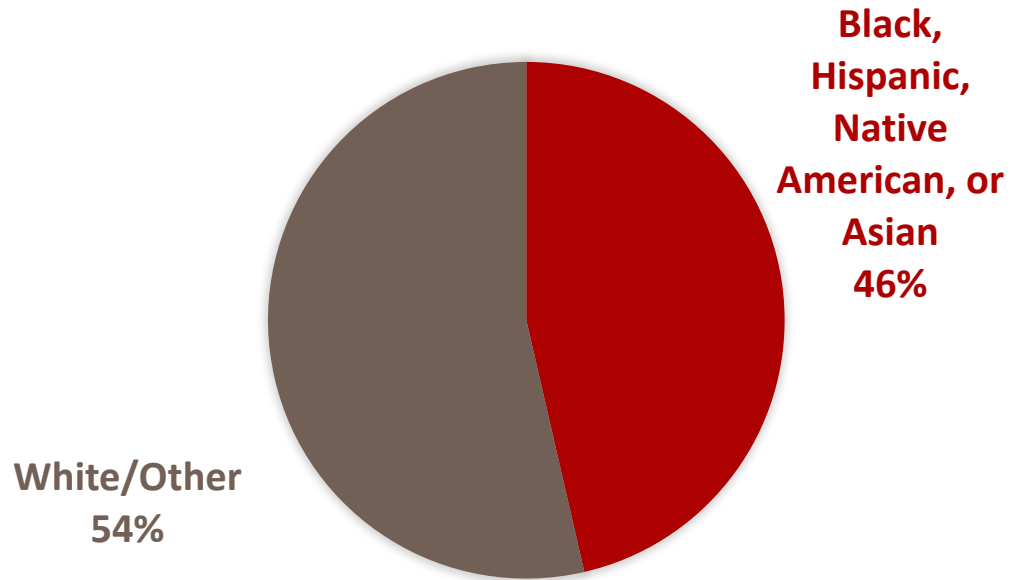




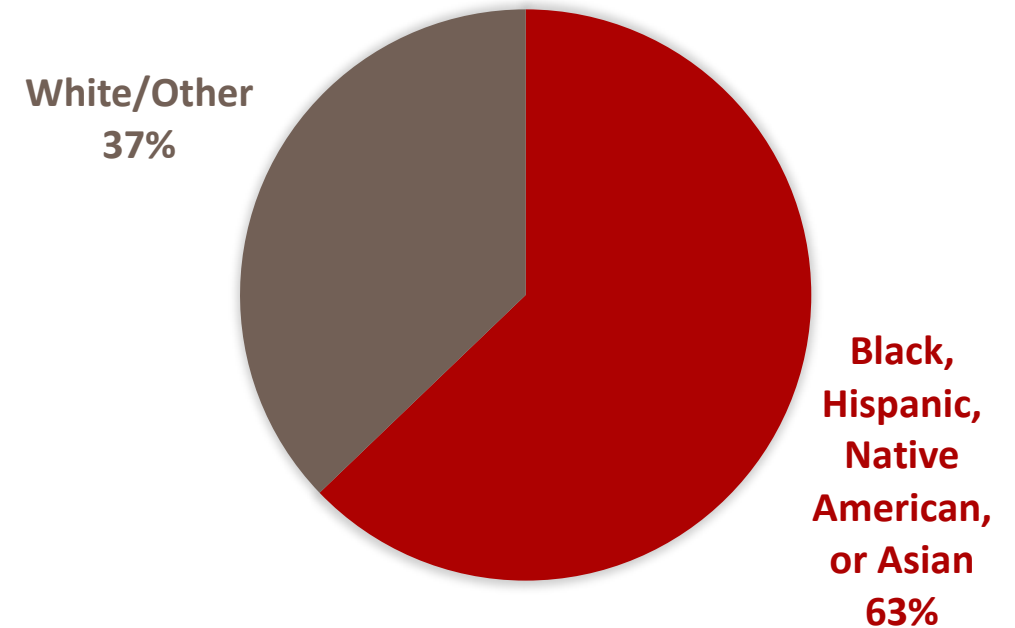
# Race and Ethnicity Comparison

Overall, the demographic characteristics of MA-based workers on this project were representative of the demographic characteristics of MA-based construction workers. The data for Everett suggest this may not be the case there but are inconclusive.

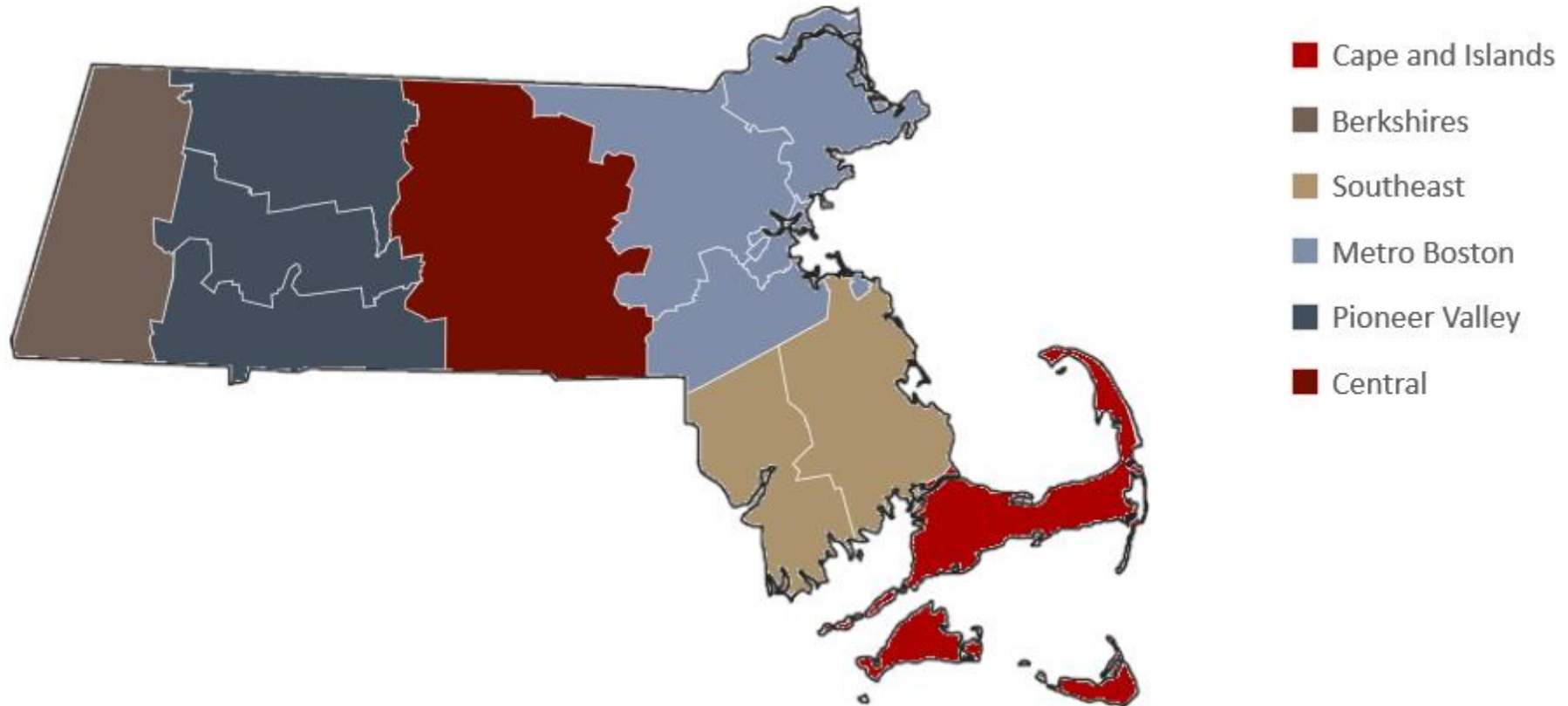
EVERETT CONSTRUCTION WORKER  
HOURS



EVERETT WORKING AGE POPULATION



# Regional Configuration of SEIGMA's REMI Model



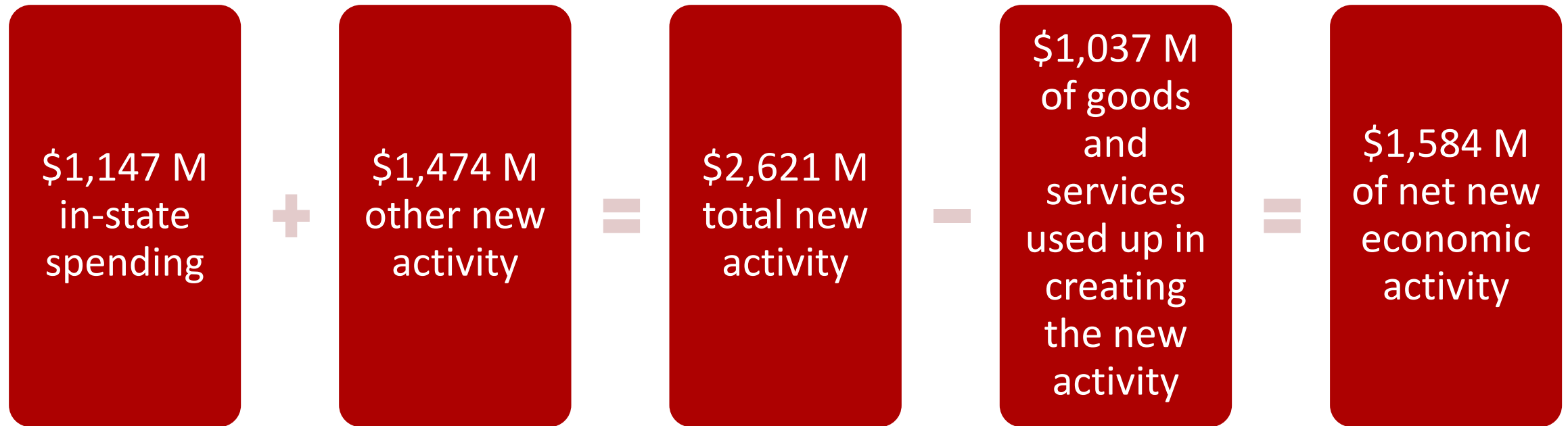
# Direct, Indirect, and Induced Statewide Jobs

<b>Total Employment</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Average</b>
EBH Construction Workers (Direct)	601	1,804	1,804	1,804	752	1,353
Business to Business (Indirect)	94	274	269	255	98	198
Total Induced	398	1,205	1,277	1,289	599	953
<i>Consumption-Based</i>	<i>238</i>	<i>697</i>	<i>687</i>	<i>700</i>	<i>305</i>	<i>525</i>
<i>Other Induced</i>	<i>160</i>	<i>507</i>	<i>590</i>	<i>589</i>	<i>294</i>	<i>428</i>
<b>Total</b>	<b>1,093</b>	<b>3,283</b>	<b>3,351</b>	<b>3,348</b>	<b>1,448</b>	<b>2,505</b>

# New Economic Activity by Region (\$M)

Region	Total (Output)		Net New (Value-Added)	
	Annual Avg.	Cum.	Annual Avg.	Cum.
Metro Boston	\$407	\$2,034	\$247	\$1,233
Southeast	\$75	\$376	\$45	\$225
Pioneer Valley	\$5	\$24	\$3	\$14
Central	\$33	\$163	\$19	\$97
Berkshires	\$0	\$2	\$0	\$1
Cape and Islands	\$4	\$22	\$3	\$14
<b>MA</b>	<b>\$524</b>	<b>\$2,621</b>	<b>\$317</b>	<b>\$1,584</b>

# Relationship between Summary Statewide Economic Impacts



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**[www.umass.edu/seigma/reports](http://www.umass.edu/seigma/reports)**

# The Construction of Encore Boston Harbor: Spending, Employment, and Economic Impacts

November 17, 2020

**Project Leader**

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## Acknowledgements

Support for this study came from the Massachusetts Gaming Commission under ISA MGC10500003UMS15A establishing the Social and Economic Impacts of Gambling in Massachusetts study. This multi-year project was competitively bid via the Massachusetts Gaming Commission Request for Response (MGC-RA-2012) for Research Services and awarded to the University of Massachusetts Amherst in April 2013. In June 2019, the Massachusetts Gaming Commission issued a subsequent Request for Response (BD-19-1068-1700-1-40973) for Research Services and the University of Massachusetts Amherst was awarded the contract effective January 2020.

### SUGGESTED CITATION:

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A PDF OF THIS REPORT CAN BE DOWNLOADED AT: [www.umass.edu/seigma](http://www.umass.edu/seigma)



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## Executive Summary

The UMass Donahue Institute ([UMDI](#)) is a member of the Social and Economic Impacts of Gambling in Massachusetts ([SEIGMA](#)) research team charged with carrying out aspects of the research agenda of the Massachusetts Gaming Commission (MGC). This report seeks to inform stakeholders about the construction of the Encore Boston Harbor casino and its economic impacts in the Commonwealth. Over the course of the casino's construction, UMDI worked with the Massachusetts Gaming Commission and the project's construction managers at Suffolk Construction Company to obtain data on the spending, employment, and wages related to the construction of the casino. These data are summarized here along with an estimate of the total economic impacts to the Commonwealth of Massachusetts resulting from the casino construction.

Wynn Resorts spent nearly \$1.6 billion to build the Encore Boston Harbor casino. This amount differs from the larger amount that is commonly reported in the press. The larger amount represents total investment of which construction is a component. The difference between investment and construction includes design fees; furniture, fixtures, and equipment (FF&E); operating supplies and equipment (OSE); license/application fees; and pre-opening expenses.

### Where were the construction dollars spent?

- Almost three-quarters of the construction budget (\$1.1B of \$1.6B) went to firms based in Massachusetts. Nearly 60 percent of Massachusetts' share (\$662M) (or 40 percent of the total) remained in Middlesex and Suffolk Counties.
- Firms based in the City of Everett received \$32 million in contracts.
- The remaining quarter that went out of state (\$446M) was distributed among 36 states. Rhode Island, Connecticut, and New York accounted for over \$200 million of that amount while \$71 million went outside of the country.
- Thirteen percent of the total contract value went to firms that met at least one element of the diversity criteria while another fifth went to local businesses from the region.

### Where did construction workers reside and was it a diverse workforce?

- In total, half of in-state workers lived in Middlesex and Suffolk Counties. Residents of Everett did about five percent of all the work.
- Workforce diversity statistics suggest that the Encore Boston Harbor construction workforce largely reflected the composition of the populations from which they were drawn.
- Members of minority groups did one-quarter of the work on the Encore Boston Harbor construction site, which is similar to their share of statewide construction workers. Overall, the construction workers were over 90 percent male and non-veteran, which is also similar to statewide shares.
- The share of the work done by minority construction workers from Everett was less than the city's minority share of working age population. Our findings showed that non-White workers did 46 percent of all the work compared to 63 percent of Everett's working age population being Black, Hispanic, Native American, or Asian. We could not find reliable data on the racial/ethnic mix of only those workers who are in construction occupations.

### What were the total statewide economic impacts of constructing Encore Boston Harbor?

- Increases in company revenues and employment drive larger changes in the economy, which are estimated using an economic model.
- Overall, total statewide economic activity (also known as output) increased by \$2.6 billion over the five-year construction period.

- Net new economic activity (i.e., value added or gross state product) totaled almost \$1.6 billion.
- About 2,500 jobs were created or supported by this economic activity. These jobs accrued \$1 billion of income.
- When the estimates of total economic impacts are compared to Encore Boston Harbor's construction expenditures, the results show that every \$1.55 of construction spending created about \$1 of additional economic activity in Massachusetts and every in-state job created another 0.85 jobs elsewhere in the Commonwealth.

## Introduction

The UMass Donahue Institute ([UMDI](#)) is a member of the Social and Economic Impacts of Gambling in Massachusetts ([SEIGMA](#)) project team that has been charged with carrying out aspects of the research agenda of the Massachusetts Gaming Commission (MGC). The MGC’s research agenda creates the opportunity to measure the actual economic outcomes of the casino facilities as they are built and carry out operations in the state. This report describes the activities undertaken to construct the Commonwealth’s second integrated resort casino—Encore Boston Harbor along the Mystic River in Everett, Massachusetts—and measures the economic impacts generated through this process.

In November of 2011, Governor Deval Patrick signed the Expanded Gaming Act, which allows for the creation of up to three commercial resort-style casinos and one slot parlor.<sup>1</sup> To reduce internal competition among casinos and maximize their potential benefits, the Commonwealth was divided into three regions, shown in Figure 1, with each region able to obtain one casino license. The slot parlor license was not geographically limited. To date, two casino licenses in Regions A and B and the slot parlor license have been awarded as shown in Figure 2.

**Figure 1: Massachusetts Gaming Regions<sup>2</sup>**



<sup>1</sup> <http://massgaming.com/about/expanded-gaming-act>.

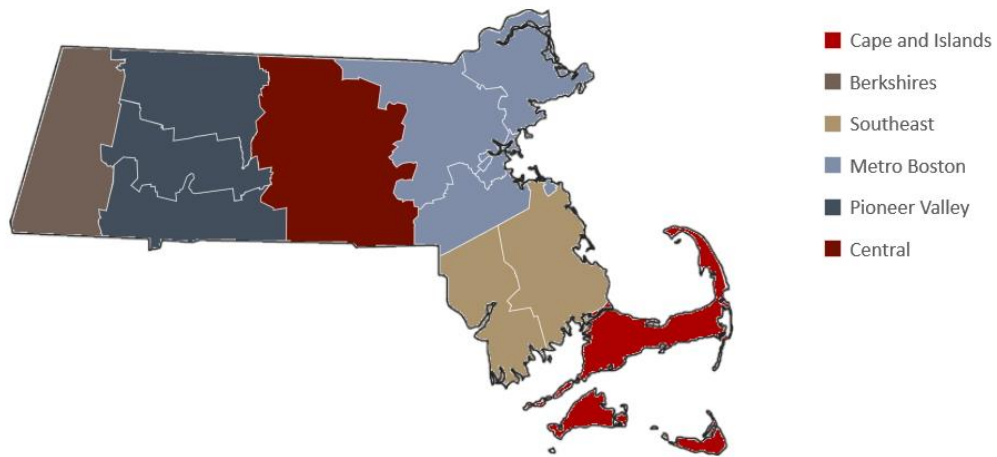
<sup>2</sup> <http://massgaming.com/about/expanded-gaming-act>.

**Figure 2: Locations of Approved Massachusetts Casinos and Slot Parlor**



Figure 3 shows the regions selected for the REMI economic impact model used for the SEIGMA analyses. This configuration was chosen because it aligns with the gaming regions and the Commonwealth’s existing economic and commuting linkages.

**Figure 3. Regional Configuration of SEIGMA’s REMI Model**



MGM Springfield was the first resort-style casino to open in Massachusetts on August 24, 2018. This followed three years after the opening of Plainridge Park Casino on June 24, 2015, which is the singular

slot parlor. Encore Boston Harbor, the final licensed property, held its grand opening on June 23, 2019. The status of the Region C casino license is complicated by the decision of the MGC to not award a license to the only commercial bidder, which hoped to open in Brockton,<sup>3</sup> and U.S. District and Appeals Court rulings invalidating the land in trust granted to the Mashpee Wampanoag tribe for a casino in nearby Taunton.<sup>4</sup> The tribe is continuing to pursue various options to regain its land in trust. Should any of these efforts succeed, a potential Region C casino would still be many years in the future.

Recognizing that the introduction of casinos is likely to create both positive and negative social and economic impacts, Section 71 of the Expanded Gaming Act includes a mandate for the Massachusetts Gaming Commission to establish “an annual research agenda.”<sup>5</sup> To facilitate this research, the MGC sought bids through a competitive request for research process in 2012. The SEIGMA research team, based at the [UMass Amherst School of Public Health and Health Sciences](#), was successful in its competitive bid and the project officially began in April 2013.<sup>6</sup> The role of UMDI in the larger research agenda is to collect data on and measure the economic impacts of the introduction of casinos in Massachusetts.

This report seeks to inform stakeholders about the construction of Encore Boston Harbor and its economic contribution to the Commonwealth. Over the course of construction, UMDI worked with the MGC and the project’s construction managers at Suffolk Construction Company to obtain data on the spending, employment, and wages related to the construction of the casino. These data are presented in this report along with an estimate of the total economic impacts to the Commonwealth of Massachusetts resulting from the construction of the casino.

Encore Boston Harbor is located on the Mystic River waterfront on Rt. 99 in Everett, Massachusetts and across the river from the Assembly Row area of Somerville. For much of the past century, various industrial and chemical companies used the 33-acre site leaving it and the surrounding river sections contaminated. As part of the construction project, Encore remediated the site and waterfront. Now completed, the site contains the casino and hotel building, a publicly-accessible harbor walk, and parking.

Construction began with remediation in the fall of 2015 and finished ahead of the casino’s opening on June 23, 2019, roughly one year after MGM Springfield. During this time, a total of \$1.6 billion was spent on construction. This amount differs from the larger amount that is commonly reported in the press. The larger amount represents total investment of which construction is a component. The difference between investment and construction includes design fees; furniture, fixtures, and equipment (FF&E); operating supplies and equipment (OSE); license/application fees; and pre-opening expenses. This total includes money spent on both in-state and out-of-state vendors and labor. The lead contractor, Suffolk Construction Company, oversaw the project and all other contractors.

For continuity, this report generally mirrors the language and structure of our previous construction reports on [Plainridge Park Casino](#) and [MGM Springfield](#).

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<sup>3</sup> <http://massgaming.com/wp-content/uploads/16-025RegionC.pdf>.

<sup>4</sup> [https://www.gpo.gov/fdsys/pkg/USCOURTS-mad-1\\_16-cv-10184/pdf/USCOURTS-mad-1\\_16-cv-10184-0.pdf](https://www.gpo.gov/fdsys/pkg/USCOURTS-mad-1_16-cv-10184/pdf/USCOURTS-mad-1_16-cv-10184-0.pdf) and <http://media.ca1.uscourts.gov/pdf/opinions/16-2484P-01A.pdf>.

<sup>5</sup> <http://massgaming.com/about/research-agenda>.

<sup>6</sup> An overview of the research plan can be found on the MGC’s website: <http://massgaming.com/wp-content/uploads/SEIGMA-Research-Plan.pdf>.

## Glossary for Economic Impact Concepts

In this section, we define terms common to economic modeling and analysis that we utilize in the impacts section of this report. They are as follows:

**Employment:** Employment is a count of jobs, not people, by place of work. It counts all jobs with the same weight regardless of whether the position is full- or part-time or the labor of a self-employed proprietor. Additionally, jobs are counted as job-years, which are equivalent to one job lasting for one year. It is a similar concept to “person-hours.” New jobs often carry over from year to year and therefore the jobs in one year include many of the same jobs as in the previous year. For example, if a new business opens with 10 employees, then the host community of that business will have 10 more jobs than it would have had in every future year that the company maintains its workforce. Over 5 years, the business will have created 50 job-years (10 jobs at the company x 5 years = 50 job-years) though it is possible that it is not the same 10 people who are working there over time. When reviewing changes in employment across multiple years, knowledge of the concept of job-years is vital to proper interpretation.

**Output:** Output is the total value of production, sales, or business revenues, whether final (i.e., purchased by the end user) or intermediate (i.e., used by another business to produce its own output). It includes the value of inputs to production, wages paid to employees, capital expenses, taxes, and profit. It is useful as an indicator of business activity but, due the inclusion of intermediate purchases, it should not be interpreted as net new economic activity.

**Personal Income:** Personal income is income and benefits from all sources earned by all persons living in an area. It excludes the income earned by non-resident workers who commute into an area but includes the income of residents who commute out.

**Value Added:** Value added is the value of all final (i.e., purchased by the end user) goods and services created in an economy. It is net new economic activity and is also known as gross product or net economic impact. It is less than output by the value of all the goods and services that were used in production (i.e., intermediate purchases). Value added provides a useful summary of the economy which is why all nations and U.S. states report their economic growth by using it, calling it either gross domestic product or gross state product as appropriate. Its usefulness derives from the elimination of the double-counting inherent in output, which stems from the inclusion of inputs. Double-counting of inputs can be understood and simplified using an example of making and selling a loaf of bread. A farmer sells wheat to a mill, which then sells flour to a baker, who then sells bread to the final customer. The sale price of the bread includes the cost of all necessary inputs including growing the wheat, milling the flour, and baking the bread. Value added only counts the sale price of the bread to the final consumer, which is the net new value created in the economy. On the other hand, output counts the revenues earned by every business in the supply chain, which means that the value of the wheat and flour are counted more than once. A detailed explanation of value added versus output is available in *Appendix 3: Output versus Value Added*.



## Methodology

### Overview

The process of assessing economic impacts began with collecting data from Suffolk, the project's general contractor and construction manager. These data were then prepared for and run through an economic impact model to produce an estimate of the impacts of construction on Massachusetts and its regions. UMDI worked in collaboration with Suffolk to ensure that data included all applicable general contractors and subcontractors and their workers. The information included the location, contract amount, and diversity criteria for each contractor and the wages and hours of workers by location and diversity criteria.

For this and future economic analyses, the SEIGMA team has chosen the PI<sup>+</sup> model from Massachusetts-based Regional Economic Models, Inc. (REMI). PI<sup>+</sup> generates realistic year-by-year estimates of the total regional effects of specific initiatives. Model simulations using PI<sup>+</sup> allow users to estimate comprehensive economic and demographic effects created by economic events, such as the development and operation of a casino within a region. REMI allows for dynamic, multi-year modeling as compared to other, more simplistic modeling systems. REMI thus has significant advantages for major complex initiatives that: a) have time-series based impacts that are likely to vary over time; b) require the use and interpretation of multiple economic variables; and c) emphasize economic interactions between regions within the state that add up to a true state-level impact.

The REMI model purchased by SEIGMA is a 6-region, 70-sector model. Each of the six regions in the model is comprised of Massachusetts counties, and the 70 REMI industry sectors roughly correspond to the 3-digit codes of the North American Industry Classification System (NAICS). For the purposes of this study, PI<sup>+</sup> used information by region on spending, the number of workers, and wages to produce economic impact estimates. These inputs allow for the appropriate allocation of economic activity across the regions of the Commonwealth. The model can then calculate the total economic impacts for the state and show how activity in one region impacts other regions.

More information on the PI<sup>+</sup> model and the methods used to prepare the data for use in the model can be found at the end of this report in *Appendix 1: The PI+ Model* and *Appendix 2: Detailed Data Methodology*.

### Data Collection

Early in construction, the Massachusetts Gaming Commission facilitated meetings between Encore Boston Harbor, the MGC's construction manager, and the SEIGMA research team to coordinate data collection for this study. Contrary to MGM where a group of the company's employees was responsible for the management of the construction project, Encore hired Suffolk to handle project management and hiring contractors. In this regard, this project more closely resembled the construction of Plainridge Park Casino. Because of this arrangement, Suffolk, not Encore, became our main data supplier.

Working with Suffolk, we obtained datasets for both contractors and workers that provided the information needed for our analysis. For each prime contractor, we received information on its project component, subcontractors, contract amount, address, and diversity criteria. The data we received for workers was aggregated by ZIP code and included total wages and hours and the subset of wages and hours for workers meeting at least one of the diversity criteria. We also requested data by quarter but due to the difficulty of pulling that information from Suffolk's database and overarching time constraints, we chose to forego it. As a result, for this study's economic impacts we averaged spending

and employment across the construction period by the number of months of activity in each year. This change in methodology did not alter the total value of construction or employment and therefore did not materially change the reported total economic impacts. However, averaging spending across the months could result in the economic impacts attributed to specific years being too high or too low while the total remains unaffected.

### **Preparation of Data for Economic Impact Analysis**

The detail and specificity of the data provided by Suffolk allowed the modelers to replace some of the default assumptions of the economic model with project-specific information. For example, PI+ includes average wages by industry and region and the typical flows of goods and services among regions. The construction data for Encore Boston Harbor included specific information in each of these areas and therefore allowed the use of actual reported data rather than industry and/or regional averages. The averages built into the model are needed in the absence of precise inputs. As previously noted, detailed methodologies of the PI+ model and the data preparation appear in *Appendix 1: The PI+ Model* and *Appendix 2: Detailed Data Methodology*.

## Construction Data

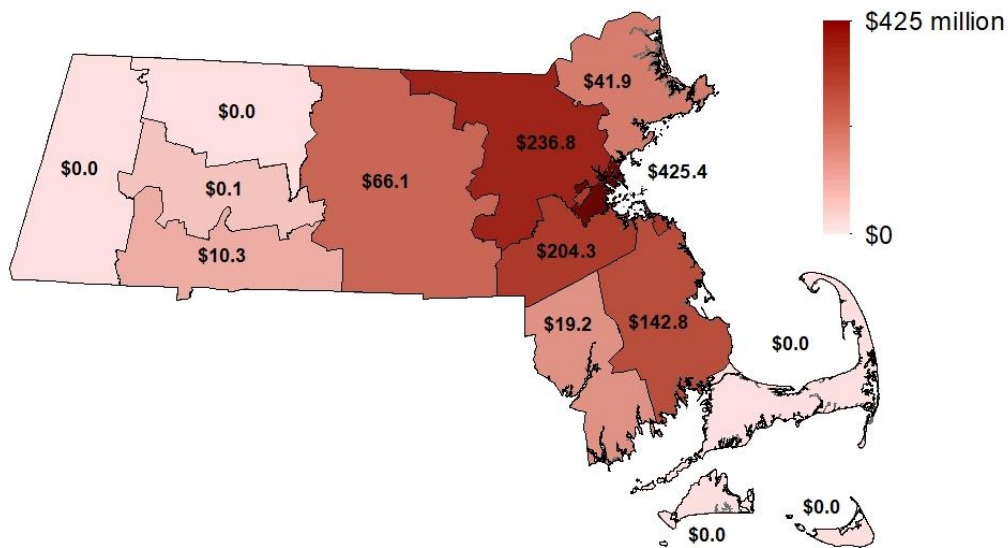
This section presents and summarizes Encore Boston Harbor’s spending on construction, the location and characteristics of the contractors, and the location and characteristics of the construction workers.

### Construction Spending and Contractor Characteristics

Wynn Resorts spent \$1.6 billion to build the Encore Boston Harbor (EBH) casino. This amount differs from the larger amount that is commonly reported in the press. The larger amount represents total investment of which construction is a component. The difference between investment and construction includes design fees; furniture, fixtures, and equipment (FF&E); operating supplies and equipment (OSE); license/application fees; and pre-opening expenses. Examples of some of this additional spending includes hundreds of beds, mattresses, and televisions for the hotel; thousands of slot machines and gaming tables for the casino; and tens of thousands of individual cups, glasses, plates, pots, pans, and sets of cutlery for the restaurants and bars. This study excludes the economic impacts of non-construction expenditures because the equipment is primarily bought on contract from out-of-state manufacturers and wholesalers. Furthermore, most of the other expenditures are either dealt with in other aspects of SEIGMA’s work or are inapplicable to the economic impact modeling. Insofar as local companies are being used for service, maintenance, and other ongoing activities, their impacts will be captured in the operating impact study that will be completed for EBH in the future and will be similar to other operating reports completed by the SEIGMA team such as that for [Plainridge Park Casino](#).

Overall, almost three-quarters of the \$1.6 billion of total construction spending was awarded to companies in Massachusetts (\$1.1 billion). Within the Commonwealth, 27 percent of the total contract amount was in Suffolk County (\$425.4 million) followed by 15 percent in Middlesex County (\$236.8 million) (Figure 4). Companies in seven other counties won the remaining 30 percent of total contracts by value, though the drop-off is steep: Norfolk and Plymouth Counties account for 21 percent of the 30 percent. There were no construction contracts awarded to companies in the Cape and Islands, Berkshire County, and Franklin County.

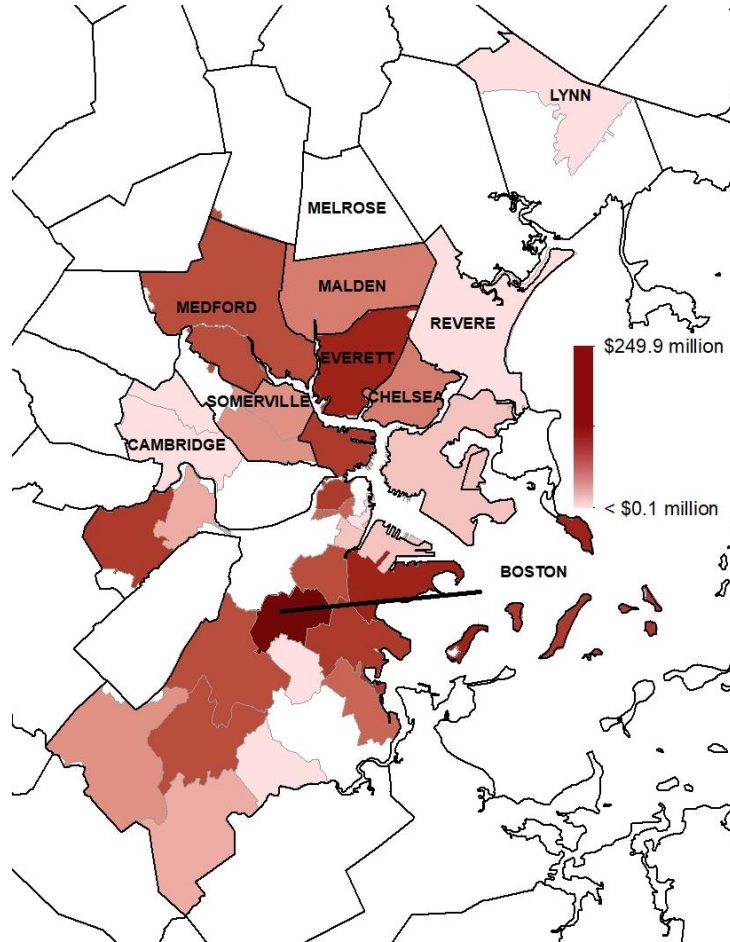
**Figure 4. Total Contract Values by Massachusetts County**



Source: Suffolk Construction Company and UMDI calculations

Taking a closer look at the MGC-designated host and surrounding communities (H&SC), 28 percent of all Massachusetts-based spending went to companies in these cities and towns (Figure 5). Of this nearly \$445 million, almost 90 percent or \$398 million went to companies in Boston, three-quarters of which is attributable to the presence of Suffolk, the prime contractor (Table 1). After Boston, Everett was the largest destination for contracts in this region with \$32 million of spending.

**Figure 5. Total Contract Values by ZIP Code in Host and Surrounding Communities**



**Source: Suffolk Construction Company and UMDI calculations**

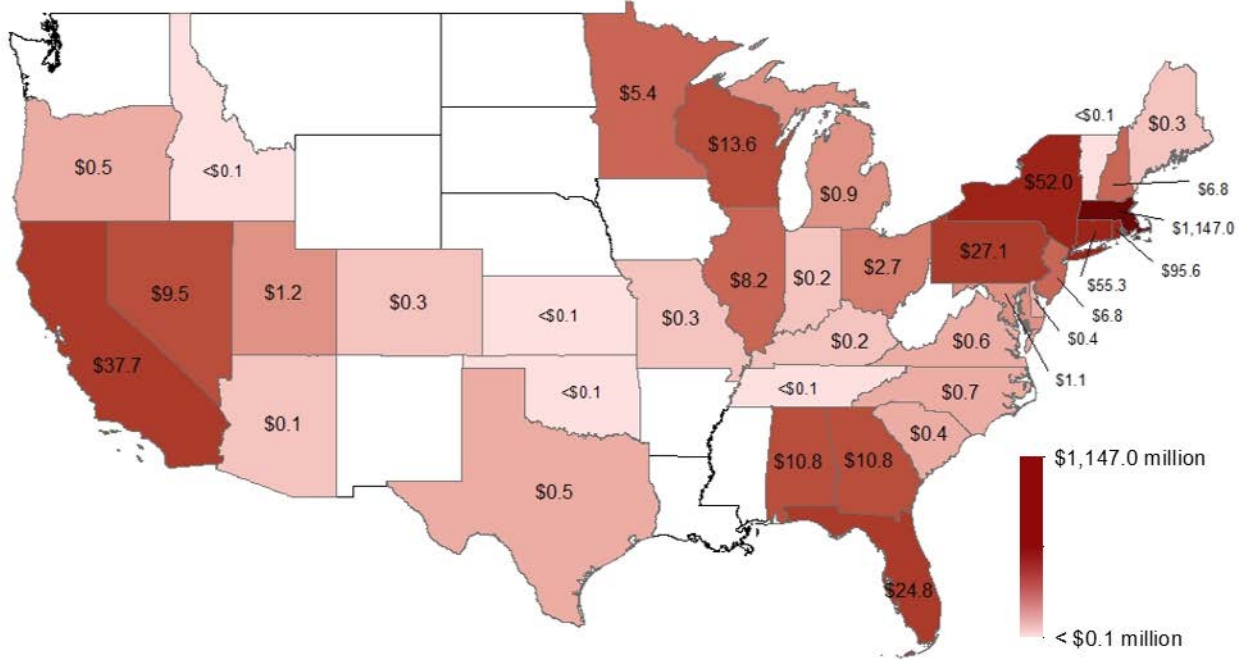
**Table 1. Total Contract Values by ZIP Code in Host and Surrounding Communities**

Town/Zip	Contract Value (\$M)	Town/Zip	Contract Value (\$M)
<b>Everett</b>	<b>\$31.6</b>	<b>Cambridge</b>	<b>&lt;\$0.1</b>
02149	\$31.6	02138	<\$0.1
<b>Boston</b>	<b>\$397.5</b>	02140	<\$0.1
02108	\$11.4	<b>Chelsea</b>	<b>\$2.4</b>
02110	<\$0.1	02150	\$2.4
02111	\$0.6	<b>Lynn</b>	<b>&lt;\$0.1</b>
02114	\$15.5	01904	<\$0.1
02118	\$8.0	<b>Malden</b>	<b>\$2.8</b>
02119	\$249.9	02148	\$2.8
02121	<\$0.1	<b>Medford</b>	<b>\$7.7</b>
02122	\$4.3	02155	\$7.7
02125	\$15.6	<b>Melrose</b>	<b>\$0.0</b>
02126	<\$0.1	<b>Revere</b>	<b>&lt;\$0.1</b>
02127	\$31.9	02151	<\$0.1
02128	\$0.2	<b>Somerville</b>	<b>\$2.6</b>
02129	\$19.0	02143	\$1.0
02130	\$9.1	02145	\$1.7
02131	\$8.6	<b>Total</b>	<b>\$444.7</b>
02132	\$0.8		
02134	\$0.6		
02135	\$21.4		
02136	\$0.4		
02210	\$0.2		

**Source: Suffolk Construction Company and UMDI calculations**

While nearly 75 percent of the construction value was awarded to companies in Massachusetts, the remaining quarter went out-of-state. All but \$71 million (or 4 percent) of the \$1.6 billion remained in the U.S. Although Figure 6 shows contracts distributed to 37 states around the country, most of them outside of Massachusetts are relatively small. After Massachusetts, Rhode Island had the next highest value of construction contracts for Encore Boston Harbor, though it only received \$95.6 million (i.e., eight percent of the value going to Massachusetts companies). Connecticut and New York are the only other states with over \$50 million of contracts. Together, companies in Massachusetts, Rhode Island, Connecticut, and New York won 85 percent of all construction contracts by value.

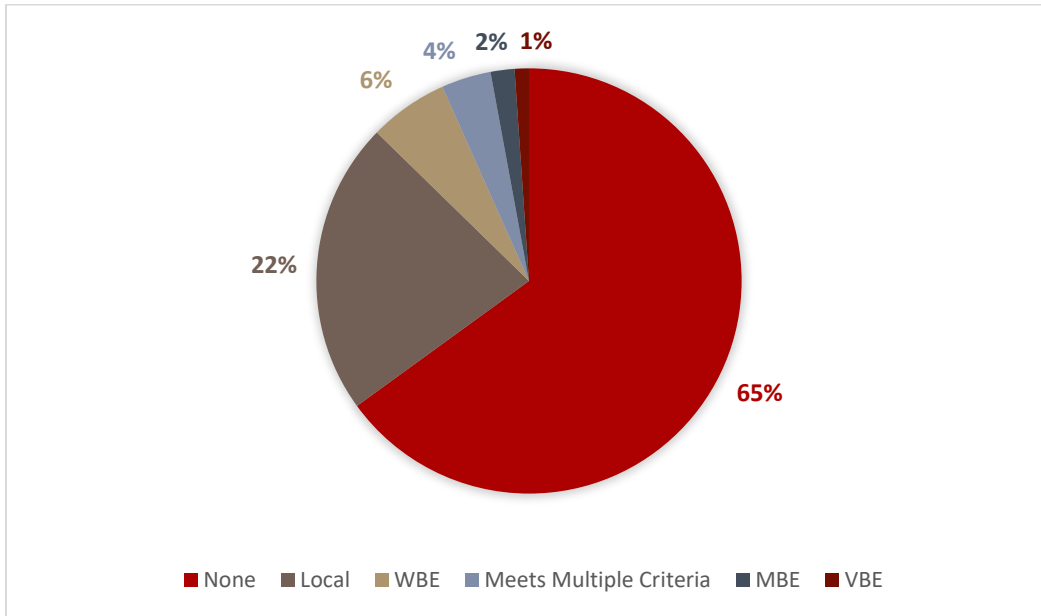
**Figure 6. Total Contract Values by State**



**Source: Suffolk Construction Company and UMDI calculations**

In addition to data on the location of companies, Suffolk collected data on the diversity criteria of each general contractor and subcontractor. These data were collected to evaluate whether EBH met the diversity and local contracting commitments it made in its license application. These criteria are applied to the ownership of the companies and count women-, minority-, and veteran-owned business enterprises (WBE, MBE, and VBE, respectively). The demographic characteristics of their workers were collected separately and are presented later in this report. Encore also made local spending commitments. Just over one-third of the total construction budget was awarded to companies that met at least one of the diversity or location criteria. This was led by local business with 22 percent (\$355 million) of total contract value. Among firms meeting one of the diversity criteria, WBEs were awarded the most construction spending at six percent (or \$96 million) of contracts by value. Also shown in Figure 7 are firms that met multiple criteria, i.e. any combination of local and diverse or meeting multiple diversity categories, e.g. a minority woman owned business.

**Figure 7. Contract Value by Company Diversity and Location Criteria**



**Source: Suffolk Construction Company and UMDI calculations**

### **Employment, Compensation, and Worker Characteristics**

Over 150 individual contracts were issued during the construction of Encore Boston Harbor, many of which included multiple subcontracting companies. Each company in turn hired workers to carry out its obligations. We did not have worker counts but were able to infer them based on average hours worked. That calculation suggests over 6,700 individuals worked on the site at some point over the five-year construction period.

These workers cumulatively worked 5.2 million hours. Due to the nature of construction, the typical worker is not on-site for the complete duration of the build. For instance, trade workers cycle in and out as their specific expertise is required. Therefore, we do not expect to see large average hours worked per worker. For this project, the average hours per worker is just over 760 hours or 19 forty-hour weeks. When converted to full-time equivalents, the total hours worked results in nearly 2,500 FTEs.<sup>7</sup>

The companies that were awarded contracts compensated their Massachusetts-based workers nearly \$247 million. Total compensation differs from wages in that total compensation considers the value of both wage or salary and benefits (i.e., paid time off, health care, and retirement benefits). The average worker received roughly \$36,500 in total compensation at an average hourly rate of \$47.89 per hour. Using data from the Bureau of Economic Analysis’s National Income and Product Accounts, we calculated national average hourly compensation for construction workers over the analysis period to be \$35.83. This data is not available at the state level. The Bureau of Labor Statistics provides state and national data on average wages for construction workers. This data shows that average wages in Massachusetts are roughly 30 percent higher than the national average. Though directly applying this

<sup>7</sup> A full-time equivalent is the number of workers that would be needed if each worker had a full-time, full-year schedule. It is obtained by dividing total hours worked by 2,080—the number of hours in a 40-hour per week, 52-week schedule.

finding to estimate state-level compensation is imprecise, it does suggest that the compensation of construction workers at EBH is at least in line with state norms if not higher.

We found that workers residing in Everett and the surrounding communities earned slightly lower average hourly compensation than the average for all workers (Table 2). This finding aligns with our previous work on MGM Springfield and Plainridge Park Casino. We believe that the most likely explanation is that the labor for most of the expected trades (ironworkers, electricians, pipefitters, etc.) can be found locally while workers would only come from far away if they had specialized knowledge and skills that would justify higher pay.

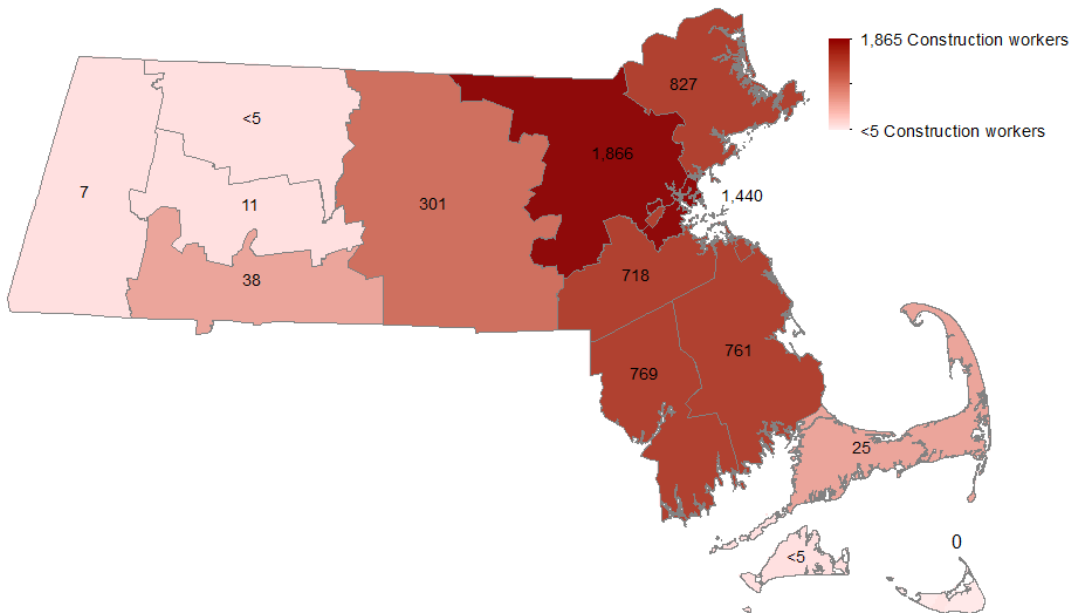
**Table 2. Average Hours and Compensation for Everett and Surrounding Communities**

Geography	Total Hours	Total Gross Pay	Average Hourly Comp.
Everett	248,814	\$10,994,195	\$44.19
Surrounding Communities	1,301,988	\$60,530,378	\$46.49
All Workers	5,153,333	\$246,816,126	\$47.89

Source: Suffolk Construction Company and UMDI calculations

Within the Commonwealth, about half of workers (3,306 or 49 percent) reside in either Middlesex or Suffolk Counties (Figure 8). After these two counties, workers are spread relatively evenly across the remaining counties of eastern Massachusetts, while dropping off quickly with distance from Everett.

**Figure 8. Estimate of Workers by Massachusetts County<sup>8</sup>**



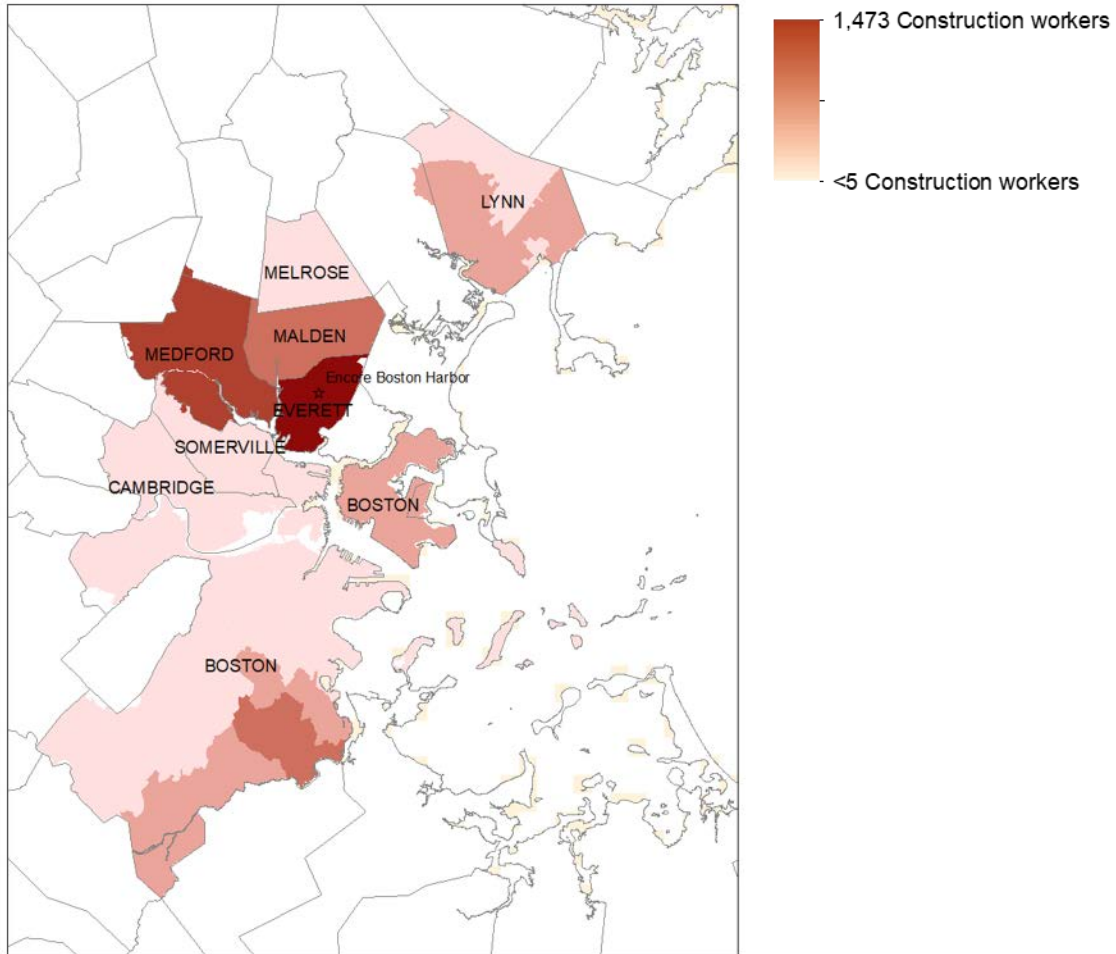
Source: Suffolk Construction Company and UMDI calculations

<sup>8</sup> Here as elsewhere in this section, the count of workers was estimated using data on hours worked.



Most of the 3,306 workers who reside in Middlesex and Suffolk Counties live in the H&SC (2,036 of 3,306 or 62 percent). This share is slightly lower than the H&SC's 67 percent share of contract value going to these same counties. This means that the workers are more widely distributed across the region than the companies that employ them, which is also consistent with our findings from the other casinos. Within the H&SC, 11 percent or 327 workers reside in Everett (Figure 9; Table 3).

**Figure 9. Count of Workers by ZIP Code in Host and Surrounding Communities**



**Source: Suffolk Construction Company and UMDI calculations**

**Table 3. Count of Workers by ZIP Code in Host and Surrounding Communities<sup>9</sup>**

City/Town/ZIP	Worker Count	City/Town/ZIP	Worker Count
<b>Boston</b>	<b>1,000</b>	<b>Cambridge</b>	<b>18</b>
02109	0	02138	0
02111	4	02139	2
02113	16	02140	8
02114	1	02141	9
02115	6	<b>Everett</b>	<b>327</b>
02116	1	02149	327
02118	13	<b>Lynn</b>	<b>189</b>
02119	59	01901	0
02120	11	01902	82
02121	76	01904	38
02122	78	01905	68
02124	148	<b>Malden</b>	<b>172</b>
02125	50	02148	171
02126	67	02644	2
02127	51	<b>Medford</b>	<b>225</b>
02128	128	02155	225
02129	58	<b>Melrose</b>	<b>45</b>
02130	16	02176	45
02131	47	<b>Somerville</b>	<b>60</b>
02132	62	02143	9
02134	6	02144	23
02135	12	02145	28
02136	82	<b>Total H&amp;SC</b>	<b>2,036</b>
02210	1		
02215	6		

**Source: Suffolk Construction Company and UMDI calculations**

**Note: Totals may not match due to rounding.**

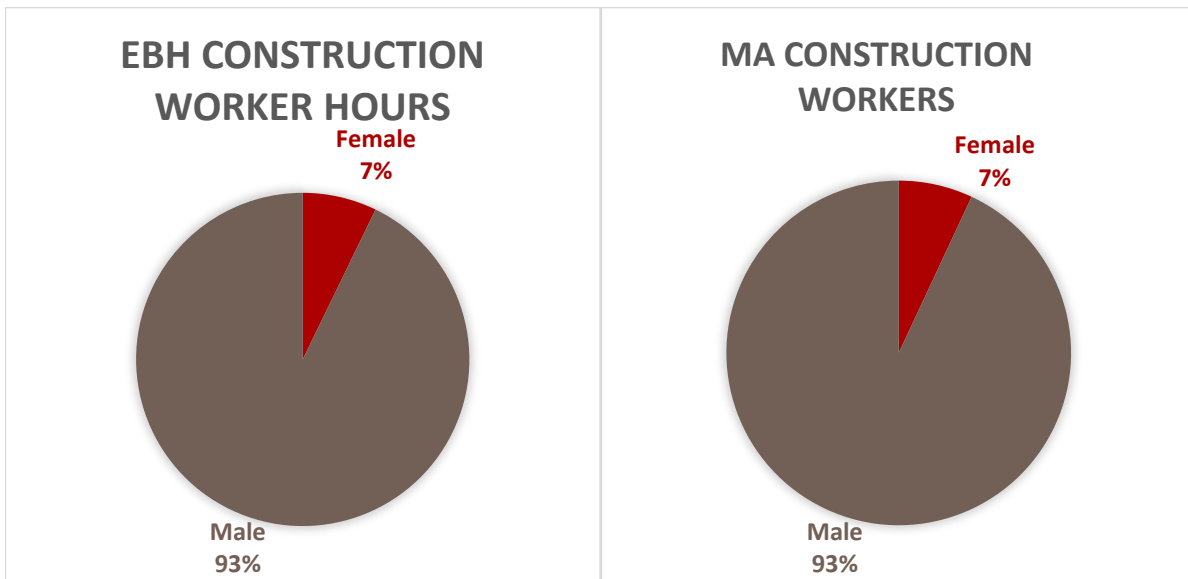
In addition to the location of workers, Suffolk collected various demographic characteristics on all construction workers working on projects at the EBH site. The data available to us for this study did not include a count of construction workers by location. However, it did include both total hours worked and hours worked by women, veteran, or minority workers. We used this count of hours to show the proportion of the project work that was carried out by members of these various groups. In the following charts, we compared the distribution of hours to the distribution of employment or working age population. Though comparing hours to people is imperfect, we believe it is sufficient for showing

<sup>9</sup> Job count estimates are based on hours worked by ZIP code and have been rounded to the nearest whole job. Those zip codes with zero values are actually non-zero values representing less than 380 hours of work.

how the distribution of work on the project compares to the distribution of work and workers elsewhere.

Women represented seven percent of all hours worked (Figure 10). Though low in absolute terms, this finding reflects the ongoing low share of women in construction occupations, which nationally is also in the single digits.<sup>10</sup> Furthermore, the share of total hours worked by women is equal to the proportion of Massachusetts construction workers who are female.

**Figure 10. Share of Encore Boston Harbor Construction Worker Hours by Gender and Statewide Construction Employment by Gender**

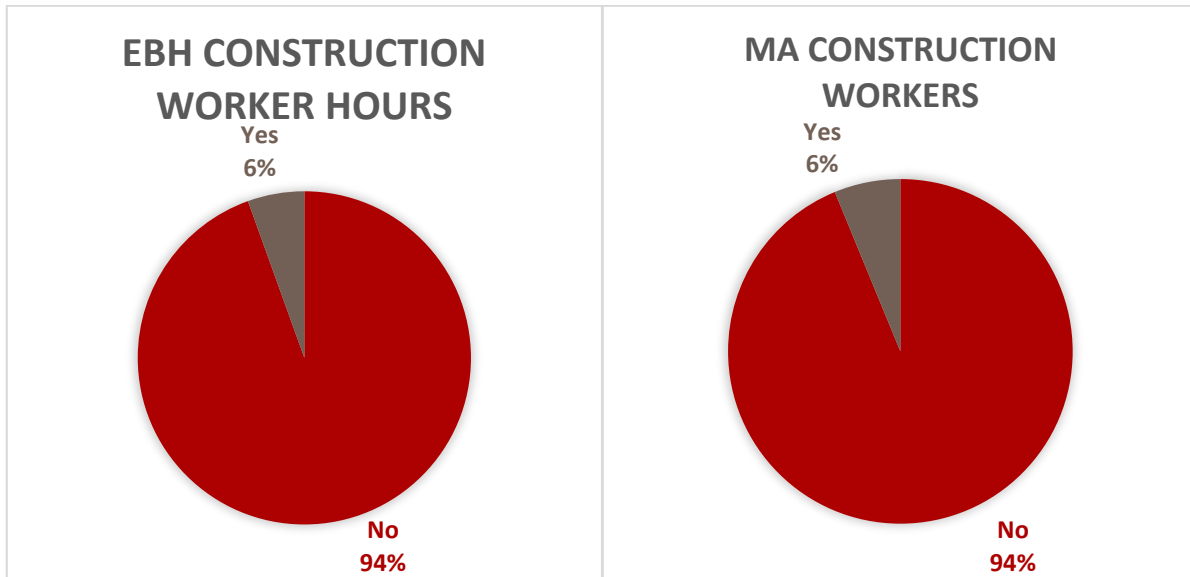


**Source: Suffolk Construction Company and UMDI Calculations and American Community Survey 5yr 2013-2017**

The share of hours by veteran status suggests that most workers were not veterans (Figure 11). That is also the case with the construction workers at large. For all Massachusetts-based workers, six percent of total hours worked were by veterans. As with the data on gender, the results are comparable to the composition of construction workers at the state level.

<sup>10</sup> See *Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity* from the Current Population Survey <https://www.bls.gov/cps/cpsaat11.htm>.

**Figure 11. Share of Encore Boston Harbor Construction Worker Hours by Veteran Status and Statewide Construction Employment by Veteran Status**



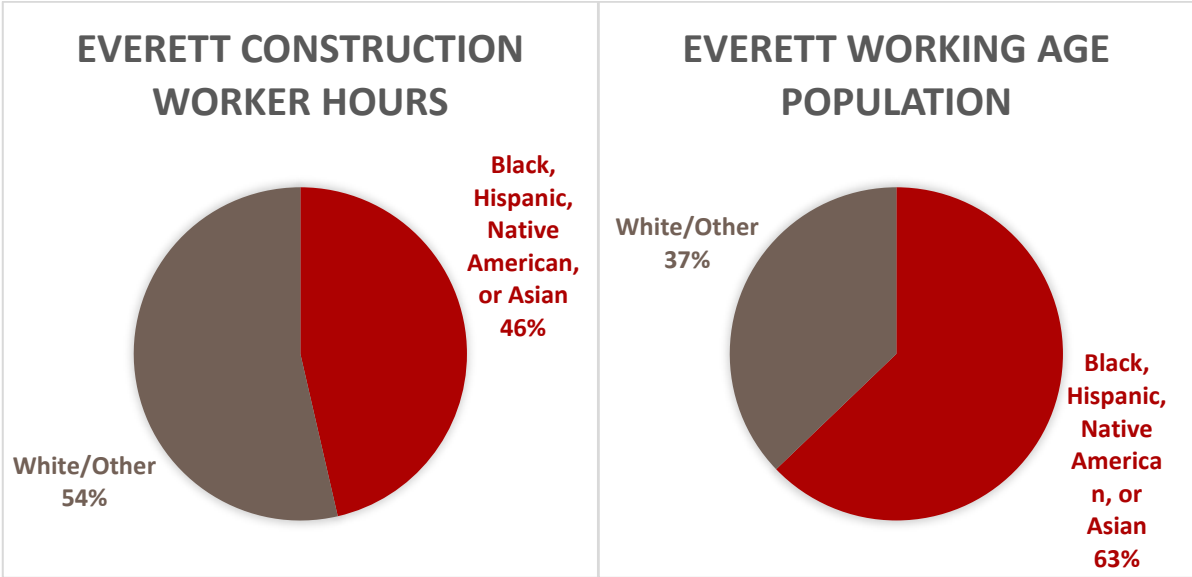
**Source: Suffolk Construction Company and UMDI Calculations and American Community Survey 5yr 2013-2017**

Finally, we examined the data on workers by race and ethnicity. In this data, workers chose one option that they most identified with: White/Other, Hispanic, Black, Asian, and American Indian/Native American. Overall, we found that the race/ethnicity mix of workers closely resembled that of the working age populations from which they were drawn. Statewide, 61 percent of all construction hours went to workers who identified as White/Other while the remaining 39 percent went to Black, Hispanic, Native American, or Asian workers. That split suggests a more diverse workforce than the statewide workforce, which is three-quarters White Non-Hispanic.

The hours worked by Everett residents were more likely to be done by non-White workers than those for the state: 46 percent Black, Hispanic, Native American, or Asian compared to 39 percent (Figure 12). When placed in the context of Everett’s working age population, the share of hours worked by minority residents of Everett is less than their share of the working age population of Everett: 46 percent of construction worker hours compared to 63 percent of the working age population. Due to data constraints, we were not able to compare the hours worked to only the racial/ethnic composition of those in construction occupations.<sup>11</sup>

<sup>11</sup>Though data is available from the US Census Bureau for occupation by race and ethnicity at the city level, the margins of error in the available sources make them unreliable for this purpose.

**Figure 12. Race/Ethnicity of Encore Boston Harbor Construction Worker Hours in Everett and Everett's Working Age Population<sup>12</sup>**



Source: Suffolk Construction Company, UMDI calculations, and American Community Survey 5yr 2013-2017

<sup>12</sup> The U.S. Census considers Hispanic to be an ethnicity rather than a race. As a result, one can be White and Hispanic or Black and Hispanic. For groups other than Hispanic, this chart only counts those who claimed no Hispanic heritage. Similarly, anyone of any race claiming Hispanic heritage is counted only as Hispanic. This method avoids double-counting individuals.

## Economic Impacts of Construction

The following pages describe the direct connections between the activities at the Encore Boston Harbor construction site and the regions of the state. The companies and workers who are active participants in the economic activities associated with building the casino constitute the direct impacts. However, the total economic impacts of construction extend beyond these direct activities. Each company hired to work on the site has its own suppliers and vendors who gain business by virtue of their customers being busier. Every worker that receives a paycheck returns back home to his or her neighborhood. They spend these dollars on housing, entertainment, education, and so on. These transactions, called indirect and induced effects respectively, create economic impacts attributable to the casino that, together with the direct effects, describe the total economic impacts. A glossary of economic impact terms is provided on Page 4 of this report. For modeling purposes, the 14 counties of Massachusetts were combined into six regions as shown in Table 4.

**Table 4. Regional Configuration of SEIGMA’s REMI PI+ Model**

Model Region	County
Berkshires	Berkshire
Cape and Islands	Barnstable
	Dukes
	Nantucket
Central	Worcester
Metro Boston	Essex
	Middlesex
	Norfolk
	Suffolk
Pioneer Valley	Franklin
	Hampden
	Hampshire
Southeast	Bristol
	Plymouth

### Summary

The results of the economic modeling found that, statewide, the construction of Encore Boston Harbor (EBH) created or supported an average of 2,505 jobs per year, peaking at 3,351 in 2017, which was also the peak year of construction employment at [MGM Springfield](#). These totals, shown in Table 5, include employees directly hired to work on the construction of EBH, as well as individuals hired at downstream suppliers (business-to-business or indirect jobs). An example of a new indirect job is one that is created at the firm providing wires to the electrical contractor. Table 5 also includes jobs created by these newly-employed workers spending their wages in their home communities (induced jobs). An example of an induced job would include those created at restaurants frequented by new direct and indirect employees. Indirect employment is low in this scenario because Massachusetts imports many of the inputs to construction (e.g. steel, drywall, wiring, etc.) thus creating indirect jobs out-of-state.

**Table 5. Direct, Indirect, and Induced Statewide Jobs from Encore Boston Harbor Construction**

<b>Total Employment</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Average</b>
EBH Construction Workers (Direct)	601	1,804	1,804	1,804	752	1,353
Business to Business (Indirect)	94	274	269	255	98	198
Total Induced	398	1,205	1,277	1,289	599	953
<i>Consumption-Based</i>	<i>238</i>	<i>697</i>	<i>687</i>	<i>700</i>	<i>305</i>	<i>525</i>
<i>Other Induced</i>	<i>160</i>	<i>507</i>	<i>590</i>	<i>589</i>	<i>294</i>	<i>428</i>
<b>Total</b>	<b>1,093</b>	<b>3,283</b>	<b>3,351</b>	<b>3,348</b>	<b>1,448</b>	<b>2,505</b>

**Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.**

Table 6 shows that 1,608 jobs were created in the construction sector over the analysis period, which is two-thirds of the 2,505 total shown in Table 5. Most of these were individuals employed in constructing the casino. However, 13 percent of these jobs were supported by new construction demand caused by marginal increases in the demand for other commercial and residential structures. The remaining top impacted sectors are mainly distributed among those supported by the expenditure of new personal income (Retail, Health Care, and Accommodation and Food Services). State and Local Government jobs were supported by general economic growth.

**Table 6. Statewide Employment Changes in the Top Five Impacted Sectors from Encore Boston Harbor Construction**

<b>Impacted Sector</b>	<b>Metro Boston</b>	<b>Rest of MA</b>	<b>Massachusetts</b>
Construction	1,125	484	1,608
Health care and social assistance	97	43	139
Retail trade	85	55	140
State and Local Government	78	46	124
Accommodation and food services	58	30	87

**Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.**

The total new economic activity created by the construction of EBH is shown in Table 7. The annual average provides a sense of the contributions in a typical year while the cumulative number shows the total new economic activity accruing to each region and the Commonwealth over the five-year analysis period. The budget of \$1.6 billion resulted in \$1.1 billion of in-state spending which yielded \$2.6 billion of new business activity in the Commonwealth (Figure 13). On net, after accounting for the value of the goods and services used up in production, the economy of Massachusetts created total new value of \$1.6 billion over five years.

**Table 7. New Economic Activity by Region (\$M) from Encore Boston Harbor Construction**

Region	Total (Output)		Net New (Value-Added)	
	Annual Avg.	Cum.	Annual Avg.	Cum.
Metro Boston	\$407	\$2,034	\$247	\$1,233
Southeast	\$75	\$376	\$45	\$225
Pioneer Valley	\$5	\$24	\$3	\$14
Central	\$33	\$163	\$19	\$97
Berkshires	\$0	\$2	\$0	\$1
Cape and Islands	\$4	\$22	\$3	\$14
<b>MA</b>	<b>\$524</b>	<b>\$2,621</b>	<b>\$317</b>	<b>\$1,584</b>

Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

Note: Totals may not match due to rounding.

**Figure 13. Relationship between Summary Statewide Economic Impacts from Encore Boston Harbor Construction**



Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

## Detailed Results

The summary results presented above provide a snapshot and give a high-level sense of how the construction of Encore Boston Harbor impacted Massachusetts. This section tracks the impacts through the model starting from construction spending to give a better sense of how these various concepts are related.

The best place to start is with the impacts on output (also known as sales or business revenues). It is the simplest way to see how Massachusetts' share of nearly \$1.6 billion of total construction spending rippled across the state and created multiplied impacts. In each region, the cumulative output impacts exceed the direct spending that occurred in that region. Nearly 80 percent of total statewide impacts accrued to the Metro Boston region.

Table 8 shows that part of the explanation is that, as the host region for the casino, Metro Boston received most (79 percent) of the direct construction spending that remained in Massachusetts. Furthermore, as the economic hub of the state, a substantial share of all economic activity passes through or otherwise interacts with Metro Boston. As a result, 76 percent of all additional output statewide accrues to the region.



**Table 8. Total Impacts on Output of Encore Boston Harbor Construction (\$M)**

Region		2015	2016	2017	2018	2019	Average	Cum.
Metro Boston	Direct	\$80.75	\$242.26	\$242.26	\$242.26	\$100.94	\$181.7	\$908.5
	Add'l	\$75.8	\$249.8	\$298.2	\$316.3	\$185.7	\$225.2	\$1,125.8
	<b>Total</b>	<b>\$156.5</b>	<b>\$492.0</b>	<b>\$540.5</b>	<b>\$558.6</b>	<b>\$286.7</b>	<b>\$406.9</b>	<b>\$2,034.3</b>
Southeast	Direct	\$14.40	\$43.21	\$43.21	\$43.21	\$18.00	\$32.4	\$162.0
	Add'l	\$12.8	\$44.1	\$56.9	\$61.6	\$38.1	\$42.7	\$213.6
	<b>Total</b>	<b>\$27.2</b>	<b>\$87.3</b>	<b>\$100.1</b>	<b>\$104.8</b>	<b>\$56.1</b>	<b>\$75.1</b>	<b>\$375.6</b>
Pioneer Valley	Direct	\$0.93	\$2.79	\$2.79	\$2.79	\$1.16	\$2.1	\$10.5
	Add'l	\$0.9	\$3.0	\$3.7	\$3.9	\$2.2	\$2.8	\$13.8
	<b>Total</b>	<b>\$1.8</b>	<b>\$5.8</b>	<b>\$6.5</b>	<b>\$6.7</b>	<b>\$3.4</b>	<b>\$4.9</b>	<b>\$24.3</b>
Central	Direct	\$5.87	\$17.62	\$17.62	\$17.62	\$7.34	\$13.2	\$66.1
	Add'l	\$6.3	\$20.8	\$25.7	\$27.5	\$16.6	\$19.4	\$96.9
	<b>Total</b>	<b>\$12.1</b>	<b>\$38.5</b>	<b>\$43.3</b>	<b>\$45.1</b>	<b>\$23.9</b>	<b>\$32.6</b>	<b>\$162.9</b>
Berkshires	Direct	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.0	\$0.0
	Add'l	\$0.2	\$0.5	\$0.5	\$0.5	\$0.3	\$0.4	\$1.8
	<b>Total</b>	<b>\$0.2</b>	<b>\$0.5</b>	<b>\$0.5</b>	<b>\$0.5</b>	<b>\$0.3</b>	<b>\$0.4</b>	<b>\$1.8</b>
Cape and Islands	Direct	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.0	\$0.0
	Add'l	\$1.3	\$4.4	\$5.9	\$6.4	\$4.2	\$4.4	\$22.2
	<b>Total</b>	<b>\$1.3</b>	<b>\$4.4</b>	<b>\$5.9</b>	<b>\$6.4</b>	<b>\$4.2</b>	<b>\$4.4</b>	<b>\$22.2</b>
MA	Direct	\$101.96	\$305.88	\$305.88	\$305.88	\$127.45	\$229.4	\$1,147.0
	Add'l	\$97.2	\$322.7	\$390.9	\$416.1	\$247.1	\$294.8	\$1,474.1
	<b>Total</b>	<b>\$199.2</b>	<b>\$628.6</b>	<b>\$696.8</b>	<b>\$722.0</b>	<b>\$374.6</b>	<b>\$524.2</b>	<b>\$2,621.1</b>

Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

Note: Totals may not match due to rounding.

While the economic activity of the project is concentrated in Metro Boston due to the reasons above, all other regions benefit from this project. Most counties in the state host businesses that received contracts and/or are home to workers that participated in the project. Even the Cape and Islands and Berkshires regions, which were awarded no contracts, still show new output due to intrastate trade and commuting relationships. Overall, \$2.6 billion of new output was created over the construction period. This resulted in every dollar of construction activity creating another \$0.65 of economic activity inside Massachusetts after accounting for out-of-state suppliers and other leakages due to trade and commuting. Put another way, for every \$1.55 of construction spending another \$1 of business revenues was created. If only in-state spending is evaluated (i.e. out-of-state leakages are ignored), these numbers increase. Each dollar of construction spending that remained in-state created another \$1.29 of economic activity or for every \$0.78 of construction spending another \$1 of business revenues were created.

Output in turn creates \$1.6 billion of value added, otherwise known as *net* economic impact. Output counts every transaction in the economy, including all business-to-business transactions, which results in an overestimate of the new value created in an economy. A detailed description of the difference between output and value added is provided in *Appendix 3: Output versus Value Added*. Value added (shown in Table 9), also called gross product, follows the same regional trend as output.

**Table 9. Total Impacts on Value Added of Encore Boston Harbor Construction (\$M)**

<b>Region</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Average</b>	<b>Cum.</b>
Metro Boston	\$93.6	\$295.3	\$327.2	\$339.2	\$177.3	\$246.5	\$1,232.6
Southeast	\$16.2	\$52.0	\$59.9	\$62.9	\$34.2	\$45.0	\$225.1
Pioneer Valley	\$1.1	\$3.4	\$3.9	\$4.0	\$2.0	\$2.9	\$14.4
Central	\$7.2	\$22.8	\$25.8	\$26.9	\$14.5	\$19.4	\$97.1
Berkshires	\$0.1	\$0.3	\$0.3	\$0.3	\$0.2	\$0.2	\$1.1
Cape and Islands	\$0.8	\$2.8	\$3.7	\$4.0	\$2.6	\$2.8	\$14.0
<b>MA</b>	<b>\$118.9</b>	<b>\$376.5</b>	<b>\$420.7</b>	<b>\$437.3</b>	<b>\$230.8</b>	<b>\$316.9</b>	<b>\$1,584.3</b>

**Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.**

**Note: Totals may not match due to rounding.**

To create the economic activity represented by output and value added, labor is needed. Since most of the jobs on-site lasted less than one year, they produced less than the average annual output and compensation of an annualized construction job. Therefore, the in-state employment multiplier is lower than the output multiplier at 1.85 compared to 2.29, meaning that every in-state job created 0.24 additional jobs. Put another way, for every 1.2 jobs held by Massachusetts residents at the construction site, one additional job was created elsewhere in Massachusetts. Employment cannot be summed over time, so a cumulative total is not provided in Table 10. Instead, the annual average gives a better estimate of the total number of jobs that were created or supported by construction.

**Table 10. Total Impacts on Employment of Encore Boston Harbor Construction (Job-Years)**

Region		2015	2016	2017	2018	2019	Average
Metro Boston	Direct	431	1,294	1,294	1,294	539	970
	Add'l	334	996	1,021	1,011	431	759
	<b>Total</b>	<b>765</b>	<b>2,290</b>	<b>2,315</b>	<b>2,305</b>	<b>970</b>	<b>1,729</b>
Southeast	Direct	136	408	408	408	170	306
	Add'l	97	295	317	323	159	238
	<b>Total</b>	<b>233</b>	<b>703</b>	<b>725</b>	<b>730</b>	<b>329</b>	<b>544</b>
Pioneer Valley	Direct	5	14	14	14	6	10
	Add'l	7	20	22	21	9	16
	<b>Total</b>	<b>11</b>	<b>34</b>	<b>35</b>	<b>35</b>	<b>15</b>	<b>26</b>
Central	Direct	27	80	80	80	33	60
	Add'l	43	134	148	150	75	110
	<b>Total</b>	<b>70</b>	<b>214</b>	<b>229</b>	<b>230</b>	<b>109</b>	<b>170</b>
Berkshires	Direct	1	2	2	2	1	1
	Add'l	1	2	2	2	1	1
	<b>Total</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>3</b>
Cape and Islands	Direct	2	7	7	7	3	5
	Add'l	10	31	36	38	21	27
	<b>Total</b>	<b>12</b>	<b>38</b>	<b>43</b>	<b>45</b>	<b>24</b>	<b>33</b>
MA	Direct	601	1,804	1,804	1,804	752	1,353
	Add'l	492	1,479	1,547	1,544	696	1,151
	<b>Total</b>	<b>1,093</b>	<b>3,283</b>	<b>3,351</b>	<b>3,348</b>	<b>1,448</b>	<b>2,505</b>

Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

Note: Totals may not match due to rounding.

Every job, whether on the construction site or created by ripple effects, comes with a paycheck. Not surprisingly, personal income shown in Table 11 follows the same pattern as employment around the state as seen in Table 10. Workers in Metro Boston gained a total of \$716 million of new income as a result of the construction of EBH. The state as a whole gained \$1 billion of new income. In total, the contractors working on EBH paid nearly \$247 million of compensation to Massachusetts workers. This resulted in a multiplier of 4.21, meaning that every in-state dollar of EBH construction compensation created an additional \$3.21 of new income in Massachusetts.<sup>13</sup>

<sup>13</sup> It is important to note that this multiplier is likely to be high as it is comparing the income of only Massachusetts-based construction workers to the economic impacts created by all workers. If all income paid to EBH construction workers was available for this analysis, this multiplier would likely be somewhat lower. A similar logic applies to the calculation of the employment multiplier. Employment was imputed using hours worked, which was only available for Massachusetts-based construction workers.

**Table 11. Total Impacts on Personal Income of Encore Boston Harbor Construction (\$M)**

Region		2015	2016	2017	2018	2019	Average	Cum.
Metro Boston	Direct	\$15.65	\$46.94	\$46.94	\$46.94	\$19.56	\$35.2	\$176.0
	Add'l	\$36.2	\$117.5	\$138.2	\$154.4	\$93.2	\$107.9	\$539.6
	<b>Total</b>	<b>\$51.9</b>	<b>\$164.5</b>	<b>\$185.1</b>	<b>\$201.3</b>	<b>\$112.8</b>	<b>\$143.1</b>	<b>\$715.6</b>
Southeast	Direct	\$4.99	\$14.98	\$14.98	\$14.98	\$6.24	\$11.2	\$56.2
	Add'l	\$9.9	\$32.1	\$38.2	\$43.7	\$28.2	\$30.4	\$152.1
	<b>Total</b>	<b>\$14.9</b>	<b>\$47.1</b>	<b>\$53.2</b>	<b>\$58.6</b>	<b>\$34.5</b>	<b>\$41.7</b>	<b>\$208.3</b>
Pioneer Valley	Direct	\$0.16	\$0.49	\$0.49	\$0.49	\$0.21	\$0.4	\$1.8
	Add'l	\$0.6	\$2.0	\$2.4	\$2.6	\$1.4	\$1.8	\$9.0
	<b>Total</b>	<b>\$0.8</b>	<b>\$2.5</b>	<b>\$2.9</b>	<b>\$3.0</b>	<b>\$1.6</b>	<b>\$2.2</b>	<b>\$10.8</b>
Central	Direct	\$1.02	\$3.05	\$3.05	\$3.05	\$1.27	\$2.3	\$11.4
	Add'l	\$4.8	\$15.7	\$18.9	\$20.5	\$12.3	\$14.5	\$72.3
	<b>Total</b>	<b>\$5.8</b>	<b>\$18.8</b>	<b>\$21.9</b>	<b>\$23.6</b>	<b>\$13.6</b>	<b>\$16.7</b>	<b>\$83.7</b>
Berkshires	Direct	\$0.03	\$0.09	\$0.09	\$0.09	\$0.04	\$0.1	\$0.3
	Add'l	\$0.1	\$0.2	\$0.2	\$0.2	\$0.1	\$0.2	\$0.8
	<b>Total</b>	<b>\$0.1</b>	<b>\$0.3</b>	<b>\$0.3</b>	<b>\$0.3</b>	<b>\$0.2</b>	<b>\$0.2</b>	<b>\$1.1</b>
Cape and Islands	Direct	\$0.09	\$0.27	\$0.27	\$0.27	\$0.11	\$0.2	\$1.0
	Add'l	\$1.1	\$3.7	\$4.6	\$5.0	\$3.1	\$3.5	\$17.5
	<b>Total</b>	<b>\$1.2</b>	<b>\$3.9</b>	<b>\$4.9</b>	<b>\$5.3</b>	<b>\$3.2</b>	<b>\$3.7</b>	<b>\$18.5</b>
MA	Direct	\$21.94	\$65.82	\$65.82	\$65.82	\$27.42	\$49.4	\$246.8
	Add'l	\$52.7	\$171.3	\$202.5	\$226.4	\$138.3	\$158.3	\$791.3
	<b>Total</b>	<b>\$74.7</b>	<b>\$237.2</b>	<b>\$268.3</b>	<b>\$292.2</b>	<b>\$165.8</b>	<b>\$207.6</b>	<b>\$1,038.1</b>

Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

Note: Totals may not match due to rounding.

Personal income does not tell the whole story of increased buying power. The disposable income shown in Table 12 is what remains after taxes. Cumulatively, the model predicts new disposable income to be \$866 million or \$172 million less than the cumulative gains in personal income. What is left is available to households to fund their consumption wants and needs.

**Table 12. Total Impacts on Disposable Personal Income of Encore Boston Harbor Construction (\$M)**

Region	2015	2016	2017	2018	2019	Average	Cum.
Metro Boston	\$43.3	\$137.2	\$155.0	\$169.0	\$95.6	\$120.0	\$600.0
Southeast	\$12.2	\$38.6	\$43.9	\$48.6	\$29.0	\$34.5	\$172.3
Pioneer Valley	\$0.6	\$2.0	\$2.3	\$2.4	\$1.3	\$1.7	\$8.7
Central	\$4.8	\$15.5	\$18.1	\$19.6	\$11.4	\$13.9	\$69.3
Berkshires	\$0.1	\$0.2	\$0.2	\$0.2	\$0.1	\$0.2	\$0.9
Cape and Islands	\$1.0	\$3.3	\$4.0	\$4.4	\$2.7	\$3.1	\$15.3
<b>MA</b>	<b>\$61.9</b>	<b>\$196.7</b>	<b>\$223.5</b>	<b>\$244.2</b>	<b>\$140.1</b>	<b>\$173.3</b>	<b>\$866.4</b>

Source: Suffolk Construction Company, UMDI calculations, and Regional Economic Models, Inc.

Note: Totals may not match due to rounding.

In summary, the construction of EBH creates total economic impacts that exceed its direct spending and employment impacts in all major regions of Massachusetts. The SEIGMA research team plans to continue to examine the economic impacts of EBH by gathering data on its operations. This data will enable the future evaluation of vendor and supplier spending, hiring, and wages (see previous report completed on [Plainridge Park Casino's operations and its economic impacts](#)). Coupled with the data from the patron survey conducted by the SEIGMA research team (see previous report detailing the [patron survey at Plainridge Park Casino](#)), this analysis would balance the spending and hiring of EBH with the effects of consumer spending reallocation from other regions of the state to EBH and the Everett waterfront.

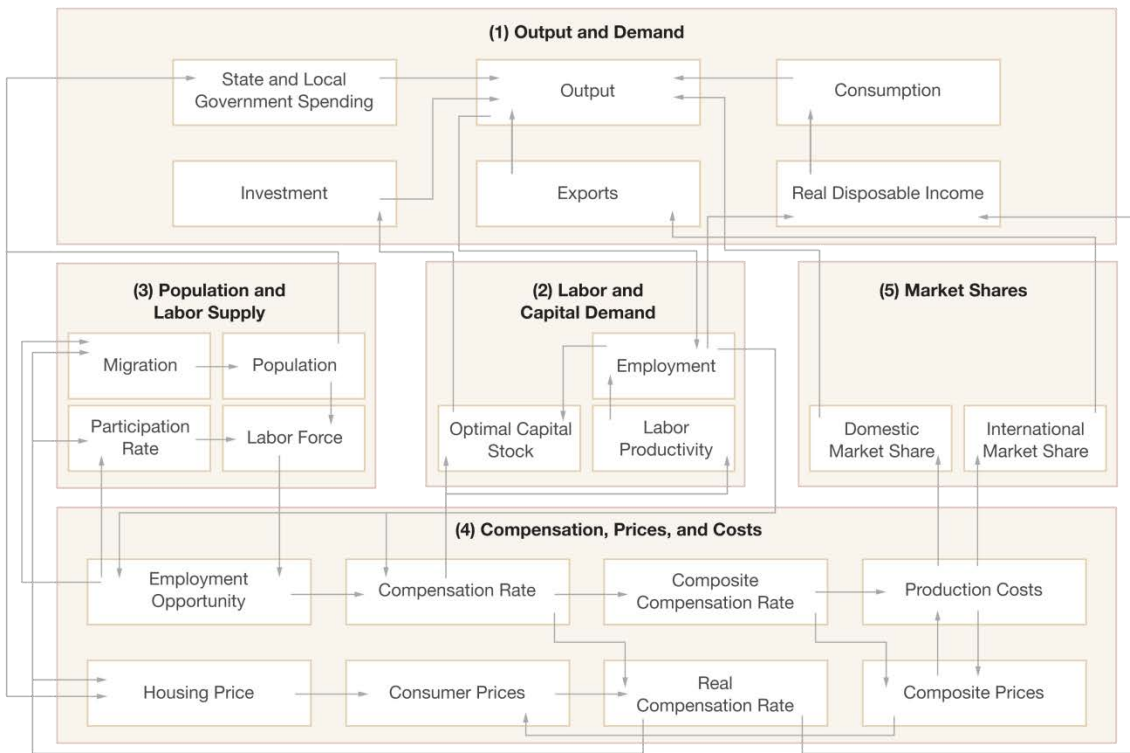
## Appendix 1: The PI+ Model

PI+ is a structural economic forecasting and policy analysis model. It integrates input-output, computable general equilibrium, econometric, and economic geography methodologies. The model is dynamic, with forecasts and simulations generated on an annual basis and behavioral responses to compensation, price, and other economic factors.

The model consists of thousands of simultaneous equations with a structure that is relatively straightforward. The exact number of equations used varies depending on the extent of industry, demographic, demand, and other detail in the specific model being used. The overall structure of the model can be summarized in five major blocks: (1) Output and Demand, (2) Labor and Capital Demand, (3) Population and Labor Supply, (4) Compensation, Prices, and Costs, and (5) Market Shares. The blocks and their key interactions are shown in Figure 14 and Figure 15.

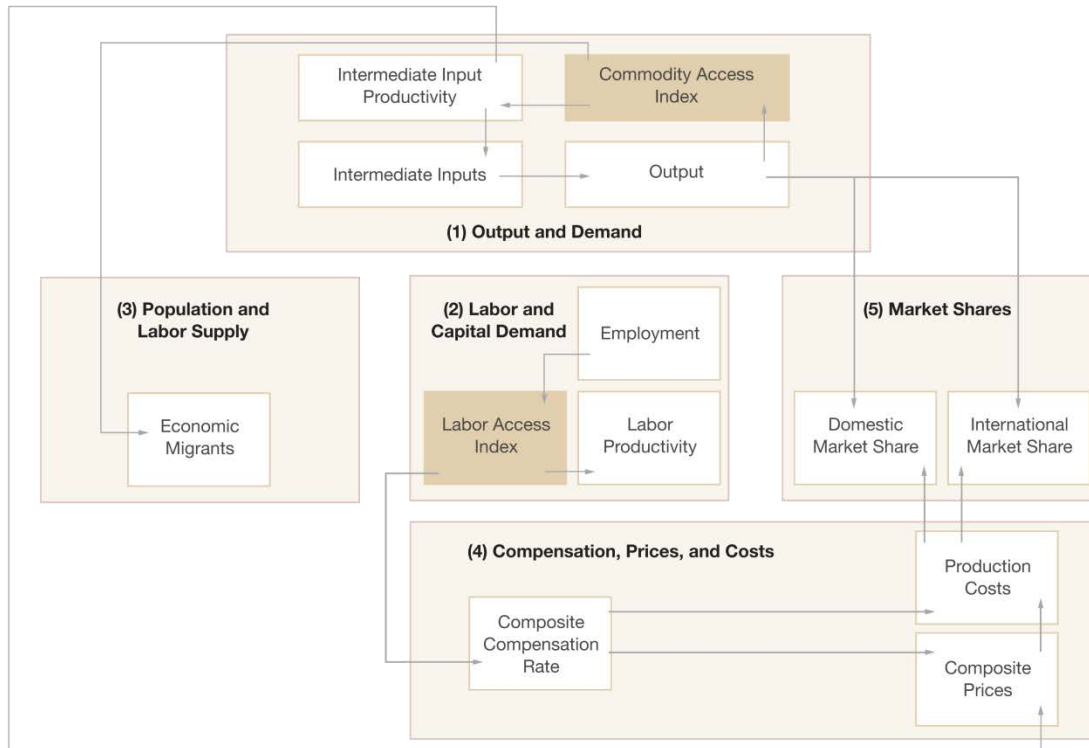
**Figure 14. REMI Model Linkages**

REMI Model Linkages (Excluding Economic Geography Linkages)



**Source: Regional Economic Models, Inc.**

**Figure 15. Economic Geography Linkages**



**Source: Regional Economic Models, Inc.**

The Output and Demand block consists of output, demand, consumption, investment, government spending, exports, and imports, as well as feedback from output change due to the change in the productivity of intermediate inputs. The Labor and Capital Demand block includes labor intensity and productivity as well as demand for labor and capital. Labor force participation rate and migration equations are in the Population and Labor Supply block. The Compensation, Prices, and Costs block includes composite prices, determinants of production costs, the consumption price deflator, housing prices, and the compensation equations. The proportion of local, inter-regional, and export markets captured by each region is included in the Market Shares block.

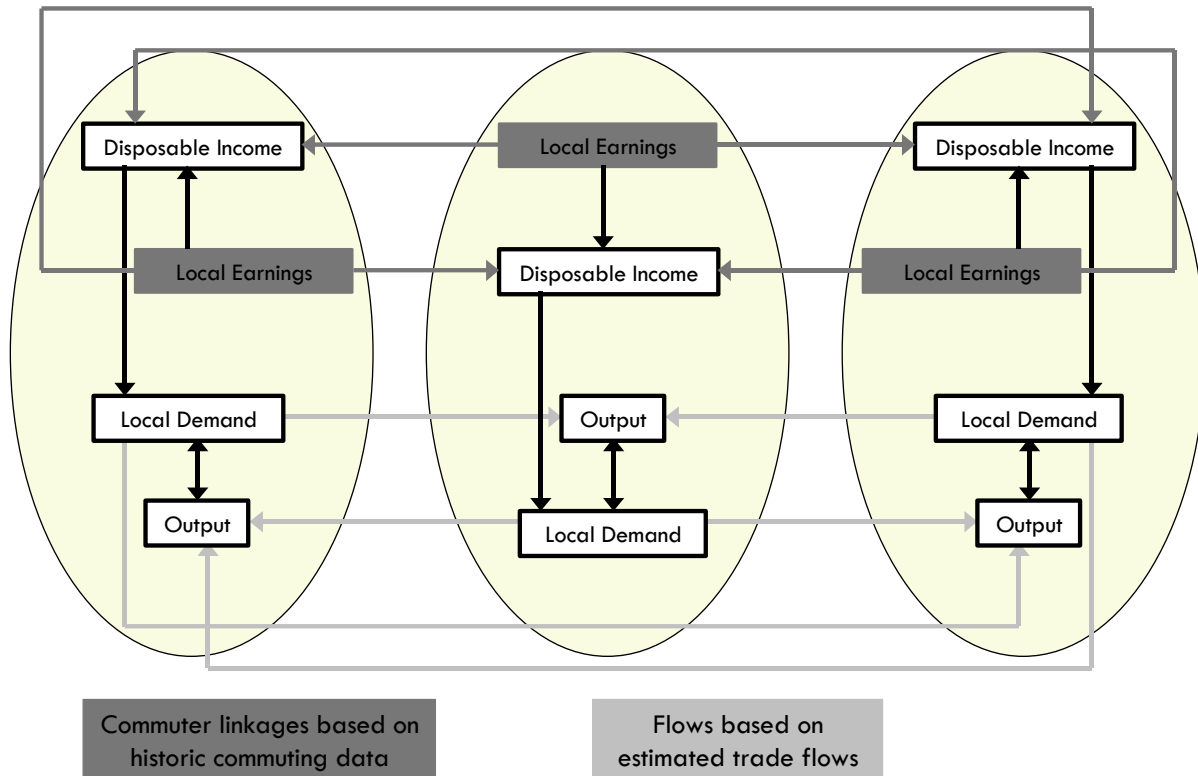
Models can be built as single region, multi-region, or multi-region national models. A region is defined broadly as a sub-national area and could consist of a state, province, county, city, or any combination of sub-national areas.

Single-region models consist of an individual region, called the home region. The rest of the nation is also represented in the model. However, since the home region is only a small part of the total nation, changes in the home region do not have an endogenous effect on the variables in the rest of the nation.

Multi-regional models have interactions among regions, such as trade and commuting flows. These interactions include trade flows from each region to each of the other regions. These flows are illustrated for a three-region model in Figure 16.

**Figure 16. Trade and Commuter Flow Linkages**

## Trade and Commuter Flow Linkages



**Source: Regional Economic Models, Inc.**

Multiregional national models also include a central bank monetary response that constrains labor markets. Models that only encompass a relatively small portion of a nation are not endogenously constrained by changes in exchange rates or monetary responses.

### **Block 1. Output and Demand**

This block includes output, demand, consumption, investment, government spending, import, commodity access, and export concepts. Output for each industry in the home region is determined by industry demand in all regions in the nation, the home region's share of each market, and international exports from the region.

For each industry, demand is determined by the amount of output, consumption, investment, and capital demand on that industry. Consumption depends on real disposable income per capita, relative prices, differential income elasticities, and population. Input productivity depends on access to inputs because a larger choice set of inputs means it is more likely that the input with the specific



characteristics required for the job will be found. In the capital stock adjustment process, investment occurs to fill the difference between optimal and actual capital stock for residential, non-residential, and equipment investment. Government spending changes are determined by changes in the population.

### **Block 2. Labor and Capital Demand**

The Labor and Capital Demand block includes the determination of labor productivity, labor intensity, and the optimal capital stocks. Industry-specific labor productivity depends on the availability of workers with differentiated skills for the occupations used in each industry. The occupational labor supply and commuting costs determine firms' access to a specialized labor force.

Labor intensity is determined by the cost of labor relative to the other factor inputs, capital, and fuel. Demand for capital is driven by the optimal capital stock equation for both non-residential capital and equipment. Optimal capital stock for each industry depends on the relative cost of labor and capital, and the employment weighted by capital use for each industry. Employment in private industries is determined by the value added and employment per unit of value added in each industry.

### **Block 3. Population and Labor Supply**

The Population and Labor Supply block includes detailed demographic information about the region. Population data is given for age, gender, and race, with birth and survival rates for each group. The size and labor force participation rate of each group determines the labor supply. These participation rates respond to changes in employment relative to the potential labor force and to changes in the real after-tax compensation rate. Migration includes retirement, military, international, and economic migration. Economic migration is determined by the relative real after-tax compensation rate, relative employment opportunity, and consumer access to variety.

### **Block 4. Compensation, Prices, and Costs**

This block includes delivered prices, production costs, equipment cost, the consumption deflator, consumer prices, the price of housing, and the compensation equation. Economic geography concepts account for the productivity and price effects of access to specialized labor, goods, and services.

These prices measure the price of the industry output, taking into account the access to production locations. This access is important due to the specialization of production that takes place within each industry, and because transportation and transaction costs of distance are significant. Composite prices for each industry are then calculated based on the production costs of supplying regions, the effective distance to these regions, and the index of access to the variety of outputs in the industry relative to the access by other uses of the product.

The cost of production for each industry is determined by the cost of labor, capital, fuel, and intermediate inputs. Labor costs reflect a productivity adjustment to account for access to specialized labor, as well as underlying compensation rates. Capital costs include costs of non-residential structures and equipment, while fuel costs incorporate electricity, natural gas, and residual fuels.

The consumption deflator converts industry prices to prices for consumption commodities. For potential migrants, the consumer price is additionally calculated to include housing prices. Housing prices change from their initial level depending on changes in income and population density.

Compensation changes are due to changes in labor demand and supply conditions and changes in the national compensation rate. Changes in employment opportunities relative to the labor force and occupational demand change determine compensation rates by industry.

### **Block 5. Market Shares**

The market shares equations measure the proportion of local and export markets that are captured by each industry. These depend on relative production costs, the estimated price elasticity of demand, and the effective distance between the home region and each of the other regions. The change in share of a specific area in any region depends on changes in its delivered price and the quantity it produces compared with the same factors for competitors in that market. The share of local and external markets then drives the exports from and imports to the home economy.

## Appendix 2: Detailed Data Methodology

To properly model the impacts of the construction of Encore Boston Harbor in REMI's PI<sup>+</sup> model, the relevant data pulled from Suffolk's database needed to be collected and adjusted for the model's use. Since all company and worker data was provided at the ZIP code level, the research team was able to aggregate the data to the model's six regions that are comprised of the 14 counties in Massachusetts (see Table 4).

More work was needed to prepare the data for the model's available variables and to adjust for its default relationships. Because PI<sup>+</sup> uses headcount rather than FTEs or employed people as its concept of jobs, we used the worker hours as the starting point for our analysis. We were provided total headcount and hours for the project which we used to find average hours per worker. We applied this average to hours worked by ZIP code to estimate headcounts and then aggregated to the model regions. Similarly, we also aggregated construction spending to the model regions using the contracted company's ZIP code. A small number of contractors (less than three percent of total contract value) had invalid ZIP codes. Spending on these contracts was allocated to all ZIP codes based on their proportion of the total.

PI<sup>+</sup> requires inputs to be by industry, region, and year. Because we did not receive data across time, we divided total spending and worker counts evenly across the construction period using the number of months of construction activity in each year.

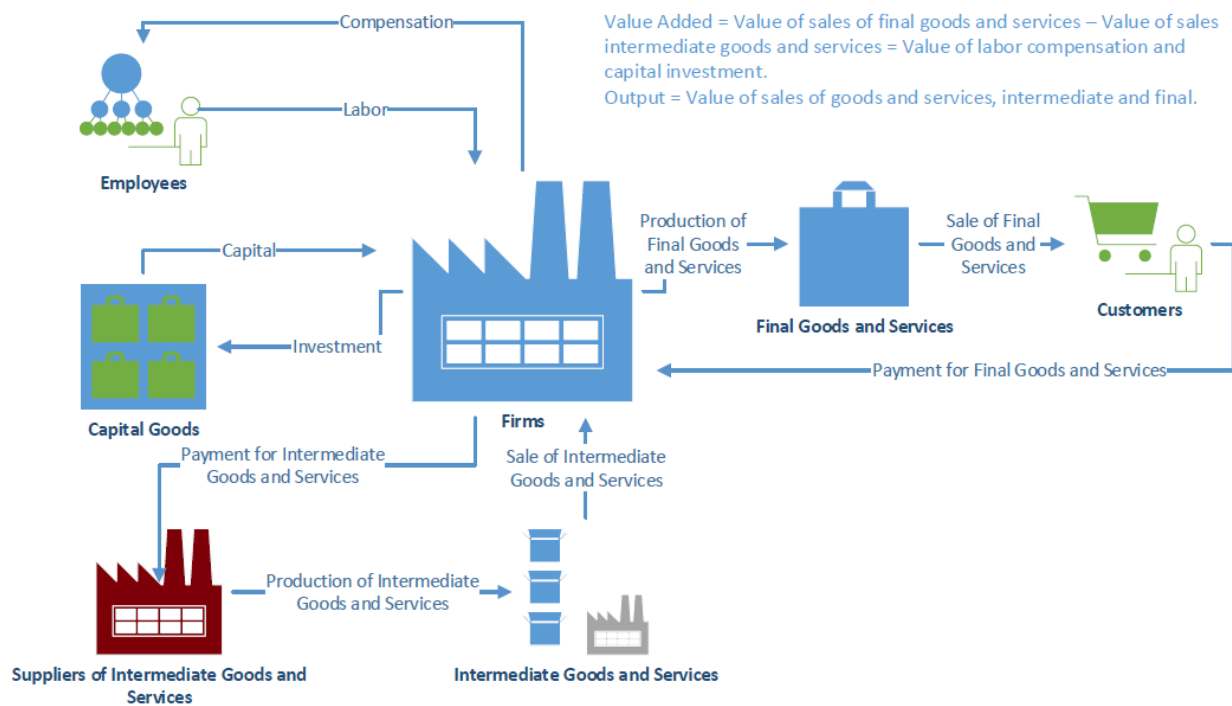
Due to existing economic linkages, PI<sup>+</sup> can run a complete economic impact model just using the workers by industry, region, and year. For the purposes of this analysis, all activity was entered in the construction sector. The relevant default linkages for this analysis are average labor productivity, average compensation rate, and the typical intermediate inputs used in construction. Below, we have described what each of these linkages are, why we needed to adjust them, and how we adjusted them.

- Average labor productivity is the dollar value of production attributable to each worker (i.e., output per worker). In this context, labor productivity can be found for each region by dividing the contract value for that region by the number of workers living in that region. Since we know the actual labor productivity, we overrode the model's default values. To do this, we took the difference between the known output generated by the construction workers and the output the model would have automatically generated. We then adjusted the output for each region by this difference so that the actual change in employment and output would match what is known of the Encore Boston Harbor construction project.
- Average compensation rate is the total dollar value of wages, salaries, and benefits per worker. This value can be found by dividing total compensation by total workers. Similar to productivity, we know the actual values. Again, we adjusted compensation by the difference between known and expected values.
- Intermediate inputs are the goods and services purchased by one business from another to be incorporated into the first business's goods and services. For example, the steel or accounting services purchased by an auto manufacturer are intermediate inputs to auto manufacturing. Unlike most industries, many dissimilar businesses are gathered together in construction, such as electrical contractors, site preparation, and demolition. Normally, this collection of businesses is beneficial to the modeler as he or she must only know the total construction value without needing to know the actual distribution of budget between contractors. Since we know the distribution of contractors, we nullified the model's response and inputted our own values.

### Appendix 3: Output versus Value Added

For any firm to produce goods and services to be sold on the market, it needs to pay for the things required to produce them. It needs to compensate workers for their labor, and it needs to invest in the capital goods (machinery, for example) which those workers will use. It also needs to purchase intermediate goods and services from other firms. Workers then use the firm’s capital goods to turn the intermediate goods and services into final goods and services. These final goods and services are the output of the firm and are equivalent to the value of its sales.

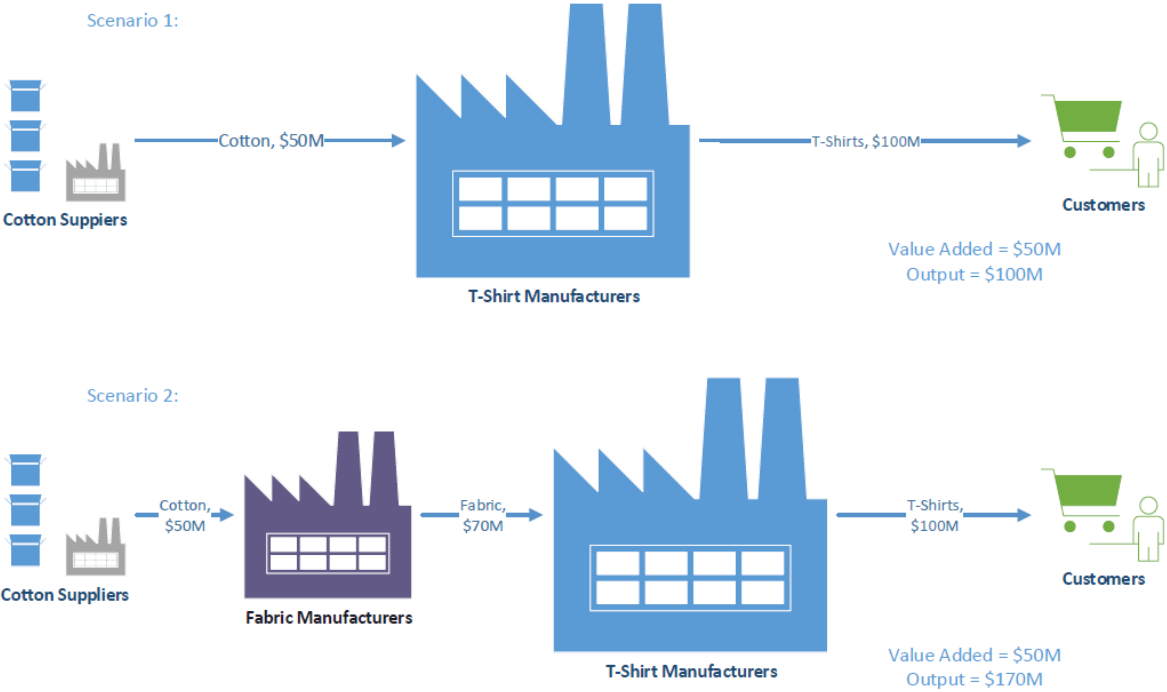
The concept of **value added** captures only the portion of the value of output which is directly created by the firm’s capital goods and labor. In other words, value added is the value of the final goods and services produced minus the value of the intermediate goods and services which were purchased to produce them. This can be interesting when examining an individual firm, since two firms can have similar outputs but very different value added, depending on the cost of their intermediate inputs.



Consider the example of two different t-shirt manufacturers whose economic impact on a region is being evaluated. Both of the manufacturers ultimately sell \$100 million of t-shirts, and in order to produce them, both manufacturers use \$50 million of cotton. However, the structure of their supply chains is different. One of the firms takes the cotton and performs every step required to turn the cotton into t-shirts at its facility. For this firm, value added is \$50 million (\$100 million of t-shirts minus \$50 million of cotton) and output is \$100 million. The other manufacturer instead opts to purchase fabric from a third party fabric manufacturer, which has taken the \$50 million of cotton and turned it into \$70 million of fabric. When considering the economic impact of this operation, both firms need to be considered. The fabric manufacturer has a value added of \$20 million (\$70 million of fabric minus \$50 million of cotton) and an output of \$70 million. The t-shirt manufacturer has a value added of \$30 million (\$100 million of t-shirts minus \$70 million of fabric) and an output of \$100 million, the same as the original factory. Considered together, this second scenario has a combined value added of \$50

million, the same as the first example, but a combined output of \$170 million, much higher than the initial example. The lesson from this is that while output is a useful economic metric in many contexts, it has the potential to double count the production of goods and services and is best when presented alongside value added for context.

Example: How change in supply chains can change output without changing value added





*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 17, 2020

RE: Suffolk Downs Request for Premium Free Period

---

Dear Commissioners:

Suffolk Downs COO Chip Tuttle has submitted a request for approval of a Premium Free Period from October 10, 2020 through and including December 31, 2020. This is in accordance with Massachusetts General Laws Chapter 128C, Section 2 (5).

**Recommendation: That the Commission approve the request of Suffolk Downs for a premium free period of October 10, 2020 through and including December 31, 2020.**



Massachusetts Gaming Commission

October 28, 2020

Dr. Alex Lightbown  
Director of Racing and Chief Veterinarian  
Massachusetts Gaming Commission

Via email

Dear Dr. Lightbown:

I write with two requests from Sterling Suffolk for the Commission's consideration.

First, we're requesting a "premium-free" period for harness signals from October 10-December 31, 2020.

Second, we are seeking the Commission's approval for the use of MBet, Amtote's mobile, hand-held betting platform, at our venue. By way of background, MBet is an internet-based platform which allows customers to make a deposit with a mutuel clerk who then assigns that person and account for the day. The account is accessed via mobile device or laptop and allows the customer to bet races being offered on our simulcast menu via their mobile device while at the facility, meaning that they don't need to use tellers or self-bet terminals.

Per Amtote, the MBet technology is geo-protected to ensure that users can only access their accounts while at the facility. When a customer decides to leave, he or she can return to the mutuel window and convert any remaining balance to cash or a voucher. After one day, the account automatically becomes inactive and the user can redeem any remaining balance.

The MBet platform has been used by the Maryland Jockey Club (Laurel and Pimlico), Gulfstream Park, The Meadows, Fonner Park, Retama Park, and Del Mar, among others. Amtote has employed this technology since 2011.

As always, we're happy to answer any questions you or the Commission members may have about this.

Thanks for your time and consideration,

Chip Tuttle  
Chief Operating Officer



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 17, 2020

RE: Suffolk Downs Request for Approval of Simulcast Import Locations

---

Dear Commissioners:

Suffolk Downs' Chief Operating Official Chip Tuttle has submitted a request for approval of simulcast import locations dated November 20, 2020. These locations usually are approved as part of a racing licensee's application for live racing. Earlier this year, the Commonwealth's racing and simulcasting statutes were extended to July 31, 2021. Subsequently, Suffolk Downs did not apply for live racing dates, necessitating a separate approval by the Commission.

**Recommendation: That the Commission approves the Suffolk Downs request for approval of the simulcast import locations listed in their November 20, 2020 letter.**



Massachusetts Gaming Commission



November 20, 2020

Dr. Alexandra R. Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

Dear Dr. Lightbown:

In accordance with 205 CMR 6.20, I am writing to request that the Massachusetts Gaming Commission approve Sterling Suffolk Racecourse, LLC's account wagering vendors for 2020.

Sterling Suffolk seeks approval of XpressBet LLC (and its affiliate, 1/ST Bet), TVG, Twin Spires, NYRAbets, and FanDuel Racing as account wagering providers for 2021. With the exception of 1/ST Bet, the Commission has previously approved these vendors and they are already successfully operating through Sterling Suffolk. Per officials of the Stronach Group, which operates XpressBet, an ADW provider here for many years, XpressBet will be re-branded as 1/ST Bet some time in 2021.

In addition to seeking the Commission's approval of our ADW service providers, we are also seeking the Commission's approval of the simulcast import signals in the accompanying attachment.

In the past, these requests have been part of our annual application for live racing dates. As you are aware, there is no longer any statutory requirement for live racing in conjunction with our license.

I am happy to provide any additional information the Commission requires to act on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tuttle", with a stylized flourish extending from the end of the name.

Chip Tuttle  
Chief Operating Officer

<u>2021 Import</u>	<u>Type</u>	<u>Subordinate</u>
AJAX DOWNS	Thoroughbred/Mixed Meet	
ALBURQUERQUE	Thoroughbred/Mixed Meet	
AQUEDUCT	Thoroughbred/Mixed Meet	
ARAPAHOE	Thoroughbred/Mixed Meet	
ARLINGTON	Thoroughbred/Mixed Meet	
ASSINIBOIA	Thoroughbred/Mixed Meet	
BALMORAL	Harness	
BATAVIA	Harness	
BELMONT	Thoroughbred/Mixed Meet	
BELTERRA	Thoroughbred/Mixed Meet	
BIRMINGHAM RACE COURSE	Greyhound	
BREEDERS CUP	Thoroughbred/Mixed Meet	
BREEDERS CUP FUTURE WAGER	Thoroughbred/Mixed Meet	
BREEDERS CUP SIRE FUTURE WAGER	Thoroughbred/Mixed Meet	
CALIFORNIA FAIRS	Thoroughbred/Mixed Meet	
CANTERBURY	Thoroughbred/Mixed Meet	
CENTURY DOWNS	Thoroughbred/Mixed Meet	
CHARLES TOWN	Thoroughbred/Mixed Meet	
CHURCHILL	Thoroughbred/Mixed Meet	
DEL MAR	Thoroughbred/Mixed Meet	
DELAWARE	Thoroughbred/Mixed Meet	
DELTA DOWNS	Thoroughbred/Mixed Meet	
DERBY LANE	Greyhound	
DOVER DOWNS	Harness	
DUBAI (Carnival & World Cup)	Thoroughbred/Mixed Meet	
ELLIS	Thoroughbred/Mixed Meet	
EMERALD	Thoroughbred/Mixed Meet	
EVANGELINE	Thoroughbred/Mixed Meet	
FAIRGROUNDS	Thoroughbred/Mixed Meet	
FAIRMOUNT	Thoroughbred/Mixed Meet	
FAIRPLEX	Thoroughbred/Mixed Meet	
FINGER LAKES	Thoroughbred/Mixed Meet	
FLAMBORO	Harness	
FORT ERIE	Thoroughbred/Mixed Meet	
FREEHOLD	Harness	
GOLDEN GATE	Thoroughbred/Mixed Meet	
GULF GREYHOUND	Greyhound	
GULFSTREAM	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
GULFSTREAM WEST	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
HARRAH'S @ PHILLY	Harness	
HARRINGTON	Harness	
HASTINGS	Thoroughbred/Mixed Meet	
HAWTHORNE	Harness	
HAWTHORNE	Thoroughbred/Mixed Meet	
HIALEAH	Quarter Horse	
HOLLYWOOD GREYHOUND PARK	Greyhound	
HOOSIER	Harness	
INDIANA	Thoroughbred/Mixed Meet	
JACKSONVILLE/ORANGE KENNEL CLUB	Greyhound	
KEENELAND	Thoroughbred/Mixed Meet	
KENTUCKY DERBY FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY OAKS FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY SIRE FUTURE WAGER	Thoroughbred/Mixed Meet	
KENTUCKY DOWNS	Thoroughbred/Mixed Meet	
LAUREL	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
LONE STAR	Thoroughbred/Mixed Meet	
LOS ALAMITOS	Thoroughbred/Mixed Meet	
LOUISIANA	Thoroughbred/Mixed Meet	
MAHONING VALLEY	Thoroughbred/Mixed Meet	
MAYWOOD	Harness	
MEADOWLANDS	Thoroughbred/Mixed Meet	
MEADOWLANDS	Harness	
MEADOWS	Harness	
MOHAWK	Harness	
MONMOUTH	Thoroughbred/Mixed Meet	
MONTICELLO	Harness	
MOUNTAINEER	Thoroughbred/Mixed Meet	
NAPLES-FORT MEYERS/FLAGLER	Greyhound	

NORTHFIELD	Harness	
NORTHLANDS	Thoroughbred/Mixed Meet	
OAKLAWN	Thoroughbred/Mixed Meet	
OCEAN DOWNS	Harness	
PALM BEACH KENNEL CLUB	Greyhound	
PARX (Philadelphia Park)	Thoroughbred/Mixed Meet	
PENN NATIONAL	Thoroughbred/Mixed Meet	
PIMLICO	Thoroughbred/Mixed Meet	Latin American Racing as defined in Monarch Management contract
PLAINRIDGE	Harness	
POCONO	Harness	
POMPANO	Harness	
PORTLAND MEADOWS	Thoroughbred/Mixed Meet	
PRAIRIE MEADOWS	Thoroughbred/Mixed Meet	
PRESQUE ISLE	Thoroughbred/Mixed Meet	
RED MILE	Harness	
REMINGTON	Thoroughbred/Mixed Meet	
RETAMA	Thoroughbred/Mixed Meet	
ROSECROFT	Harness	
RUIDOSO	Thoroughbred/Mixed Meet	
SAM HOUSTON	Thoroughbred/Mixed Meet	
SANTA ANITA	Thoroughbred/Mixed Meet	
SARATOGA	Thoroughbred/Mixed Meet	
SARATOGA	Harness	
SCIOTO DOWNS	Harness	
SOUTHLAND GREYHOUND PARK	Greyhound	
SUNLAND	Thoroughbred/Mixed Meet	
SUNRAY	Thoroughbred/Mixed Meet	
TAMPA BAY	Thoroughbred/Mixed Meet	
THISTLE DOWN	Thoroughbred/Mixed Meet	
TIMONIUM	Thoroughbred/Mixed Meet	
TIOGA DOWNS	Harness	
TRI-STATE GREYHOUND PARK	Greyhound	
TURF PARADISE	Thoroughbred/Mixed Meet	
TURFWAY	Thoroughbred/Mixed Meet	
VERNON	Harness	
WHEELING DOWNS	Greyhound	
WILL ROGERS DOWNS	Thoroughbred/Mixed Meet	
WOODBINE	Thoroughbred/Mixed Meet	
WOODBINE	Harness	
WOODLANDS	Thoroughbred/Mixed Meet	
YONKERS	Harness	
ZIA PARK	Thoroughbred/Mixed Meet	



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 17, 2020

RE: Suffolk Downs Request for Approval of Account Deposit Wagering Providers

Dear Commissioners:

Suffolk Downs' Chief Operating Official Chip Tuttle has submitted a request for approval of the following Account Deposit Wagering providers: XpressBet LLC (to be rebranded 1/ST Bet), TVG, Twin Spires, NYRAbets, and FanDuel Racing dated November 20, 2020. These have been approved (except 1/ST Bet) by the Commission in the past. These locations usually are approved as part of a racing licensee's application for live racing. Earlier this year, the Commonwealth's racing and simulcasting statutes were extended to July 31, 2021. Subsequently, Suffolk Downs did not apply for live racing dates, necessitating a separate approval by the Commission.

**Recommendation: That the Commission approves the Suffolk Downs request for approval of XpressBet LLC (1/ST Bet), TVG, Twin Spires, NYRAbets and FanDuel Racing as their Account Wagering providers.**



Massachusetts Gaming Commission

November 20, 2020

Dr. Alexandra R. Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110

Dear Dr. Lightbown:

In accordance with 205 CMR 6.20, I am writing to request that the Massachusetts Gaming Commission approve Sterling Suffolk Racecourse, LLC's account wagering vendors for 2020.

Sterling Suffolk seeks approval of XpressBet LLC (and its affiliate, 1/ST Bet), TVG, Twin Spires, NYRAbets, and FanDuel Racing as account wagering providers for 2021. With the exception of 1/ST Bet, the Commission has previously approved these vendors and they are already successfully operating through Sterling Suffolk. Per officials of the Stronach Group, which operates XpressBet, an ADW provider here for many years, XpressBet will be re-branded as 1/ST Bet some time in 2021.

In addition to seeking the Commission's approval of our ADW service providers, we are also seeking the Commission's approval of the simulcast import signals in the accompanying attachment.

In the past, these requests have been part of our annual application for live racing dates. As you are aware, there is no longer any statutory requirement for live racing in conjunction with our license.

I am happy to provide any additional information the Commission requires to act on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Chip Tuttle", with a stylized flourish extending from the end.

Chip Tuttle  
Chief Operating Officer



*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

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

DATE: December 17, 2020

RE: Suffolk Downs Request for Approval of MBet

---

Dear Commissioners:

Suffolk Downs' Chief Operating Official Chip Tuttle has submitted a request for approval of Amtote's MBet, a web based mobile betting platform, dated October 28, 2020. Using this platform will help promote social distancing and decrease surface contact, both important during the global COVID-19 pandemic. It will also offer customer convenience. This technology has been employed by Amtote since 2011 and is used at numerous tracks.

**Recommendation: That the Commission approves the Suffolk Downs request for approval of MBet.**



Massachusetts Gaming Commission

October 28, 2020

Dr. Alex Lightbown  
Director of Racing and Chief Veterinarian  
Massachusetts Gaming Commission

Via email

Dear Dr. Lightbown:

I write with two requests from Sterling Suffolk for the Commission's consideration.

First, we're requesting a "premium-free" period for harness signals from October 10-December 31, 2020.

Second, we are seeking the Commission's approval for the use of MBet, Amtote's mobile, hand-held betting platform, at our venue. By way of background, MBet is an internet-based platform which allows customers to make a deposit with a mutuel clerk who then assigns that person and account for the day. The account is accessed via mobile device or laptop and allows the customer to bet races being offered on our simulcast menu via their mobile device while at the facility, meaning that they don't need to use tellers or self-bet terminals.

Per Amtote, the MBet technology is geo-protected to ensure that users can only access their accounts while at the facility. When a customer decides to leave, he or she can return to the mutuel window and convert any remaining balance to cash or a voucher. After one day, the account automatically becomes inactive and the user can redeem any remaining balance.

The MBet platform has been used by the Maryland Jockey Club (Laurel and Pimlico), Gulfstream Park, The Meadows, Fonner Park, Retama Park, and Del Mar, among others. Amtote has employed this technology since 2011.

As always, we're happy to answer any questions you or the Commission members may have about this.

Thanks for your time and consideration,

Chip Tuttle  
Chief Operating Officer



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*Division of Racing*

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# **2019 ANNUAL REPORT**

## **YEAR ENDING DECEMBER 31, 2019**



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## MASSACHUSETTS GAMING COMMISSION COMMISSIONERS

**Cathy Judd-Stein** Chair

**Gayle Cameron** Commissioner

**Eileen O'Brien** Commissioner

**Bruce Stebbins** Commissioner

**Enrique Zuniga** Commissioner

## MASSACHUSETTS GAMING COMMISSION EXECUTIVE STAFF

**Edward R. Bedrosian Jr.** Executive Director

**Catherine Blue** General Counsel

**Elaine Driscoll** Director of Communications

**Jill Griffin** Director of Workforce, Supplier, and Diversity

**Derek Lennon** Chief Financial Officer

**Alexandra Lightbown, D.V.M.** Director of Racing and Chief Veterinarian

**Mark Vander Linden** Director of Research and Responsible Gaming

**Karen Wells** Director of Investigations and Enforcement Bureau

**John Ziemba** Ombudsman

## DIVISION OF RACING

**Alexandra Lightbown, D.V.M.** Director of Racing and Chief Veterinarian

**Chad Bourque** Financial Analyst

**William Egan** Licensing Coordinator

## MISSION STATEMENT

The mission of the Massachusetts Gaming Commission is to create and maintain a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011.

The Commission strives 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 expanded gaming, 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 Division of Racing of the Massachusetts Gaming Commission assumed control of the fiscal and operational activities of the old State Racing Commission on January 1, 2013.

## 2019 MILESTONES

2019 was the last year of racing at Suffolk Downs, which opened in 1935. Horses such as Seabiscuit, Cigar and Skip Away raced at Suffolk. The Massachusetts Handicap was its signature race. As Chief Commission Steward Susan Walsh said about the closure of Suffolk Downs:

“Horse racing is in the end so much more than a list of winners or statistics on attendance; it is a crazy quilt of memories that can never be erased from those who have spent the best part of their lives here. They will wrap that quilt around them in years to come and relive those memories for a long time.”

Chief Massachusetts Gaming Commission Steward Susan Walsh was awarded the Pete Pedersen Outstanding Steward Award by the Racing Officials Accreditation Program for Stewards who have “demonstrated professional excellence, integrity, and benevolent consideration in the performance of their duties.”

# 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 08, 2019 through November 29, 2019

## 2019 RACING STATS

Number of race days:	108
Number of races:	1,131
Number of starts:	8,532
Average field size:	7.54
Total purse:	\$11,139,900
Average daily purse:	\$86,896

## TRACK STATS

Barn Area Stall Space:	180
------------------------	-----

## 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 license 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.

# 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

May 18 & 19 | June 8 & 9 | June 29 & 30

## 2019 RACING STATS

Number of race days:	6
Number of races:	68
Number of starts:	493
Average field size:	7.3
Total purse:	\$2,971,601
Average daily purse:	\$495,267

## TRACK STATS

Barn Area Stall Space:	1,085
Horses on Grounds:	546

## MAIN TRACK

Homestretch:	90 ft. wide, backstretch 70 ft. wide
Turns:	Banked 4.5°; Straightaways 2.0°
Rail:	Fontana safety rail

## TURF COURSE

7-furlong oval comprised of perennial rye grass

## 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 2019 shall remain licensed as a running horse racing meeting licensee until July 31, 2019 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.

# RAYNHAM GREYHOUND PARK

## MAILING ADDRESS

1958 Broadway  
Raynham, MA 02767  
(508) 824-4071



## SIMULCASTING

7 days a week

# 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

## CHAPTER 167

Chapter 167 of the Acts of 2009, and subsequently, Chapter 203 of the Acts of 2010. 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.

# LICENSING

## LICENSING STAFF

**Bill Egan** Licensing Coordinator

**George Carrifio** Contract Licensing Coordinator

**Tania Perez** Contract Licensing Coordinator

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. 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

## APPLICATIONS FOR LICENSURE

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 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. Occupations license include jockeys, drivers, trainers, assistant trainers, owners of racing animals, blacksmiths, racing officials, vendors, stable employees and pari-mutuel clerks. License and Badge Fees. Occupational licenses expire annually on December 31.

In 2019, the Division of Racing issued 2,675 occupational licenses and badges to persons participating in horse racing in the State, collecting a total of \$74,695.

# MA STATE POLICE INVESTIGATIVE UNIT

## MA STATE POLICE

**Mark Taccini** Sergeant

**Robert Miller** Trooper

**Scott Walker** Trooper

The Commission's goals of protecting racing participants and the wagering public as well as maintaining the public's confidence in para-mutual wagering are achieved through the Commission's licensing, revenue collection, and investigative activities.

The Gaming Commission applies to the Department of Public Safety for an assignment of a compliment 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.

## INVESTIGATIONS | BACKGROUND CHECKS

The State Police Investigative 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 with honesty and credibility. Investigations and inspections are conducted by officers assigned to the State Police Racing Unit and aid in preserving the integrity of racing.

The State Police Investigative Unit conducts stable inspections that focus on the detection of safety violations, the presence of unlicensed persons in restricted areas, and the possession of illegal medications, drugs, and contraband. The State Police Investigative Unit conducts investigations relating to hidden ownership of racehorses, larceny, conduct detrimental to racing, and other administrative inspections. The Unit also conducts background checks and fingerprint submissions pursuant to Massachusetts Racing Licenses. These include Gaming Commission Employees, Racing Officials, and all occupational licensees, who participate at Massachusetts Race Tracks.

State Police Racing members work in conjunction with Gaming Enforcement members stationed at Massachusetts casinos, and the Commission headquarters in Boston. Racing Members are often first to arrive on assistance calls ranging from, medical, arrests, ejections, and altercations.

In 2019, The State Police Investigative Unit conducted 17 investigations and executed 1 ejection for the racing division. The Unit also performed 1,858 background checks and submitted 3,782 fingerprints between racing and gaming.



# VETERINARY SERVICES

## VETERINARIANS

**Alexandra Lightbown, D.V.M.** Director of Racing and Chief Veterinarian

**Kevin Lightbown, D.V.M.** Contract Veterinarian

**Rise Sheehan, 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.

## EQUINE DRUG TESTING

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. Commission Veterinarians also testify at hearings and meetings on medication use, drug violations, animal care, new policies and procedures, etc.

# LABORATORY SERVICES

## INDUSTRIAL LABORATORY

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.

## **SAMPLES TAKEN AND ANALYZED**

2019 marked the eighth year that the Massachusetts Gaming Commission's Division of Racing participated in the Controlled Therapeutic Medication Program.

There were 1,260 Paired Urine/Blood, 1,976 Blood Samples Analyzed, 2,307 TCO<sub>2</sub> Blood Samples Analyzed.

At Plainridge Park Casino, there was 1 medication overage for Betamethasone, 1 overage for Dexamethasone, 1 overage for Phenylbutazone and 1 overage for Triamcinolone, 1 for Flunixin, 1 for Ranitidine, 1 for Omeprazole, and 4 for Methocarbamol. These are all medications from the Controlled Therapeutic Medication Program.

For the six days of racing at Suffolk Downs, there were 3 findings for Aminocaproic Acid.

All findings at each track were ARCI classified 4 or 5 medications

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.

## ENFORCEMENT OF RULES & REGULATIONS

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.

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.

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.

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.

# PLAINRIDGE PARK BOARD OF JUDGES

## COMMISSION JUDGES

**Salvatore Panzera** Associate Commission Judge

**Tad Stockman** Associate Commission Judge

**Peter Tomilla** Fill-In Associate Judge

**Anmarie Mancini** Association Presiding Judge

## ADMINISTRATIVE HEARINGS

The Plainridge Park Board of Judges issued 119 rulings in 2019 resulting in 98 fines and 14 suspensions.

## APPEALS

In 2019, there were 2 appeals of Judges' Rulings. 1 appeal was denied and 1 was dropped.

# SUFFOLK DOWNS BOARD OF STEWARDS

## COMMISSION STEWARDS

**Susan Walsh** Chief Commission Steward

**Dave Earnst** Associate Commission Steward

**John Morrissey** Association Presiding Steward

## ADMINISTRATIVE HEARINGS

The Suffolk Downs Board of Stewards issued 3 rulings in 2019 resulting in 3 fines and 0 suspensions.

## APPEALS

In 2019, there were 0 appeals.

# COMMISSION BUSINESS

## MEETINGS AND HEARINGS

As required by Chapter 128A of the Massachusetts General Laws, the Commission held public hearings in the fall of 2017 applications for 2 licenses to conduct running horse or harness racing meetings for calendar year 2019. The hearings were held in Boston and Plainville. The Commission approved applications for racing at Suffolk Downs to conduct Thoroughbred racing in 2019; and for Springfield Gaming and Redevelopment, to conduct harness horse racing in 2019 at Plainridge Park Casino.

## DECISIONS APPEALED TO THE DIVISION OF RACING

The Gaming Commission, sitting as a quasi-judicial body pursuant to the Massachusetts Administrative Procedures Act, adjudicated 2 appeals. 1 appeal was denied, 1 withdrawal, 1 ongoing and 1 waiver was granted. The Commission has taken extensive precautions to ensure licensees due process throughout the appeal process. The Commission has a Stay-of-Suspension process. These 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.

## PARI-MUTUEL AUDITING AND COMPLIANCE

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.

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 uses 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 race card, 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.

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.

# DIVISION OF RACING FINANCIALS

## RECEIPTS

0131	Commission	\$814,123
4800	Assessment	\$749,998
3003	Association License Fees	\$356,700
3004	Licensing	\$74,695
2700	Fines & Penalties	\$16,450
<b>TOTAL</b>		<b>\$2,011,966</b>

## EXPENDITURES

AA	Regular Employee Compensation	\$718,926
BB	Regular Employee Expenses	\$5,876
CC	Contractor Payroll	\$407,716
DD	Pension/Insurance, Expenses	\$274,419
EE	Administration Expenses	\$211,904
FF	Facility Operations	\$1,078
HH	Consultant Services	\$22,424
JJ	Operational Services	\$663,216
LL	Equipment Lease/Maintenance	\$240
UU	Information Technology	\$3,711
<b>TOTAL</b>		<b>\$2,309,510</b>

## RACING COMMISSION OPERATIONS

Receipts Available for Racing Operations	\$2,011,966
Expenditures for Racing Operations	(\$2,309,510)
<b>TOTAL</b>	<b>(\$297,544)</b>

## Additional Program Receipts

Unclaimed Tickets	\$580,772
Local Aid Appropriation	\$854,945

## Additional Program Expenditures

Unclaimed Tickets	\$580,772
Local Aid Appropriation	\$854,945
DPH   Education	\$70,000
Jockey's Guild	\$65,000

# HANDLE

## LIVE PERFORMANCES

Plainridge Park Casino Races	1,131
Suffolk Downs Races	68
<b>TOTAL</b>	<b>1,199</b>

## HANDLES

PPC Live Handle	1,464,271
PPC Import Simulcast	26,922,310
PPC Export Simulcast	16,724,692
WinLine ADW	4,162,066
Suffolk Live	1,275,924
Suffolk Import Simulcast	38,863,901
Suffolk Export Simulcast	3,405,842
TVG   TWS   XBETS   NYRA ADW's	116,982,272
Raynham Park	23,831,509
Wonderland Park	622,329
<b>TOTAL</b>	<b>234,255,116</b>

## PERFORMANCE VARIANCE

	2018	2019	VARIANCE	% VARIANCE
PPC Live Races	1,164	1,131	(33)	(2.83%)
Suffolk Live Races	98	68	(30)	(30.61%)
<b>TOTAL</b>	<b>1,262</b>	<b>1,199</b>	<b>(66)</b>	<b>(4.99%)</b>

## HANDLE VARIANCE

PPC Live	1,517,746	1,464,271	(53,475)	(3.52%)
PPC Import Simulcast	29,814,745	26,922,310	(2,892,435)	(9.70%)
PPC Export Simulcast	17,299,723	16,724,692	(575,031)	(3.32%)
WinLine ADW	4,696,091	4,162,066	(534,025)	(11.37%)
Suffolk Live	1,698,268	1,275,924	(422,344)	(24.87%)
Suffolk Import Simulcast	46,110,040	38,863,901	(7,426,139)	(15.71%)
Suffolk Export Simulcast	4,438,374	3,405,842	(1,032,532)	(23.26%)
TVG   TWS   XBETS   NYRA ADW's	113,847,772	116,982,272	3,134,500	2.75%
Raynham Park	25,056,183	23,831,509	(1,224,674)	(4.89%)
Wonderland	886,540	622,329	(264,211)	(29.80%)
<b>TOTALS</b>	<b>245,365,482</b>	<b>234,255,116</b>	<b>(11,110,366)</b>	<b>(4.53%)</b>



# REVENUE

## COMMISSIONS

Plainridge Park Casino	\$111,940
WinLine ADW	\$15,847
Suffolk Downs	\$155,309
TVG   TWS   XBETS   NYRA ADW's	\$439,326
Raynham Park	\$89,368
Wonderland	\$2,333
Total	\$814,123

## ASSESSMENTS

Plainridge Park Casino	\$121,010
Suffolk Downs	\$534,476
Raynham Park	\$90,024
Wonderland	\$4,488
Total	\$749,998

## ASSOCIATION LICENSING

Plainridge Park Casino	\$108,900
Suffolk Downs	\$77,400
Raynham Park	\$93,000
Wonderland	\$77,400
Total	\$356,700

## LICENSING AND BADGES

Plainridge Park Casino	\$47,335
Suffolk Downs	\$27,360
Total	\$74,695

## FINES AND PENALTIES

Plainridge Park Casino	\$13,450
Suffolk Downs	\$3,000
Total	\$16,450

**TOTAL REVENUE** **\$2,011,966**

## REVENUE VARIANCE

<b>COMMISSIONS</b>	<b>2018</b>	<b>2019</b>	<b>VARIANCE</b>	<b>% VARIANCE</b>
Plainridge Park Casino	\$123,188	\$111,940	(\$11,248)	(9.13%)
WinLine ADW	\$17,926	\$15,847	(\$2,079)	(11.60%)
Suffolk Downs	\$185,649	\$155,309	(\$30,340)	(16.34%)
TVG   TWS   XBETS   NYRA ADW's	\$427,754	\$439,326	\$11,572	2.70%
Raynham Park	\$93,960	\$89,368	(\$4,592)	(4.89%)
Wonderland	\$3,324	\$2,333	(\$991)	(29.81%)
<b>Total</b>	<b>\$851,801</b>	<b>\$814,123</b>	<b>(\$37,678)</b>	<b>(4.42%)</b>
<b>ASSESSMENTS</b>				
Plainridge Park Casino	\$124,583	\$121,010	(\$3,573)	(2.87%)
Suffolk Downs	\$512,184	\$534,476	\$22,292	4.35%
Raynham Park	\$101,987	\$90,024	(\$11,963)	(11.73%)
Wonderland	\$11,244	\$4,488	(\$6,756)	(60.08%)
<b>Total</b>	<b>\$749,998</b>	<b>\$749,998</b>	<b>\$0</b>	<b>(0.00%)</b>
<b>ASSOCIATION LICENSING</b>				
Plainridge Park Casino	\$107,700	\$108,900	\$1,200	1.11%
Suffolk Downs	\$80,700	\$77,400	(\$3,300)	(4.09%)
Raynham	\$97,500	\$93,000	(\$4,500)	(4.61%)
Wonderland	\$80,400	\$77,400	(\$3,000)	(3.73%)
<b>Total</b>	<b>\$366,300</b>	<b>\$356,700</b>	<b>(\$9,600)</b>	<b>(2.62%)</b>
<b>LICENSING AND BADGES</b>				
Plainridge Park Casino	\$56,385	\$47,335	(\$9,050)	(16.05%)
Suffolk Downs	\$42,105	\$27,360	(\$14,745)	(35.02%)
<b>Total</b>	<b>\$98,490</b>	<b>\$74,695</b>	<b>(\$23,795)</b>	<b>(24.15%)</b>
<b>FINES AND PENALTIES</b>				
Plainridge Park Casino	\$16,702	\$13,450	(\$3,252)	(19.47%)
Suffolk Downs	\$13,100	\$3,000	(\$10,100)	(77.10%)
<b>Total</b>	<b>\$29,802</b>	<b>\$16,450</b>	<b>(\$13,352)</b>	<b>(44.80%)</b>
<b>TOTALS</b>	<b>\$2,096,391</b>	<b>\$2,011,966</b>	<b>(\$84,425)</b>	<b>(4.03%)</b>

## PURSES

<b>PLAINRIDGE PURSES</b>	<b>2018</b>	<b>2019</b>	<b>VARIANCE</b>	<b>% VARIANCE</b>
Race Days	110	108	(2)	(1.82%)
Races	1,164	1,131	(33)	(2.83%)
Purse paid	\$10,932,409	\$11,139,900	\$207,491	1.90%

<b>SUFFOLK DOWNS PURSES</b>	<b>2018</b>	<b>2019</b>	<b>VARIANCE</b>	<b>% VARIANCE</b>
Race Days	8	6	(2)	(25.00%)
Races	98	68	(30)	(30.61%)
Purse paid	\$4,733,800	\$2,971,601	(\$1,762,199)	(37.22%)

## TRUST FUNDS

### **PLAINRIDGE PARK CASINO PROMOTIONAL TRUST FUND**

Beginning Balance	\$111,940
Program revenue	\$15,847
Ending Balance	\$155,309

### **SUFFOLK DOWNS PROMOTIONAL TRUST FUND**

Beginning Balance	\$83,107
Program revenue	\$188,160
RFR Payment	(\$194,123)
Ending Balance	\$77,144

### **PLAINRIDGE PARK CASINO CAPITAL IMPROVEMENT TRUST FUND**

Beginning Balance	\$361,203
Program revenue	\$173,755
Ending Balance	\$534,958

### **SUFFOLK DOWNS CAPITAL IMPROVEMENT TRUST FUND**

Beginning Balance	\$1,629,170
Program revenue	\$188,160
RFR Payment	\$194,123
Ending Balance	\$77,144

**RACE HORSE DEVELOPMENT TRUST FUND DISTRIBUTIONS**

Thoroughbred Accounts	\$2,971,601
Harness Accounts	\$10,994,010
<b>TOTAL</b>	<b>\$13,965,611</b>

**MASSACHUSETTS GENERAL LAWS CHAPTER 23K SECTION 60.**

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. 2019 is the fifth calendar year that monies have been distributed from the Race Horse Development Fund accounts.

**MASSACHUSETTS GENERAL LAWS CHAPTERS 128A and 128C**

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 \$2,592,738 from Massachusetts racetracks in 2019. 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

# 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.

### Notation

In this 2019 Annual Report, the following terminology is used in reporting simulcast events:

“Signal Received” is categorized as “Imported” as this signal is 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.

### Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Bruce Band		
Burke Cain		
Sterl Carpenter		
Overview		
<b>CMR Number</b>	205 CMR 146.13	
<b>Regulation Title</b>	Blackjack Table; Card Reader Device; Physical Characteristics; Inspections	
<b>&amp; Draft Regulation</b>	<b>&amp; Final Regulation</b>	
Type of Proposed Action		
ü Please check all that apply		
& Retain the regulation in current form.		
& New regulation (Please provide statutory cite requiring regulation):		
& Emergency regulation (Please indicate the date regulation must be adopted):		
& Amended regulation (Please indicate the date regulation was last revised): 12/7/2018		
& Technical correction		
& Other Explain:		

Summary of Proposed Action
The amendment prescribes that Blackjack tables are inscribed with the appropriate rules or payout odds observed for the particular version of Blackjack being offered.
Nature of and Reason for the Proposed Action
To provide clarity for casino guests, and to ensure compliance with industry standard and with the Commission's approved rules of the game of Blackjack.

Additional Comments or Issues Not Earlier Addressed by this Review
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## Regulation Review Checklist

Required Attachments	
ü Please check all that apply	
& Redlined version of proposed amendment to regulation, including repeals	& Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
& Text of statute or other legal basis for regulation	
& Small Business Impact Statement (SBIS)	& Amended SBIS



Legal Division

## 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 amendment to **205 CMR 146.00: Gaming Equipment** in its **Section 13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections**, for which a public hearing was held on December 17, 2020.

This regulation was developed as part of promulgating regulations governing the operation of gaming establishments in the Commonwealth and is primarily governed by G.L. c.23K, §§2, 4(37) 5. The proposed amendment to 205 CMR 146.13 clarifies that the Blackjack table layout should include an inscription identifying either 3-to-2 or 6-to-5 payout odds.

This regulation applies directly to gaming licensees, equipment manufacturers, and Blackjack dealers; it is not anticipated to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following 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:

This regulation will not create any additional reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements by this regulation.

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

This regulation does not impose any reporting requirements for small businesses.

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



Massachusetts Gaming Commission



A performance standard is appropriate to prescribe alteration of Blackjack tables in casinos to provide clarity for guests and to be consistent with the Commission's approved rules of the game of Blackjack.

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

The intent of this regulation is to clarify the rules regarding payout odds for the game of blackjack and will not deter or encourage the formation of small businesses.

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

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission  
By:

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Carrie Torrisi  
Associate General Counsel  
Legal Division

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



Massachusetts Gaming Commission

146.13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections

- (1) Blackjack shall be played at a table having on one side places for the players and on the opposite side a place for the dealer. A true-to-scale rendering and a color photograph of the layout(s) shall be submitted to the Bureau prior to utilizing the layout design.
- (2) The layout for a blackjack table shall contain, at a minimum:
  - (a) The name or trade name of the gaming licensee offering the game; and
  - (b) Specific areas designated for the placement of wagers, which betting areas shall not exceed seven in number, with the exception of the 6 to 5 blackjack variation, which shall contain no more than six betting areas.
- (3) The following inscriptions shall appear on the blackjack layout:
  - (a) Blackjack pays 3 to 2 or 6 to 5;
  - (b) The draw rules of one of the following options:
    1. Dealer must draw to 16 and stand on all 17s; ~~or~~
    2. Dealer must hit on soft 17s; ~~and~~or
  - (c) Insurance pays 2 to 1.
- (4) If a gaming licensee offers blackjack rule variations, the blackjack layout shall have imprinted on it the appropriate rules or payout odds observed for the particular version of blackjack being offered, which may include, at a minimum, the following inscriptions instead of the inscriptions set forth in 205 CMR 146.13(3):
  - (a) Blackjack pays 1 to 1;
  - (b) Dealer must draw to 16 and stand on all 17s or Dealer must hit on soft 17s; ~~and~~
  - (c) Dealer's hole card dealt face up; ~~or-~~
  - (d) Other similar language approved by the Assistant Director of the IEB.
- (5) Each blackjack table shall have a drop box and a tip box attached to it with the location of said boxes on the same side of the gaming table, but on opposite sides of the dealer, as previously approved by the Bureau or an area approved by the Assistant Director of the IEB.
- (6) If a gaming licensee offers one of the permissible additional wagers pursuant to the authorized Rules of the Game of ~~B~~blackjack, the blackjack layout shall have designated areas for the placement of the additional wager and shall have the payout odds for the additional wager imprinted on the layout or a separate sign located at the table containing the payout odds for the additional wager.
- (7) A blackjack table may have attached to it an approved card reader device which permits the dealer to read ~~his or her~~their hole card in order to determine if the dealer has a blackjack in accordance with the authorized Rules of the Game of ~~B~~blackjack. If a blackjack table has an approved card reader device attached to it, the floorperson assigned to the table shall inspect the card reader device at the beginning of each gaming

day to insure that there has been no tampering with the device and that it is in proper working order. A card reader device may not be used on a blackjack table offering a progressive blackjack wager pursuant to the authorized Rules of the Game of **B**blackjack.

(8) Notwithstanding the requirements of 205 CMR 146.13(2), if a gaming licensee offers multiple action blackjack in accordance with the authorized Rules of the Game of **B**blackjack, the blackjack layout shall contain, at a minimum:

- (a) Three separate designated betting areas for each player position at the table with each separate betting area being numbered one through three, provided, however, that the number of player positions at each table shall not exceed six;
- (b) A separate designated area on the layout for each player position for the placement of insurance wagers;
- (c) A separate designated area on the layout for each player position for the placement of double down wagers;
- (d) A separate designated area on the layout for each player position for the placement of split pair wagers; and
- (e) Three separate areas designated for the placement of the dealer's original face up card with each separate area being numbered one through three.

(9) In order to collect the cards at the conclusion of a round of play as required by the authorized Rules of the Game of **B**blackjack and at such other times as provided in 205 CMR 146.49, each blackjack table shall have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack shall equal the height of the cards, stacked one on top of the other, contained in the total number of decks that are to be used to play the game at that table; provided, however, that a taller discard rack may be used if such rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards contained in the number of decks to be used to play the game at that table. Whenever a double shoe is used at a blackjack table, the same number of decks shall be used in each side of the double shoe, and the height and marking requirements for that table's discard rack shall be determined from the number of decks used in one side of the shoe.

(10) If a gaming licensee offers a progressive blackjack wager pursuant to the authorized Rules of the Game of **B**blackjack, the blackjack layout shall have designated areas for the placement of the progressive blackjack wager and shall contain the following equipment:

- (a) A separate acceptor device for the placement of a progressive wager. Each acceptor device shall have a light which shall illuminate upon placement and acceptance of a gaming chip;
- (b) A method to ensure that only one progressive blackjack wager is made per ~~person~~spot, per round of play;
- (c) A device or method to indicate that a progressive blackjack wager has been won;
- (d) A sign describing the winning wagers and the payouts to be awarded on winning progressive blackjack wagers at a location near or on the table;

(e) A table controller panel which shall be equipped with a "lock-out" button which, once activated by the dealer, will prevent any player's gaming chip from being recognized in the acceptor device; and

(f) A mechanical, electrical or electronic table inventory return device which shall permit all gaming chips deposited into the acceptor devices to be collected and immediately returned to a designated area within the table inventory container prior to the dealing of a hand. The table inventory return device shall be designed and constructed to contain any feature the Bureau may require to maintain the security and integrity of the game. The procedures for the operation of all functions of the table inventory return device shall be submitted to the Bureau.

(11) If a gaming licensee offers a blackjack bonus wager pursuant to the authorized Rules of the Game of **B**blackjack, the blackjack layout shall have designated areas for the placement of the blackjack bonus wager, and shall contain the following equipment:

(a) A table controller located in an area of the table or the pit which area shall be secured by dual locking mechanisms, which are unique from one another. One locking mechanism shall be maintained and controlled by a gaming establishment security supervisor, and the second locking mechanism shall be maintained and controlled by a gaming establishment table games supervisor;

1. One table controller shall control no more than four blackjack tables. Procedures for the operation, security and control of the table controller shall be submitted to the Bureau prior to implementation;

2. Whenever it is required that a table controller or any device connected thereto which may affect the operation of the blackjack bonus system be accessed or opened, certain information shall be recorded on a form entitled "Controller Access Authorization Log," which shall include, at a minimum, the date, time, purpose of accessing or opening the controller or device, and the signature of the authorized employee accessing or opening the machine or device. The Controller Access Authorization Log shall be maintained in the same secured location as the table controller, and shall have recorded thereon a sequential number and the manufacturer's serial number or the asset number of the controller;

(b) A blackjack bonus button, which shall be located at the table by the dealer, and used by each player with a winning blackjack bonus wager to generate a bonus amount to be won by that player. The blackjack bonus button shall be attached to the table in a manner that will enable the dealer to place the blackjack bonus button directly in front of each winning player;

(c) A blackjack bonus display, which shall be located at the table and shall display the amount of the winning blackjack bonus on both sides of the device, so that the amount is visible to all players, the dealer and supervisory personnel; and

(d) A sign containing the amount of the blackjack bonus wager, as well as the minimum and maximum possible blackjack bonus amounts to be awarded, pursuant to 205 CMR 147.03.

(12) If a gaming licensee offers a streak wager pursuant to the authorized Rules of the Game of **B**blackjack, the blackjack table shall also contain:

- (a) A layout which shall include, at a minimum:
  - 1. Four additional separate designated betting areas for each of the player positions at the table, which areas shall be numbered “2” through “5”; and
  - 2. The inscriptions “Two consecutive wins pays 3 to 1,” “Three consecutive wins pays 7 to 1,” “Four consecutive wins pays 17 to 1,” and “Five consecutive wins pays 37 to 1”; and
- (b) The following equipment:
  - 1. Marker buttons (“lammers”) with the gaming licensee’s name or logo, to indicate how many consecutive blackjack hands a patron has won or another device or method approved by the Bureau; and
  - 2. A sign containing the permissible amount of the streak wager, posted pursuant to 205 CMR 147.03.

(13) If a gaming licensee offers a ~~m~~Match-the-~~d~~Dealer wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the blackjack table shall contain:

- (a) A layout which shall include, at a minimum, an additional designated betting area bearing the inscription “Match-the-Dealer” at each of the player positions at the table; and
- (b) ~~A sign approved by the Bureau setting forth~~A layout inscription or sign posted at the blackjack table indicating the payout odds for the ~~m~~Match-the-~~d~~Dealer wager.

~~(14) If a gaming licensee offers the 6 to 5 blackjack variation:~~

- ~~(a) The layout shall have imprinted on it, at a minimum, the following inscriptions:
  - 1. Blackjack pays 6 to 5;
  - 2. Dealer must draw to 16 and soft 17 or Dealer must hit on soft 17s; and
  - 3. Insurance pays 2 to 1; and~~
- ~~(b) A notice shall be posted in accordance with 205 CMR 147.03 indicating that all wagers shall be made in increments of \$5.00 as required by the authorized Rules of the Game of Blackjack.~~

(14~~5~~) If a gaming licensee offers the twenty point bonus wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the layout otherwise required by this section shall also include, at a minimum, an additional designated betting area for the twenty point bonus wager at each of the player positions at the table. The blackjack table shall also contain a sign setting forth the payout odds for the twenty point bonus wager.

(15~~6~~) If a gaming licensee offers the option set forth in the authorized Rules of the Game of ~~B~~blackjack that requires the dealer to draw additional cards on a soft 17, the blackjack layout shall have imprinted on it, at a minimum, the following inscription instead of the inscription set forth in 205 CMR 146.13(3)(b):

“Dealer must draw to 16 and soft 17 and stand on hard 17’s and all 18’s.”

(16~~7~~) If a gaming licensee offers the optional bonus wager pursuant to the authorized Rules of the Game of ~~B~~blackjack, the layout otherwise required by this section shall

include, at a minimum, an additional designated betting area for such wager at each of the player positions at the table. In addition, payout odds for the optional bonus wager shall be inscribed on the layout or posted on a sign at each such blackjack table.

(178) If a gaming licensee requires a hand fee, the approved layout otherwise required by this section shall include, at a minimum, an additional designated area at each player position for the placement of the hand fee.

## Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Overview		
<b>CMR Number</b>	205 CMR 153.00	
<b>Regulation Title</b>	Community Mitigation Fund	
<b>&amp; Draft Regulation</b>	<b>&amp; Final Regulation</b>	
Type of Proposed Action		
Ü Please check all that apply		
& Retain the regulation in current form.		
& New regulation (Please provide statutory cite requiring regulation): G.L. c. 23K, § 61		
& Emergency regulation (Please indicate the date regulation must be adopted):		
& Amended regulation (Please indicate the date regulation was last revised):		
& Technical correction		
& Other Explain:		

Summary of Proposed Action
The proposed regulation would govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.
Nature of and Reason for the Proposed Action
This regulation was developed to codify administration of the Fund and to provide express authority and a clear process for assessing administrative costs to the Fund.

Additional Comments or Issues Not Earlier Addressed by this Review
Required Attachments

### Regulation Review Checklist

<b>ü Please check all that apply</b>	
& Redlined version of proposed amendment to regulation, including repeals	& Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
& Text of statute or other legal basis for regulation	
& Small Business Impact Statement (SBIS)	& Amended SBIS





Legal Division

## 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 amendment to **205 CMR 153.00: Community Mitigation Fund**, for which a public hearing was held on December 17, 2020.

This regulation was developed as part of promulgating regulations governing the operation of gaming establishments in the Commonwealth and is primarily governed by G.L. c.23K, §§2, 4(37) 5. 205 CMR 153.00 would govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.

Applicants for this program are government entities. Accordingly, it is not anticipated to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following 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:

This regulation will not create any additional reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements by this regulation.

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

This regulation does not impose any reporting requirements for small businesses.

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



Massachusetts Gaming Commission

This regulation was developed to codify administration of the Fund and to provide express authority and a clear process for assessing administrative costs to the Fund, therefore imparting elements of both performance and design standards.

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

As this regulation is directed at government entities, it is unlikely to will deter or encourage the formation of new businesses in the Commonwealth.

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

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission  
By:

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Carrie Torrisi  
Associate General Counsel  
Legal Division

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



Massachusetts Gaming Commission

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

### 205 CMR 153.00: COMMUNITY MITIGATION FUND

#### 153.01: Scope and Purpose

- (1) 205 CMR 153.00 shall govern the manner in which the Commission exercises its authority established pursuant to G.L. 23K, § 61 to administer the Community Mitigation Fund and expend funds to assist the host and surrounding communities, or any other communities or entities identified in G.L. 23K, § 61, in offsetting costs related to the construction and operation of the gaming establishments.

#### 153.02: Guidelines for Distribution of Funds

- (1) For purposes of administration of the Fund in accordance with G.L. c. 23K, § 61, the Commission, with recommendation from the Gaming Policy Advisory Committee and its subcommittees established pursuant to G.L. c. 23K, § 68, shall review and approve guidelines annually for the administration and distribution of monies in the Fund. Such guidelines shall include, at a minimum:
  - (a) The types of grants that will be available;
  - (b) Who may apply;
  - (c) What types of projects may be funded, including any limitations;
  - (d) The form, process, and timeline for application and review, including the application deadline;
  - (e) The availability and allocation of funding;
  - (f) The process and criteria for Commission review;
  - (g) A timeframe within which funds must be expended before reverting back to the Fund;
  - (h) The use of surplus funds; and
  - (i) A procedure providing for waiver or variance from a provision of the guidelines.

#### 153.03: Emergency Procedure

- (1) In accordance with G.L. c. 23K, § 61, parties seeking appropriations from the Fund must submit written requests before February 1<sup>st</sup> of each year. For purposes of this requirement, each year shall run from February 1<sup>st</sup> through January 31<sup>st</sup>.
- (2) The Commission may accept a request for an emergency appropriation from the Fund at any time. An emergency shall be defined as a serious and unexpected situation requiring immediate action to avoid significant harm to the community or to prevent threats to the health, welfare or safety of individuals or serious damage to property. For purposes of 205 CMR 153.03, an emergency shall include but not be limited to situations related to

infrastructure, technology, and/or public safety, that were not known or could not have been known at the time requests for allocations from the Fund were due.

- (3) The Commission shall establish a procedure for the request and allocation of funds on an emergency basis, which shall be outlined in the guidelines. Emergency appropriations from the Fund for applications received on or after February 1<sup>st</sup> shall be funded from the next Community Mitigation Fund fiscal year allocation.

#### 153.04: Commission Review and Execution of Grant

- (1) The Commission shall review all requests for appropriations from the Fund and shall make a determination as to whether to award funds and the amount of that award.
- (2) Following an award from the Commission, the successful requestor shall execute a grant instrument with the Commission outlining the scope and terms of the award. The grant instrument shall include, at a minimum:
  - (a) A detailed scope of the grant;
  - (b) The person responsible for managing the grant on the applicant's behalf;
  - (c) A timeline, breakdown, and requirements to be met for disbursement of the funds;
  - (d) Reporting requirements;
  - (e) A requirement that the funds be returned to the Commission in the event of noncompliance with the terms of the grant;
  - (f) Indemnification provisions for the Commission and its staff; and
  - (g) Any other provisions deemed appropriate by the Commission and its staff.

#### 153.05: Expenses Related to Administration of the Community Mitigation Fund

- (1) The Commission is the trustee of the Community Mitigation Fund in accordance with G.L. c. 23K, § 4(38).
- (2) The Commission finds that administration of the Fund by its staff, including but not limited to development of guidelines for approval by the Commission pursuant to 205 CMR 153.02 and oversight of the grant program, is directly related to and essential to assisting the host and surrounding communities and any other communities or entities identified in G.L. 23K, § 61 in receiving funds and offsetting costs related to the construction and operation of the gaming establishments. Accordingly, reasonable administrative costs incurred by the Commission on behalf of and in furtherance of the administration of the Fund may be assessed to the Fund.

- (3) The administrative costs shall not exceed 10% of the funds available in the Community Mitigation Fund for the fiscal year. The precise assessment to the Fund shall be set annually by the Commission at a public meeting as part of its budgetary process.
- (4) Reasonable administrative costs which may be assessed to the Fund may include, but not be limited to, Commission staff salaries (in full or on a pro-rata basis), technology, software, and office supplies, provided that any such costs shall be directly related to administration of the Fund.

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## Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrisi		
Mark Vander Linden		
Teresa Fiore		
Overview		
<b>CMR Number</b>	205 CMR 133.00	
<b>Regulation Title</b>	Voluntary Self-Exclusion	
<b>&amp; Draft Regulation</b>	<b>&amp; Final Regulation</b>	
Type of Proposed Action		
ü Please check all that apply		
& Retain the regulation in current form.		
& New regulation (Please provide statutory cite requiring regulation):		
& Emergency regulation (Please indicate the date regulation must be adopted):		
& Amended regulation (Please indicate the date regulation was last revised): 5/29/2020		
& Technical correction		
& Other Explain:		

Summary of Proposed Action
The proposed amendment to 205 CMR 133.00 contains administrative changes that ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list, specify who is deemed a “designated agent” and has access to such list, clarify the application’s contents, and refine the qualification requirements for providers of services offered by the Voluntary Self-Exclusion program.
Nature of and Reason for the Proposed Action
The proposed action is to ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list.

Additional Comments or Issues Not Earlier Addressed by this Review

## Regulation Review Checklist

Required Attachments	
ü Please check all that apply	
& Redlined version of proposed amendment to regulation, including repeals	& Clean copy of the regulation if it is a new chapter or if there is a recommendation to retain as is
& Text of statute or other legal basis for regulation	
& Small Business Impact Statement (SBIS)	& Amended SBIS



## **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 amendment to **205 CMR 133.00: Voluntary Self-Exclusion**, for which a public hearing was held on December 17, 2020.

This regulation was developed as part of promulgating regulations governing the operation of gaming establishments in the Commonwealth and is primarily governed by G.L. c.23K, §§2, 4(37) 5. The proposed amendment to 205 CMR 133.00 contains administrative changes that ensure uniformity in the process of managing and maintaining the Voluntary Self-Exclusion list, specify who is deemed a “designated agent” and has access to such list, clarify the application’s contents, and refine the qualification requirements for providers of services offered by the Voluntary Self-Exclusion program.

This amendment applies to a number of individuals and entities that are not small businesses. Accordingly, it is not anticipated to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following 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:

This regulation will not create any additional reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements by this regulation.

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

This regulation does not impose any reporting requirements for small businesses.

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



Massachusetts Gaming Commission



This amendment imposes a design standard, as it specifies who designated agents are that will have access to the Voluntary Self-Exclusion list.

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

This amendment updates the Voluntary Self-Exclusion regulation to conform to best practices within the industry and therefore is not likely to deter or encourage the formation of new businesses in the Commonwealth.

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

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission  
By:

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Carrie Torrisi  
Associate General Counsel  
Legal Division

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



Massachusetts Gaming Commission

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

### 205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

#### 133.01: Scope and Purpose

In accordance with M.G.L. c. 23K, § 45(f), 205 CMR 133.00 shall govern the procedures and protocols relative to the list of self-excluded persons from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed. The voluntary self-exclusion list shall consist of the names and information relative to those individuals who have complied with the requirement of 205 CMR 133.00 and have been placed on the list by the commission. Placement of one's name on the voluntary self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed.

For purposes of 205 CMR 133.00, the term 'problem gambler' shall mean an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of the their family, friends, and/or co-workers.

#### 133.02: Placement on the Self-exclusion List

(1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period, and shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. Provided, however, that an employee of a gaming licensee or vendor who is licensed or registered as a key gaming employee, gaming employee, or gaming service employee in accordance with 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations and who is on the voluntary self-exclusion list may be in the gaming area of a gaming establishment or an area in which pari-mutuel or simulcasting wagers are placed solely for purposes of performing their job functions.

(2) An individual may request to have their name placed on the voluntary self-exclusion list by completing the application and procedure outlined in 205 CMR 133.02. Applications shall be submitted ~~on a form~~ **in a format** approved by the commission and shall be available on the commission's website and at designated locations on and off the premises of the gaming establishments as determined by the commission.

(3) An application for placement on the voluntary self-exclusion list may only be accepted, and an intake performed, by an available designated agent. An individual may only become a designated agent by successfully completing a course of training approved and administered by the commission or its designee. The course of training shall include, at a minimum, instruction on completion of the application, **instruction on maintaining confidentiality of personal protected**

information, information relative to problem gambling and resources, and an understanding of 205 CMR 133.00. A designated agent is any individual authorized by the commission for the purpose of administering the voluntary self-exclusion program including but not limited to a GameSense advisor; ~~must be a licensed, certified, or registered~~ a health or mental health professional ~~or employee thereof~~; or an employee of a gaming licensee, the commission, a gaming licensee, or other government entity. The commission may refuse to offer training to any individual whose service as a designated agent it determines would be contrary to the aims of 205 CMR 133.00.

(4) Upon submission of an application, a designated agent shall review with the applicant the contents and statements contained in the application, as provided by 205 CMR 133.03. If the application is complete, the designated agent shall sign the application indicating that the review has been performed and the application has been accepted.

(5) A designated agent may not sign an application if (a) any required information is not provided or (b) they are of the belief that the applicant is not capable of understanding the responsibilities and consequences of being placed on the self-exclusion list.

(6) The designated agent shall forward the signed application for voluntary self-exclusion to the commission within 48 hours of completion in a manner directed by the commission.

(7) Upon receipt of an application, the commission, or its designee, shall review it for completeness. If the application meets all requirements of 205 CMR 133.02 the application shall be approved and the individual's name shall be added to the voluntary self-exclusion list. If the application is incomplete, the commission, or its designee, may deny the application and make efforts to contact the applicant advising them of such.

(8) If the gaming licensee utilizes an internal management system to track individuals on the self-exclusion list, they shall update that system at least every 72 hours with names of individuals being added or removed from the self-exclusion list.

(9) The commission, or its designee, shall add to the list of voluntarily self-excluded persons the name of any individual provided from a gaming jurisdiction outside of Massachusetts, with which the commission has entered into an interstate compact, upon a determination that the individual voluntarily requested that their name be added to the list of the referring jurisdiction and that they were notified, either directly or by operation of law, that their name may be placed on similar lists in other jurisdictions.

(10) If the applicant has elected the services identified in 205 CMR 133.03(8) the commission, or its designee, shall contact the designated coordinating organization for the provision of requested services.

#### 133.03: Contents of the Application

The application for voluntary self-exclusion shall require provision of, at a minimum, the following content:

- (1) Name, home address, email address; or telephone number, date of birth, and last four digits of social security number of the applicant;
- (2) A passport style photo of the applicant without headwear, unless worn daily for religious purposes and provided that the applicant's facial features are not obscured;
- (3) A statement from the applicant that one or more of the following apply:
  - (a) they identify as a problem gambler as defined in 205 CMR 133.01;
  - (b) they feel that their gambling behavior is currently causing problems in their life or may, without intervention, cause problems in their life; or
  - (c) there is some other reason why they wish to add their name to the list.
- (4) Election of the duration of the exclusion in accordance with 205 CMR 133.04;
- (5) An acknowledgement by the applicant that the individual will not enter the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed for the duration of the exclusion period (except as provided by 205 CMR 133.02(1)) and that it is their sole responsibility to refrain from doing so;
- (6) An acknowledgment by the applicant that the individual shall not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment for the duration of the exclusion period;
- (7) An acknowledgment by the applicant that he or she will forfeit all rewards or points earned through a player reward card program;
- (8) An offer by the commission or the designated agent completing the self-exclusion application to assist the applicant to access information about gambling disorders, self-guided help, peer-support, or counseling services with a clinician approved by the Massachusetts Department of Public Health or otherwise licensed or certified through a process or program approved by the Commission;
- (9) An acknowledgment of understanding by the applicant that by placing their name on the voluntary self-exclusion list the prohibitions identified in 205 CMR 133.02(1) apply to all gaming establishments licensed by the commission in Massachusetts, any affiliates of the gaming licensee, whether within Massachusetts or another jurisdiction, and that the commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists and may share such portion of the list with designated agents as may be necessary for the purpose of administering the voluntary self-exclusion program;
- (10) An acknowledgment by the applicant that he or she is submitting the application freely, knowingly, and voluntarily;
- (11) A statement that the individual is not under the influence of a substance or suffering from a health or mental health condition that would impair their ability to make an informed decision;

(12) An acknowledgment by the applicant that if they violate their agreement to refrain from entering a gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed during the exclusion period, the applicant shall notify the commission of such violation within 24 hours of their presence within the gaming area of the gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed; and releasing the Commonwealth of Massachusetts, the commission, the licensee, and all affiliated employees from any claims associated with their breach of the agreement; and

(13) An acknowledgment by the applicant that once their name is placed on the self-exclusion list they may be refused entry and/or ejected from the gaming area of a gaming establishment by the gaming licensee, an agent of the commission, or law enforcement personnel

#### 133.04: Duration of Exclusion and Removal from the List

(1) As part of the request for voluntary self-exclusion, the individual must select the duration for which they wish to be voluntarily excluded. An individual may select any of the following time periods as a minimum length of exclusion:

- (a) One year;
- (b) Three years;
- (c) Five years; or
- (d) Lifetime (An individual may only select the lifetime duration if their name has previously appeared on the voluntary self-exclusion list for at least six months.)

(2) An individual on the Voluntary Self-exclusion list may not apply to decrease the duration of exclusion. An individual who is on the list may submit a request to increase the minimum length of exclusion.

(3) Upon expiration of the selected duration of exclusion, individuals may request that their name be removed from the list or petition for exclusion for a new duration. Individuals shall remain on the list after the expiration of the selected duration of exclusion until such time as they submit a petition for removal in accordance with 205 CMR 133.04(4) and it is approved by the commission or its designee.

(4) At any time after the expiration of the selected duration of exclusion, an individual may request that their name be removed from the Voluntary Self-exclusion list by submitting a petition for removal to a designated agent. The petition shall include confirmation from a designated agent that the individual completed a reinstatement session in accordance with 205 CMR 133.04

(5). Any petition for removal received by a designated agent prior to the expiration of the duration of the selected exclusion period shall be denied. The commission shall approve a completed petition for removal. An individual who has selected a lifetime duration in accordance with 205 CMR 133.04(1)(e) may not submit a petition for removal of their name from the list. An incomplete application, including one that fails to demonstrate completion of a reinstatement

session in accordance with 205 CMR 133.04(5), shall be denied until such time as the application is completed. (5) To be eligible for removal from the Voluntary Self-exclusion list, the petitioner shall participate in a reinstatement session with a designated agent. The reinstatement session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should the petitioner wish to seek them. Upon completion of the reinstatement session, the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the reinstatement session was conducted.

(6) Upon approval of a petition for removal from the Voluntary Self-exclusion list, a written notice of removal from the list shall be forwarded by the commission, or its designee, to each gaming licensee. The petitioner shall be deemed to be removed from the Voluntary Self-exclusion list immediately upon completion of the reinstatement session, at which point the petitioner shall be given a receipt verifying said completion and confirming their removal from the Voluntary Self-exclusion list. A petitioner may be asked to present said confirmation of Voluntary Self-exclusion list removal receipt while gaming for seven days following their reinstatement. Failure to do so may result in administrative difficulties in confirming Voluntary Self-exclusion status during that time-period.

(7) If a petitioner does not meet the eligibility requirements for removal from the list provided in 205 CMR 133.04(4), the petition shall be denied. The petitioner shall be notified of the denial by email or first class mail to the email address or home address provided by the petitioner in the petition. In the event of a denial of a petition, the individual shall remain on the Voluntary Self-exclusion list until such time as the eligibility requirements have been satisfied.

(8) An individual whose name has been removed from the Voluntary Self-exclusion list may reapply for placement on the list at any time by submitting an application in accordance with 205 CMR 133.02.

(9) An individual whose name was added to the Voluntary Self-exclusion list in Massachusetts in accordance with 205 CMR 133.02(9) shall be removed from the list notwithstanding 205 CMR 133.04(4) through (6) upon receipt of written notice from the referring jurisdiction that the individual's name has been removed from that jurisdiction's list.

#### 133.05 Maintenance and Custody of the List

(1) The commission shall maintain an up-to-date database of the Voluntary Self-exclusion list. Gaming licensees shall be afforded access to the Voluntary Self-exclusion list. The Voluntary Self-exclusion list may only be accessed by individuals authorized **by the commission for the purpose of administering the voluntary self-exclusion program. This shall include positions identified** in accordance with the gaming licensee's approved system of internal controls in accordance with 205 CMR 133.00. All information contained in approved applications for voluntary exclusion may be disclosed to a gaming licensee.

(2) The list of Voluntary Self-exclusion is exempt from disclosure under M.G.L. c. 66 and shall not be publicly disclosed by a gaming licensee. However, a gaming licensee may share the list with ~~other gaming licensees in Massachusetts or~~ its affiliates in other jurisdictions for the purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments. Additionally, a gaming licensee shall include the names and contact information of individuals on the Voluntary Self-exclusion list in its aggregated no marketing list to be shared with junket enterprises and junket representatives in accordance with 205 CMR 134.06(5)(b) for the purpose of effectuating the intent of the Voluntary Self-exclusion program. Such disclosure shall not be a violation of M.G.L. c. 23K, § 45. (3) The commission may disclose de-identified information from the Self-exclusion list to one or more research entities selected by the commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Self-exclusion process.

#### 133.06: Responsibilities of the Gaming Licensees

A gaming licensee shall have the following responsibilities relative to the administration of the Voluntary Self-exclusion list:

- (1) A gaming licensee shall eject from or refuse entry into the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed any individual whose name appears on the Voluntary Self-exclusion list;
- (2) A gaming licensee shall promptly notify the commission, or its designee, if an individual on the Voluntary Self-exclusion list is found in the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
- (3) A gaming licensee shall not market to individuals on the Voluntary Self-exclusion list;
- (4) A gaming licensee shall deny access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list;
- (5) Individuals on the Voluntary Self-exclusion list shall not be permitted to participate in a cashless wagering system. A gaming licensee shall take steps to ensure that it denies entry into and terminates all access and privileges associated with its cashless wagering program to individuals on the voluntary list of self-excluded persons;
- (6) A gaming licensee shall not extend credit to an individual on the Voluntary Self-exclusion list;
- (7) (a) A gaming licensee shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment by virtue of having placed their name on the Voluntary Self-exclusion list in accordance with 205 CMR 133.00. Winnings derived from gaming shall include, but not be limited to, such things as proceeds derived from play on a slot machine/electronic gaming device and a wager, or series of wagers, placed at a table game. Where reasonably possible, the gaming licensee shall confiscate from the individual in a lawful manner, or shall notify a commission agent who shall confiscate, or shall refuse to pay any such winnings derived from gaming

or any money or thing of value that the individual has converted or attempted to convert into a wagering instrument whether actually wagered or not. A wagering instrument shall include, but not be limited to, chips, tokens, prizes, non-complimentary pay vouchers, electronic credits on a slot machine/electronic gaming device, and vouchers representing electronic credits/TITO slips. The monetary value of the confiscated winnings and/or wagering instrument shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days;

(b) 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. A hearing shall be conducted in accordance with 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings to determine whether the subject funds were properly forfeited in accordance with 205 CMR 133.06(7)(a); and

(8) In cooperation with the commission, and where reasonably possible, the gaming licensee shall determine the amount wagered and lost by an individual who is prohibited from gaming. The monetary value of the losses shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days.

(9) A gaming licensee shall submit a written policy for compliance with the Voluntary Self Exclusion program for commission approval at least 60 days before the gaming establishment opening. The commission shall review the plan for compliance with 205 CMR 133.00. If approved, the plan shall be implemented and followed by the gaming licensee. The plan for compliance with the Voluntary Self-exclusion program shall include, at a minimum, procedures to:

- (a) Prevent employees from permitting an individual on the voluntary exclusion list from engaging in gambling activities at the gaming establishment;
- (b) Identify and remove self-excluded individuals from the gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed;
- (c) Remove individuals on the Self-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 Voluntary Self-exclusion list;
- (d) Prevent an individual on the voluntary self-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) Ensure the confidentiality of the identity and personal information of the voluntarily self-excluded individual; and
- (f) Training of employees relative to the Voluntary Self-exclusion program to be provided in conjunction with its problem gambling training program.



(10) A gaming licensee shall notify the commission within ten days if an employee or agent fails to exclude or eject from its premises any individual on the list of self-excluded persons, or otherwise fails to perform a responsibility of the gaming establishment identified in 205 CMR 133.06, including any provision of its approved written policy for compliance with the voluntary self-exclusion program.

#### 133.07: Sanctions against a Gaming Licensee

(1) Grounds for Action. A gaming license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if it is determined that a gaming licensee has:

(a) knowingly or recklessly failed to exclude or eject from its premises any individual placed on the list of Self-excluded persons. Provided, it shall not be deemed a knowing or reckless failure if an individual on the Voluntary Self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment; or

(b) failed to abide by any provision of 205 CMR 133.00, M.G.L. c. 23K, § 45, the gaming licensee's approved written policy for compliance with the Voluntary self-exclusion program pursuant to 205 CMR 133.06(9), or any law related to the Voluntary Self-exclusion of patrons in a gaming establishment. Provided, a gaming licensee shall be deemed to have marketed to an individual on the self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.

(2) Finding and Decision. If the bureau finds that a gaming licensee has violated a provision of 205 CMR 133.07(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in lieu of such a recommendation, the bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision, including citation to the applicable statute(s) or regulation(s) that supports the decision.

(3) Civil Administrative Penalties. The bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 133.07(1).

(4) Review of Decision. A recommendation made by the bureau to the commission that a gaming license be suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01: Hearings before the Commission. If the gaming licensee is aggrieved by a decision made by the bureau to assess a civil administrative penalty in accordance with 205 CMR 133.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: M.G.L. c. 23K Adjudicatory Proceedings.

#### 133.08: Collection of Debts

(1) An individual who is prohibited from gaming in a gaming establishment under 205 CMR 133.00 shall not be entitled to recover losses as a result of prohibited gaming based solely on their inclusion on the list.

(2) Nothing in 205 CMR 133.00 shall be construed so as to prohibit a gaming licensee from seeking payment of a debt from an individual whose name is on the Voluntary Self-exclusion list if the debt was accrued by the individual before their name was placed on the list.

DRAFT



# Massachusetts Voluntary Self-Exclusion **Enrollment** Form

Please type or clearly print in ink, all information requested on this form. (\*) Denotes required field. For more information or for translated versions of this form, please visit [massgaming.com/vse](http://massgaming.com/vse)

SECTION 1: TERM OF EXCLUSION				
1 year	3 years	5 years	Lifetime	<i>Lifetime eligible only after completion of shorter-term duration</i>
*Today's Date (Term Start):			*Reinstatement eligible:	

*Please Note: Enrollees must participate in a reinstatement session once they complete their term duration in order to be removed from the VSE list.*

SECTION 2: PERSONAL INFORMATION					
First Name*			Last Name*		
Address*	Apt.	City*	State*	Zip*	Country
*Phone/Email					

SECTION 3: IDENTIFYING INFORMATION		
Gender*	Height	Date of Birth*
Male    Female    Other _____		
*Last 4 Digits Social Security Number    XXX-XX-_____		
*Race	White    Asian (e.g. Chinese, Filipino, Indian)	American Indian or Alaskan Native
	Black/African American    Native Hawaiian or Pacific Islander	Other _____
Are you of Hispanic origin? (circle one)    Yes    No		

*\*Please affix or submit 2x2" recent, passport-style color photo along with application.*

Please affix or submit photo of identification (license, passport, etc.) This does not replace the photo requirement.



# Massachusetts Voluntary Self-Exclusion **Enrollment** Form

## SECTION 4: VSE OPTIONAL QUESTIONS

Answers to the following questions help the MGC to evaluate and improve the Voluntary Self Exclusion Program. Individual answers are kept confidential.

1. Why are you signing up for the Voluntary Self Exclusion Program? (Choose all that apply)
  - Because I can't control my gambling
  - Because I don't want to lose any more money gambling
  - Because I need a barrier to keep me from entering casinos
  - Because I have a gambling problem
  - Because I am depressed or distressed about my gambling
  - Because I want to improve my relationship with my family and/or friends
  - Other (please specify)\_\_\_\_\_
  
2. What prompted you to sign up for the Voluntary Self Exclusion Program today, in particular?  
\_\_\_\_\_  
\_\_\_\_\_
  
3. How did you first learn about the Voluntary Self Exclusion Program?
  - A casino staff member told me about it
  - A GameSense Advisor told me about it
  - A friend/family member told me about it
  - I saw a brochure/advertisement about it
  - Other \_\_\_\_\_
  
4. In the past 12 months, on what types of games have you lost the most money? (Choose all that apply)
  - Casino slots or video poker machines
  - Casino table games
  - Sports betting with friends or online
  - Daily Fantasy Sports
  - Lottery, Instant Lottery, Keno
  - Horse/dog racing
  - Other (please specify)\_\_\_\_\_
  
5. What are the primary reasons that you gamble? (Choose all that apply)
  - For excitement/entertainment
  - To win money
  - To escape or distract myself
  - To socialize
  - Because it makes me feel good about myself
  - Other \_\_\_\_\_



## Massachusetts Voluntary Self-Exclusion **Enrollment** Form

6. In the past 12 months, what is the largest amount of money you have lost gambling on any one day?  
\$ \_\_\_\_\_
7. During the past 12 months, have you become irritable or anxious when trying to stop/cut down on gambling?  
 Yes  
 No  
 Unsure
8. In the past 12 months, has your involvement gambling caused significant mental stress in the form of guilt, anxiety, or depression for you or someone close to you?  
 Yes  
 No  
 Unsure
9. In the past 12 months, has your gambling caused financial problems for you or your household?  
 Yes  
 No  
 Unsure
10. Are you planning to quit gambling now that you are entering the Voluntary Self Exclusion program?  
 Yes  
 No  
 Unsure
11. What is your annual household income from all sources, before taxes?  
 <\$15,000  
 \$15,000-\$29,999  
 \$30,000-\$49,999  
 \$50,000-\$69,999  
 \$70,000-\$99,999  
 \$100,000-\$124,999  
 \$125,000-\$149,999  
 \$150,000 or more



## Massachusetts Voluntary Self-Exclusion **Enrollment** Form

12. What is your current employment status?

- Employed for wages
- Self-employed
- Out of work for more than 1 year
- Out of work for less than 1 year
- Homemaker
- Student
- Retired
- Unable to work

13. What is your current relationship status?

- Married
- Living with partner
- Separated
- Divorced
- Widowed
- Never married

14. Have you ever served in the Armed Forces, Reserves, or National Guard?

- Yes, now on active duty
- Yes, but not on active duty in the past 12 months
- No, training only
- No, never served

15. Have you or any member of your immediate family ever worked in the gambling industry?

- No
- Yes, I currently or have previously worked in the gambling industry
- Yes, a member of my immediate family does or has previously worked in the gambling industry



# Massachusetts Voluntary Self-Exclusion **Enrollment** Form

## SECTION 5: Terms and Conditions

\_\_\_\_\_ (initial) I understand that by placing my name on the Voluntary Self-Exclusion list, I am prohibited from entering the gaming area of a gaming establishment ("Casino") or any area in which pari-mutuel or simulcasting wagers are placed ~~for~~ **until I have completed a reinstatement session at the duration completion of my selected duration c** exclusion ~~term~~ **period**.

\_\_\_\_\_ (initial) I understand that this **Voluntary** Self-Exclusion Agreement applies to all gaming establishments licensed by the Commission in Massachusetts, any affiliates of the gaming licensee, whether within Massachusetts or another jurisdiction, and that the Commission may share the list with other domestic or international gaming jurisdictions resulting in placement on those lists.

\_\_\_\_\_ (initial) I understand that my information may be included on a no-marketing list maintained by the gaming establishments licensed by the Commission in Massachusetts which will be shared with junket operators, but that my inclusion on such list will not identify me as being on the Voluntary Self-Exclusion list.

\_\_\_\_\_ (initial) I am submitting this application voluntarily of my own free will, free from outside influences, and I am doing so understanding the effects of my decision.

\_\_\_\_\_ (initial) I am not presently under the influence of drugs or ~~an alcoholic beverage~~ alcohol or suffering from a **health or** mental health condition that impairs my ability make an informed decision.

\_\_\_\_\_ (initial) I acknowledge one or more of the following apply: (a) I identify as a problem gambler as an individual who believes their gambling behavior is currently, or may in the future without intervention, cause problems in their life or on the lives of the their family, friends, and/or co-workers; (b) I feel that my gambling behavior is currently causing problems in my life or may, without intervention, cause problems in my life; or (c) there is some other reason why I wish to add my name to the list.

\_\_\_\_\_ (initial) I acknowledge this **Voluntary** Self-Exclusion request is irrevocable during the \_\_\_\_\_ time period selected in Section 1. (An individual may only select the lifetime duration if their name has previously appeared on the Voluntary Self-Exclusion list for at least ~~one year~~ **six months**.)

\_\_\_\_\_ (initial) I understand **that** I may be refused entry and/or ejected from the gaming area of a gaming establishment ("Casino") by the gaming licensee, an agent of the Commission, or law enforcement personnel.

\_\_\_\_\_ (initial) I understand that I may not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment ~~for the duration~~ during the exclusion period **and until I have completed a reinstatement session**.

\_\_\_\_\_ (initial) I understand that any and all rewards and points earned through my player reward program to date shall be forfeited.

cc

\_\_\_\_\_ (initial) I agree that should I violate the agreement to refrain from entering a gaming area of a gaming establishment or any area in which pari-mutuel or simulcasting wagers are placed during the exclusion period ("The

Excluded Area”), I will notify the Commission of such violation within 24 hours of my presence within The Excluded Area; and agree to release **and hold harmless** the Commonwealth of Massachusetts, the MGC, the Licensee, and all affiliated employees from any claims associated with my breach of this agreement.



## Massachusetts Voluntary Self-Exclusion **Enrollment** Form

\_\_\_\_\_  
(initial) I agree to release and hold harmless the Commonwealth of Massachusetts, the MGC, and all affiliated employees from any claims associated with the administration of the Voluntary Self-Exclusion list.

\_\_\_\_\_  
(initial) I understand that I am **only** eligible for reinstatement upon completion of my selected duration of exclusion. I ~~may~~ **can** request removal from the list by participating in a reinstatement session with a designated agent. My name shall remain on the list after the completion of the selected duration of exclusion until such time when I submit a petition for removal ~~in accordance with 205 CMR 133.04 (4)~~ and it is approved by the Commission or its designee.

\_\_\_\_\_  
(initial) I agree to schedule and participate in a reinstatement session with a designated agent in order to remove myself from the list. The reinstatement session shall include a review of the risks and responsibilities of gambling, budget setting and a review of problem gambling resources should I wish to seek them. A reinstatement session may be scheduled by contacting the Massachusetts Council on ~~Compulsive Gambling~~ Gaming and Health at 617-426-4554, **the Massachusetts Gaming Commission at [vse@state.ma.us](mailto:vse@state.ma.us)** or with the agent with whom you originally enrolled.

\_\_\_\_\_  
(initial) If you choose, the Massachusetts Gaming Commission will notify you once you approach your term completion and you become eligible to participate in a reinstatement session. *Please check the best method of contact below should you opt into the reminder.*

Email \_\_\_\_\_ Standard Mail \_\_\_\_\_ No Reminder \_\_\_\_\_

\_\_\_\_\_  
(initial) I am aware that my signature below authorizes the Massachusetts Gaming Commission to direct all Massachusetts gaming Licensees (“Casinos”) to suspend my credit privileges during my exclusion.

\_\_\_\_\_  
(initial) I understand that by placing my name on the list, I will be denied access to complimentary services or items, check cashing privileges, player reward programs, and other similar benefits to persons on the list. I will not be extended credit and to the extent that I have existing credit at a gaming establishment, my credit privileges will be suspended.

### **SECTION 6: Release of Information**

\_\_\_\_\_  
(initial) I understand that the MGC and its agents will release my information contained in this form to gaming licensees (“casinos”) for maintenance of the Voluntary Self-Exclusion list and/or Voluntary Self-Exclusion database. I understand that the Voluntary Self-Exclusion list is exempt from disclosure under M.G.L. c. 66, and shall not be publicly disclosed by a gaming licensee.

\_\_\_\_\_  
(initial) I understand that a gaming licensee (“casino”) may share the Voluntary Self-Exclusion list with its affiliates in other jurisdictions for the purpose of assisting in the proper administration or responsible gaming programs operated by affiliated gaming establishments.

\_\_\_\_\_  
(initial)





# Massachusetts Voluntary Self-Exclusion Enrollment Form

I understand that the MGC may de-identify or anonymize information contained in the Self-Exclusion list and may further disclose this information to one or more research entities appointed by the Commission for the purpose of evaluating the effectiveness and ensuring the proper administration of the Voluntary Self-Exclusion process.

The Massachusetts Council ~~on Compulsive Gambling~~ on Gaming and Health (MCGH) would like to follow up with you within one week to see how you are doing and to assure that you have been able to connect with additional resources. Do you consent to allow that your contact information be shared with the ~~MCCG~~ MCGH?

NO, I DO NOT WANT A FOLLOW UP \_\_\_\_\_

YES, EMAIL (Please include address) \_\_\_\_\_

YES, PHONE (Please include number) \_\_\_\_\_

↳ OK to leave voicemail? (Circle One) Yes No

↳ Best Time to call? (Circle One) Morning Afternoon Evening

\_\_\_\_\_  
(initial) I certify that I have been offered a signed copy of the "MA Voluntary Self Exclusion Form" by the processing agent.

\_\_\_\_\_  
(initial) I have been offered information about problem gambling resources and treatment providers. For more information, please visit [massgaming.com/problem-gambling/](http://massgaming.com/problem-gambling/) or call the free and confidential 24-hour helpline at 1-800-426-1234.

## SECTION 7: Acknowledgment

*I attest that the information which I have provided in this form is true and accurate.*

\_\_\_\_\_  
ENROLLEE PRINT NAME

\_\_\_\_\_  
ENROLLEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DESIGNATED AGENT PRINT NAME/TITLE

\_\_\_\_\_  
DESIGNATED AGENT SIGNATURE

\_\_\_\_\_  
DATE



# Massachusetts Voluntary Self-Exclusion **Enrollment** Form

## SECTION 8: Interpreter Information (if applicable)

*Only for persons who require an interpreter:*

The person submitting this application required the assistance of an interpreter or legal guardian in order to complete their application. The name, address, phone number, of the interpreter are listed below as well as an affirmation that the interpreter has completely and accurately communicated all instructions given by the MGC employee or its designee and that the person requesting participation in the VSE program has indicated that he/she understands the documents included in the request form.

_____	_____	_____
Full name of interpreter	Languages Spoken	Address
Email _____		Telephone _____

I, \_\_\_\_\_, through my signature below affirm, attest and acknowledge that I have served as an interpreter for \_\_\_\_\_ to assist him/her in completing this request. I affirm and attest that I have completely and accurately communicated all instructions from the MGC employee or designated agent verifying this request. The person requesting removal from the VSE list has informed me that he/she understands the documents I have assisted in explaining and has signed them in an informed condition and knows and understands all of the responsibilities associated with being removed from the VSE list.

_____	_____/_____/_____
Signature of Interpreter/legal guardian	Date

Forms can only be accepted and processed by the Massachusetts Gaming Commission if completed in English.  
REV 12/2020



# Massachusetts Voluntary Self-Exclusion Petition for Removal

~~Please print legibly in blue or black ink.~~ Petitioners must present a copy of their valid ~~driver's license, passport, military identification card, or~~ government-issued photo identification card to the designated agent before the designated agent signs this petition.

---

## SECTION 1: PERSONAL INFORMATION

1. Full legal name of individual requesting removal from the VSE list:

\_\_\_\_\_

First Name

\_\_\_\_\_

Last Name

2. Residential address:

\_\_\_\_\_

Address

\_\_\_\_\_

Apt.

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip

3. Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ **OR** E-mail: \_\_\_\_\_

~~4. Social Security Number: \_\_\_\_\_~~

6. Date ~~Year~~ of Birth: ~~XX / XX /~~ \_\_\_\_\_

7. Date enrolled in VSE: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Term Length \_\_\_\_\_

## SECTION 2: REQUEST FOR REMOVAL

~~I request removal from the VSE list, and certify that the information that I have provided above is true and accurate. I certify that I am not presently under the influence of drugs, alcoholic beverages, or suffering from a mental health condition that impairs my ability to make an informed decision. I certify that I am aware that my signature below constitutes a request for removal from the VSE program, and I request that the MGC, or its designee, notify all Massachusetts gaming licensees that they may permit my presence in the gaming areas of Massachusetts casinos. I understand that if a casino licensee chooses to maintain my excluded status, I must contact the property directly if I wish to obtain reinstatement. I acknowledge that I have completed my reinstatement session with a designated agent. I also acknowledge that I may reapply for placement on the VSE list at any time by submitting an application in accordance with 205 CMR 13.00~~

I request removal from the VSE list, and certify that the information that I have provided above is true and accurate. My signature certifies that I:

- Am not presently under the influence of drugs, alcoholic beverages, or suffering from a mental health condition that impairs my ability to make an informed decision.
- Am aware that my signature below constitutes a request for removal from the VSE program, and I request that the MGC, or its designee, notify all Massachusetts gaming licensees that they may permit my presence in the gaming areas of Massachusetts casinos. I understand that if a casino licensee chooses to maintain my excluded status, I must contact the property directly if I wish to obtain reinstatement.
- Have completed my reinstatement session with a designated agent and acknowledge that I may reapply for placement on the VSE list at any time by submitting a VSE enrollment form ~~in accordance with 205 CMR 133.00.~~

Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### SECTION 3: CONFIRMATION OF REMOVAL RECEIPT

\_\_\_\_\_ I have been offered a MA-VSE removal receipt from the designated agent which allows me to immediately return to gaming.  
(Initial)

### SECTION 4: CONFIRMATION FROM DESIGNATED AGENT

I confirm that I personally witnessed petitioner sign his/her name requesting removal from the VSE list. I confirm that the individual requesting removal from the VSE does not appear to be under the influence of drugs, alcoholic beverages, or suffering from a **health or** mental health condition that would impair their ability to make an informed decision. I confirm that the individual requesting removal from the voluntary self-exclusion program has completed a reinstatement session with me, the designated agent, in accordance with 205 CMR 133.00. I confirm that the individual requesting removal presented a valid government-issued I.D. to me, and the signature, physical description and identity of the individual requesting removal match the individual's photograph and credentials.

\_\_\_\_\_  
Designated agent name

\_\_\_\_\_  
Signature of designated agent

Property \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### SECTION 5: INTERPRETER/LEGAL GUARDIAN INFORMATION (if applicable)

Only for persons requesting removal from VSE

who require an interpreter or assistance of a legal

**guardian:**

The person making this petition required the assistance of an interpreter or legal guardian in order to complete their petition. The name, address, phone number, and date of birth of the interpreter are listed below as well as an affirmation that the interpreter/legal guardian has completely and accurately communicated all instructions given by the MGC employee or its designee and that the person requesting removal from the VSE list has indicated that he/she understands the documents included in the request form.

Full name of interpreter: \_\_\_\_\_

Street address: \_\_\_\_\_

City, State, and ZIP: \_\_\_\_\_

Home telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email address \_\_\_\_\_

Language spoken by interpreter:

\_\_\_\_\_

**Affirmation:**

I, \_\_\_\_\_, through my signature below affirm, attest and acknowledge that I have served as an interpreter or legal guardian for \_\_\_\_\_ to assist him/her in completing this request. I affirm and attest that I have completely and accurately communicated all instructions from the MGC employee or designated agent verifying this request.

The person requesting removal from the VSE list has informed me that he/she understands the documents I have assisted in explaining and has signed them in an informed condition and knows and understands all of the responsibilities associated with being removed from the VSE list.

\_\_\_\_\_  
Signature of Interpreter/legal guardian

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

# ENHANCED CODE OF ETHICS

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MASSACHUSETTS GAMING COMMISSION

THIRD EDITION

12/17/2020



### 1. Scope and Purpose

The purpose of this Enhanced Code of Ethics (hereinafter, “Code”) is to help ensure the highest level of public confidence in the integrity of the regulation of all gaming activities in the Commonwealth. **Chapters 268A and 268B of the Massachusetts General Laws shall apply to the Commissioners and to all employees of the Massachusetts Gaming Commission (hereinafter, “Commission”).** ~~To that end,~~ In accordance with G.L. c.23K, §3(m), **however,** this Code establishes **additional** ethics rules ~~for Commissioners and employees of the Massachusetts Gaming Commission (hereinafter, “Commission”)~~ that **extend beyond or** are more restrictive than those already applicable to ~~all state employees~~ **to the Commissioners and employees** under G.L. c.268A and c.268B.

### 2. Continuing Obligation

It is the continuing obligation of each Commissioner and employee to review and assess their conduct in light of this Code. Commissioners and employees have an affirmative obligation to request advice from the Office of the General Counsel or their immediate supervisor when they have any ~~reasonable doubt~~ **question** regarding the propriety of their past, present or future conduct ~~or the conduct of any other Commissioner or employee,~~ or if they have any question regarding the applicability or meaning of any provision of this Code or any other restriction.

### 3. Applicability

This Code shall apply to all Commissioners and employees of the Commission.

### 4. Use of this Code

This Code is intended as a supplement to G.L. c.23K, G.L. c.268A (Conduct of Public Officials and Employees), G.L. c.268B (Financial Disclosure by Certain Public Officials and Employees), and 930 CMR (regulations of the State Ethics Commission). To the extent that any provisions of any of the above referenced authorities conflict with any provision of G.L. c.23K, the applicable provision in G.L. c.23K shall govern. In the event that a provision of this Code addresses a matter covered by G.L. c.268A, G.L. c.268B, or 930 CMR, the provision found in this Code shall control to the extent that it is more restrictive. The provisions of G.L. c.268A, G.L. c.268B, and 930 CMR shall otherwise remain fully applicable ~~to all state employees, as that term is defined by G.L. c.268A, §1.~~



## 5. Ethics Training

Although this Code is intended only to enhance and supplement the existing provisions of G.L. c.23K, G.L. c.268A, G.L. c.268B, and 930 CMR, Commissioners and employees must be fairly and fully apprised of all ethical obligations incumbent upon them. To that end, the Commission shall provide ethics training to all Commissioners and employees. The training program shall be as follows:

- ~~A. Each Commissioner and employee of the Commission shall be provided with a copy of this Code, a copy of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, *Advisory 86-02: Nepotism* issued by the State Ethics Commission, and the *Campaign Finance Guide* published by the Office of Campaign and Political Finance within 14 days of appointment or employment.~~
- ~~B. Within 30 days of appointment or employment each Commissioner and employee shall undergo a program of ethics training administered by the Office of the General Counsel. The program shall cover the provisions of this Code, and the applicable provisions of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, G.L. c.55, and the *Conflict of Interest Law Online Training* program prepared by the State Ethics Commission. The program shall be reviewed and approved by the Executive Director.~~
- C. **A. Within 30 days of appointment or employment with the Commission, and annually thereafter, each Commissioner and employee shall:**
- (1) be provided with, or directed to, a copy of this Code, a copy of G.L. c.23K, G.L. c.268A, G.L. c.268B, *Summary of the Conflict of Interest Law for State Employees*, 930 CMR, *Advisory 86-02: Nepotism* issued by the State Ethics Commission, and the *Campaign Finance Guide* published by the Office of Campaign and Political Finance; and
  - (2) undergo a program of ethics training administered by the Office of the General Counsel. The program shall cover the provisions of this Code, and the applicable provisions of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, and G.L. c.55. The program shall be reviewed and approved by the Executive Director.
- The Commission will also provide applicable training relative to G.L. c.268A and 930 CMR to advisory and subcommittee members as deemed necessary.**
- D. ~~B. At the completion of the training program each Commissioner and employee shall sign a form acknowledging receipt of the materials identified in Paragraph 5A (for new employees);~~ **Each Commissioner and employee shall sign a form acknowledging the following:**

- (1) receipt of the materials described in paragraph A;
- (2) receipt of the *Summary of the Conflict of Interest Law for State Employees* (annually);
- (3) completion of the *Conflict of Interest Law Online Training* program (every 2 years), and
- (4) completion of the Commission's ethics training program (annually). ~~The form shall be signed by the trainer upon completion.~~

E. ~~Each Commissioner and employee shall complete the process outlined in this section on an annual basis (except that the *Conflict of Interest Law Online Training* program prepared by the State Ethics Commission shall be completed every 2 years).~~

## 6. Annual filing

On an annual basis, each Commissioner and employee shall file the following with the Human Resources department:

- A. A copy of the Ethics Training form required under section ~~5C~~ **5B** of this Code.
- B. A disclosure statement required under section 8 of this Code **and G.L. c.23K, §3(v)**.

## 7. Definitions

All words and terms in this Code shall be assigned their ordinary meaning as the context requires unless specifically defined by G.L. c.23K, §2 or as follows:

Consultant means a person with whom the Commission has entered into a contract, either directly or through a consulting firm or entity, to provide specifically described advisory services relative to gaming, racing, or regulatory issues within the Commission's jurisdiction. With respect to service contracts with **such** firms or entities, the Commission may determine **by contract** which persons, **if any**, within that firm or entity ~~will~~ **shall** be ~~considered consultants for whom~~ **subject to** some or all of the provisions of this Code ~~shall be made applicable~~.

Direct or indirect interest means an ownership, stock ownership, loan, property, leasehold or other beneficial interest or holding office as director, officer or trustee in an entity. The term does not include **an individual's interests in less than one percent of publicly traded companies**, nor mutual or common investment funds such as employee pension plans and publicly traded mutual funds, unless the individual is involved in the management or investment decisions of such fund or plan or the fund or plan specializes in gaming related issues.

Employee means:

- (1) a person who is hired by the Commission to perform services for compensation, on a full, regular, part-time, or intermittent basis, but shall not include consultants, vendors, or an individual deemed by law to be a special state employee by virtue of their membership on an advisory board or subcommittee to the Commission; or
- (2) an employee of the Alcoholic Beverages Control Commission who is assigned to the Investigations and Enforcement Bureau under G.L. c.10, §72A; or
- (3) an employee or officer of the Department of the State Police assigned to the Massachusetts State Police gaming enforcement unit under G.L. c. 22C, §70.

Provided, in addition to its use in this Code, this definition shall apply to use of the term *employee* in G.L. c.23K.

Financial Interest means an ownership, stock ownership, loan, property, leasehold or other beneficial interest in an entity, or an interest in one's salary, gratuity, or other compensation or remuneration.

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Immediate family means the spouse, parent, child, brother or sister of an individual.

License means a license issued under G.L. c. 23K, G.L. c.128A, and/or G.L. c.128C.

Licensee means a person or entity granted a license under G.L. c. 23K, G.L. c.128A, and/or G.L. c.128C.

Relative within the third degree of consanguinity means, the parents, grandparents, great grandparents, children, grandchildren, great grandchildren, brothers, sisters, nephews, nieces, uncles, aunts of a person by blood or adoption.

Secretarial and clerical employee means a person whose duties consist primarily of administrative tasks such as scheduling, record keeping, document handling, word processing and typing, and similar tasks.

Significant relationship means:

- (1) a spouse, domestic partner, or life partner;
- (2) a relative within the third degree of consanguinity of a person's spouse, domestic partner, or life partner, i.e., affinity;
- (3) a former spouse, domestic partner, or life partner; or
- (4) anyone with whom a person shares or shared an influential or intimate relationship that could reasonably be characterized as important.

8. Disclosure prior to employment

- A. In addition to the disclosure required by G.L. c.23K, §3(n), a prospective employee, prior to commencing employment, shall disclose to the Commission whether they were employed by, presently hold, or previously held any direct or indirect interest in any licensee or current applicant within the period commencing 3 years prior to the date of the employment application. Prior to employment, each candidate shall be provided with a list of the names of all pending applicants for licensure. In the event of an affirmative disclosure relative to a current applicant, the prospective employee may not be employed until such time as the applicant's status is resolved.
- B. In addition to the disclosure required by section 8A, candidates for major policymaking positions as defined in G.L. c.23K, §1, shall, prior to employment, disclose to the Commission whether any immediate family members own, are in the employ of, or own stock in, any business which is a current applicant or holds a license. The Commission shall not employ an individual for a major policymaking position who has immediate family members that own, are in the employ of, or own stock in, any business which is a current applicant or holds a license.

9. Conflicts of Interest

- A. No Commissioner or employee may participate in a particular matter, as defined by G.L. c.268A, §1, pending before the Commission that may **to their knowledge affect their financial interest**, the financial interest of a relative within the third degree of consanguinity or a person with whom they have **or had** a significant relationship.
- B. No Commissioner or employee may hold an occupational license as an owner, lessor, lessee, or trainer of a horse that is entered in a race in this jurisdiction. Nor may any Commissioner or employee accept or be entitled to a part of the purse or purse supplement to be paid on a contestant in a race held in this jurisdiction.
- C. Commissioners must recuse themselves from any licensing decision in which a potential conflict of interest exists **unless an appropriate disclosure or filing is made under G.L. c. 268A and related regulations in 930 CMR. The potential for a conflict shall be dispelled if the individual timely files a "Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268A, § 23(b)(3)" form with their appointing authority. A Commissioner who files such a disclosure with their appointing authority shall announce such filing at a public meeting of the**

Commission.

- D. Commissioners and employees must disqualify and recuse themselves, and abstain from participating, **taking any action**, or voting in any proceeding **or activity that could give rise to an appearance of a conflict** in which their impartiality may reasonably be questioned, ~~and shall disclose to the Executive Director or, in the case of the Executive Director or a Commissioner, to the Chair of the Commission the nature of their disqualifying interest, including but not limited to instances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding~~ **unless an appropriate disclosure or filing is made under G.L. c. 268A and related regulations in 930 CMR. An appearance of a conflict shall be dispelled and the impartiality of a Commissioner or an employee** ~~One's impartiality may not be considered reasonably questioned if the individual~~ **timely** files a "Disclosure Of Appearance Of Conflict Of Interest As Required By G. L. C. 268A, § 23(b)(3)" form with ~~the Executive Director~~ **their appointing authority**, ~~or which~~ in the case of the Executive Director **is the Commission** ~~with the Chair, and the Executive Director, or the Chair as applicable, finds that the person can be fair and objective.~~ **The Executive Director shall maintain such filings of the employees. A Commissioner who files such a disclosure with their appointing authority shall announce such filing at a public meeting of the Commission.**

10. (RESERVED)

11. Gifts

- A. Except where permitted by section 11B and 11C, no Commissioner or employee may solicit or directly or indirectly receive any complimentary service, commission, bonus, discount, gift or reward from an entity regulated by, or then subject to the regulation of, the Commission, or any close associate, holding company, intermediary company or other affiliate thereof. A Commissioner or employee who is offered any such complimentary service, commission, bonus, discount, gift or reward shall disclose such offer to their immediate supervisor **and/or the General Counsel**, who shall make a record of the disclosure, as soon as reasonably possible.
- B. Exceptions to section 11A. A Commissioner or employee may accept the following which shall not be considered gifts:

1. Food or refreshment of nominal value (i.e.- approximately \$10 or less) where a Commissioner or employee attends a function as an invitee, in their official capacity, that is hosted, sponsored, or subsidized by a current applicant, licensee, permittee, holder of a certification or registration or licensed entity representative thereof (e.g., opening ceremonies for licensed slot operator facilities, industry showcases and expositions, symposia, seminars, association meetings, and continuing education programs).
2. Unsolicited advertising or promotional materials of nominal value.

C. Travel expenses. ~~Travel expenses of a Commissioner or employee paid for by a third party that are pre-approved by the Executive Director, or in the case of the Executive Director the Chair, upon a finding that the travel meets a legitimate public purpose shall not be considered a gift.~~ **Travel and related expenses accepted by, reimbursed to, or waived on behalf of, a Commissioner or employee in accordance with 930 CMR 5.08 shall not be considered a prohibited gift, provided all relevant disclosures to their appointed authorities and related determinations are made.**

D. Use of Employee Cafeteria or Dining Room. **A Commission employee who is working on-site at a gaming establishment, racing, or pari-mutuel facility may purchase food in that gaming licensee's employee cafeteria or dining room provided that that all such purchases are priced at market rate, the employee follows the process set out in the Commission's Human Resources Policy Manual, and that the employee remains mindful of the appearance of unwarranted privileges that may arise.**

## 12. Unwarranted privileges

No Commissioner or employee shall use or attempt to use their official position to secure for themselves or others unwarranted privileges or exemptions which are not available to members of the general public **consistent with G.L. c.268A**. Any action taken in accordance with section **11D or 15A** of this Code shall not be considered an unwarranted privilege.

## 13. Use of Licensee Facilities

**No Commissioner shall stay overnight in a guest room at any hotel owned or operated by a person or entity licensed by the Commission or an Indian tribe with a gaming establishment in Massachusetts.** No Commissioner or employee shall stay overnight in a guest room at any hotel owned or operated by a person or entity licensed by the Commission or an Indian tribe with a gaming establishment in Massachusetts, except in the course of their official duties and with the

prior approval of ~~the Commission or~~ the Executive Director. Provided, in the event of a weather emergency, an employee working at a gaming establishment may stay overnight in a guest room with the approval of the Executive Director, ~~or~~ Director of the IEB, **or Gaming Agents Division Chief**. Complimentary provision of such rooms to any ~~Commissioner or~~ employee is prohibited and any approved use shall be at established governmental rates pre-approved by the Commission. The Executive Director shall maintain and make accessible a list of all such prohibited facilities.

#### 14. Wagers and Other Gaming Activity

No Commissioner or employee shall place any wager, including pari-mutuel wager, or receive any prize from a wager in a gaming establishment or at any pari-mutuel facility or through any pari-mutuel system, either within the boundary of Massachusetts or without, owned or operated by a person licensed by the Commission, or owned or operated by an Indian tribe with a gaming establishment in Massachusetts, ~~except in the performance of their official duties~~. **An employee may make a wager in the performance of their official duties if they obtain** and with the prior approval of ~~the Commission,~~ the Executive Director, ~~or~~ the Director of **Investigations and Enforcement the IEB, or Gaming Agents Division Chief**. The Executive Director shall maintain and make accessible a list of all such prohibited facilities. The Commission shall not discipline a person placing a wager or receiving a prize from a facility not on the prohibited list if the Commission later determines that the facility should have been on the prohibited list.

#### 15. Charitable and other outside activities

- A. A Commissioner or employee may not attend any convention, meeting, show, exhibition or other event, eat any meal, drink any beverage, or purchase any thing or service in any Massachusetts gaming establishment or racetrack, commercial or tribal, except in the course of the performance of their official duties. An employee working at a gaming establishment may purchase food or drink **within a publicly accessible area of the gaming establishment** at posted menu prices provided they remain mindful of the appearance of unwarranted privileges that may arise. Notwithstanding the foregoing, a Commissioner or employee may attend a family or similar social gathering, or a civic, charitable or professional association function in a Massachusetts gaming establishment or racetrack, provided that:
1. They do not permit payment for any such attendance by any person, other than themselves or the host or sponsoring organization;
  2. They do not, directly or indirectly, sponsor or contract for such gathering or function;
  3. Prior to the event, they file a statement with the Executive Director identifying the location and circumstances of the event; the cost and manner of payment

thereof, if known, and the payor therefor. Such statements shall be maintained by the Executive Director and made available for public inspection;

4. ~~They~~ **An employee, other than a Commissioner,** receives prior approval of the Executive Director or designee. **A Commissioner who files such a disclosure with the Executive Director shall announce such filing at a public meeting of the Commission.;** and
5. They check-in at the office of the designated State Police unit at the subject establishment.

- B. A Commissioner may not be involved as an officer, director, or fundraiser with any educational, religious, charitable, fraternal or civic organization that receives any significant funding from any gaming licensee.
- C. A Commissioner or employee may speak, write, lecture or participate in other activities concerning the gaming industry, if in so doing the Commissioner or employee does not cast doubt on his or her ability to decide impartially any matter which may come before the Commission, and provided that the Commissioner or employee does not accept compensation or honoraria for any such activity ~~except in accordance with Section 11C.~~
- D. No Commissioner or employee may accept compensation from any person or entity other than the Commission for published works created as part of their official duties.
- E. A Commissioner or employee may participate in any civic or charitable activities, subject to section 15B, and not including bazaars governed by G.L. c.271, §7A, that do not interfere with his or her independence of judgment **related to Commission matters.**

#### 16. Nepotism

No Commissioner or employee in a major policymaking position may solicit, request, suggest or recommend the employment by the Commission or by any person regulated by the Commission of any of their relatives within the third degree of consanguinity or a person with whom they have a significant relationship.

#### 17. Unlawful Conduct

It is the duty of each ~~Commissioner and~~ employee who has been charged with any felony or misdemeanor, whether within Massachusetts or elsewhere, to promptly report such



incident to the Executive Director in writing. **Any Commissioner so charged shall report such incident to their appointing authority.**

#### 18. Conduct Unbecoming

Commissioners and employees shall conduct themselves at all times in such a manner as to reflect most favorably upon themselves and the Commission. Conduct unbecoming shall include that which brings the Commission into disrepute or reflects discredit upon the person as a member or employee of the Commission, or that which impairs the operation, efficiency, or effectiveness of the Commission or the person.

Employees and Commissioners shall not associate with individuals they know or should know are engaged in criminal activities unless in the performance of duty or upon official Commission business. Employees and Commissioners shall not frequent or remain at any place where they know or should know criminal activity is occurring unless in the performance of their duty or upon official Commission business.

#### 19. Duty to Cooperate

A. In all matters related to their duties with the Commission, all Commissioners and employees shall cooperate with law enforcement officers in the proper performance of the law enforcement officer's official duties.

B. In all matters related to their duties with the Commission, all Commissioners and employees shall cooperate with **the Commission**, the Executive Director, General Counsel, Office of the Attorney General, or State Ethics Commission in all matters relating to the operation and enforcement of this Code or the ethics laws.

#### 20. Duty to Report

It is the duty of all Commissioners and employees to report any conduct that they become aware of in the course of their official duties that a reasonable person would believe to be a violation of the criminal laws or G.L. c.23K. The individual shall report the conduct to the State Police at the gaming establishment where the conduct occurred, the Executive Director, or the Director for Investigations and Enforcement. The identity of the reporting individual shall be withheld from disclosure in accordance with G. L. c. 4, §7(26)(c) and (f) and/or other applicable exemption to the Public Records Law.

#### 21. Limits on Public Comments

Commissioners shall abstain from public comment about the merits of a pending adjudicatory proceeding, quasi-judicial proceeding, application or other similar proceeding pending before the Commission, except in a duly posted open meeting, or otherwise in the course of their official duties or in explaining for public information the procedures of the Commission.

## 22. Prohibited Communications

- A. Except during a hearing or meeting conducted in accordance with the Open Meeting Law, G.L. c. 30A, and/or 205 CMR, Commissioners may not engage in communications that a reasonable person would view as likely to affect the Commissioner's judgment regarding an application or other matter pending before it in an adjudicatory proceeding or reasonably likely to come before it in such a proceeding, except for consulting with another Commissioner, Commission employees, or consultants whose function it is to aid the Commission in carrying out its responsibilities, and shall take all reasonable actions necessary to avoid receiving such communications.
- B. Any Commissioner who receives any communication that a reasonable person would view as an improper attempt to influence that Commissioner's official action shall disclose the source and content of the communication to the Executive Director. The Executive Director may investigate or initiate an investigation of the matter to determine if the communication violates this Code. The disclosure under this paragraph and the investigation shall be withheld from disclosure in accordance with the personnel exemption (G. L. c. 4, §7(26)(b)), privacy exemption (G. L. c. 4, §7(26)(c)), investigatory exemption (G. L. c. 4, §7(26)(f)), and/or other applicable exemption to the Public Records Law. Following an investigation, the Executive Director shall advise the Commission of the results of the investigation and may recommend such action as the Executive Director considers appropriate.
- C. No Commissioner or employee may engage in any communication, in any medium, that:
  - (1) improperly discloses any confidential information, materials or data of or pertaining to the Commission's activities not legally available to the public, i.e., that reasonably fit within one or more of the exemptions to the definition of public records as defined by the Public Records Law and/or has been deemed *confidential information* in accordance with 205 CMR, and were acquired by an employee in the course of their official duties; or
  - (2) is protected from disclosure by a legally recognized privilege.

Public records requests shall be processed in accordance with the Commission's Public Records Request Policy.

23. Character Witness

A Commissioner or employee may not voluntarily testify as a character witness in any matter before the Commission.

24. Violations

- A. **If a majority of Commissioners agree that information exists that a reasonable mind might accept as adequate to support a conclusion that another** ~~If a~~ Commissioner: (i) is guilty of malfeasance in office; (ii) **has** substantially neglected ~~ed~~ the duties of a Commissioner; (iii) is unable to discharge the powers and duties of the commissioner's office; (iv) **committed** gross misconduct; (v) ~~is~~ **has been** convicted of a felony or (vi) ~~is found to have~~ **has** committed a material violation of this Code, the remaining Commissioners shall, **after providing notice to the Commissioner**, refer the matter to the Governor ~~for action pursuant to G.L. c. 23K, §3(e), which may result in removal from office as provided by law.~~
- B. An employee, other than an employee assigned to the Investigations and Enforcement Bureau under G.L. c. 10, §72A or G.L. c. 22C, §70, who violates this Code or a provision of G.L. c.23K shall be subject to appropriate disciplinary action, ranging from reprimand to dismissal or, in the case of employees under contract, the termination of said contract.
- C. An employee assigned to the Investigations and Enforcement Bureau under G.L. c. 10, §72A or G.L. c. 22C, §70 who violates this Code shall be subject to appropriate disciplinary action by the Alcoholic Beverages Control Commission or Colonel of the State Police, respectively. Provided, however, that their employment with the Commission may be terminated by the Commission.

25. Post-employment

In addition to the post-employment restrictions pursuant to G.L. c.23K, §3(p), (q), and (r), no Commissioner or employee shall be employed by a subsidiary of the parent of a gaming licensee for the applicable period of time.

A Commissioner or employee who has been removed, dismissed or terminated for a violation of this Code, or who violates the post-employment restrictions:

- A. shall be ineligible for future appointment, employment or contracts with the Commission or the Enforcement Unit, and
- B. may not be approved for a license or registration for a period of two years after ~~the violation~~ **the expiration of the applicable post-employment restriction pursuant to G.L. c.23K, §3(p), (q), and (r).**

26. Enforcement Actions

The Commission or Executive Director may issue any order necessary to achieve compliance with this Code.

27. Variances

- A. A Commissioner or employee who believes that full compliance with a particular provision of this Code will be overly burdensome in a particular instance may apply to the Commission for a variance. The burden is on the petitioning Commissioner or employee to demonstrate in writing to the Commission that the grant of a variance would not compromise the intent of this Code or undermine public confidence in the integrity of the regulatory process.
- B. No variance may be granted by the Commission from any provision of G.L. c.23K, G.L. c.268A, G.L. c.268B, 930 CMR, or G.L. c.55.
- C. No employee assigned to the Investigations and Enforcement Bureau under G.L. c. 22C, §70 shall apply for a variance, and the Commission shall not grant a variance, unless the employee first receives approval from the Colonel of the State Police or his/her designee.

28. Requests for Advice

Any Commissioner or employee may request a written opinion from the General Counsel relative to the applicability of any provision of this Code and may act in conformance with that opinion. An opinion rendered by the General Counsel, until and unless amended or revoked, shall be a defense in any disciplinary action brought under this Code and shall be binding on the Commission in any proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be deemed confidential and exempt from disclosure under the personnel and /or privacy exemptions to the Public Records law

(See G. L. c. 4, §§ 7(26)(b) and (c)); provided, however, that the Commission may publish such opinions, but the name of the requesting person and any other identifying information shall not be included in such publication unless the requesting person consents to such inclusion.